

| | | |
|-------------|------------------------|---|
| No.9 | APPLICATION NO. | 2018/0628/COU |
| | LOCATION | Car Park, Canal Bank, Appley Bridge, Lancashire |
| | PROPOSAL | Siting of metal container for storage of tools and equipment. |
| | APPLICANT | Appley Bridge Community Ass |
| | WARD | Wrightington |
| | PARISH | Wrightington |
| | TARGET DATE | 6th August 2018 |

1.0 REFERRAL

1.1 This application was to be determined under the Council's delegation scheme however Councillor Owen and Councillor Baybutt have requested it be referred to Planning Committee to consider how the container would be brought onto the site and to consider how far this container would be located from the neighbours boundary.

2.0 SUMMARY

2.1 The proposed development comprising the siting of a metal storage container is acceptable in principle. Subject to appropriate conditions it is considered the proposal will not have a significant impact on the amenity of neighbouring properties and would not result in a significant adverse impact on highway safety or on trees of amenity value. The proposed development is considered to be compliant with the NPPF and Policies EN2, IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION - APPROVE with conditions.

4.0 SITE DESCRIPTION

4.1 The site comprises an area of land situated between a row of dwellings and a car park near to the canal in Appley Bridge. At present the land is covered with scrub vegetation however there are several trees within close proximity to the site. To the south of the car park is a community woodland known as 'The Meadows'.

5.0 PROPOSAL

5.1 The application proposes the siting of a container to be used for storage purposes by the Appley Bridge Community Association. It is proposed the container will be clad in timber and will have a living roof.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 OBSERVATIONS OF CONSULTEES

7.1 Wrightington Parish Council

The Parish Council will leave this decision to the professional officers.

7.2 Canal and River Trust

The shipping container would be sited on land which is owned by the Canal & River Trust.

No objections in principle. Some concerns that the site is located to the south of the Leeds & Liverpool canal and is accessed via the trackway/towpath from Appley Bridge. It is unclear how the shipping container would be delivered to the site. The access track which runs parallel to the canal from Appley Bridge may not be suitable for large vehicles. The applicant would need to make suitable arrangements to ensure the safe delivery of the shipping container.

8.0 OTHER REPRESENTATIONS

8.1 Letters of representation have been received which can be summarised as follows:

Consider siting is too close our property;
Potential for illegitimate behaviour, loss of privacy and security;
Potential for a small space to be created between our fence and the container which may be used by homeless people or to create a den for playing in;
Small gaps may be used for fly tipping;
Concerned that access to the container should be restricted so it cannot be accessed in the evenings of outside normal working hours;
Concern that there would be a reduction in the number of parking spaces.

9.0 RELEVANT PLANNING POLICIES

9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Building a strong competitive economy
Promoting healthy and safe communities

West Lancashire Local Plan Policies

GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choices
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document - Design Guide (January 2008)

Supplementary Planning Document - Development in the Green Belt (October 2015)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

10.1 The main considerations for this application are

Principle of development
Design
Impact on residential amenity
Highways
Impact on trees

Principle of development

- 10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.3 Paragraph 145 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 7 exceptions to this rule including *“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*.
- 10.4 The Meadows which is a publically accessible woodland is used for outdoor recreation purposes. The applicant, Appley Bridge Community Association, is responsible for the maintenance of this land. A storage container is required for their equipment used on the land.
- 10.5 It is my view that the storage container is an appropriate facility that is required in connection with the outdoor recreation uses of The Meadows and therefore the principle of the development is acceptable.
- 10.6 Having regard to the location of the container at the end of the row of dwellings and adjacent to the car park I consider there would be no adverse impact on openness and the development would not conflict with any of the purposes of including land within the Green Belt.
- 10.7 I am satisfied the development would comply with the requirements of the NPPF and with local plan policy GN1.

Design

- 10.8 Policy GN3 supported by the Council’s SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.9 During the course of the application the design has been amended and the applicant has confirmed the container will be clad in timber and will have a living roof installed. I am satisfied the appearance of the structure would be acceptable and respects the characteristics of its surroundings. The container is small in size and its siting will be unobtrusive being situated in the corner of the site close to existing fencing.
- 10.10 On that basis I consider the development complies with the requirements of policy GN3.

Impact on residential amenity

- 10.11 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.12 Concerns have been raised that the siting of the structure may lead to an increase in anti-social behaviour or use of the area around the site for play purposes. It is my view that there is no evidence that a storage container would lead to an increase in such

behaviours. The container would be locked to keep the stored items secure and the remainder of the site would be open to the public in the same way that it is at present.

- 10.13 Concerns have also been raised that the structure would allow people to climb on top and view into neighbouring properties. Given the distance between the container and the neighbouring property and noting that the boundary is already partially screened with trees I considered it is unlikely that there would be significant overlooking or loss of privacy to the neighbouring property as a result of the proposal.
- 10.14 Subject to a restrictive condition ensuring the use of the container is for storage purposes only it is considered that siting of the container would be acceptable and would comply with the relevant parts of policy GN3 and with the NPPF.

Highways

- 10.15 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.
- 10.16 The container would be sited on an area of scrubland next to the existing car park. It is my view that none of the existing car parking spaces would be affected by the development.
- 10.17 It is considered that the development would have a negligible impact on highway safety and highway capacity within the vicinity of the site.

Impact on trees

- 10.18 There are a number of trees within close proximity to the proposed site of the container which are prominent in the street scene and of substantial value to the visual amenity of the area.
- 10.19 Details of how the container will be manoeuvred into position have been provided and the canopies of the tree have been marked on the plan. The plan indicates that some pruning is required of lower branches.
- 10.20 The Council's Arboricultural Officer has considered the proposals and considers that there is adequate detail provided to demonstrate that the siting of the container close to the existing trees would not result in any loss or significant damage to those trees.
- 10.21 Provided that the pruning of the trees is carried out in accordance with the relevant British Standards I consider the development would comply with policy EN2.

11.0 RECOMMENDATION

- 11.1 The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 3764-18-02B received by the Local Planning Authority on 1st February 2019.

3. Within three months of the hereby container being moved onto the site it shall be fully clad in timber that shall be painted or stained in colour that has previously been agreed in writing by the Local Planning Authority.
4. All works to the adjacent trees shall be undertaken in accordance with BS 3998:2010 Recommendations for Tree Work.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The applicant/developer is advised to contact The Third Party Works Team (01782 779909) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".
The land is owned by the Canal & River Trust. The applicant/developer is advised to contact the Trust's Estates Team on 0303 040 4040 in order to ensure that any necessary consents are obtained.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choices
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.