

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 12 February 2020

(Author: Polly Harris-Gorf - Principal Planning Officer)

Purpose: To consider Planning Application H02-0889-19

Application Number: H02-0889-19

Date Received: 05 September 2019

Application Type: S73A CONTINUATION

Description: Change of use of land to crane storage and demonstration area (B2 Use) - approved under H02-0421-17. Modification of Condition 5 to allow external storage/stacking height to change from 2 metres to 5 metres

Location: Crowland Cranes Ltd Crease Drove Crowland

Applicant: Crowland Cranes Ltd

Agent: Andrew M Wright Ltd

Ward: Crowland and Deeping

Ward Councillors: Cllr B Alcock
Cllr J R Astill
Cllr N H Pepper

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0889-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises issues worthy of Committee consideration.

2.0 PROPOSAL

2.1 Change of use of land to crane storage and demonstration area (B2 Use) - approved under H02-0421-17 - Modification of Condition 5 to allow external storage/stacking height to change from 2 metres to 5 metres.

2.2 Since submission additional information has been sought from the applicant and received in the form of Shadow Study Sections to enable the assessment of the proposal on the proposed dwellings on the adjacent land, which has a resolution to grant planning permission for 108 dwellings subject to the completion of a Section 106 agreement.

3.0 SITE DESCRIPTION

3.1 The application concerns part of the existing site of Crowland Cranes. Crease Drove is directly adjacent to the east. On the northern section of the site is a 5m deep bund, which is topped by planting.

3.2 The site of Crowland Cranes is an existing commercial site and there is no actual current restriction on height of cranes to be stored. The height restrictions relate to the storage or stacking of other materials and items that are related to the business but are not cranes.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 7 - Improving S E Lincolnshire's Employment Land Portfolio
Policy 8 - Prestige Employment Sites
Policy 28 - The Natural Environment
Policy 30 - Pollution

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 8 - Promoting healthy and safe communities
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14. - Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG)

National Design Guide

5.0 RELEVANT PLANNING HISTORY

- 5.1 H02-0888-19 - Change of use of land to crane storage and demonstration area (B2 Use) - approved under H02-0421-17) - Amendment to colour of palisade fencing from dark green to silver (galvanised steel) - Approved 13 September 2019.
- 5.2 H02-0421-17 - Change of use of land to crane storage and demonstration area (B2 use) - Approved 5 October 2017.
- 5.3 H02-0369-12 - Change of use of land to test and storage area for cranes and associated equipment (B2 Use) - Approved 5 July 2012.
- 5.4 H02-1008-11 - Change of use of land to test and storage area for cranes and associated equipment - Approved 7 March 2012.
- 5.5 H02-1000-11 - Extension to TMC building and provide training facilities and reception area - Approved 16 February 2012.

6.0 REPRESENTATIONS

6.1 Crowland Parish Council

Support.

6.2 North Level Internal Drainage Board

No objection in principle, however, the Middle Divisional Drain forms the western boundary and, therefore, the Board's byelaws apply to this watercourse. In particular byelaw No.10 prevents any construction whether temporary or permanent within 9 metres of the brink of this watercourse, including any perimeter fencing.

6.3 SHDC Environmental Health

No objections.

6.4 Public

One objection has been made by the developer of the land off Crease Drove, citing the following matters:

-The original condition allowing storage and stacking of associated equipment and materials not to exceed 2m was an appropriate condition to be imposed by the planning department and had taken into account the visual impact on the housing developments that were to surround this industrial site.

- To allow stacking now of equipment and materials to 5m (the height of the eaves of a two-storey house) would be visually unacceptable to the homeowners on the surrounding housing developments on Crease Drove.

- Looking at Policy 3 of the Local of the Local Plan - Landscape and Character of the Location. With this increase in height and the land in this area being so flat there will be a significant visual impact on the wider area. Has there been consideration to this policy?

- Disappointed that Crowland Cranes have been allowed to bring this land into use without complying with their existing planning conditions and that no enforcement action has been taken by South Holland District Council due to the breaches to this planning.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

Policy 2: Development Management, of the SELLP provides a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. In essence, it is a compendium of the sustainable development considerations contained in other policies in the Local Plan and is provided as an overarching 'summary' policy to help decision makers, and applicants alike, focus on the type of factors that will be assessed in considering development proposals. All types of planning applications requiring a decision will be subject to the considerations of this policy.

7.2 The NPPF stresses that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' As such, Policy 3: Design of New Development, seeks to ensure that design and good design is considered.

7.3 Policy 3: Design of New Development sets out criteria for the consideration of design within proposals, and has specific criteria to look at how certain elements of good design will be secured.

