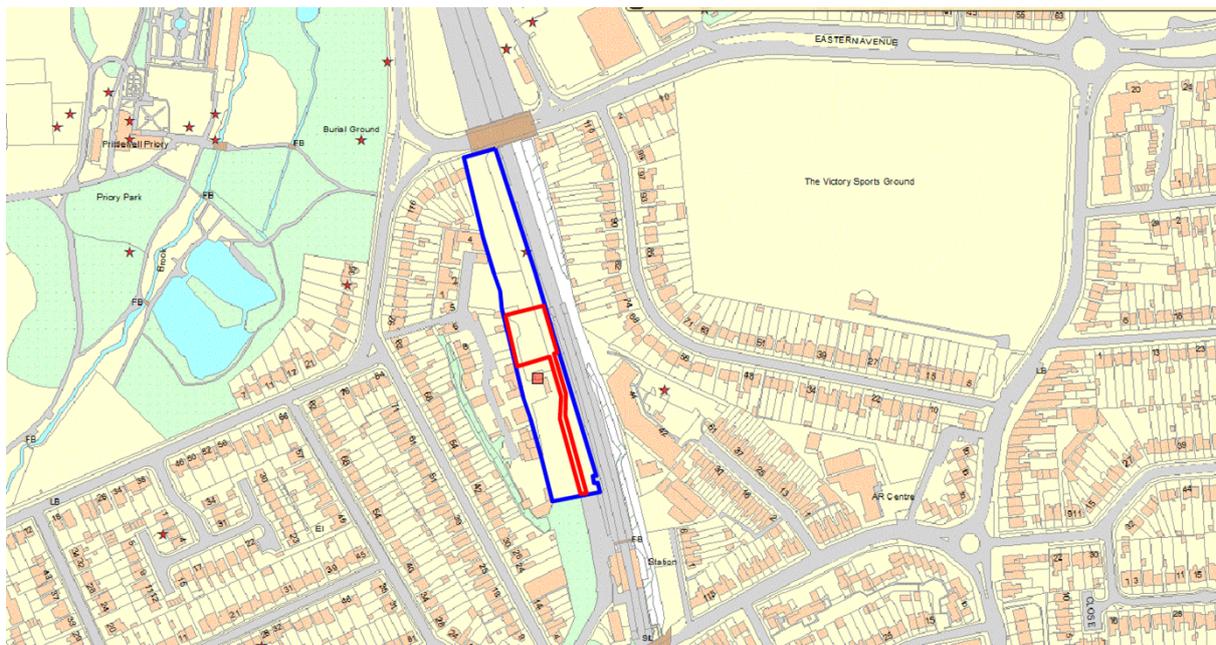


Reference:	22/01137/FUL	
Application Type:	Full Application	
Ward:	Prittlewell	
Proposal:	Install 33no. storage container units	
Address:	Part of Former Goods Yard At Station Approach, Priory Works, Priory Avenue, Southend-on-Sea, Essex	
Applicant:	Mr Roy Pullinger	
Agent:	Miss Emily Weston of Fisher German LLP	
Consultation Expiry:	30.06.2022	
Expiry Date:	02.09.2022	
Case Officer:	Oliver Hart	
Plan Nos:	130528-001C; 130528-002B; 130528-003D; 130528-004B	
Additional information:	Design and Access Statement; Management Plan (Approved under Approval of Details Application 21/02370/AD)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



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 permissions (18/00430/FUL & 21/01621/FUL). That comprises 76 containers, additional ancillary containers for facilities including toilets, maintenance, and office and provision of an area of land for use as an open storage area for vehicles to the north of the site. 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 seeks permission to install 33no. additional storage containers to enlarge existing operations of the wider site as a self-storage business (Class B8). The storage containers would be dark green to match the existing and would be laid out in a rectangular pattern centrally in relation to the application plot. The containers proposed comprise two sizes; A- 6.2m long x 2.4m deep x 2.6m high and B- 12.3m long 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 76 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 No additional employees are proposed.
- 2.5 The 2018 permission for container storage was granted with unrestricted operational hours however, a Management Plan submitted and approved as a condition to the most recent 2021 permission limited opening hours to 05:00 – 23:00. It is understood this application seeks to continue this arrangement.
- 2.6 That Management Plan has also been submitted as a supporting document for consideration in the assessment of this application. The controls and measures to reduce noise and disturbance include:
 - Restricting access hours for customers of the storage units from 24/7, to 05.00-23:00

- Further restricting access hours of the open storage area to the north of the site from 06:00-23:00 to 06:00-21:00.
- Gate entry and CCTV systems allows for remote monitoring of the site. This allows for any instances of undue noise and disturbance across the site to be identified and rectified.
- All customers must sign and agree a Storage Licence Contract which restricts; spray paint/mechanical works within the units, liquid/substance/ smell/odour to escape the unit or any excess noise to be audible or vibration to be felt outside of the unit
- Customers in breach of the Contract will receive a warning in the first instance but if the issue persists, the applicants reserve the right to terminate the contract and begin eviction procedures.

