

<b>APPLICATION NO</b>	<b>PA/2016/824</b>
<b>APPLICANT</b>	Mr Andrew Major, Thomas Bell & Sons Ltd
<b>DEVELOPMENT</b>	Planning permission to retain five storage containers on a permanent basis
<b>LOCATION</b>	Thomas Bell & Sons Ltd, Bigby Road, Brigg, DN20 8RA
<b>PARISH</b>	Brigg
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Agent request to address the committee

## **POLICIES**

**National Planning Policy Framework:** Paragraph 15 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 58 states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should also respond to the local character and reflect the identity of local surroundings and materials and should be visually attractive and use appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### **North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS11 (Provision and Distribution of Employment Land)

### **Housing and Employment Land Allocations DPD:**

Development limit for Brigg

### **North Lincolnshire Local Plan:**

DS1 (General Requirements)

DS6 (Temporary Buildings)

### **CONSULTATIONS**

**Highways Team:** Does not wish to restrict the grant of permission.

**Drainage Team:** No comments received.

**Environmental Health:** No comments to make.

### **TOWN COUNCIL**

No objections.

### **PUBLICITY**

Neighbouring properties have been notified by letter. One letter of objection has been received stating the following issues:

- application PA/2009/1390 was granted for the containers on a temporary basis for two years as the design and material of the containers are inappropriate to be sited in this location on a permanent basis
- application PA/2012/0234 was granted to retain the containers on a temporary basis for a further two years for the same reason as PA/2009/1390 following expiration of this permission
- PA/2012/0234 expired in April 2014 and again retrospective permission is sought
- the decision taken by the local planning authority to only allow the containers on site for a temporary basis should be upheld
- the containers are unsightly and the mass, bulk and proximity of the development presents an overbearing and intrusive element to neighbouring properties
- increase in traffic on the site, particularly in relation to HGV movements which cause highway safety issues in relation to the close proximity of the level crossing to the site access and children's play area
- increase in noise

- ineffective screening – for six months of the year the containers are highly visible when the trees are not in full leaf
- expansion of business activities in a predominantly residential area is inappropriate.

## **ASSESSMENT**

The application site is Thomas Bell & Sons Ltd, off Bigby Road within Brigg. Planning permission is sought for the retention of five storage containers within the rear yard of the property on a permanent basis. The site is within the development limit for Brigg as defined by the Housing and Employment Land Allocations DPD. In principle development should be supported in line with policies CS1, CS2 and CS3 of the North Lincolnshire Core Strategy (2011).

Relevant planning history includes PA/2009/1390 and PA/2012/0234. PA/2009/1390 was granted planning permission on 10 February 2010 for the retention of five storage containers on a temporary basis for two years. Conditions were imposed to require the painting of the containers to match the existing unit and landscaping to the northern boundary. PA/2012/0234 was granted permission for the retention of five storage containers on 4 April 2012 on a temporary basis of two years. Conditions were imposed to require the re-painting of the containers to match the existing unit and landscaping to the northern boundary.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

**The main issues with regard to the determination of this application are whether the containers are detrimental to visual amenity and whether the containers are appropriate structures to be retained on a permanent basis.**

The containers proposed for retention are located to the rear of the main structure. Two of the containers are sited parallel to the rear elevation one directly adjacent to it. Two further containers are stacked above these two. The stacked containers are almost equivalent in height to the roof ridge of the main structure. A fifth container is sited away from these parallel and adjacent to the southern boundary fence which in turn is adjacent to the railway line. This container is similar in height to the adjacent fence.

A Design and Access Statement was submitted with this application. It is stated within the document that the containers are used for storage as there is insufficient storage within the existing permanent building. The document suggests that the building of a permanent extension cannot be facilitated due to continued uncertainty within the retail market. Planning permission is sought for the retention of the five containers on a permanent basis to avoid the need for future applications to be made to retain the containers and to allow the applicant to have confidence that sufficient storage space will be available to ensure the effective running of the business.

