

# Development Management Delegated Decision Report

B/20/0237



SUMMARY OF APPLICATION				
<b>Application Reference</b>	B/20/0237			
<b>Application Type</b>	Full Planning Permission			
<b>Proposal</b>	Change of use from haulage depot to light industrial (Class B1) with ancillary warehousing; creation of new site access			
<b>Location</b>	Alan Baxter Haulage, Highgate, Leverton, Boston, PE22 0AW			
<b>Applicant</b>	Baxter			
<b>Agent</b>	Mr Jack Fairman, Poyntons Consultancy Ltd			
<b>Received Date:</b>	07-Jul-2020	<b>Consultation Expiry Date:</b>	11-Sep-2020	
<b>Valid Date:</b>	28-Jul-2020	<b>Statutory Expiry Date:</b>	22-Sep-2020	
<b>Date of Site Visit:</b>	20-Aug-2020	<b>Extension of Time Date:</b>		
<b>Objections received?</b>				
5 day notification record: Not applicable				
	<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	GRANT Full Planning Permission			
<b>Report by:</b>	Grant Fixter			
<b>Date:</b>	11-Sep-2020			



## **OFFICER REPORT**

### **SITE AND SURROUNDINGS:**

The application site comprises a brick building with a corrugated roof which serves the current usage as a haulage depot, with access achieved off Highgate. Within the same site are other smaller buildings and a dwelling, set within an area of hardstanding. The site is surrounded by open agricultural land. Works have already commenced on the new proposed access off Highgate.

### **DETAILS OF PROPOSAL:**

This proposal seeks the change of use from a haulage depot to light industrial (Class B1) with ancillary warehousing and the creation of a new site access. Details of the proposal are demonstrated on the proposed Block Plan, reference: ABT1\_Block\_Plan\_REV\_B.

### **RELEVANT HISTORY:**

- B/15/0290/96 – Change of use from auto engineering and agricultural land to haulage depot – Approved on 09/12/1996;
- B/17/0306 – Notification for prior approval under part 3 class Q of the Town and Country Planning (General Permitted Development) Order 2015 for proposed change of use from agricultural building to a dwelling house (C3) – Refused on 26/10/2017;
- B/19/0026 – Application for Prior Approval change of use from agricultural building to dwelling house (Class C3) – Refused 21/03/2019
- APP/Z2505/W/19/3235914 – Appeal was dismissed relating to the B/19/0026 application on 13/01/2020

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

#### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio;
- Policy 30: Pollution

### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

#### **National Planning Policy Framework (2019)**

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 6: Building a strong, competitive economy;
- Section 11: Making effective use of land;

### **CONSULTATION RESPONSES:**

Lincolnshire County Council (as Local Highway and Lead Local Flood Authority) concludes that they do not wish to object to the proposed development and that the works for the new vehicular access will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction.

Environmental Health have no objections in principle to this application. They deem the proposed hours of use for the B1 use to be acceptable and suggest these are conditioned to ensure protection of residential amenity.

Witham Fourth Internal Drainage Board note there is a Board maintained culverted watercourse on the south eastern boundary of the site and to which Byelaws and the Land Drainage Act applies.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations have been received.

### **EVALUATION:**

The application site currently benefits from a planning permission for the site to be used as a haulage depot and this proposal is for a change of use to B1 use (light industrial). The impacts associated with the established use are clearly relevant to this proposal, including how the site could be operated by a different operator, as opposed to solely how it has been operated in the past. This is as a result of the consideration of the land use.

Typically with haulage depot's there is scope for articulated HGVs to come to and from the site, in addition to several vehicle movements every day. It is likely therefore that the proposal for B1 use, which by definition is a use that can be carried out in any residential area without detriment to the amenity of that area, will both protect and improve the residential amenity as operations are likely to be lesser in nature.

With the current planning permission, the only restrictions in place are that between the hours of 22:00 and 7:00 any refrigeration plant shall be connected directly to the mains electricity supply and there is a limit of 15 vehicles. There are no restrictions on operating hours or vehicle movements. Whilst the site may not be experiencing high volumes of articulated HGVs and late operating hours all the time, should these suddenly increase then they would be lawful under the current planning permission.

This proposal would be likely to see a considerable reduction in operating hours, noise pollution, size of vehicles and vehicle movements when compared to what is allowed with the current permission.

There is likely to be a reduced need for any articulated HGVs to go to and from the site, with two conventional vans operating from the site. Electric hand tools and two forklifts will be used within the confines of the building during the permitted operating hours. It is proposed there will be three employees, two being full-time and one part-time.

The applicant has stated the proposed reduced operating hours and these will be conditioned to protect residential amenity:

- Monday to Friday: 07:00 – 18:00
- Saturday: 08:00 – 16:00

- Sunday: Closed
- Bank Holidays: 09:00 – 17:00

There will be no material alterations to the existing warehouse or yard and there is ample parking provision for employees to use. The change of use will not lead to an increase in flood risk. Highways have no objections to the new proposed vehicular access and have stated the works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act.

It is abundantly clear that by virtue of what the current permission allows compared to the proposed change of use, there will be a significant reduction in potential vehicle movements, types of vehicle and potential operating hours. This will help provide increased protection and consideration to residential amenity when compared to what is currently permitted.

The proposal is for a change of use application with the provision of a new access. There will be no changes to the existing building on site and it is deemed an appropriate use for this area. The proposal, therefore, complies with policies 1, 2, 3 and 7 of the Local Plan. The change of use from a haulage depot to B1 will be less harmful in regards to the residential amenity of the surrounding properties and is a less intense use, meaning the application complies with policy 30 of the Local Plan. The proposal will not increase flood risk elsewhere and, therefore, complies with policy 4 of the Local Plan.

### **CONCLUSION:**

The application site currently benefits from a planning permission to be used as a haulage depot with no restrictions on operating hours or vehicular movements. It is considered that the change of use to a B1 (light industrial) use will:

- Reduce the permitted operating hours;
- Reduce potential vehicular movements and the need for articulated HGVs to come to and from the site;
- Lead to a less intense permitted use of the site and
- Helps protect residential amenity through the above mitigation measures.

### **RECOMMENDATION:**

GRANT Full Planning Permission subject to the following condition(s) and reason:-

<b>CONDITIONS / REASONS</b>			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>The development hereby permitted shall be carried out in strict accordance with the application received on 21/07/2020 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>• Ref: ABT1_1250_Location_Plan – Location Plan</li> </ul>			

- Ref: ABT1\_Block\_Plan\_REV\_B – Proposed Block Plan

Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2019).

The use of the premises shall be restricted to that defined in Class B1 of 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 modification).

Reason: To safeguard the amenity of this residential area in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.

All works involving the use of electric hand tools and forklifts will take place within the confines of the building as stated in the submitted Noise Impact Assessment.

Reason: In the interests of the amenity of nearby residents in accordance with Policies 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.

The use hereby approved shall only operate between the hours of 07:00 and 18:00 Mondays to Fridays, 08:00 and 16:00 on Saturdays, at no time on Sundays and between the hours of 09:00 and 17:00 on public holidays.

Reason: In the interests of the amenity of nearby residents in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.

## **INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE**

### **STATEMENT OF PROACTIVE WORKING:**

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.