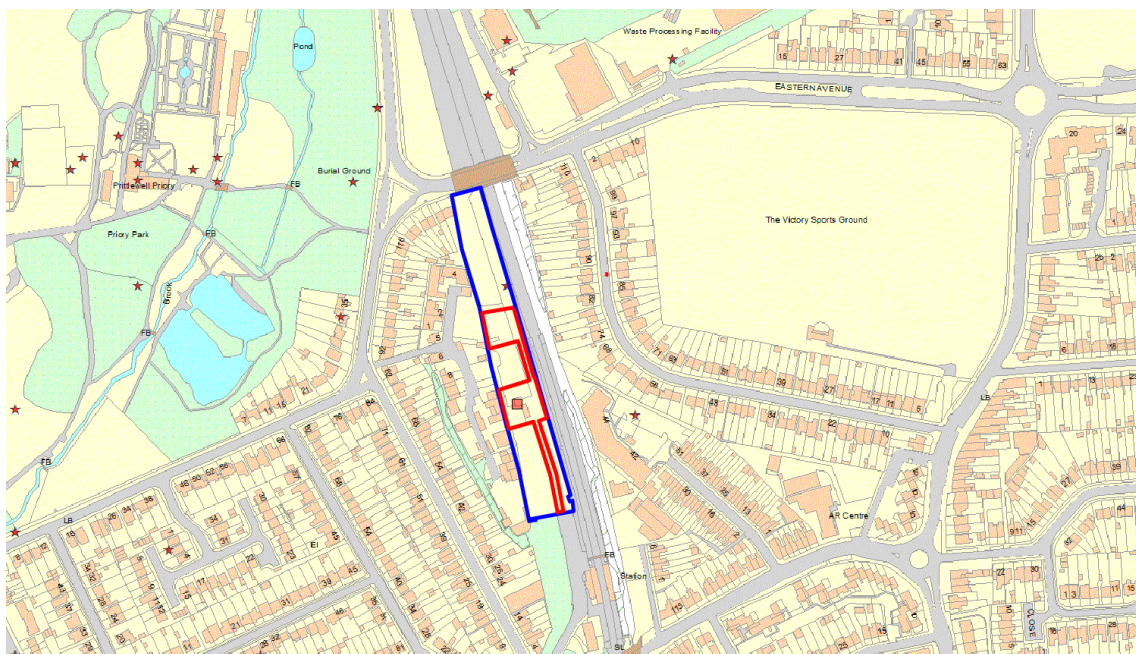


<b>Reference:</b>	21/01621/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Prittlewell	
<b>Proposal:</b>	Change of use of part of former station goods yard and install 24 storage containers and one static caravan for use as self-storage business (Class B8) along with an open storage area for vehicles (part-retrospective)	
<b>Address:</b>	Part of Former Goods Yard At Station Approach Priory Works Priory Avenue Southend-on-sea Essex	
<b>Applicant:</b>	Mr Roy Pullinger	
<b>Agent:</b>	Miss Emily Weston of Fisher German LLP	
<b>Consultation Expiry:</b>	16.09.2021	
<b>Expiry Date:</b>	05.11.2021	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	<b>130528-001B; 130528-002A; 130528-003B; 130528-004A</b>	
<b>Additional information:</b>	<b>Design and Access Statement</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application site forms part of a larger overall land holding part of which is in use as a self-storage container business following planning permission (18/00430/FUL). That comprises 52 containers and additional ancillary containers for facilities including toilets, maintenance, and office. The application site itself, in common with that wider tract of land, was formerly used by Network Rail as a goods yard. It had been vacant for a number of years and large parts of the wider application plot (toward the northern boundary) remain open land.
- 1.2 The application site is accessed via Station Approach to the south which also serves the dropping off and pick-up of passengers and parking for Prittlewell station. To the east of the site is the railway line. To the west is the Priory Works industrial area which is accessed via Priory Crescent.
- 1.3 The site has no specific allocation within the Development Management Proposals Map, but is next to Priory Works Industrial Estate which is an allocated Employment Area.