Policy DS6 of the NLLP states that permission for temporary buildings/structures will be granted provided that the structures are not highly visible, detrimental to visual amenity or prejudice future development. The policy continues to state that a time limited (temporary) permission will be granted where the siting of temporary structures prejudice future development of the site. It is also stated that landscaping may be required to mitigate visual impact caused by temporary structures.

It is considered that the containers themselves are not highly visible from the public domain as they are located to the rear of the existing unit, although it is noted that the containers are visible from the rear garden of the objecting property on Bigby High Road. This is predominantly caused by the stacking of the containers which would otherwise be reasonably screened by existing vegetation and a steel fence. Discussion has been held with the agent on behalf of the applicant who has confirmed that it would not be possible to remove the stacking element due to space constraints within the rear yard. Despite this, it is noted that the containers are similar in appearance to the existing unit constructed of corrugated steel and of a matching colour (which itself was a requirement of previous application PA/2009/1390 and subsequent re-painting under PA/2012/0234) and are not detrimental to visual amenity, or overly dominant and visually obtrusive.

The NPPF within paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system and consideration should be given to the economic argument put forward within the Design and Access Statement. Support therefore should be given in principle to the continuation and expansion of the business which is aided by the storage space created by the containers. It is acknowledged that there is current economic uncertainty which may impact the ability of the applicant to economically justify the construction of a permanent structure.

Notwithstanding the above, however, the containers are temporary structures by definition and are not designed for permanent use. As such it is considered that the containers are unsuitable for permanent retention given that they require regular maintenance (in the form of re-painting). It is suggested that a permanent structure for additional storage should be sought for additional storage space should this be required on a permanent basis which would be subject to a separate planning permission.

One letter of objection has been received. This firstly discusses the planning history of the site and retrospective consent being sought for retention of the containers following expiration of the temporary period on two occasions. Whilst the planning history is relevant, matters of previous compliance are not and each application should be determined on its own merits in line with current planning policy that forms the development plan. Matters relating to visual amenity have been discussed and whilst there is some impact to the objector's property it is not considered to be adverse with respect to the site context although it is acknowledged that screening provided through existing vegetation is likely to lessen through the winter season. In respect of highway safety concerns and increased noise from the proposed development, the Highways and Environmental Health teams have been consulted and have raised no concern.

Therefore it is the recommendation of this report that the containers should only be granted permission on a temporary basis in accordance with NLLP policy DS6, contrary to the applicant's wishes to site the containers permanently. It is further recommended that the containers be re-painted to ensure there is no adverse impact on visual amenity in accordance with NLLP policy DS1 and NLCS policy CS5 to secure good design. This approach would achieve a balance of conflicting interests in respect of the economic needs

of the business with regard to the current economic climate versus the need for quality design in respect of visually amenity.

**RECOMMENDATION Grant permission subject to the following conditions:**

1.

The steel containers hereby permitted shall be removed on or before two years from the decision date and the land shall be restored to its former condition in accordance with details to be agreed in writing by the local planning authority before restoration is commenced.

**Reason**

The steel containers, by virtue of their design and material construction, are inappropriate features to be sited permanently in this location in accordance with policy DS6 of the North Lincolnshire Local Plan.

2.

The containers hereby permitted shall be retained, subject to the time period specified within condition 1, in accordance with the locations identified on the 'Block Plan' drawing number 'TB/16/02'.

**Reason**

For the avoidance of doubt and in the interests of proper planning.

3.

Within one month of the date of this permission, the steel containers hereby approved shall be painted to match the existing retail unit and shall remain as such thereafter.

