

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 20 July 2016

Application Number	3/16/0799/FUL
Proposal	Installation of 1no metal shipping container for storage of hand tools
Location	Southern Country Park, Lake View, Bishop's Stortford
Applicant	East Herts District Council
Parish	Bishop's Stortford
Ward	Bishop's Stortford - South

Date of Registration of Application	19 th April 2016
Target Determination Date	14 th June 2016
Reason for Committee Report	Applicant is East Herts Council
Case Officer	Stephen Emery

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 The proposal is for the siting of a metal container at the northern edge of Southern County Park to be used for the storage of hand tools used by the Friends of Southern County Park, who are a group of local volunteers who meet regularly to carry out conservation work and practical tasks in the Park. The site is located within the Metropolitan Green Belt.
- 1.2 The proposed container, used for this purpose, is considered to be an appropriate facility for outdoor recreation. However as the structure will result in some impact on the openness of the Green Belt, albeit limited, the proposal represents inappropriate development in the Green Belt.
- 1.3 No significant harm has been identified in respect of the impact of the proposal on the character and appearance of the site and its surroundings; the use of the adjacent public right of way, or neighbour amenity.
- 1.4 The need for the building has been justified by the applicant, and Officers are satisfied that conditions can be attached to any permission granted to control the use of the building and to provide additional screening around it.

- 1.5 Having regard to the relevant considerations in this case, the harm identified to the Green Belt is considered to be clearly outweighed by other considerations, and very special circumstances are thereby considered to exist to justify the grant of planning permission.

2.0 Site Description

- 2.1 The site is shown on the attached Ordinance Survey extract.
- 2.2 It is located to the northern edge of Southern Country Park in Bishop's Stortford. It is to the west of a dwelling known as Corner Cottage and to the south of a lane joining Lake View with Thorley Lane East. The site is adjacent to an existing Electricity Sub Station, and next to a public footpath, accessing the park.
- 2.3 The site is located within the Metropolitan Green Belt.

3.0 Background to Proposal

- 3.1 The proposal is for the siting of a metal shipping container to the northern edge of Southern County Park and to the west of the property known as Corner Cottage. It is proposed to be used for the storage of hand tools used by the Friends of Southern County Park, and would be 6 metres long, 2.4 metres wide and 2.5 metres high. It would be painted dark green.
- 3.2 This application follows the grant of temporary planning permission, under ref: 3/15/1460/FUL, for the siting of a metal shipping container on the site of the same size, scale and siting and for the same use as that now proposed. The previous permission was granted on a temporary (18 month) basis so that the Council could review the long term impact of a container in this location. This permission was not, however, implemented.
- 3.3 This current application is a resubmission of that previously approved scheme. However, the applicant wishes to install the container on a permanent basis and is requesting the omission of the time restrictive condition imposed on the previous approval.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
Principle of development (Appropriate Development in the Green Belt)	Para 89	GBC1,
Visual impact		ENV1, ENV2
Public Rights of Way;		LRC9,
Neighbour Amenity		ENV1

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

6.0 Summary of Consultee Responses

6.1 County Highways have not objected to this proposal. However, they have recommended a directive informing the applicant of the need to prevent any obstruction of the adjacent public right of way.

7.0 Town Council Representations

7.1 Bishop's Stortford Town Council raises no objections to this proposal. They recognise that this is an important facility for the Friends of Southern County Park.

8.0 Summary of Other Representations

8.1 Councillors McAndrew, Wyllie and Hollebon have all commented that they fully support this application. No other representations have been received.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/15/1460/FUL	Installation of 1 no metal shipping container for storage of hand tools	Granted with conditions (temporary permission)	14/10/15

10.0 Consideration of Relevant Issues

Principle of Development

- 10.1 Policy GBC1 of the Local Plan and paragraph 89 of the NPPF state that the construction of new buildings within the Green Belt should be regarded as inappropriate development, except when they are required for certain specified purposes.
- 10.2 The NPPF, which post-dates the adopted Local Plan, states that the provision of appropriate facilities for outdoor sport or recreation is appropriate development in the Green Belt as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.
- 10.3 It is necessary then to consider whether the proposal represents an appropriate facility for outdoor sport or recreation in the Green Belt and whether the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 10.4 Officers consider that the proposed container, to be used for the storage of tools and equipment to help maintain this recreation area, is an appropriate facility for outdoor recreation purposes. However, the container would inevitably have some impact on the openness of the Green Belt although it is not considered that the proposed development would conflict with the purposes of including land within the Green Belt. The proposal is considered to represent inappropriate development in the Green Belt as the proposal would impact upon the openness of the Green Belt and Members will be aware that this requires 'very special circumstances' to justify the development. These will not exist unless the harm caused by inappropriateness, and any other harm, is 'clearly outweighed' by other material considerations.

