

APPLICATION NO	PA/2017/1682
APPLICANT	Mr Chris Cowan, Clerk, Amcotts Parish Council
DEVELOPMENT	Planning permission to site a metal storage container for a temporary period of 2 years
LOCATION	Millennium Gardens, corner of Church Street and Chapel Street, Amcotts
PARISH	Amcotts
WARD	Axholme North
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest Third party request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

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 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 63 states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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.

Paragraph 120 states that planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

National Planning Practice Guidance

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)

CS22 (Community Facilities and Services)

Housing and Employment Land Allocations DPD:

Inset Map for Amcotts

North Lincolnshire Local Plan:

DS1 (General Requirement)

DS6 (Temporary Buildings)

CONSULTATIONS

Highways: Comments that users of the container may park on the road next to a bus stop which is close to a sharp bend but, due to the fact it is only temporary and will probably not be used frequently, there is no objection to the proposal. Following amendment, Highways has no further comments to make and has no objection to the proposal.

Drainage: No comments received.

Environmental Health: Recommends refusal of the application as it is adjacent to residential property and has the potential to create noise nuisance due to the antisocial times users of the container will be setting up/packing away items used for community events.

Tree Officer: No comments to make.

Notes the views of residents at its meeting. The parish council has agreed that, subject to planning approval, the St Marks Community Group will clad the container in timber.

PUBLICITY

The application has been advertised by site notice for a period of not less than 21 days prior to the writing of this report. During the initial consultation period eight letters of comment were received from five properties in addition to a petition of support with 36 signatories. Two of the letters received supported the proposal and six letters objected to the development. The letters of objection raised the following issues:

- The container was sited before planning permission was obtained.
- The container is too large, of an industrial nature and inappropriate colour.
- The container is an eyesore.
- The container is unsuitable to be sited in a public garden and is not in keeping with the character of the area.
- Vegetation has been removed which results in clear views of the container which will take years to recover to screen the container as proposed by the applicant.

- Neighbouring properties were not notified of the application or of the intention of the applicant to site the container.
- Alternative sites should be explored for the siting of the container.
- Issues with the Parish Council.

The application was amended following this and a further consultation exercise took place which was advertised by site notice. Three more letters have been received, of which two object to the development and a further makes comment. The letter of comment notes that the container was to be re-sited in place of a memorial bench and pagoda and hopes that these would not be removed from the garden. The letters of objection raise the following issues:

- reiteration of previous issues
- although set back, the container would still be sited in a prominent location and harm visual amenity
- the container cannot be placed in the corner as shown as the doors will face into the corner and stick out into the garden
- the parish council advised a meeting that the container was to be 'disguised as a shed' but the proposed amendment does not show a pitched roof, although to have a pitched roof would increase its prominence
- future maintenance issues
- there are restrictions on vegetation to a height of 1.05 metres within 1 metre of the front boundary; the container cannot therefore be screened by vegetation as it is 2.68 metres in height
- the proposed amendments highlight that the container, as it stands, is visually unacceptable
- the proposed cladding would not enhance the appearance of the garden or village
- it would take a considerable amount of time for vegetation to grow to a sufficient height to screen the container, which is only for a temporary period of two years.

ASSESSMENT

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, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

The application site comprises 16 square metres of land within a greater parcel of land that is used as a memorial garden within the village of Amcotts. The garden is bound to the north and east by residential properties and to the south and west by public highway. Planning permission is sought to change the use of land for the siting of a storage container for a temporary period of two years. The application has been amended to re-site the container which has been installed on the site further back within the garden.

The main issue for consideration is whether the appearance and siting of the container is acceptable in terms of visual amenity.

The application site is within a memorial garden at the corner of Chapel Street and Church Street within the settlement of Amcotts. The site is within the HELA DPD defined development limit for the settlement and the land is not designated for any particular land use. The applicant has stated that the container is to be used for the storage of equipment for use by the village community. Accordingly, a central public location has been chosen for its siting. The application is for the siting of the container for a temporary period of two years only. The applicant has stated that, subject to approval, the siting of the container will be reviewed in two years' time. In principle, it is considered that the proposed use for the purposes of community storage within the heart of the village is acceptable.