7.4 The purpose of the policy is to provide a list of issues to be considered when development schemes are being prepared, rather than prescribing a particular design approach, consistent with the NPPF9. Design is a cross cutting issue so may be covered by other policies elsewhere in this Local Plan. Not all of the issues listed will be relevant in all cases. The issues can be grouped into: Place, Accessibility/Transport, Amenity and Flooding.

7.5 It is the opinion of officers that It is not the purpose of the policy to be a prescriptive list, that might fetter development, and expectations of information need to be proportionate to the scale and nature of the development proposals.

- 7.6 The broad criteria of Policy 3 are discussed in more detail below.
- 7.7 Principle of Use and Potential Intensification
- 7.8 The application site is designated in the SELLP as within countryside. The site is immediately adjacent to and part of the company holding of Crowland Cranes, which is indicated in Policy 7 as being within the Existing Main Employment Area.
- 7.9 Policy 7: Improving South East Lincolnshire's Employment Land Portfolio, sets out, inter alia, that when looking at "Other Employment Sites",
- New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:*
- a. the development does not conflict with neighbouring land uses;*
 - b. there is no significant adverse impact upon the character and appearance of the area;*
 - c. the design is responsive to the local context;*
 - d. there will be no significant adverse impact on the local highway network;*
 - e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;*
 - f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and*
 - g. there is an identified need for the business location outside of identified employment areas on the Policies Map.*
- 7.10 The use of this land and the wider site has been established by the planning consents granted upon the land. The business has been in operation on this site for a number of years and is an established business within the area.
- 7.11 In 2012 planning permission was granted to Crowland Cranes for the change of use of the land to the south of the application site to test and storage area for cranes and associated equipment (B2 Use) (H02-0369-12 refers). This planning permission was subject to a series of conditions, with Condition 4 stating *Other than those cranes being tested/stored, there shall be no external storage or stacking of materials above a height of 5 metres outside those areas indicated on Dwg. No. LOC 443.35.11/01B (received 29 May 2012) without the prior written consent of the Local Planning Authority.*
- The reason for this condition in the interests of the appearance of the development and the visual amenity of the area in which it is set.
- 7.12 In October 2017 planning permission was granted to extend the site to the North of the original site (H02-0421-17 refers), and this is the land the subject of the current planning application. This planning permission was also subject to a series of conditions, with Condition 5 stating *Other than those cranes being tested/stored there shall be no external storage or stacking of associated equipment or materials above a height of 2 metres on the site without the prior written consent of the Local Planning Authority.*
- The reason for this condition was in the interests of the appearance of the development and the visual amenity of the area in which it is set, consistent with the previous decision on the site. This was to enable the Council to control the height of storage and to be able to consider the implications of any change to this height restriction in the light of prevailing circumstances at the time of formal submission, such as the application now before the planning committee.
- 7.13 This permission also included a 5 metre wide bund with hedging to be planting on top to the northern boundary with a requirement for the hedge to be maintained at a height of at least 2.5 metres.
- 7.14 The boundary of the application site adjoins the site to the north where the Planning Committee at the November 2019 meeting resolved to grant permission for 108 dwellings, subject to a

S106 legal agreement. The layout for that housing development includes a 3 metre wide easement then rear gardens of properties approximately 9 metres long, which would back on to the Crowland Cranes site.

- 7.15 In assessing this proposal, the criteria of Policy 7, as well as the considerations of Policies 2 and 3 of the SELLP have been considered.
- 7.16 The application site is now part and parcel of the Crowland Cranes site, and is land in use for a business use.
- 7.17 Given the distances to the adjoining residential developments that are under construction and have approvals in principle, it is considered that the proposal to increase the height of storage on this part of the site has been considered in the context of the local surroundings and additional information was sought to assess wider impact.
- 7.18 The increase in the height of storage on the site would not have a significant adverse impact on the local highway network; the wider site is industrial in nature and access from Crease Drove is considered as a result of previous consents on this site to be an appropriate access. There would not be such an intensification of use on the site that would lead to the site no longer being appropriate or resulting in a significant adverse impact on the local highway network.
- 7.19 The proposal is proposed to support an existing employment site, and given the nature of the business on the site, this application would not be the vehicle for encouraging a modal shift away from the private car. This site has identified a need for this proposal and is already located on the wider site.
- 7.20 It is considered that the increase in the height of storage on part of the site would enable the business to undertake business more efficiently, and would not result in such a intensification of use of this part of the site. The application would be supported by NPPF guidance regarding economic development and support for businesses, as well as Policy 7: Improving S E Lincolnshire's Employment Land Portfolio.
- 7.21 It is also considered that within the wider site that the impact of this business would not be detrimental to the character of the area, or highway safety, thus in accordance with Polices 2 and 3 of the SELLP. It is, therefore, considered that the proposal is in accordance with local and national planning polices, however, this is to be tempered by the issues set out below.
- 7.22 Impact of Height of Storage - on character of countryside and on residential development
- 7.23 Looking at the broad issues raised in Policy 3:Design of New Development, matters of Place, Accessibility/Transport, Amenity and Flooding in turn:
- 7.24 Good design will seek to provide a development that sits well in its surroundings by respecting the character of the place within which it is located and carefully incorporates infrastructure. The character of this part of Crease Drove and the wider environs is changing in nature due to other development under construction and in the pipeline, however recognition needs to be accepted of the nature of this established business and its visibility in the area. The landscape in this part of the District is flat and open and the exiting site is a significant feature in the landscape. When travelling along Crease Drove the site is clearly viewed and it is considered that an increase in storage height on this part of the site would be seen in the context of the wider site.
- 7.25 With regard to Accessibility and Transport, as discussed above, the application is proposed to support an existing employment site, and given the nature of this application, it would not be the vehicle for encouraging a modal shift away from the private car, and there is no opportunity to encourage residents (or those employees local to the area) to walk or cycle This site has identified a need for this proposal and is already located on the wider site.
- 7.26 Looking at the impact on amenity, the use or operation of sites also needs to respect neighbouring uses. As this is an established site, and there is a balance that was considered in the granting of the most recent neighbouring residential development with approval in principle