Other harm

Impact on character and appearance

- 10.5 The container would be large, and although painted green to blend in with its surroundings, would be of a commercial appearance that is out of keeping with the surrounding semi-rural setting. However, the container is proposed to be sited adjacent to an existing electricity substation, which comprises of a green coloured metal building and is an established structure/feature within the existing site. Furthermore, the container would be screened from the north and east by existing landscaping. It is also proposed to plant a hedgerow to the west of the container, and a hand constructed timber screen is proposed to be erected to the south of the container to screen its doors.
- 10.6 Whilst it is acknowledged that the proposed container will result in some impact on the character and appearance of this part of the Park, having regard to the above considerations it is considered that its impact would not result in significant harm such as to warrant refusal of the application.

Impact on Neighbour Amenity

- 10.7 The container would be sited adjacent to the common boundary with the dwellinghouse known as Corner Cottage. However, due to the mature landscaping that would separate the container from that property, together with the limited scale of the development, it is not considered that the proposal would result in any harm to the amenities of the occupiers of that property.
- 10.8 Similarly, the residential dwellings to the north of the site are approximately 30 metres away and, given the existing and proposed landscaping at the site, it is not considered that this proposal would cause harm to the enjoyment of those dwellings.

Impact on adjacent public right of way

- 10.9 With regard to the users of the bridleway, leading to Southern County Park, Officers are satisfied that, subject to an appropriate landscaping scheme, the proposed siting of this container will not cause harm to the enjoyment of this public right of way, or result in any obstruction of it.

Other Considerations

- 10.10 The need for this container remains unchanged from the previous application. Members, in determining the previous application expressed concern that a metal container was an inappropriate feature to introduce into the landscape of Southern Country Park and therefore considered that a period of 18 months was sufficient to allow for an assessment of the container in situ.
- 10.11 The applicant has, however, proposed the use of the container on a permanent basis for security reasons. Its robust construction is considered essential, given the tools that it is to house. The applicant has nevertheless explored other methods of construction for this unit. They set out that a brick built building is ideal, as temperature and humidity can easily be controlled, and brick construction also offers the potential to create an attractive design. However, tiled roofs, windows and doors are all susceptible to damage and intrusions. Timber buildings, whilst economical in construction, are more difficult to make comfortable, are more prone to damage and require replacement after a relatively short time. They comment that where storage is the only requirement, and where it can be located without prominence in the landscape, a container is an ideal solution as it will not succumb to intrusion or damage and is a sustainable investment.
- 10.12 Officers agree that a container will provide a robust and secure solution for the storage of the tools. As with the previous planning approval, Officers are satisfied that, subject to an appropriate landscaping and screening scheme, which could be controlled by a condition, the proposed siting of this container will not result in significant harm to the character and appearance of the site and its surroundings.
- 10.13 The applicant has also commented that funds could not be secured for the provision of a unit on a temporary basis, as it may have to be scrapped at the end of the 18 month period. Whilst this is acknowledged, Officers do not consider that this is a material planning consideration in the determination of the application, and no weight can be given to it in the balance of considerations.

11.0 Conclusion

- 11.1 Officers consider that, whilst the proposed container would be an appropriate facility for outdoor recreation, it would inevitably have some impact on the openness of the Green Belt, and would not therefore represent appropriate development in the Green Belt.

- 11.2 The proposed container would not result in any significant 'other harm' to the character and appearance of the site and its surroundings; the use of the adjacent public right of way or neighbour amenity. Officers are satisfied that the proposed building is appropriate for the proposed use and can be adequately screened by soft and hard landscaping measures (controlled via conditions imposed on any permission granted).
- 11.3 The applicant has outlined in their submission why the proposed building is necessary on a permanent basis and why alternative structures would not be appropriate in this case. Having regard to these considerations, and giving weight to the need for a secure structure in this location to assist in the ongoing maintenance of the Park, Officers consider that the limited harm identified to the Green Belt, is clearly outweighed by other considerations in this case. Very special circumstances are therefore considered to exist, and it is recommended that planning permission is granted subject to the following conditions:-

Conditions

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10)
3. Landscape design proposals (4P12)

Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Details of proposed hard screening and e) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason

To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

4. Landscape works implementation (4P13)

5. Prior to the commencement of development hereby permitted details of the external finish of the container shall be submitted to and agreed in writing by the Local Planning Authority. For avoidance of doubt the external finish shall be one which aims to reduce the potential for graffiti and vandalism. The development shall be carried out in accordance with the approved details.

Reason

In the interest of the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. The development hereby permitted shall be used only for the purpose of storage of equipment for use by the Friends of Southern County Park in connection with work at the County Park.

Reason

For the avoidance of doubt as to the particular circumstances relating to the use of the site in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007

Informatives:

1. Other legislation (01OL)
2. Public Rights of Way (18FD)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies and the considerations of LPA ref: 3/15/1460/FUL; is that permission should be granted.