

APPLICATION REFERENCE: PL/2020/01533/MINFOT**Site Address:** Plot 8 Saxon Way Fordbridge Solihull

Proposal:	Change of use from industrial land to use as land for 5-10 storage containers for rental storage use.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	Number of representations received
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

This planning application seeks consent for a change of use of the land for the stationing of up to 10 containers to be used for B8 storage purposes.

The principle of a B8 storage use on this site which is within the Saxon Way industrial estate is considered appropriate subject to conditions which will ensure no harmful impact on nearby residential properties in terms of noise and disturbance. The development would not cause undue harm to the character and appearance of the area and could be achieved without harm to highway safety.

On this basis the application is recommended for approval subject to conditions.

MAIN ISSUES

The main issues in this application are the effects of the development:

- Firstly, the principle of the change of use;
- Secondly, the impacts of the proposal on the amenity of the neighbouring properties;

- Thirdly, the highways implications of the proposal;
- Fourth, the effect of the proposal on the character and appearance of the area; and
- Other material considerations
 - Drainage
 - CIL Contribution
 - Pay Sector Equality Duty
 - Human Rights

CONSULTATION RESPONSES

Statutory Consultees - The following Statutory Consultee responses have been received:

SMBC Drainage & LLFA – No observations

Fordbridge Town Council – No comments received

Non Statutory Consultees - The following Non-Statutory Consultee responses have been received:

SMBC Highways – No objection subject to conditions

SMBC Policy and Spatial Planning - As a B8 use on an industrial estate the proposal would have in principle support from the SLP subject to assessed effects on local environment and amenity that are particularly important in this case as, in addition to business occupiers, there are also residential occupiers nearby.

SMBC Public Protection – No objections subject to conditions

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

6 responses were received, all were objections to the proposal All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

- Too close to residential properties
- Loss of privacy
- Noise and disturbance from use of containers and increase in comings and goings to the site
- Impact from additional lighting
- 24 hour access would not be welcome
- Containers will tower over garden fence causing an eyesore

- Storage containers will attract and encourage criminal activity

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that:

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.’

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2019, the National Planning Practice Guidance.

Principle of the change of use

The application seeks consent for the change of use of the land for the stationing of up to 10 containers to be used as B8 storage. The application describes the existing use of the land as being industrial, however, it is currently vacant and was previously used as an allotment although it is located on the Saxon Way industrial estate.

Solihull Local Plan (SLP) Policy 3b states that the Council will encourage the retention of small and medium sized enterprises, and the creation of new ones, both in urban and rural areas as a key economic driver and to help facilitate growth in a broad variety of locations, including North Solihull as a priority. In order to find support in Policy 3b the following criteria should be met:

- i. Form, use and scale are appropriate to the character of the particular location.

An assessment of the effect of the proposed development by reason of its form, use and scale on the character of the area including impact on neighbouring residential amenity is set out in a later section of this Report. Your officers have concluded that the proposal would meet the relevant criteria as set out in Policies P14 and P15.

- ii. There is no significant harm to the local environment, including landscape quality and character.

An assessment of the effect of the proposed development by reason of its layout, design and landscaping on the character and quality of the area is set out in a later section of this Report. Your officers have concluded that the proposal would meet the relevant criteria as set out in Policies P14 and P15.

- iii. Proposals for home-working are compatible with the character of the local environment and are consistent with the amenity policies of the Local Plan.

The change of use is for B8 storage and no homeworking is proposed.

- iv. The land or premises are not in the Green Belt or are compliant with Green Belt policy.

The application site itself is not in the Green Belt, however, the eastern boundary of the site does immediately adjoin the Green Belt. This matter is dealt with in a later section of the report when Officers concluded that the proposal would not cause undue harm to the adjacent Green Belt.

- v. In the case of development in rural areas, it is consistent with the Council's countryside policies and does not undermine the quality and character of the natural environment.

The site is not within a rural area and is within the Saxon Way Industrial Estate.

In terms of the site previously being used as an allotment, Policy P20, which seeks to support the enhancement of existing facilities and open space, is also relevant. This policy states that the loss of existing facilities through development will not be permitted where they are of value by to the local community for recreation, visual amenity, nature conservation or make an important contribution to the quality of the environment or network of green infrastructure unless certain criteria are met. The use of the site by a local charity for allotments ceased approximately 12 months ago and the site has since been hard surfaced and secured by palisade fencing. With this in mind the land no longer provides any contribution to the local community. Given the location of site within the Saxon Way industrial estate and its current appearance it is also not considered to contribute to visual amenity or quality of the environment. Therefore, compensatory measures for the loss are not considered necessary.