## **2 The Proposal**

- 2.1 This planning application has been submitted part-retrospectively in response to an enforcement investigation and seeks permission firstly to retain 24no. storage containers which have been placed on the land to enlarge existing operations of the wider site as a self-storage business (Class B8). The storage containers are dark green to match the existing and are laid out in a square pattern centrally in relation to the application plot. The containers are two sizes; 6.2m wide x 2.4m deep x 2.6m high and 12.3m wide x 2.4m deep x 2.6m high.
- 2.2 The containers are available to rent by local residents and small businesses to provide secure domestic and light commercial storage in association with the existing operation of the applicant's business. The self-storage containers are not fixed down and are not serviced for example with electricity or heating. Information submitted with the application states that including activity related to the 52 containers already permitted, the secure storage site receives overall some 30 visits per day, some via car and some on foot. HGVs do not visit the site save for the initial delivery of containers.
- 2.3 Access to the site remains solely from Station Approach (to the south).
- 2.4 Other elements of the application include retention of a static caravan centrally placed in relation to the application site and the provision of an area of land for use as an open storage area for vehicles (some 700sqm).
- 2.5 Information submitted with the application states that the static caravan is used solely for storage by the applicant themselves and is not connected to electricity or water. The applicant states that the land within the north of the application site will be used by customers to park cars, vans or small trailers (which can fit on the back of a standard car) either long term or short term. For example, they state that they have some customers that park their work vans there overnight. The area will not be used to park/store lorries or HGVs.

- 2.6 The 2018 permission for container storage was granted with unrestricted operational hours and this application seeks to continue this arrangement. No additional employees are proposed.

### **3 Relevant Planning History**

#### Enforcement Case

- 3.1 21/00138/UNAU- Use of land for storing plant, machinery, materials, offices, storage containers, vehicles and waste.
- 3.2 18/01078/AD- Application for approval of details pursuant to condition 3 (Containers), 4 (Soft Landscaping) and 5 (Lighting) of planning application 18/00430/FUL dated 4.5.18- Granted
- 3.3 18/00430/FUL- Change of use of former station goods yard and install 52 containers for use as self-storage business (Class B8) with ancillary storage, toilet and office containers, erect 2.4m high palisade fences and gates and associated parking- Granted
- 3.4 14/00241/FUL – Install 41 containers for use as self-storage business (Class B8) and erect 2.4m high palisade fences and 3.0m high gates (amended proposal) – planning permission granted.
- 13/01514/FUL – Install 61 containers for use as self-storage business (Class B8) and erect 3m high palisade fences and gates – planning permission refused.

### **4 Representation Summary**

#### **Call-in**

- 4.1 The application has been called in to Development Control Committee by Councillor Garston.

#### **Public Consultation**

- 4.2 114 neighbouring properties were notified and a site notice posted. No letters of representation have been received. 5no. letters of objection from 4no. addresses have been received. Summary of objections:

- Object to 24hour use of the site.
- Harm to residential amenity
- Restrictions should be put in place limiting the operational hours.
- Activity associated with the use creates undue noise and disturbance through the day and night. Noise complaints raised with Environmental Health.
- Containers are unsightly.
- Containers are an incongruous feature in the area.
- No regulations on who can hire out the storage units or what can be stored.
- Objection to existing external lighting which is causing disturbance to neighbouring properties.
- Issue with neighbour consultation.
- Land used as a store for cars/van/lorry park for which there is no approval.
- Applicant has allowed areas of the site to be turned into an illegal dump.
- Breaches of Public Health and Safety.
- The applicant lets out land to National Rail illegally who carry out noisy engineering

- works 24/7.
- Applicant has no regard to planning rules.
- Potential impact on house prices.

**[Officer Comment]** All relevant planning considerations have been assessed within the appraisal section of this report. These concerns are noted and where they relate to planning concerns, have been taken into account in the assessment of the application however they were not found to represent a justifiable reason for refusal in this instance.]

### **Highways**

- 4.3 There are no highway objections to this proposal the site has been laid out to accommodate visitor and parking need. It is not considered that the proposal will have a detrimental impact on the local highway network.

### **Environmental Health**

- 4.4 No objection subject to conditions relating to restricting hours of operation, access and lighting details to be submitted.

