

AGENDA ITEM NO: 10/2(h)

Parish:	Stoke Ferry	
Proposal:	The siting of 30 '20 foot' containers for local storage (Part-retrospective)	
Location:	Stoke Ferry Timber Ltd Boughton Road North Stoke Ferry KINGS LYNN	
Applicant:	Mr Colin Bond	
Case No:	23/00092/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 17 March 2023 Extension of Time Expiry Date: 9 June 2023

Reason for Referral to Planning Committee – Called in by Cllr Sampson

Neighbourhood Plan: No

Case Summary

The application is for the part-retrospective siting of storage containers within Stoke Ferry Timber Yard. Currently there are ten unauthorised storage containers on the site. An additional twenty storage containers are proposed, totalling 30 containers.

The application site is Stoke Ferry Timber Yard which is located outside of Stoke Ferry's development boundary by approx. 230m. The whole site is approx. 2.9ha in size and consists of a number of buildings related to other local businesses. The application site is approx. 0.25ha, and is 'L' shape, along the south and east of the new woodlands, planted on land to the northwest of the yard. The application site also includes the access into Stoke Ferry Timber Yard.

Stoke Ferry is classified as a Key Rural Service Centre (KRSC) under the settlement hierarchy of Policy CS02 of the Core Strategy (2011). The application site is outside of the development boundary and therefore treated as countryside.

Key Issues

- *Principle of Development
- *Impact on Character
- *Impact on Neighbour Amenities
- *Flood Risk and Drainage
- *Other material considerations

Recommendation:

APPROVE

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5 June 2023

THE APPLICATION

The application is for the part-retrospective siting of storage containers within Stoke Ferry Timber Yard. Currently there are ten unauthorised storage containers on the site. An additional twenty storage containers are proposed, totalling 30 containers.

This application is one of two planning applications and one lawful development certificate recently applied for on this site. The other planning application relates to a retrospective storage area (planning ref: 23/00125/CU). Both planning applications have been called in to Planning Committee

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The storage containers are presently, and proposed to be, offered to local residents, community groups, scouts, schools, and businesses as a secure facility for ad hoc storage. Some of the containers are also said to be used by Stoke Ferry Timber and associated businesses on the yard.

SUPPORTING CASE

None submitted to date.

PLANNING HISTORY

23/00125/CU: Pending Consideration - A change of use from an outdoor storage area and lorry park for agricultural use, to an outdoor storage area for commercial and personal use (retrospective)

23/00039/LDE: Would/Was Lawful - Application for a lawful development: To continue use of the buildings for an engineering company like it has been used for over 10 years

09/00136/CU: Application Permitted: 15/06/09 - Change of use of agricultural building and yard to storage and distribution of timber including trade counter (Committee Decision)

09/01866/F: Application Permitted: 08/02/10 - Variation of Condition 6 of Planning Permission 09/00136/CU revising siting of acoustic fence (Committee Decision)

2/99/0462/F: Application Permitted: 20/05/99 - Construction of office extension and vehicle workshop

2/96/0294/F: Application Permitted: 13/05/96 - Demolition of existing office and construction of enlarged office

2/93/1185/F: Application Permitted: 02/11/93 - Construction of agricultural store building (Committee Decision)

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Highways Authority: NO OBJECTION

Provided the containers are utilised for long term storage rather than operations that require more regular/ daily collections such as builders materials stores or Internet distribution business for example then we tend to find that the associated number of trips is otherwise low.

However, given that the site would generally be car dependant due to its distance from populations centres and public service provisions, I would recommend that a suitably worded condition be provided to restrict the use of the containers to being long term storage only.

Community Safety and Neighbourhood Nuisance: NO OBJECTIONS Subject to conditions relating to drainage, the acoustic fence, opening hours, lighting and submission of a noise management plan.

REPRESENTATIONS FIVE SUPPORT comments, comments regarding:

- Ideal location for residents/businesses in Stoke Ferry and surrounding areas.
- Will help those that need a secure storage place for personal or commercial use.
- Good location for small local businesses.
- Could provide storage for homes with no outbuildings
- Easily accessible during work hours and does not cause traffic through Stoke Ferry.

