

<b>Application Number</b>	18/00495/FUL
<b>Proposal</b>	2 steel shipping containers to be placed on the land for the purpose of secure tool storage and a 2.4m high mesh fence to the west boundary with 2 sets of access gates.
<b>Site</b>	Allotment Gardens adjacent 1 Woodend Lane, Hyde
<b>Applicant</b>	Mrs Sharon Wibberley
<b>Recommendation</b>	Approve, subject to conditions
<b>Reason for report</b>	At the request of Councillor Chadwick who has raised concerns about the proposal that the containers will not be in keeping with the local area.

## REPORT

### 1. APPLICATION DESCRIPTION

- 1.1 The proposal is to site two pre-fabricated containers measuring respectively 6.1m long x 2.4m wide x 2.4m high and 7.3m long x 2.4m wide x 2.4m high and to enclose the wider area of land on which they would be located with a 2.4m high mesh fence along the boundary with an adjacent footpath. There would then be an area of hard-standing, comprising crushed aggregates, which would be accessed through gates in the fence, leading from the footpath to the containers
- 1.2 The containers would be timber-clad and the fence would be green-coloured mesh.

### 2. SITE AND SURROUNDINGS

- 2.1 The location of the containers is within a wider area that was once allotment gardens but having been disused has become unkempt and overgrown.
- 2.2 The former allotment site is situated between Woodend Lane to the north and Gower Road to the south, both residential streets. Woodend Lane is at a higher level so that behind the houses there is an embankment sloping down to the site and where there is a flight of stone steps leading down in to the site between two, neighbouring end-terraced houses. The steps form a public right of way in to the site and at the foot of the embankment meet Church Brow which is a narrow lane that slopes down in to the site from further to the west along Woodend Lane. From the point where the steps meet Church Brow a non-definitive footpath, wide enough to accommodate vehicles, continues across the site heading southward before emerging in to Gower Road.
- 2.3 Gower Hey Brook flows through the site east-west and is culverted beneath the footpath.

### **3. RELEVANT PLANNING POLICIES**

#### **3.1 Tameside Unitary Development Plan (UDP) Allocation** Protected Green Space

#### **3.2 Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment.
- 1.10: Protecting and Enhancing the Natural Environment.
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

#### **3.3 Part 2 Policies**

- OL4: Protected Green Space
- OL14: Allotments
- T1: Highway Improvement and Traffic Management.
- N3: Nature Conservation Factors

#### **3.4 Other Policies**

It is not considered there are any local finance considerations that are material to the application.

#### **3.5 National Planning Policy Framework (NPPF)**

- Section 2. Achieving sustainable development
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 12. Achieving well-designed places
- Section 15. Conserving and enhancing the natural environment

#### **3.6 Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

### **4. PUBLICITY CARRIED OUT**

- 4.1 Neighbour notification letters were dispatched on 17<sup>th</sup> August 2018 to five addresses in Woodend Lane.

### **5. RESPONSES FROM CONSULTEES**

- 5.1 The Head of Environmental Services - Highways has raised no objections to the proposal.
- 5.2 The Greater Manchester Ecology Unit has confirmed that there is no record of any significant nature conservation value of the site.

- 5.3 Councillor Chadwick and Councillor Welsh have expressed objections on the grounds that the containers would not be in keeping with the local natural area that used to be allotments might restrict lawful access for existing residents.

## **6. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 6.1 Objections have been received from nine neighbouring households. The reasons given for objecting are that:

- Church Brow is inadequate to provide access to the site
- any blockages in Church Brow would prevent emergency vehicle access to the site
- the containers would be unsightly
- the containers would interfere with a public right of way
- land included in the application is covenanted as a public footpath and as allotments
- loss of trees and other vegetation
- vehicles accessing the site would damage the culverted watercourse

- 6.2 One of the objectors has stated that they will not allow use, or passage over. land in their ownership.

## **7. ANALYSIS**

- 7.1 The principal issues in deciding this application are then:-

- 1) The principle of the development,
- 2) The impact on transportation
- 3) Design and appearance
- 4) The impact on the natural environment

## **8. THE PRINCIPLE OF THE DEVELOPMENT**

- 8.1 The presence of the containers would have an impact on the openness of the land. Open space, whether or not there is public access to it, is important for its contribution to the quality of urban life and as part of the urban regeneration process. Retention of greenspace and avoidance of town cramming are important planning objectives.

- 8.2 Allocated specifically as Protected Green Space, UDP policy OL4 affords the site protection from inappropriate built development. The principle of the development must therefore be considered against the policies of Section 8 of the NPPF and UDP policy OL4 and whether siting of the containers is acceptable on the site.