### **National Rail**

- 4.5 No objections. Informatives sought.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility) and CP4 (Environment and Urban Renaissance)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas) and DM15 (Sustainable Transport Management)
- 5.4 The Design and Townscape Guide (2009)
- 5.5 CIL Charging Schedule

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity, traffic and transportation and CIL contributions.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Government guidance contained within the National Planning Policy Framework encourages effective use of land, in particular previously developed land.
- 7.2 Policy KP2 of the Core Strategy requires all new development to *'make the best use of previously developed land, ensuring that sites and buildings are put to best use.'* Policy

CP4 similarly requires development to maximise *the use of previously developed land...promote sustainable development of the highest quality and encourage innovation and excellence in design*. Policy DM3 of the Development Management Document states *'The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services and infrastructure, including transport capacity'*.

- 7.3 Policy CP1 of the Core Strategy states *'Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration*. Policy DM10 of the Development Management Document states *'Development that contributes to the promotion of sustainable economic growth by increasing the capacity and quality of employment land, floorspace and jobs will be encouraged.'*
- 7.4 The site is not designated within one of the main areas for industrial or employment purposes and although next to it, it falls outside the boundary of the adjacent Priory Works industrial estate. This land however has a historic use as a goods yard for the station and Network Rail and constitutes an enlargement to an existing self-storage B8 business use. It is also noted that National and Local Planning Policy aim to support economic growth.
- 7.5 On this basis and subject to the other material planning considerations detailed below, the principle of the development is considered acceptable.

#### **Design and Impact on the Character of the Area**

- 7.6 The National Planning Policy Framework states *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*
- 7.7 Policy KP2 of the Core Strategy advocates the need for all new development to *"respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design"*. Policy CP4 of the Core Strategy also states: *"development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development."*
- 7.8 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.9 The development relates to the retention of additional storage containers which have enlarged the existing self-storage business (Class B8).
- 7.10 The area immediately north of the application site is open in character and is visible from Station Approach and from dwellings to the west in Priory Avenue, some of the flats at Priory Mews, Station Avenue to the east. It is also visible to passengers travelling by train on the railway line.

- 7.11 The lawful development on the wider site comprising some 52 storage containers was found to be acceptable in design and character terms (18/00430/FUL). The additional containers proposed for retention on this additional area of land are dark green in colour and being functional in purpose are of no design merit, nor is the static caravan. The containers are visible mainly in private views from the nearest residential properties described above, some of which are elevated in relation to the application site. However, the site is next to and seen within the context of the immediately adjoining industrial estate and public views of the land are limited. The containers are stored at ground level only with no stacking, so minimising their collective bulk and prominence especially in views from outside the site. There are no public views of the caravan. On balance and given the general prevailing character of the area including the relationship to existing lawful storage containers, no objection is raised to the development which is not considered to result in significant harm to the character and appearance of the surrounding area.
- 7.12 At present, there is existing storage of vehicles immediately adjacent to the storage containers subject of this application. The applicant has confirmed that this area is to be cleared and an area of land further north within the site will be used to park cars, vans or small trailers on a long or short term basis. Subject to a condition to restrict the storage of lorries or HGV's without further express permission from the Local Planning Authority, this element of the proposal is not considered, on balance, to result in significant harm to the character and appearance of the surrounding area.
- 7.13 On this basis, the development is, on balance, considered acceptable and policy compliant in the above respects.

### **Impact on Residential Amenity**

- 7.14 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.15 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm.
- 7.16 In terms of dominance and any overbearing impact, the site is removed from residential dwellings with an industrial estate located between the site and the dwellings in Priory Avenue and the railway line located between the site and dwellings in Station Avenue. It is considered that the development would not result in any significantly harmful dominance, any harmful overbearing impact, loss of light and outlook or a material sense of enclosure to the nearest residents.
- 7.17 Concerns have been raised in representations that the development is giving rise to noise and disturbance to neighbouring occupants and that this is exacerbated by the unrestricted operational hours of the storage yard agreed under the initial storage container permission (18/00430/FUL).