(H02-0189-19) with regard to the guidance set out in Paragraph 182 of the NPPF, and permission was agreed in principle that the residential development for 108 dwellings could be accommodated and integrated effectively with the existing commercial activity on the application site.

- 7.27 For clarity, Paragraph 182 of the NPPF states: *Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*
- 7.28 Thus it can be seen that there is a need to take a balanced view of national and local policies and take a view as to competing needs and interests.
- 7.29 The application has been considered in the light of the local planning policies set out above, as well as the guidance given by the NPPF. The development would have an impact on the character of this open countryside location. However, in the context of the wider setting of adjacent existing commercial operations and the set back of housing development, this is not deemed to outweigh the economic benefits of supporting the expansion of the current business.
- 7.30 Additional information was sought by officers, and the information submitted on the drawing ref PD02 P1 (Shadow Study Sections) demonstrates the impact that the 5m height storage would have on the proposed residential development to the north. The information (in the form of the drawing) is publicly available and forms part of the condition 1.
- After careful consideration by officers in the light of the information submitted to inform this application, and the objections that have been received, it is not considered that the increase in the height of storage on this site from 2 metres to 5 metres would have such a detrimental impact on the residential amenities of the current and future adjoining residential occupiers of the site that consent should be withheld; the application site houses an established business and to a degree sets the character of this part of Crease Drove.
- 7.31 The dwellings under construction to the east are set back from Crease Drove and would have gardens backing on to the site, and although the storage area is viewed from this housing development, no loss of light, nor overbearing effect would be caused.
- 7.32 With regard to the site to the north with the resolution to approve 108 dwellings, officers sought additional information from the applicant to clarify impact. As a result of receiving the additional information, and an assessment of the application and the adjacent development (with a resolution to approve), the opinion of officers is that there is potential at certain times of the year during the winter months for there to be an element of overshadowing of rear garden areas, however due to the approved northern boundary treatment and the easement and rear gardens of the site to the north with a resolution to approve, it is considered the impact upon residential amenity of that development, would on balance be acceptable.
- 7.33 Conclusion
- 7.34 The application has been considered in the light of the policies of the South East Lincolnshire Local Plan and the provisions of the NPPF and is recommended for approval for the reasons set out above, subject to the conditions expressed in this report, which in part are a duplication of conditions that are already in place on the land and which seek to limit the impact upon residential development in the vicinity of the site.
- 7.35 **Additional Considerations**
- 7.36 Matters Subject to Enforcement Investigation
- 7.37 Any matters subject to enforcement investigations are confidential in nature and this planning application is to be considered on its merits.

7.38 Public Sector Equality Duty

7.39 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.40 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.41 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

7.42 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.43 Human Rights

7.44 In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

7.45 It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 **RECOMMENDATIONS**

8.1 **Grant permission subject to the conditions listed in Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

PD01-P1

PD02 P1

Flood Risk Assessment (GCB/Wright - April 2017)

Noise Assessment (Acoustic Associates - July 2017)

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the site shall be used only for the storage and demonstration of cranes and associated equipment and for no other purpose Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To ensure that the Local Planning Authority retains control over the future use of the site in the interests of local amenities.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2019.

3. Noise from fixed plant and machinery shall not exceed a level of 5 dB(A) above the background noise level when measured as a L(A)_{eq15min} at any residential boundary not within the applicant's ownership.

Reason: To ensure that there is no noise nuisance to nearby residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2019.

4. Other than those cranes being tested/stored there shall be no external storage or stacking of associated equipment or materials above a height of 5 metres on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of the appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2019.