The application, as originally submitted, was retrospective, as permission was sought to retain the container in its current location. The container measures 2.44 metres by 3.05 metres with a height of 2.68 metres and is light green in colour. Upon visiting the site it was apparent that part of the hedgerow to the southern boundary of the site had been removed to allow access to site the container.

The colour of the existing container on the site is a light green, the tone of which is visually at odds with the surrounding vegetation. The metal finish of the container is out of character with the village street scene. At present the container is considered to result in significant harm to the character and appearance of the street scene. Letters of objection have been received which primarily consider that the container at present results in significant visual harm, which is agreed with.

Following discussion with the planning authority and local community, the applicant has agreed to re-site the container 7.6 metres rearwards towards the north-eastern corner. The applicant has also confirmed that, subject to planning approval, the container is to be clad in timber and an example photograph has been submitted of what could be achieved at the site. The applicant has stated that, following approval, the alterations could be carried out within a two-month period following the issue of a decision.

As these matters can be conditioned to be carried out in a timely fashion, it is on the basis of these alterations that this application is now considered. Letters of objection have been received from nearby properties which still consider the proposal would result in visual harm. It is noted that, due east of the application site, the neighbouring property has a wooden outbuilding of similar scale to the proposal. As the proposal would be similar in scale and appearance to this structure, it is considered that the proposal would be in keeping with the character of the area.

Objection has also been received in relation to vegetation being removed which would otherwise screen the container. The hedgerow to the frontage of the site is not protected and can be removed without the consent of the Authority and it is noted that the Tree Officer has raised no objection to the proposal. It is considered that the hedgerow should

be re-planted at the site and the additional landscaping would soften the appearance of the clad container. Conditions are proposed to require landscaping to be carried out and to secure its successful establishment. Comments are noted in relation to the timescales involved in relation to plant growth, however other measures have been used to soften the appearance of the container.

Comments are noted in relation to restrictions on nearby properties that vegetation cannot exceed 1.05 metres along the boundary with the highway. It is not known whether such restrictions are imposed within the property deeds as the contents of such are not planning matters. The 1.05 metres restriction is similar to standard highways planning condition regularly imposed on planning permissions to ensure highway visibility from property driveways. The Highways team has been consulted on this application and has raised no objection to it.

Comments have been received in relation to an existing memorial bench and pagoda which are currently sited where the proposed container is to be. It is unknown what will happen to these structures but this is not material to the determination of this application. Objection has been received on the grounds that alternative sites have not been looked at. The applicant has stated that this is the only suitable land within the ownership of the parish council. Although this does not mean the container could not be sited on other land, the Authority must determine the proposal before it, which is to site a container within the memorial garden.

The Environmental Health team has recommended refusal of the proposal due to potential harm on residential amenity. The team considers that any movement of equipment at antisocial hours would result in unacceptable noise and disturbance to adjacent residential properties. It is not considered likely that significant noise and disturbance would be generated by users of the container and should such occur the Environmental Health team has separate legislation to address such issues.

Objection has been received in relation to issues with the parish council and that the application is retrospective. These matters are not material to the determination of this application. Objection has also been received on the grounds that neighbouring properties were not notified of the application. The local planning authority has carried out its statutory obligations in terms of publicity through the siting of a notice adjacent to the site for a period of not less than 21 days prior to making a decision.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2017/1682/001A and PA/2017/1682/005.

Reason

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

2.
Unless otherwise agreed in writing by the local planning authority, the existing container on the site shall be relocated to the position shown on drawing number PA/2017/1682/001A within two months of the date of this decision.

Reason

For the avoidance of doubt, in the interests of proper planning and in the interests of visual amenity in accordance with policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

3.

Unless otherwise agreed in writing by the local planning authority, within one month of the date of this decision details of the timber cladding to be installed on the container shall be submitted to and approved in writing by the local planning authority. Once approved, the cladding shall be installed to the container within one month of the date of approval.

Reason

In the interests of visual amenity in accordance with policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

4.

Unless otherwise agreed in writing by the local planning authority, within one month of the date of this decision, details of landscaping to be planted to the southern boundary of the site with Church Street shall be submitted to and approved in writing by the local planning authority.

Reason

To enhance the appearance of the development in the interests of visual amenity in accordance with policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

5.

All the approved landscaping shall be carried out within twelve months of written approval of the landscaping scheme (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To ensure the successful establishment of the approved landscaping in the interests of visual amenity in accordance with policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

6.