**Reason**

To ensure that the steel containers are appropriately maintained and respond to site context in the interests of visual amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

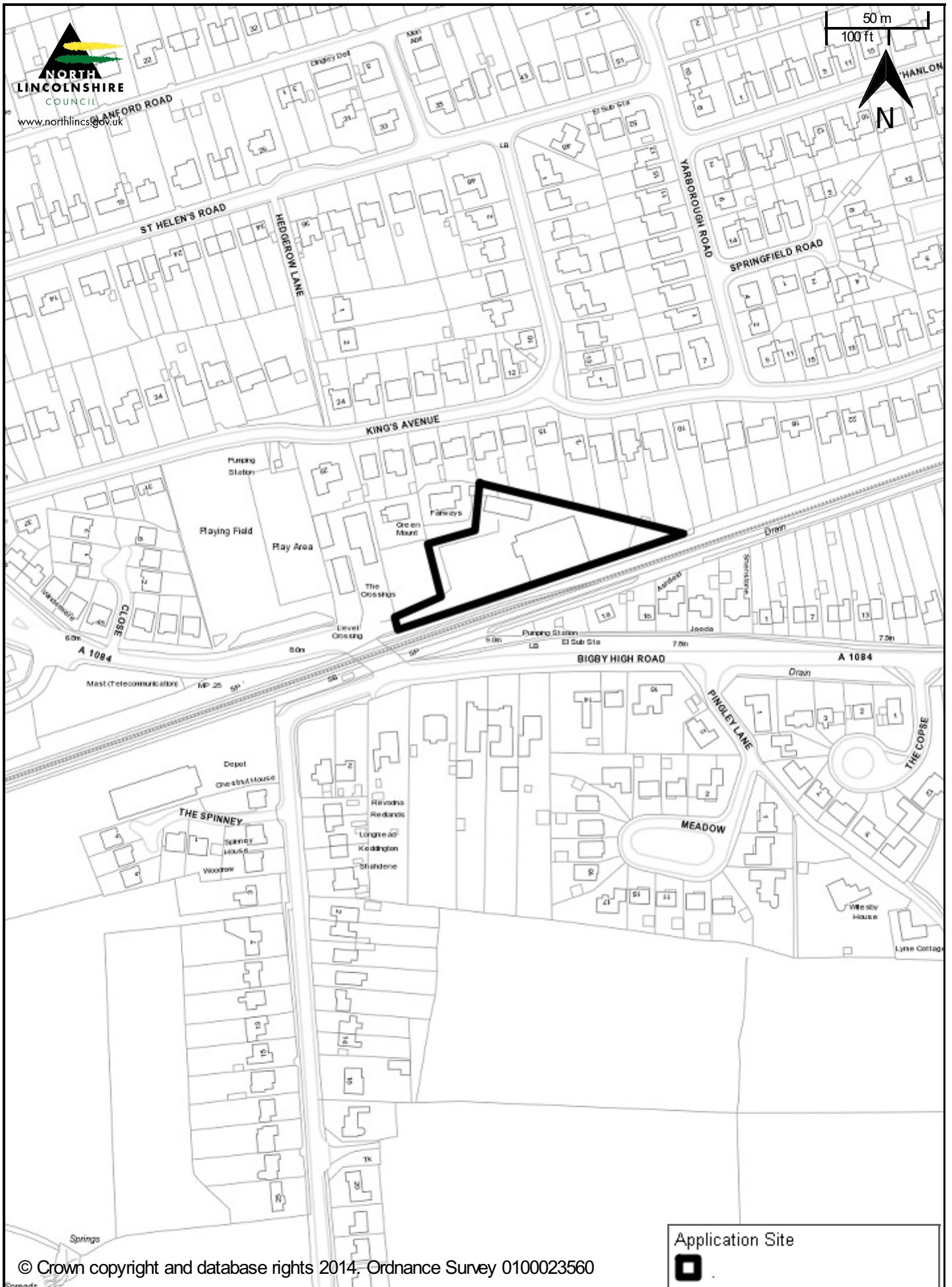
The landscaping scheme required and implemented pursuant to conditions 5 and 6 of PA/2009/1390 and conditions 3 and 4 of PA/2012/0234 shall be retained and maintained in accordance with the previously approved details.

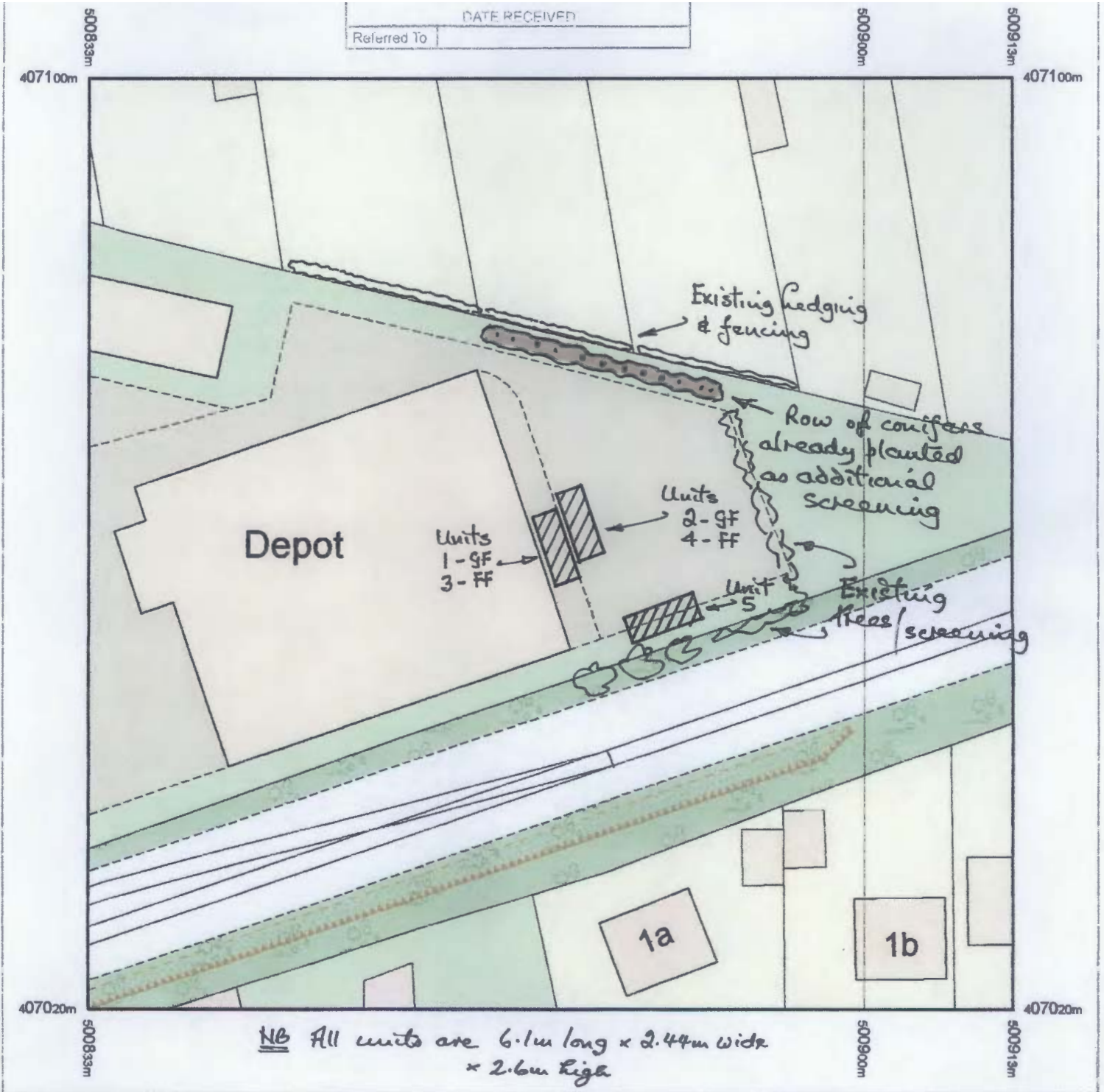
**Reason**

In order to retain the screening of the site in the interests of visual amenity.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.





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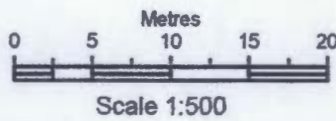
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