5. No further external illumination of buildings and/or areas of the site shall be installed on the site unless formally submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and maintained in accordance with the approved details.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2019.

6. The fencing, bund and hedging as approved, as shown on approved drawing PD01-P1, shall be erected/planted prior to the first use of this part of the site for storage over 2 metres in height. The hedgerow shall be allowed to grow and thereafter be maintained at a height of no less than 2.5 metres above ground level.

Reason: In order to ensure that the site is adequately screened, in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2019.

7. The palisade fencing to the boundary of the site shall be coloured silver (galvanised steel) and thereafter be so maintained.

Reason: In the interests of the visual amenity and character of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2019.

8. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

9. It is recommend that site owner sign up to Environment Agency's Floodline Warnings Direct Service.

Background papers:- Planning Application Working File

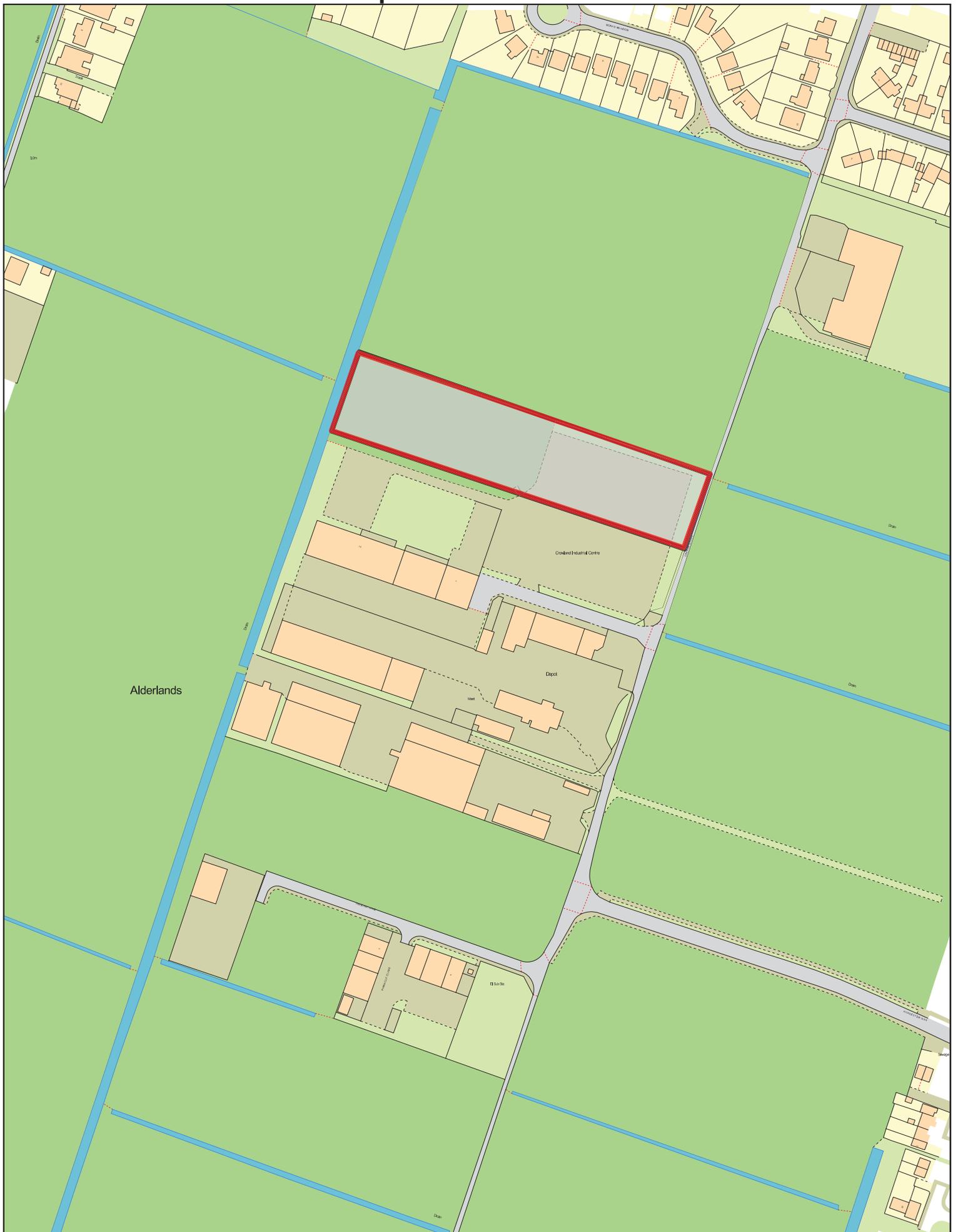
Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



Alderlands

Crowland Industrial Centre

Dapcot

Horse

Horse