

Planning Committee 23 April 2019
Report of the Interim Head of Planning

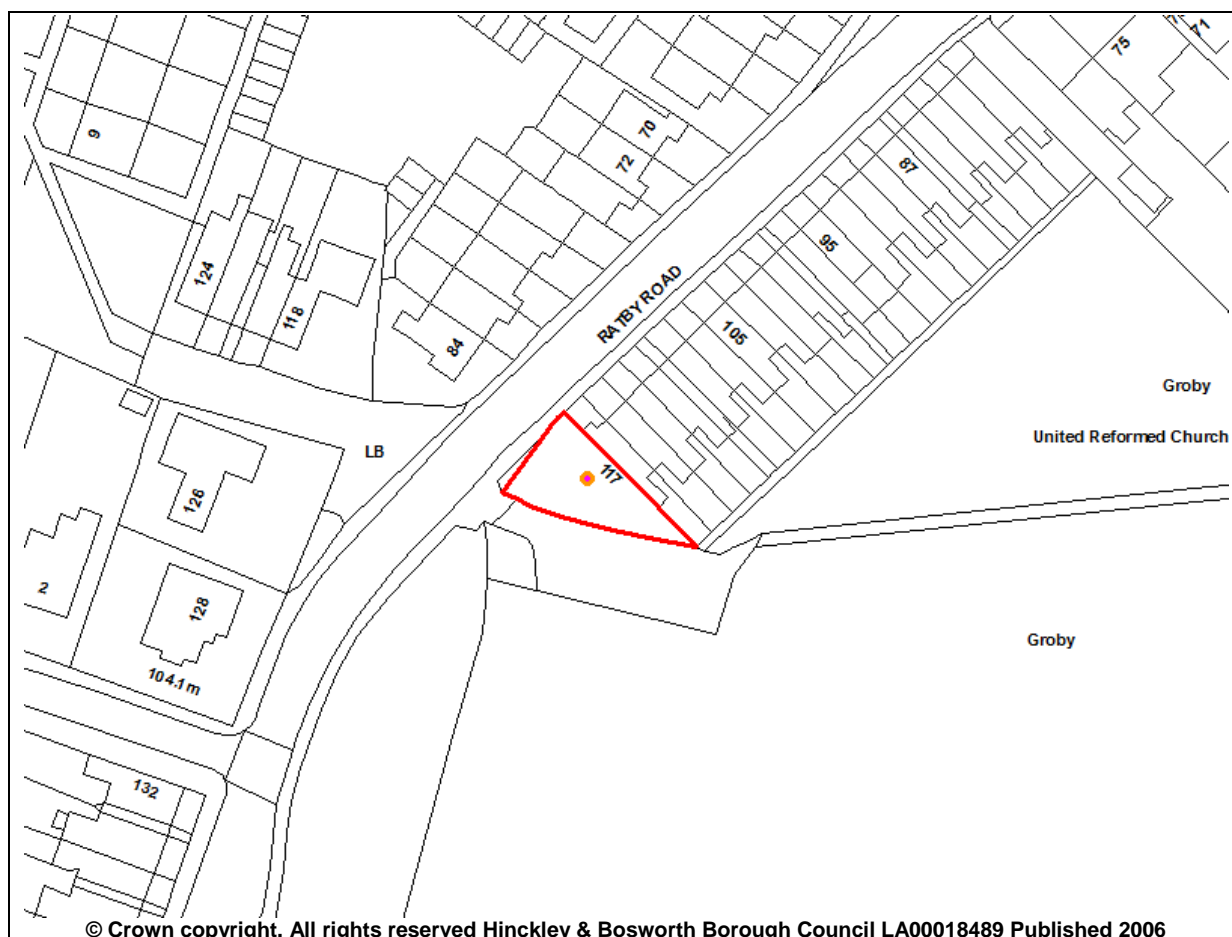
Planning Ref: 19/00091/FUL
Applicant: Ms Carol Lincoln
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Plot 50 Allotment Gardens Ratby Road, Groby

Proposal: Erection of a shipping container with associated 1.8m high fence



1. Recommendations

1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks planning permission for the siting of a shipping container to be used to store gardening equipment and sundries on land at Plot 50, Allotment Gardens, Ratby Road, Groby.

2.2. The proposal would result in the siting of a shipping container (measuring approximately 2.4 metres high, 2.3 metres wide and 5.6 metres in depth) and associated 1.8 metre high fence and wooden gate to access the plot.

3. Description of the Site and Surrounding Area

3.1. The site as a whole is currently used as allotments and run by the Groby Allotment Society. The site is leased from Groby Parish Council. There are approximately 127

allotments on the site. The site is located within the centre of Groby with access and vehicle parking provided off Ratby Road with pedestrian access to the site from Chapel Hill and Mallard Avenue.

3.2. The allotments currently feature a number of structures associated with the use of the site such as sheds and greenhouses.