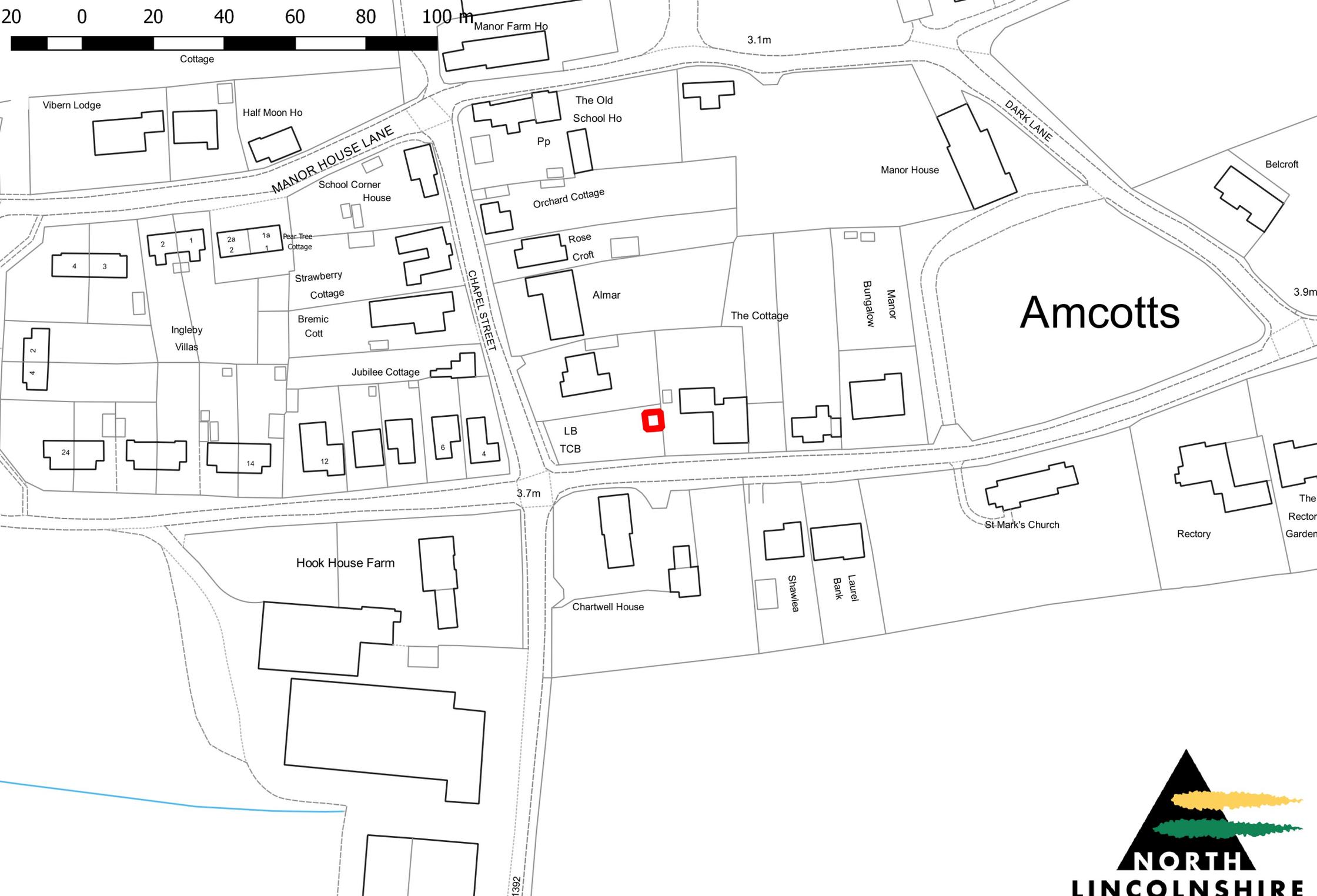
The container hereby permitted shall be removed and the land restored to its former condition on or before two years from the date of this decision unless the express consent of the local planning authority has been given for its retention.

Reason

To define the terms of the permission applied for and in accordance with policy DS6 of the North Lincolnshire Local Plan.

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.



Amcotts

PA/2017/1682

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