

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 16 January 2019

**(Author:** Lucy Buttery - Senior Planning Officer)

**Purpose:** To consider Planning Application H16-0930-18

**Application Number:** H16-0930-18

**Date Received:** 21 September 2018

**Application Type:** FULL

**Description:** Change of use to B1, B2 and B8.

**Location:** 344 BOURNE ROAD PODE HOLE SPALDING

**Applicant:** M J L Skipmaster

**Agent:** Remway Design Ltd

**Ward:** Spalding Monks House

**Ward Councillors:** Cllr G R Aley  
Cllr A M Newton

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0930-18>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 Objections received and policy issues merit Committee consideration.

### **2.0 PROPOSAL**

2.1 This is a full planning application for the change of use of land at the rear of 344 Bourne Road, Spalding to B1, B2 and B8.

2.2 The land would act as an 'overspill' for MJL Skipmaster Ltd, whose premises are located immediately to the east. Skips would be stored at the southern end of the site - This is indicated by the hatched area shown on the submitted plan. The storage area would be constructed from crushed concrete with road planings. Other activities on the land could potentially include fitting lids to containers and fitting signage to containers. This would take place to the rear of the proposed skip storage area. Any power washing required would take place within the power washing bay of the existing site.

2.3 The applicant intends to install an acoustic fence (either 2.4m or 3m in height) to the south of the storage area with gated access to number 344 at the front.

2.4 The applicant has confirmed that they have no intention of this gated access being used as an access for either skips or lorries and that HGV's would continue to use the existing access. The land would be accessed through the existing MJL site.

### **3.0 SITE DESCRIPTION**

3.1 The site is located to the rear of number 344 Bourne Road and is currently laid to grass. There

is a Lincolnshire County Council Highways Depot to the west, with Vernatts Drain to the rear. The existing MJL Skipmaster premises is to the east. There are frontage properties to the south along Bourne Road.

## 4.0 RELEVANT PLANNING POLICIES

### 4.1 The Development Plan

#### South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 213 of the NPPF should therefore continue to be given substantial weight in the decision making process.

SG1 - General Sustainable Development  
SG13 - Pollution and Contamination  
SG14 - Design and Layout of New Development  
SG17 - Protection of Residential Amenity  
SG4 - Development in the Countryside

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), 2018

Paragraph 11 - The presumption in favour of sustainable development  
Section 6 - Building a strong, competitive economy  
Section 12 - Achieving well-designed places

#### Planning Practice Guidance (PPG), 2014

## 5.0 RELEVANT PLANNING HISTORY

5.1 None.

## 6.0 REPRESENTATIONS

### 6.1 Ward Councillor

Cllr A M Newton - Present activities are noisy and paint fumes can be smelt by residents. Residents are concerned that moving storage nearer to residential properties fronting Bourne Road will affect peaceful enjoyment of the properties. Application form states that there is not to be a new access but the applicant talks as though there could be. Residents believe information on application form is scant and not fully transparent. It is felt that the company have outgrown the site and should be encouraged/helped to move to a more appropriate location. Residents believe that they have a right of way on the roadway which the hatched area partly covers.

### 6.2 LCC Highways/SUDS

Does not wish to restrict the grant of permission.

### 6.3 SHDC Environmental Protection

No objection. Note the hours of use specified in a previous application (H16-0923-90) and trust that these will apply to the new proposal.

#### 6.4 Public

There has been 1 objection from a member of the public highlighting the following key concerns:

- Increased noise pollution and odour from paint;
- Questions how effective acoustic barriers are;
- Would affect the character of the area;
- Various questions asked re use classifications and transparency of application;
- Proposal infringes on a legal right of way of another party;
- Impact on highways and drainage with vehicles crossing dyke between no. 344 and MJL; and
- Impact on property prices.

### 7.0 MATERIAL CONSIDERATIONS

7.1 The key material issues for consideration in this application are:

- Policy
- Residential amenity
- Impact upon character and appearance of the area
- Highway safety
- Other considerations

#### 7.2 Policy

7.3 The site is located outside of the defined settlement limits of Spalding as set out in the South Holland Local Plan (2006) and is therefore classed as being in the countryside in planning policy terms. However, it is within an area where built development is established and is somewhere where there is a mix of existing businesses as well as residential properties.

7.4 Policy EC3 of the Local Plan relates to existing employment areas/premises. This states that proposals for the expansion of existing employment undertakings will be permitted provided they are acceptable in terms of environmental impact, the level of traffic movement and intrusion into the open countryside. This will be assessed in the remainder of this report.

7.5 In terms of national planning policy relating to employment, Section 6 of the NPPF states that 'planning decisions should help create the conditions in which businesses can invest, expand and adapt. 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.'. Permitting the proposed development would support the growth needs of an existing local business which is contributing to the local economy.

