

**Planning Committee:** 14 June 2011

**Item Number:**

**Application No:** W 11 / 0266

**Town/Parish Council:** Warwick  
**Case Officer:** Steven Wallsgrove  
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**Registration Date:** 11/04/11  
**Expiry Date:** 06/06/11

**Coten End Quarry, Wharf Street, Warwick CV34 4PA**

Construction of hardstanding area and use of land for storage of shipping containers as a self storage facility FOR U Store

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Policies DP1 and DP2 of the Local District Plan state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design, and that development which has an unacceptable adverse impact on the amenity of nearby uses and residents will not be permitted.

The storage containers are to be stored in double height rows and will be visible from the houses which adjoin the site and in the opinion of the Town Council the large bulky containers stored to such a high level will have an unacceptable impact on the amenity of the neighbouring houses.

The site is designated as an SSSI of interest and importance containing rare and important fossil remains of reptiles and amphibians of the Middle Triassic and described as such in the plans which accompany the Local Plan as an SSSI of geological significance.

Local Plan Policy DAP4 states that development will not be permitted which will destroy or adversely effect designated sites of special scientific interest and the proposal to use the site for containers storage, including the construction of roads and drainage provision does in the view of the Town Council contravene Local Plan Policy DAP4.

The former quarry area, which has been permitted to regenerate local flora, including trees, which makes an important contribution to the bio diversity of the area.

**Natural England:** No objection, subject to the proposal being carried out in strict accordance with the details of the application, as the proposal will not have a significant effect on the interest features of the SSSI. They also comment that the recent removal of the vegetation has enhanced the condition of the SSSI.

**Warwick Society:** It is noted that the application site is an SSSI and it contains fossils of world significance. The Society objects to this application on the grounds that it conflicts with Policy DAP3, damaging the SSSI. We will submit a further representation in due course.

**Public Response:** Objections have been received from six residents (including one from Stand Street) together with a 20 signature petition. The objections are

on grounds of disturbance from use of the containers (the company web site refers to their sites being accessible 24 hours a day), lack of supervisory staff, impact on the pleasant and quiet character of the area, traffic generation, and access danger.

### **RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

### **PLANNING HISTORY**

The earliest record is for a replacement shooting hut for the Warwick Rifle and Pistol Club in 1979. In 1980 planning permission was granted for the erection of a light industrial unit. In 1995 an appeal was allowed (in part) for the use of the land for the storage of building materials etc for Crosbee and Atkins. In 1997 permanent consent was given for the use of the land for storage.

However, although the description was "storage of mobile site accommodation (site offices)" no condition was imposed which limited the use to that purpose. The conditions imposed were as follows:-

- (1) The development shall be carried out strictly in accordance with the plans accompanying the application submitted on 21st April 1997, as amended by plans received on 30th June 1997.
- (2) The signage displayed within the terms of Planning Permission W940755 shall be retained so long as the use is continued.
- (3) There shall be no storage or other obstruction within 5 metres of the quarry face.
- (4) The moving of the site offices within, into or out of the site, shall only take place between 0800 and 1800 hours Mondays to Saturdays and there shall be no movements on Sundays or Bank Holidays.

### **KEY ISSUES**

#### **The Site and its Location**

The application site consists of a former quarry with the exposed rock face on the north side (below the houses in Highlands Close). To the south side is the former Crosbee and Atkins builders yard and offices. Access is from Wharf Street and the width is restricted by rock faces.

#### **Details of the Development**

The proposal is to construct a permeable hardstanding over most of the site (already carried out) and to install 60 standard (6.1 m x 2.45 m) storage (shipping) containers, which would be stacked two high and would be painted dark green. The containers would be sited either side of a central accessway clear of the SSSI rock face, which would be accessible via a chippings surfaced footpath. Access to the site is through an existing security gate.

The accompanying Design and Access Statement refers to the use as being unmanned container storage facility for the long term/short term storage of items for the general public, with access to the upper containers being by lightweight, portable, steps/ platforms which will be stored adjacent to the containers.

## **Assessment**

The approved use of the site is as a permanent storage facility so shipping containers could, in fact, be stored on the site without any further consent. The difference between that consent and the present application, in essence, is that the shipping containers are to be left on site as a permanent feature, rather than being moved in and out periodically. Due to their size and weight they constitute 'development', in the same way as erecting buildings or other structures, since they are not readily moveable and are, in effect, 'fixed' to the ground.

In terms of use, once the shipping containers have been brought to site and positioned, the only traffic is likely to be private vehicles or small vans. Following reports by local residents, the site has been visited and it is understood, from the applicant, that most of the containers had already been delivered by the time this report was written and were already dark green in colour.

It is considered, therefore, that the level of disruption to local residents will be small since the greatest impact would have been during the delivery of the containers, which has already happened, and which could have been repeated under the existing consent. However, the use of the containers during unsocial hours could be a problem, as was recognised by the imposition of an hours of use condition on the existing consent, and it is considered, therefore, that a similar condition should be imposed when approving the present application.

The Town Council objections include that the containers will be visible from the adjoining houses and that they will destroy or seriously affect the SSSI. However, the quarry face is much higher than the containers, even when stacked, so that they will have minimal impact on the neighbours, while Natural England have specifically said the proposal will not significantly affect the features of the SSSI and that the recent works have greatly enhanced it.

## **RECOMMENDATION**

GRANT, subject to the conditions listed below.

## **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 5019/01, and specification contained therein, received on 1st March 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The premises shall only be open to the public between the hours of 0700 and 2000 hours seven days a week (including Sundays and Bank Holidays). **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 4 The containers shall be stacked not more than two units high and shall be positioned as shown on the submitted layout plan and in no other arrangement. **REASON:** To protect the amenities of local residents and the SSSI in accordance with policies DP2 and DAP3 of the Warwick District Local Plan 1996-2011.

### **INFORMATIVES**

For the purposes of Article 31 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of impact on the SSSI or adjoining residents which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

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