3.3. Plot 50 is situated adjacent to Ratby Road separated by the car park from the main allotments site. Ratby Road is characterised by two storey terraced dwellings of similar design, two storey semi detached and two storey detached properties of differed architectural form and design. The properties are sited back off the highway with low level boundaries and open grass verges. Plot 50 backs onto Ratby Road itself which currently has a hedgerow partially screening the plot from the road. The access into the allotments is also adjacent to plot 50 which connects to the car park to the allotments. The majority of the allotments are separated by a large open green space along Ratby Road which is also screened by a mature hedgerow.

4. Relevant Planning History

4.1. No relevant history for this site.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. A site notice was also posted within the vicinity of the site.

5.3. There have been two letters of objection with regards to the following:

- 1) The container is an eyesore/ visually intrusive
- 2) The fence is an eyesore
- 3) The container encourages potential crime into the area
- 4) The container gives an industrial feel to the area
- 5) The container stores chemicals which are unsafe

6. Consultation

6.1. No objections were raised from:

LCC Highways
HBBC Drainage
HBBC Environmental Health
Groby Parish Council

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

- 8.2. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.
- 8.3. This site is located within the settlement boundary of Groby and therefore there is a presumption in favour of sustainable development.

Design and impact upon the character of the area

- 8.4. Policy DM10 (c) of the SADMP seeks to ensure that new development complements or enhances the appearance and character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5. The shipping container is proposed to be sited within Plot 50. Due to the location of this plot adjacent to the highway, the shipping container would be highly visible from Ratby Road, measuring approximately 2.4 metres high, 2.3 metres wide and 5.6 metres in depth.
- 8.6. Ratby Road is characterised by residential properties varying in architectural form and design. The shipping container is proposed to be sited onto an existing allotment plot which has previously had a wooden shed of smaller scale sited upon it. However, currently there are no structures on the land and with its hedgerow boundary; the site has the appearance of a domestic garden on the side of the adjacent property. Although the allotments are dominated by small structures typical of allotments (i.e. sheds and greenhouses), these are set further away (approximately 20 metres+) from the streetscene whereas the proposed shipping container would be viewed as part of the Ratby Road street scene rather than as part of the overall 'allotment character'. Despite the applicant stating that the container would have a wood cladding to the exterior walls, it is considered that the overall size and scale of the container with a footprint of approximately 12.9 square metres and a height of 2.4 metres would be larger than any existing structures within the allotment site as a whole and would have a dominating appearance when viewed from the street.
- 8.7. The shipping container is considered more in-keeping with a commercial site due to its industrial appearance and despite the proposed cladding it is considered to be out of keeping with the residential character of the surrounding area and would be visually prominent in the street scene, therefore is considered to be inappropriate development contrary to Policy DM10 (c) of the SADMP.
- 8.8. The proposed 1.8 metre high timber fence and gate to the rear of the plot would be sited off the highway by approximately 13 metres. The fence and gate are considered acceptable as they would not be overly prominent within the streetscene and are of a style and finish that would be commonly seen within residential gardens. This part of the proposal is acceptable.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the SADMP states that development should be permitted providing it would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.10. The shipping container would be situated adjacent to No 117 Ratby Road, Groby. The south west elevation of this property, facing the application site, does not have any windows that would be adversely impacted upon by the proposal. Further to this, the proposed siting of the shipping container adjacent to this property would

not be highly visible from the private amenity areas of this neighbouring property. Therefore, despite the dimensions of the shipping container and the objections raised it is not considered that the development would result in any adverse noise, overlooking or overbearing impacts on the occupiers of this property. In this regard, the proposal accords with Policy DM10 (a) of the SADMP

Other issues

- 8.11. Concerns have been raised regarding the shipping container encouraging crime and potentially being dangerous to the area as the container would be storing gardening sundries. However these concerns are not planning matters and are not assessed as part of the application.

Equality Implications

- 8.12. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.13. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 8.14. There are no known equality implications arising directly from this development.
- 8.15. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

- 9.1. The applicant seeks planning permission for the siting of a shipping container on a permanent basis at Plot 50, Allotment Gardens, Groby. Notwithstanding the plot being situated within an allotment, due to the inappropriate siting, scale and design, the proposed shipping container would be an incongruous form of development that would be out of keeping with the character of the area and is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD.

10. Recommendation

10.1. Refuse planning permission

11. Reason

1. The proposed shipping container by virtue of its siting, scale and design, would be an incongruous form of development which would be out of keeping with the character of the area and is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

12. Notes to Applicant

1. This application has been determined having regard to the following documents and plans submitted with the application, previous appeal decisions on the site and consultation responses received during the course of the application: Planning Application Form received on the 24 January 2019, Plan Layout (Dwg No 516), Location Plan received on the 23 January 2019 by the Local Planning Authority and Site Plan received on the 6 February 2019 by the Local Planning Authority.