2.7 24/7 access must be retained for Network Rail which forms part of the land lease agreement and this falls outside the scope of the Management Plan.

3 Relevant Planning History

3.1 21/02370/AD- Application for approval of details pursuant to condition 08 (management plan) of planning permission 21/01621/FUL dated 05.11.2021- granted.

3.2 21/01621/FUL- 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) – planning permission granted.

3.3 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

3.4 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- planning permission granted.

3.5 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.

3.6 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 95 neighbouring properties were notified and a site notice posted. 3no. letters of objection from 2no. addresses have been received. Summary of objections:

- Harm to residential amenity – noise and disturbance
- Issue with lighting
- Containers are unsightly
- Containers are an incongruous feature in the area.
- Historic applications refused for similar scaled development
- Conditions outstanding from previous approvals that have not been discharged
- No additional employment

[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. The applicant has confirmed during the previous planning application they ensured all of the lights face downwards and are not clear which lighting is being referred to in the above objections.

Highways

4.3 There are no highway objections to this proposal. Off street parking has been provided with the applicant providing information relating to occupation/visits per day. The layout of the site ensure that vehicles can manoeuvre effectively around the site and also park directly outside the containers if necessary. It is not considered that the proposal will have a detrimental impact on the local highway network.

Since the previous permissions have been granted Highways are not aware of any complaints relating to the current use of the site.

Environmental Health

4.4 No objection subject to conditions relating to restricting hours of operation, access and deliveries 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 Southend-on-Sea 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 enlargement of the existing self-storage business (Class B8) through the placing of an additional 33no. storage units.
- 7.10 The area immediately north of the application site is open in character and is visible from Station Approach, from dwellings to the west in Priory Avenue and 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 existing development on the wider site comprises some 76 storage containers and was found to be acceptable in design and character terms under the previous permissions 18/00430/FUL and 21/01621/FUL. The further containers proposed on this additional area of land are dark green in colour and being functional in purpose are of no design merit. The containers would be 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 would be stored at ground level only with no stacking, which can be controlled by condition, so minimising their collective bulk and prominence especially in views from outside the site. On balance and given the general prevailing character of the area including the relationship to existing storage containers and the adjoining industrial estate, 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 On this basis, and subject to the described condition, the development is, on balance, considered acceptable and policy compliant in the above respects.

Impact on Residential Amenity

- 7.13 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.
- 7.14 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 application site does not directly adjoin any residential properties 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 proposed 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.
- 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 (approx. 50m to the rear boundaries of properties along Priory Avenue and Priory Crescent) is such that it is not considered that the additional containers proposed 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. Environmental Health have not objected subject to conditions.
- 7.19 The applicants confirm that the proposed development would also be operated in accordance with the previously approved Management Plan submitted following the previous container storage permission at the site. The Management Plan contains controls on the hours of operation as well as measures to restrict noise and disturbance. These are as outlined in the previous section of the report.
- 7.20 These measures were considered appropriate in this context and are considered to limit potential noise and disturbance to within acceptable limits. Subject to a condition requiring operation of the proposed development in accordance with such measures, no objection is raised on this basis.
- 7.21 In addition, it is known that National Rail are required by law to have unrestricted access to the site at all hours to carry out engineering and maintenance works. This may be a cause of some of the late-night disturbances that objectors have historically referred to. This would be the case regardless of whether the development subject of this application was in operation or not.
- 7.22 Whilst the submitted plans detail the provision of two external 'motion sensor' lights, 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.
- 7.23 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, north 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.
- 7.24 It is therefore considered, on balance and subject to conditions, that the proposal 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

- 7.25 The 2018 planning permission to install 52 containers was approved with 9 parking spaces, a main access road and two turning spaces. The 9 parking spaces remain and no additional parking is proposed in this application.
- 7.26 The additional container spaces will continue however to allow customers to be able to unload/load their vehicles in close proximity to their respective 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)

- 7.27 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: 130528-001C; 130528-002B; 130528-003D; 130528-004B

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 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-on-Sea Design and Townscape Guide (2009).

- 05. 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 (2021), 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).

- 06. The development hereby approved shall be operated in strict accordance with the measures to control noise and disturbance as outlined in the Management Plan (which was approved under the terms of discharge of condition 21/02370/AD). This includes restriction of operating hours to between 05:00-23:00 Mondays – Sundays inclusive and limiting HGV deliveries and collections to between 07:00-17:00 Monday – Friday only.**

Reason: In order to protect the amenities of surrounding occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

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 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) or the Council's website (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 will 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 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>