The SMBC Policy and Spatial Planning officer considers that the proposal has in principle support from the SLP subject to assessed effects on local environment and amenity in terms of criteria i and ii of Policy 3b.

The impacts of the proposal on the amenity of neighbouring properties

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of occupiers of neighbouring properties and uses.

Concerns have been raised from residential properties located to the north of the site with regard to noise and disturbance emanating from the site. The Council's Public Protection Officer has reviewed the planning application and requested additional information from the applicant on how the site would be used and managed including proposed opening hours, management and security arrangements.

The applicants have confirmed that no 24 hour use (or any antisocial hours) are proposed. The site is well secured by palisade fencing and gates and the applicants have also confirmed that lighting, CCTV and on site management will be considered

and implemented which can be controlled by condition. The applicant has also advised that 5 of the containers will be used for 'in house' activities and managed by the current land owner who will have responsibility for the control of noise and any antisocial or disturbance issues on site which can be controlled by condition.

In 2005 full planning permission was granted on the site for 'Light industrial/storage unit (use classes B1C/B8) with associated access, car parking and landscaping (resubmission of 2004/1115).' This permission was never implemented, however condition 6 restricted the use, including deliveries, to between the hours of 08:00 and 19:00 Monday - Friday.

The Council's Public Protection Officer considers that if daytime hours of 08:00 and 18:00 Monday – Saturday are adopted the noise would likely be similar in nature to that presented by an industrial use as previously approved in 2005. Furthermore the preparation and submission of a site management/noise management plan is recommended by condition. It is expected that any such plan would be designed to mitigate potential amenity impacts such as:

- how access /egress will be controlled e.g. via timed locking mechanisms, fob activation? and how users' departure from site shall be secured (by the stipulated 18:00 hour limit).
- how CCTV camera surveillance will supplement site management control
- how site management will remind users (whilst on-site) that the facility is within a residential area requiring due care and attention to minimise noise, disturbance and any antisocial behaviour (e.g. via signs at entry, within compound)
- that issues such as beeping of horns at gates and on-street waiting for gates to open is prohibited by site management rules

This would ensure that the site is managed in a way that would minimise noise and disturbance to residential properties and also any potential anti-social behaviour. A condition requiring a lighting plan for the site is also recommended by condition.

These measures are considered sufficient to adequately control potential issues presented by the proposed change of use.

Neutral weight should be attributed to this in the decision making process.

The effect of the proposal on the character and appearance of the area

The application site is accessed off Saxon Way which is an established industrial estate. The plot is currently vacant but other plots are occupied by units of varying sizes and uses including car service/tyre fitting/MOT centres, conservatory and window centre, taxi hire firm, gardening service.

The use of this site for the stationing of up to 10 containers for B8 storage would be considered modest in scale. The containers would have a height of 2.75m which is low in comparison to existing buildings found in the industrial estate and in comparison to the previously approved scheme. The layout plan shows how 10

containers could be accommodated with ample space between each container and the site boundary. The B8 use and associated comings and goings would be compatible with the industrial estate within which the site is located. Conditions are recommended to ensure a suitable finish of the containers and also to prohibit outside storage.

Vegetation adjacent to the eastern boundary between the site and the John Henry Newman college car park and the application site. This vegetation lies beyond the palisade fencing that demarcates the boundary between the application site and the college. The application site is already hard surfaced and a 1m gap is proposed between the 2 containers that would sit adjacent to this boundary.

For these reasons the proposed development is considered to have an acceptable impact upon the character and quality of the area within which it is located, and is compliant with Policy P15 of the SLP. This carries neutral weight in the planning balance.

The highways implications of the proposal

Policy P8 of the SLP advises that, inter alia, all development proposals should have regard to transport efficiency and highway safety and development will not be permitted which results in a significant increase in delay to vehicles, pedestrians or cyclists or a reduction in safety for any users of the highway or other transport network.