- 7.18 The site is next to the Priory Works Industrial Estate and the mainline railway tracks, with dwellings beyond these intervening uses. The applicant confirms that HGVs do not visit the site save for the initial delivery of containers. This can be subject of a planning condition. The applicant states that no machinery is used at the site, and the nature of the use solely for storage together with its siting and separation to neighbouring properties (in excess of 45m to properties along Priory Avenue and Priory Crescent) is such that it is not considered that the additional containers or the proposed area for vehicle parking and storage would give rise to undue noise and disturbance above and beyond the existing approved nature and scale of operations or which, when judged on their own merits, cause significant harm to residential amenity.
- 7.19 Having regard to the existing unrestricted hours that the approved 52 containers for the business operate within, it is not considered, on balance, reasonable to restrict the hours of operation on the area submitted as part of the pending planning application. This would be inconsistent with the findings of acceptability of the 2018 application and also may, in practise, prove difficult to enforce if one part of the business is operating 24 hours and the remainder is subjected to restricted opening hours. The applicant has confirmed that they do not accept that there is any reasonable justification for such a restricted hours condition to be imposed, in which respect this Local Planning Authority must therefore assess the application as submitted in this regard.
- 7.20 In addition, the applicant has stated that National Rail are required by law to have unrestricted access to the site at all hours to carry out engineering and maintenance works such that they suggest that this may be a cause of some of the late-night disturbances that applicants have referred to. This would be the case regardless of whether the development subject of this application was in operation or not.
- 7.21 Whilst the submitted plans detail the provision of one external light, no details of lighting accompany this application. It is considered that, should permission be granted, this matter can be conditioned to require external lighting details to be submitted and agreed including luminance levels, to ensure the amenities of neighbours are reasonably protected.
- 7.22 With respect to vehicle movements and impact on residential amenity, vehicles will access the site from Station Approach. It is considered given the number of units and type of storage proposed that the vehicle movements will be reasonably limited in number and scale. As such, and given the separation distances to the nearest dwellings to the west and east, it is not considered that the additional activity related to the development for which permission is sought will have a significantly detrimental impact on the amenities of nearby residents.
- 7.23 It is therefore considered, on balance and subject to conditions, that the development does and will not result in any significant harm to the amenity of the adjoining residents and is acceptable and policy compliant in this regard.

### **Traffic and Transportation Issues**

- 7.24 The 2018 planning permission was approved with 9 parking spaces, a main access road and two turning spaces.
- 7.25 The additional container space and open storage will continue to allow vehicles to be able to unload/load in close proximity to the containers. In this respect the Highway Officer has

commented that the site has been laid out to accommodate visitor and parking need in such a way that it is not considered to have a detrimental impact on local parking conditions or the local highway network. The development is acceptable and policy compliant in these regards.

### **Community Infrastructure Levy (CIL)**

- 7.26 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

### **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found on balance and subject to compliance with the attached conditions, that the development is acceptable and compliant with the objectives of the relevant development plan policies and guidance. This application is recommended for approval subject to conditions.

### **9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

- 01. The development hereby permitted shall begin no later than three years from the date of this decision.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

- 02. The development hereby permitted shall be carried out in accordance with the following approved plans: 130528-001B; 130528-002A; 130528-003B; 130528-004A**

**Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.**

- 03. Before any external lighting is installed in association with the use hereby permitted details of its location, design and specification shall have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed solely in accordance with the approved details.**

**Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).**

- 04. The static caravan hereby approved shall only be used for storage purposes by the applicant and shall not be used for any other purpose including as residential accommodation.**



**Reason: To protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).**

- 05. The area to the north of the site detailed for use as open storage shall only be used for the parking and/ or storage of cars, vans or small trailers (which can fit on the back of a standard car). These vehicles will remain at ground level and must not be stacked and for the avoidance of any doubt the site shall not be used for the external storage of scrap vehicles. HGV's and lorries shall not be parked or stored within the site with the exception of such vehicular activity reasonably necessary for and directly associated with the delivery or collection of containers on the site.**

**Reason: To protect the amenities and environment of people in neighbouring residential properties, and to prevent additional parking demand which may not be met within the application site, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).**

- 06. The storage containers hereby approved shall remain at ground level and shall not be stacked.**

**Reason: To protect the amenities and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).**

- 07. The development hereby approved, for purposes falling within Use Class B8, shall only be occupied for storage purposes within Use Class B8 and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.**

**Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material**

considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## 10 Informatives:

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).
2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
3. Network Rail strongly recommends the developer contacts the Asset Protection Team on [AngliaASPROLandClearances@networkrail.co.uk](mailto:AngliaASPROLandClearances@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation>