



Appeal Decision

Site visit made on 23 April 2024

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/V2004/W/23/3328940

Land to North East of Williamson Street, Hull HU9 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Rice against the decision of Kingston-Upon-Hull City Council.
 - The application Ref is 23/00328/FULL.
 - The development proposed is described as: *Change of use of land to self-storage container facility (Class B8 Use) including erection of boundary fencing and re-siting of existing vehicle access on Williamson Street (Resubmission with revised layout, specified operational hours, omitted floodlighting and provision of landscaping).*
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of land to self-storage container facility (Class B8 Use) including erection of boundary fencing and re-siting of existing vehicle access on Williamson Street (Resubmission with revised layout, specified operational hours, omitted floodlighting and provision of landscaping) at Land to north east of Williamson Street, Hull, HU9 1AY in accordance with the terms of the application, Ref 23/00328/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. It was noted during my site visit that a fence had been erected around the site. However, I have determined the appeal based on the submitted plans before me.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and,
 - The effect upon the living conditions of neighbouring occupiers, with particular regard to disturbance and outlook.

Reasons

Character and appearance

4. The appeal site is a vacant plot of land situated in an area of mixed uses. It is adjacent to a supermarket and 'drive thru' coffee shop. The rear gardens of houses in Bannister Drive immediately abut the north-western boundary of the site. A series of containers for the purposes of self-storage with a one-way loop for vehicles, with access from Williamson Street is proposed. Taking the wider

vicinity into account, Williamson Street features an assortment of industrial buildings, uses and operations across both sides of the street. This is repeated in the streets adjacent to Williamson Street. The area therefore has a strong industrial and commercial character.

5. The development would be located along the boundary to the properties on Bannister Drive. Located here, it would be of a contrasting appearance to the residential nature of the adjacent site. However, the existing high wall which divides these sites already creates a distinct separation between the two uses. When viewed from the wider area, the proposal would have a similar appearance to the industrial sites located on the opposite side of Williamson Street, where individual containers, wagons, lorries and a similar style of fencing as proposed in this appeal, are a strong feature of the area. Whilst offering a contrasting appearance to the residential uses located adjacent to the appeal site, the proposal would be unassuming given the surrounding context and each container would have a generally low height in relation to nearby boundary treatments.
6. The existing supermarket and coffee shop provide some relief from the surrounding commercial and industrial uses within Williamson Street. These two buildings also provide a sense of openness due to their large areas of car parking. These sites are located further towards the entrance into Williamson Street, adjacent to Hedon Road and Mount Pleasant North Roundabout. As such, in this context, the height of the containers and the proposed boundary treatments would not appear out of place.
7. To conclude on this matter, the proposal would not harm the character and appearance of the area. As such, it would comply with Policies 14 and 23 of the LP and the National Planning Policy Framework (the Framework). These policies seek for proposals to have regard to the relationship between the development and the surrounding context in terms of character, surrounding uses and layout.

Living conditions

8. During my site visit, I heard considerable background noise relating to vehicle movements of both cars, HGVs and the general disturbance arising from these different uses in the surrounding area. Noise from the appeal site would come from the primary sources of the comings and goings of vehicles and the opening and closing of the containers. This is similar to the surrounding commercial and industrial uses. The use of the storage containers would contribute to this background noise.
9. The appellant provided evidence of movements associated with the operation of a larger container self-storage site between January 2022 to November 2022. This demonstrated that the number of daily movements was observed to be less than the total number of storage containers and the comings and goings were spread throughout the day. Consequently, the noise generated from that site was sporadic.
10. I therefore consider that the noise which is likely to be generated by the current proposal would follow a similar pattern. Provided that the hours of operation are restricted to the working day and noise mitigation measures are provided on the doors to the containers, I am satisfied that the proposal would not cause undue disturbance to the adjoining neighbouring occupiers. These

are matters that could be secured through the imposition of appropriate conditions. Concerns about noise during the construction phase are understandable. However, this would be temporary and is not a justification for refusing a scheme that is otherwise acceptable. I turn to the use of these conditions later in my decision.

11. The containers would be provided in three definitive rows. The first of these rows would be adjacent to the boundary wall which separates the site from the residential properties on Bannister Drive. The combination of the height of the boundary wall, the lower height of the containers, their position and distance from the rear windows of the neighbouring residential properties would not result in a development which would adversely affect the outlook from these homes.
12. Consequently, I conclude that, subject to appropriate conditions the proposed development would not cause unacceptable harm to the living conditions of occupants of adjoining residential properties, arising from excessive noise and disturbance. Neither would it result in any unacceptable loss of outlook for these neighbours. The proposal would accord with Policy 23 of the LP. This policy requires proposals to minimise impacts such as noise and disturbance, amongst other things, particularly where the site is adjacent to residential properties.

Other Matters

13. In reaching my decision I have had regard to representations from local residents concerning traffic, fear of crime, floodlighting and alternative uses for the site including affordable housing. The site would not generate significant vehicle movements and the highway authority has raised no objection to the proposal. The site would be secured by fencing and a keypad entry system which would reduce the risk of criminal activity. The scheme does not include flood lighting. Whilst other proposals could come forward for this vacant site, my role is to determine the submitted scheme on its planning merits. None of these matters have therefore been determinative in my assessment.

Conditions

14. The Council did not supply a specific list of conditions for my consideration in the event that the appeal was allowed. However, the Environmental Health Officer did suggest conditions in relation to noise. I have consulted the parties on conditions based on these and other comments and suggestions received from other consultees, ensuring that they meet the tests set out in paragraph 56 of the Framework. I have taken their responses into consideration and received the agreement of the appellant to the pre-commencement conditions [3 and 4].
15. In addition to the statutory time condition [1], conditions specifying the approved plans [2] are justified in the interest of certainty.
16. Several conditions are required to protect the living conditions of the occupants of neighbouring properties. Firstly, the submission and implementation of a scheme to mitigate the effects of noise associated with the opening and closing of doors of each container unit is required [3]. Secondly, to prevent unacceptable disturbance outside of the working day, a condition controlling the hours of operation of the site is justified [5]. Finally, a Construction Method

Statement is required to reduce disturbance during the construction of the facility [4].

17. To protect the environment and human health a condition is required to address the risk of contamination on the site which arise from the site's location adjacent to industrial and commercial premises [6].
18. Although floodlighting is not part of the appeal proposal, the officer report indicated that the Council would wish to control any future external lighting on the site. This would be justified to protect the neighbours from unacceptable light spillage and I have therefore imposed a condition [7] to that effect.

Conclusion

19. For the reasons given above, the proposal complies with the development plan and there are no considerations which suggest that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in complete accordance with the following approved plans:
 - Location Plan (Drawing Number: ED22-26-01)
 - Existing Block Plan (Drawing Number: ED22-26-02)
 - Proposed Block Plan (Drawing Number: ED22-26-03 Rev D)
 - Proposed Small Container (Drawing Number: ED22-26-04)
 - Proposed Large Container (Drawing Number: ED22-26-05)
 - Proposed Large Container (Enclosure Details) (Drawing Number: ED22 26 05 Rev A)
- 3) No development shall take place until a scheme for controlling external noise from the appeal site is submitted to, and approved in writing by, the local planning authority. The submitted scheme shall include details of any attenuation or other measures to control noise associated with the opening and closing of doors on the individual container units hereby permitted. All works which form part of the scheme shall be completed before any part of the development is occupied and retained thereafter.
- 4) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The scheme shall be carried out in accordance with those approved details. The Statement shall provide for:
 - Loading and unloading of plant and materials used in construction of the development;
 - Methods of any piling used during the construction of the development;
 - Delivery, demolition and construction working hours (that shall not take place outside the hours: 0730 – 1800 Mondays – Fridays (excluding bank holidays); 0800 – 1230 Saturdays and not at any time on Sundays or bank holidays); and,
 - A scheme for recycling/disposing of waste resulting from the construction works.
- 5) The appeal premises shall only be open for customers between the following hours:
 - 0800 – 1900 on Mondays – Fridays;
 - 0800 – 1700 on Saturdays; and
 - 0900 – 1700 Sundays and Public Holidays.
- 6) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in

writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

- 7) No external lighting shall be installed without having first been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained thereafter as approved.

End of Schedule