#### 7.6 Residential amenity

7.7 An objection from a member of the public has raised the concern that the proposal would result in increased noise pollution and odour from paint. This is also echoed by Cllr Newton. However, SHDC Environmental Protection have not objected to the application and have confirmed verbally that no formal noise complaints have been received by the team in the last 10 years in relation to activities taking place on the existing site.

7.8 In terms of the relationship between the proposal and existing residential properties, the skip storage area would be approximately 30 metres from the rear elevation of the nearest residential property, number 346. Number 344 is currently unoccupied and would be sold to MJL Skipmaster as part of the sale of the land. The applicant proposes to install an acoustic fence along the southern end of the skip storage area. SHDC Environmental Protection have commented that there is no certainty how effective it would be, but it certainly would not have an adverse effect. It should also be noted that Lincolnshire County Council's Pode Hole Highways depot is immediately to the west of the site and is an existing noise generating use in close proximity to residential properties. This depot lies to the rear of two residential properties which front on to Bourne Road and there is the access road to the depot in between the two

dwellings. The proposal would be no nearer to the existing residential properties than the Highways depot, which does generate noise and there is the potential for this to occur at unsociable hours. The usual working hours of MJL Skipmaster are 7am - 4:30pm weekdays and any 'industrial' activities such as fitting lids to containers and fitting signage to containers would be further away from residential properties.

- 7.9 Concern has been raised that the existing access between 344 and 346 Bourne Road would be used by HGVs to access the site. However, the applicant has stated that this would not be the case and that all HGV movements would continue to be through the access to the existing site. A condition can be added as a protective measure.
- 7.10 Additionally, the applicant has stated that skips would be moved by all-terrain forklifts which, they state, vibrate less than standard warehouse forklift due to their different tyres. This would help minimise the impact their movement could have.
- 7.11 Overall, taking into account the above and in the absence of a formal objection from SHDC Environmental Protection, it is not considered that there is a defensible reason for refusal on the grounds of residential amenity.
- 7.12 Impact upon character and appearance of the area
- 7.13 The objector also raised the concern that the proposal would affect the character of the area. However, the site is located to the rear of an existing property and the proposed acoustic fence would minimise the visual impact when viewed from Bourne Road. Furthermore, there are existing industrial units on the other side of Bourne Road and the site itself is between the existing premises of MJL Skipmaster and the County Council Highways depot on the other. The proposal would effectively be an expansion of MJL's existing premises and taking into account the above, it is not considered that it would be out of keeping with the existing character of development in the area.
- 7.14 Highways
- 7.15 Concern regarding highway safety has been raised by a member of the public, however County Council Highways have not objected to the proposal. There is therefore no justifiable reason to refuse the application on highways grounds.
- 7.16 Other considerations
- 7.17 The objector has asked various questions regarding use classifications and suggests that the applicant has not been transparent through the application. One particular point made was that the layman would not understand what B1, B2 and B8 means. However, the supporting information does contain further details on the proposal. It is accepted that the submission of supporting information has been somewhat piecemeal, however this has been made publically accessible at all times and reconsultation carried out with residents when necessary.
- 7.18 Concern was raised that the proposal infringes on a legal right of way to the east of 346 Bourne Road. The positioning of the acoustic fence has since been amended to rectify this.
- 7.19 Concerns have also been raised regarding surface water drainage. It was originally proposed that power washing would take place on the site to the rear of the skip storage area, however the applicant has since amended their plans and confirmed that any power washing would take place within the existing power washing bay within the existing site. Furthermore, LCC as Lead Local Flood Authority have not objected to the proposal. It would therefore be unreasonable to refuse the application on the grounds of unacceptable surface water drainage.
- 7.20 Impact on property prices is not a material planning consideration.
- 7.21 Conclusion

7.22 Taking the above into account, it is considered that the proposal is in accordance with Policy EC3 of the South Holland Local Plan (2006) as the proposal is acceptable in environmental, character and highway terms. It would also comply with Policies SG1, SG14 and SG17 of the Local Plan (2006), as well as Sections 6 and 12 of the National Planning Policy Framework (2018).

## 8.0 RECOMMENDATIONS

8.1 Grant permission subject to those conditions listed at Section 9.0 of this report.

## 9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by 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 be carried out in accordance with the following approved plans:  
2943/01; and  
2943/02 rev A.

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

3. Before the development hereby permitted is first brought into use, a 3 metre high acoustic fence shall be installed as illustrated on drawing number 2943/02 rev A and shall be retained for the lifetime of the development hereby approved.

Reason: In the interests of the residential amenity of nearby properties.  
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

4. No HGVs shall enter or exit the site using the existing access between 344 and 346 Bourne Road.

Reason: In the interests of the residential amenity of nearby properties.  
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

5. 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>

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Background papers:- Planning Application Working File

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### Lead Contact Officer

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Appendices attached to this report:

# MapThat Scale Print Title