TWO OBJECTION comments, made by the same person regarding the following:

- Seems the council have gone out of their way to help the applicant's planning agent submit an application. I believe that the Planning Enforcement Officer at the Borough Council has both advised and acquiesced with the Applicant's planning agent over this intended misrepresentation.
- No screening, either visual or acoustic appears between our boundary and the containers. The very least would be to continue the acoustic fence at least 15m past the last container, to help shield us from the wood yard.
- Better solution would be to remove the row of containers altogether
- Increased number from 20 to 30 containers
- Hours of operation - applicants been giving out keys to the gate to the tenants. People would show up at night and throughout the weekend, outside of the operating hours of the yard. This raises concerns on security with people looking into neighbour garden.
- Concern that the row of containers running north-south, would be on top of the open soak away that takes the rain and storm water from the existing yard to wood yard buildings.
- The Application plans and maps submitted misrepresent the impact of the existing containers have on our property by misleading colouring of the Western end of our gardens. The Application plans show this area coloured in as though it is an agricultural field rather than part of the curtilage of our house.
- The Applicant's planning agent has either neglected / avoided showing that the land where these existing containers stand is nearly 1m higher than our garden level at the base of the boundary hedge, and 2m higher at the vegetable garden hedge (that runs East - West Close to the Wind Turbine. Thus, he has misrepresented, whether intentionally or otherwise, the visual impact of these containers on our gardens.

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LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Impact on Character
- Impact on Neighbour Amenity
- Flood Risk and Drainage
- Other material considerations

Principle of Development:

Stoke Ferry is classified as a 'Key Rural Service Centre' (KRSC) within the settlement hierarchy under Policy CS02 of the Core Strategy. The application site is outside of Stoke Ferry's development boundary and under Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP)(2016), will be treated as countryside.

Paragraph 85 of the NPPF (2021) states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Furthermore, Policy CS10 of the Core Strategy (2011) states the Council will support rural economy and diversification through a rural exception approach to new development within the countryside; and through a criteria based approach to retaining employment land and premises. Permission may be granted on land which might not otherwise be appropriate for development for an employment generating use which meets a local business need, where it

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is appropriate in size and scale to the local area, adjacent to the settlement, and the development and use would not be detrimental to the local environment or local residents.

Subject to considerations of the detailed criteria in this report, the principle of development, for the siting of storage containers at Stoke Ferry Timber Yard, is considered to comply with Policy CS10 of the Core Strategy (2011), and provisions within the NPPF (2021).

Impact on Character:

Presently, there are ten containers situated to the south of the new woodlands planted to the west of the yard (running north-west to south-east). An additional three containers are proposed to join this row of containers, and a further seventeen containers to be sited along the west of the yard (running north to south). Each individual container would be approx. 6m deep and 2.5m wide.

As the containers are sited within a yard which comprises industrial buildings, the visual impact of the containers within this setting is considered to be limited. The neighbour raised concerns that due to the topography of the yard, which is raised compared to their domestic curtilage, there are views of the containers from their curtilage. However, considering the context of the site, and as views are not a material planning consideration, the containers are considered to result in limited visual harm given the industrial character of the yard.

On impact on character, the proposal is therefore considered to comply with policies CS06 and CS08 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP)(2016).

Impact on Neighbour Amenity:

The containers currently on the site (running north-west to south-east) are situated approx. 6.2m from the south-west boundary, which is screened by the neighbour's (Boughton Farm) hedgerow. The proposed shipping containers (running north to south), at its closest point, would be sited 12.1m from the south-west boundary.

As a part-retrospective application, the neighbour has raised concerns with noise, operating hours, and security issues resulting from the use of the storage containers.

To mitigate against the potential noise implications arising from the development, the acoustic fence is proposed to be extended by approx. 106m and will screen beyond the length of Boughton Farm's domestic curtilage by approx. 21m. Full details of the acoustic fencing have been provided on drawing no 02c/CB/15/2024, which the Community Safety and Neighbourhood Nuisance team have not raised any concerns with and are satisfied would offer mitigation to noise resulting from this proposal. The erection of the acoustic fence will be controlled via condition.

The neighbour's concern with security and people being able to view into their private amenity space is considered sufficiently covered by the erection of the acoustic fence, which would be 1.8m high and extend beyond the domestic curtilage of Boughton Farm.

The planning agent and applicant have said they would like the use of the storage containers to go beyond the permitted hours of use of the yard. The applicant has proposed opening hours of the containers to be between 7.30 and 18.00 Monday to Saturday during British Summer Time (BST), and 7.30 and 16.00 Monday to Saturday during Greenwich Mean Time (GMT). In addition, the applicant has proposed occasional access to the storage containers, outside of these proposed extended hours by appointment only. It is considered the proposed extended hours would give rise to amenity concerns, in regard to noise and

disturbance. However, it is considered reasonable to allow the containers to be used within the currently permitted hours of the yard and shall be conditioned as such.

The Community Safety and Neighbourhood Nuisance (CSNN) team asked for a noise management plan to better understand how the applicant intends to operate the use of the storage containers outside of the currently permitted hours, without having a detrimental impact on the neighbour. Given this, a condition for the submission and agreement of a noise management plan is also sufficiently necessary in the interest of neighbour amenity. The noise management plan to be agreed will set out measures in place to control the use of the site outside of the permitted hours set out in condition 5.

On impact on the neighbour, the proposal is therefore considered to comply with policy CS08 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP)(2016).

Flood Risk and Drainage:

The site is located within Flood Zone 1 of the Strategic Flood Risk Assessment (2018) and is therefore at the lowest risk of flooding. The Environmental Agency did not comment on the application.

A third party comment raised concerns with drainage on the site as the containers would be situated on an open soakaway. Drainage details have been provided by the planning agent. The Community Safety and Neighbourhood Nuisance (CSNN) raised no concerns with the drainage strategy submitted by the planning agent. The proposed drainage strategy will be controlled via condition.

Overall, the proposal complies with policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP)(2016) and paragraph 167 of the NPPF (2021).

Other Material Considerations:

The Local Highway Authority had no objections with the scheme if the storage containers were used for long-term storage (and conditions as such), which would thus generate low levels of traffic. It is the opinion of the Local Planning Authority that such condition would not meet the test for planning conditions.

The Community Safety and Neighbourhood Nuisance team asked for a condition relating to lighting to be agreed by the Local Planning Authority. Although no lighting is proposed, should lighting be required, it could harm the amenity of the neighbour and local wildlife. As such, a condition related to lighting will be included.

A third party objection raised concerns with the application process and advice offered by the Council to the applicant. Section 73A of Town and Country Planning Act 1990 allows the applicant to make a retrospective planning application and include development as part of the application. Irrespective, the determination of the application is not affected by the fact the application is made retrospectively and the decision is based on local and national planning policies.

CONCLUSION

Policy CS10 of the Core Strategy (2011) and paragraph 85 of the NPPF (2021) are supportive of rural businesses. The retention and siting of storage containers for the use of local businesses and communities within Stoke Ferry Timber Yard is considered to meet

national and local planning policies, whilst having minimal impact on the character of the yard and on neighbour amenity. Furthermore, the application received no objections from statutory consultees subject to conditions.

The proposal therefore complies with policies CS02, CS06, CS08 and CS10 of the Core Strategy (2011), policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP)(2016), and provisions within the NPPF (2021), and is recommended for approval.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out using only the following approved plans:

dwg no. 01A/CB/02/2023 (dated 16-01-2023)
dwg no. 03/CB/03/2023 (dated 18-01-2023)
dwg no. 02c/CB/15/2024 (dated 08-04-2023)
dwg no. 02d/CB/17/2023 (dated 28-04-2023)

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Prior to the installation/construction of any external lighting a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed
- 2 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 3 Condition: Within 3 months of the date of this permission, the surface water drainage provision will be constructed as per drawing 02d/CB/17/2023 (dated 28-04-2023). The drainage shall be designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156).
- 3 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 4 Condition: Within 3 months of the date of this permission, the acoustic fence shall be erected in accordance with the details specified on dwg no. 02c/CB/15/2024 (dated 08-04-2023) and shall thereafter be maintained and retained in the approved location.
- 4 Reason: To ensure that the work is carried out within a reasonable period and to ensure that the fence is maintained and retained in order to protect the amenities of the neighbour in accordance with Policy DM15 of the Site Allocations and Development Policies Plan (2016) and the NPPF.
- 5 Condition: The use of the storage containers shall only be used between the hours of 08.00 and 17.00 Monday to Friday, 08.00 to 12.00 on Saturdays and at no time on

Sundays, Bank or Public Holidays. Visits to the storage units outside of these hours will be in exceptional circumstances only, and in strict accordance with the approved Noise Management Plan, approved under condition 6.

- 5 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 6 Condition: Within 2 months of the date of this permission, a noise management plan shall be submitted to the Local Planning Authority to be agreed in writing by the Local Planning Authority. Within 1 month of the date of the details agreed in writing, the noise management plan shall be implemented as approved.
- 6 Reason: To ensure a plan is submitted within a reasonable period and to protect the amenities of the neighbour in accordance with Policy DM15 of the Site Allocations and Development Policies Plan (2016) and the NPPF.
- 7 Condition: There shall be a maximum of 30 shipping containers on the site at any one time.
- 7 Reason: In the interests of the amenities of the locality in accordance with the NPPF.