- 8.3 Policy OL4 allows an exception to the preclusion of built development in areas of Protected Green Space where the redevelopment of part of a green space provides the only means of upgrading the site to the required standard and the remaining green space will continue to meet the needs of the surrounding area for amenity. In addition, UDP policy OL14 acknowledges that:
- 8.4 Allotments which have been little used for such purposes for some years may have become unsightly and, in the absence of any evidence of demand, could be seen as a wasted land resource if not redeveloped.
- 8.5 It is the applicant's stated intention that the containers would be used for the secure storage of equipment in conjunction with the use of the wider site as an agricultural smallholding which is akin to the previous use of the land as allotments. The enclosure of the land by means of a 2m high fence would constitute permitted development and so be exempt from planning control.
- 8.6 Since becoming disused the allotments had indeed become unsightly and the site was unmaintained. The applicant has removed some self-seeded vegetation and refuse and debris that had collected on the site. The proposed containers would be located tucked in to the foot of the embankment within the enclosed site and, with suitable external treatment, would not undermine the function of the open space to contribute to the visual amenity of the locality. In its current overgrown state there is little opportunity for access in to the site and there is no public right of access to it. Its contribution is to visual amenity rather than as a useable space for the public. In the absence of any other means, the resource provided by the containers would then contribute to the upgrading of the site and its future maintenance.
- 8.7 The containers would be hardly visible from the rear of houses in Woodend Lane; due to the changes in levels; views from the houses would be over the top of the containers. Houses in Gower Road are more than 60m from where the containers are proposed and views would be through the protected woodland at Gower Hey Clough. Having limited impact on the contribution that the Protected Open Space has on the visual amenity locally, but providing a resource that would facilitate its management and maintenance, on balance it is considered that the principle of the development, being the presence of the containers and fence, is acceptable and compliant with policies OL4 and OL14 of the UDP and Section 8 of the NPPF.

## **9. IMPACT ON TRANSPORTATION**

- 9.1 It is the council's intention to install collapsible bollards where the lane running through the site emerges at Gower Road so as to allow access to maintain the culvert. Such access would be across the applicant's land. The applicant would then be provided with a key to the bollards so that access to the containers would too be from Gower Road. Access to the site would be taken from Gower Road rather than from along Church Brow.
- 9.2 The culvert is several metres below the lane and would not be affected by vehicular movement across it. The biggest risk to the integrity of the road is if the culvert blocks and water builds up on one side loading the embankment and thus cause a collapse, which is why access, for maintenance purposes needs to be retained. It is likely that such maintenance vehicles would be far heavier than those utilised by the applicant.

- 9.3 The location of neither the containers nor the fence would interfere with any public right of way.
- 9.4 The means of access from Gower Road would then not undermine the integrity of the culvert and the lane is considered adequate to cater for the occasional vehicle that would access the containers and so, there being no unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe, in this respect the proposal is considered acceptable and compliant with policy T1 of the UDP and Section 9 of the NPPF.

## **10. DESIGN AND APPEARANCE**

- 10.1 The containers and fence would be re-sited from a previous location and be re-used. The applicant has stated an intention to paint the containers and attach trellises to the external walls. Instead it is suggested that the containers be clad in timber. Such a treatment would have a naturalising effect so that in the proposed location at the foot of the embankment, where, being largely obscured from view from any houses, the containers would blend in to their surroundings and achieve the quality of appearance required by, and the proposal be compliant with, policy 1.3 of the UDP and Section 12 of the NPPF.

## **11. NATURAL ENVIRONMENT**

- 11.1 There is no designated nature protection of the site and it has is no recognised important ecological value. The self-seeded vegetation that has been, and would be, cleared to make way for the containers is not protected. Having no significant impact on the natural environment the proposal is considered acceptable and compliant with policy N3 of the UDP and Section 15 of the NPPF.

## **12. OTHER ISSUES**

- 12.1 Whether there are any covenants governing the use of the land is not an issue material to the consideration of the application. If planning permission is granted any such covenant would have to be discharged legally before any development could proceed.
- 12.2 Evidence submitted that indicates land owned by one of the objectors is outside the application site and so would neither be used, nor would there be requirement for passage over this land to implement the proposal.

## **13. CONCLUSION**

- 13.1 Given that the principle of the development is found to be acceptable and that the means of vehicular access to the site from Gower Road would not cause any severe impact on the road network, without impinging unduly on any existing amenities, it is considered that the proposed development constitutes a sustainable development that conforms to the relevant requirements of the Residential Design SPD, the UDP and the NPPF. The recommendation is therefore for approval.

## 14. RECOMMENDATION

Grant planning permission subject to the following 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 permitted shall be carried out in accordance with the following approved plans:

those ref. 18/335/01 and 18/335/02;

that illustrating the Sketch Plan, illustrating the dimensions of the containers and fence; and the photograph illustrating the fence, received on 11.06.18.

3. Within 6 calendar months of the location of the containers on the site the containers shall be clad in timber in accordance with a scheme having been agreed previously in writing with the local planning authority.
4. Prior to its use in the development hereby approved, a sample or full specification of the material to be used in the construction of the hard-standing illustrated on the approved plans shall be submitted to, and approved in writing by, the local planning authority. The hard-surface shall be permeable or porous to allow for the drainage of surface water through. The development shall be implemented in accordance with such approval.