Based on the quantum and scale of development proposed, the Highway Authority considers that it is unlikely that the proposals will generate a significant number of vehicle trips to have a severe impact on public highway safety, or on the operation or capacity of the local highway network. A new access has recently been created with a dropped kerb and inward opening gates have been installed at the back of the pavement edge.

Whilst the Highway Authority would normally require gates to be set back from the near side of the public highway carriageway by 6m in this instance, given the location of the site towards the end of the cul-de-sac which has limited traffic flow and ample space on the highway for a vehicle to wait whilst the gates are opened, it is considered that the gates as already implemented are considered acceptable and fully compliant with relevant SLP policies and neutral weight should be attributed to this.

Other issues

Drainage

The Council's Lead Local Flood Authority have made no observations regarding the proposal and no concerns have been raised from third parties in this regard.

CIL Contribution

In accordance with the current charging schedule CIL is not chargeable for new development in the Kingshurst and Fordbridge Ward.

Public Sector Equality Duty

In making your decision, you 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) 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 is only one factor that needs to be considered, and may be balance against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic

Human Rights

In making your decision, you 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 to act in a manner that is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission 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 interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the consideration set out in this report.

CONCLUSION

This planning application seeks consent for a change of use of the land for the stationing of up to 10 containers to be used for B8 storage purposes.

The principle of a B8 storage use on this site which is within the Saxon Way industrial estate is appropriate. Subject to conditions it is considered that the proposal will not result in unacceptable noise and disturbance to nearby residential uses. The development would not cause undue harm to the character and appearance of the area and the proposal will not have a detrimental impact on highway safety.

In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion.

As such the proposal is considered to be in accordance with Policies P3, P8, P14, and P15 and of the Solihull Local Plan. The application is therefore recommended for approval.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CSOO – Compliance with plans
2. CS05 – commencement within 3 years
3. Prior to the development being brought into use the external appearance of the containers shall be finished in accordance with a scheme to be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried and maintained out in accordance with the approved details.

To ensure that the character and appearance of the building is preserved in accordance with Policy P16 of the Solihull Local Plan 2013.

4. The premises shall be used for B8 storage and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) with or without modifications.

Any other use would be inappropriate to the building/site, and would be contrary to Policy P14 of Solihull Local Plan.

5. No material shall be stacked, stored or deposited outside of the containers on the site.

In the interests of amenities and proper traffic circulation within the site in accordance with policy P8, P14 and P15 of the Solihull Local Plan 2013.

6. No use or activity shall be undertaken on the site outside the hours of 08:00 to 18:00 hours Monday to Saturday, nor at any time on Sundays or Bank Holidays.

To protect the neighbourhood from any increase in ambient noise levels in accordance with Policy P14 of the Solihull Local Plan 2013.

7. No access or egress including dispatch or delivery to or from the site shall occur outside the hours of 08:00 to 18:00 hours Monday to Saturday, nor at any time on Sundays or Bank Holidays.

To protect the neighbourhood from any increase in ambient noise levels in accordance with Policy P14 of Solihull Local Plan 2013.

8. Before the development hereby permitted commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. Such provisions shall be contained in a site specific Noise Management Plan or Policy that shall detail control measures to be taken to minimise noise and loss of amenity issues that may affect nearby noise sensitive receptors. The development shall not be brought into use until the noise control measures as agreed in writing have been implemented and thereafter shall be maintained and used in accordance with the agreed scheme thereafter.

To protect the development from existing levels of noise in accordance with policy P14 of the Solihull Local Plan 2013.

NOTE: This site management/noise management plan will be expected to cover the following points:

- how access /egress will be controlled e.g. via timed locking mechanisms, fob activation? and how users' departure from site shall be secured (by the stipulated 18:00 hour limit).
 - how CCTV camera surveillance will supplement site management control
 - how site management will remind users (whilst on-site) that the facility is within a residential area requiring due care and attention to minimise noise, disturbance and any antisocial behaviour (e.g. via signs at entry, within compound)
 - that issues such as beeping of horns at gates and on-street waiting for gates to open is prohibited by site management rules
9. No development shall commence until a scheme of lighting and/or floodlighting has been submitted for approval by the local planning authority. The installation and subsequent operation of lighting on site shall be in accordance with the approved scheme which shall thereafter be retained.

In the interests of the amenities of the area in accordance with Policy P14 and P15 of the Solihull Local Plan 2013.