



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 9th March 2017

16/06904/FU Retrospective application for a detached metal storage container for storing football equipment – St Matthews Church of England Primary School Sports Field, Stainbeck Lane, Meanwood, Leeds LS7 3QR

APPLICANT

Mr James Blackmore

DATE VALID

4th November 2016

TARGET DATE

30th December 2016

Electoral Wards Affected:

Chapel Allerton

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: GRANT TEMPORARY PERMISSION subject to the specified conditions:

1. Temporary permission 1 months
2. Land to be restored following cessation of use
3. Plans to be approved –layout
4. Notwithstanding the submitted details the layout plan shall be modified to position container outside of tree canopy area and the works shall be carried out within 28 days of date of decision.

1.0 INTRODUCTION

- 1.1 This application is retrospective for the siting of a metal container for the purpose of storing football equipment. The Chair considers that the application should be referred to the Plans Panel for determination because of the impact / sensitivity of the proposal.

2.0 PROPOSAL

- 2.1 This application seeks retrospective planning permission for the placement of 1 (one) metal storage container. The metal container is approximately 6m in length, 2.5m in width and 2.6m in height and is painted dark green.

3.0 SITE AND SURROUNDINGS

- 3.1 The container is currently situated on an area of hardstanding adjacent to Henconner Garth to the south of the site under the canopies of a group of mature trees. To the north of the site is Stainbeck Lane to the immediate west is a public footpath which links Stainbeck Lane with Henconner Garth, beyond lies West Yorkshire Police offices and station. To the east and to the south lie residential properties. The site itself is occupied by a grassed playing pitch which gently slopes from the highest point to the north in a southerly direction.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history relevant to the determination of this application.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The layout has been amended to respond to issues relating to the visual impact of the proposal on the streetscene.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application has been advertised by site notice dated the 25th November 2016. Local Ward Members have been consulted and have collectively objected on the grounds that the container is in the wrong location and that it looks an eyesore in front of resident's properties. Local residents are very concerned and that the proposed development is at odds with Core Strategy Policy H6 (part A).
- 6.2 At the time of writing 14 representations have been received from local residents who object to the proposal and an amended proposal to reposition the container. The objections relate to the development creating an eyesore, damage to trees, anti-social behaviour including people urinating against the container and noise disturbance and parking issues on the surrounding highway network. Concerns raised also relate to the fact that the land is owned by the council and this has not been properly leased nor is the club paying any fees, the proposed re-siting of the container does not address any of the previous concerns and if sited close to the footpath would create a community safety issue and act as a litter trap.

7.0 CONSULTATIONS RESPONSES

- 7.1 Sport England – No objection as the proposed development is considered to be ancillary to the principal use of the site as a playing field(s), and does not affect the quantity or quality of pitches or adversely affect their use.

- 7.2 Highways- No objection.
- 7.3 Landscape – No objection in principle providing the container is sited outside of tree root protection areas.

8.0 PLANNING POLICIES

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 8.2 The Development Plan comprises of the Core Strategy, saved policies of the UDP (2006) and the Natural Resources and Waste Local Plan. The Core Strategy (CS) was adopted by the Council on 12 October 2014.

16/06904/FU P10 relates to design and requires new development for buildings and spaces, and alterations to existing, to be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. T2 requires new development to be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

Relevant Saved Leeds Unitary Development Plan (Review) 2006 Policies:
GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.

N6 protected playing pitches.

T24 Parking standards should be met.

- 8.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues.
Paragraph 70 of the NPPF supports the provision of community facilities and other local services in order to enhance the sustainability of communities.
Paragraph 74 of the NPPF relates to existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

9.0 MAIN ISSUES

Principle of development
Design and visual amenity
Impact on residential amenity
Highways and parking
Other matters
Conclusion

10.0 APPRAISAL

Principle of Development

- 10.1 Section 38 (6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the plan unless material planning considerations indicate otherwise. The application site lies within the urban area of and contains a protected playing pitch which is allocated as N6 in the development plan. As a consequence Sport England, as a statutory consultee, has been consulted as part of the planning process.
- 10.2 It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Par 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England'.
- 10.3 Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:
E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use. Against this background it is considered that the principle of development is considered to be acceptable.

Design and visual amenity

- 10.4 The storage container proposed is industrial in appearance and could not be considered to relate sympathetically to a residential setting. It should be noted however that such containers are often sited close and associated with the use of playing pitches to provide a secure store for the storage of related paraphernalia.
- 10.5 The siting of the container, in its current location, is considered to be a prominent and unsightly feature in the streetscene. This is considered to be unacceptable as it results in an incongruous and harmful addition to the streetscene. Following discussions with the Local Planning Authority, the applicant has agreed to move the container to a less prominent part of the site to the north of a small group of trees situated to the south west of the site and parallel with an adjacent footpath to the west of the playing pitch. It is considered that this will negate much of the visual impact of the container as it will no longer appear as a prominent in the street scene.

- 10.6 In light of the above, there are no serious concerns with regard to visual amenity and it is considered that the revised proposals will preserve the character and appearance of the area. However, it is noted that such containers are, by their very purpose and design, temporary in nature. It is understood that the football club are looking to provide a more permanent solution to address their storage needs. In this context, it would be appropriate to consider issuing a temporary planning permission. It is considered that a temporary planning permission for a 12 month period would represent a suitable compromise which will allow the short term needs of the football club to be met whilst allowing the Council an appropriate level of control in the future in order to protect the character of the area.
- 10.7 It is however deemed appropriate therefore to place a condition granting permission for a temporary 1 year period. It is considered that the proposal satisfies development planning policies P10, GP5 and BD5 in this regard and represents an acceptable design solution.

Impact on residential amenity

- 10.8 It is considered that the proposed container, due to their size, nature and location, will have no material impact on neighbouring amenity through undue noise and disturbance, loss of light, dominance or overshadowing. The proposal is therefore considered acceptable in respect of neighbouring amenity. The alleged anti-social behaviour in the form of people urinating against the container is not a matter which can be governed by planning controls and is covered by separate legislation. The use of the storage container will not cause any additional litter in itself nor would its use generate any additional noise sufficient to cause any planning harm.
- 10.9 Against this background it is considered that there will be no demonstrable harm caused by means of noise or general disturbance associated with the proposed development. It is considered that the living conditions of surrounding residents have been safeguarded in this regard and policy GP5 of the development plan is satisfied.

Highways and parking

- 10.10 The proposed use of the site as a playing pitch is already established and the introduction of a storage container will not generate any additional traffic movements as a direct consequence. On this basis the council's highway engineer has raised no objection to the principle of the development. Accordingly, there are no objections to the proposals. Against this background it is considered that development plan policies T2 and T24 are satisfied.

Other matters

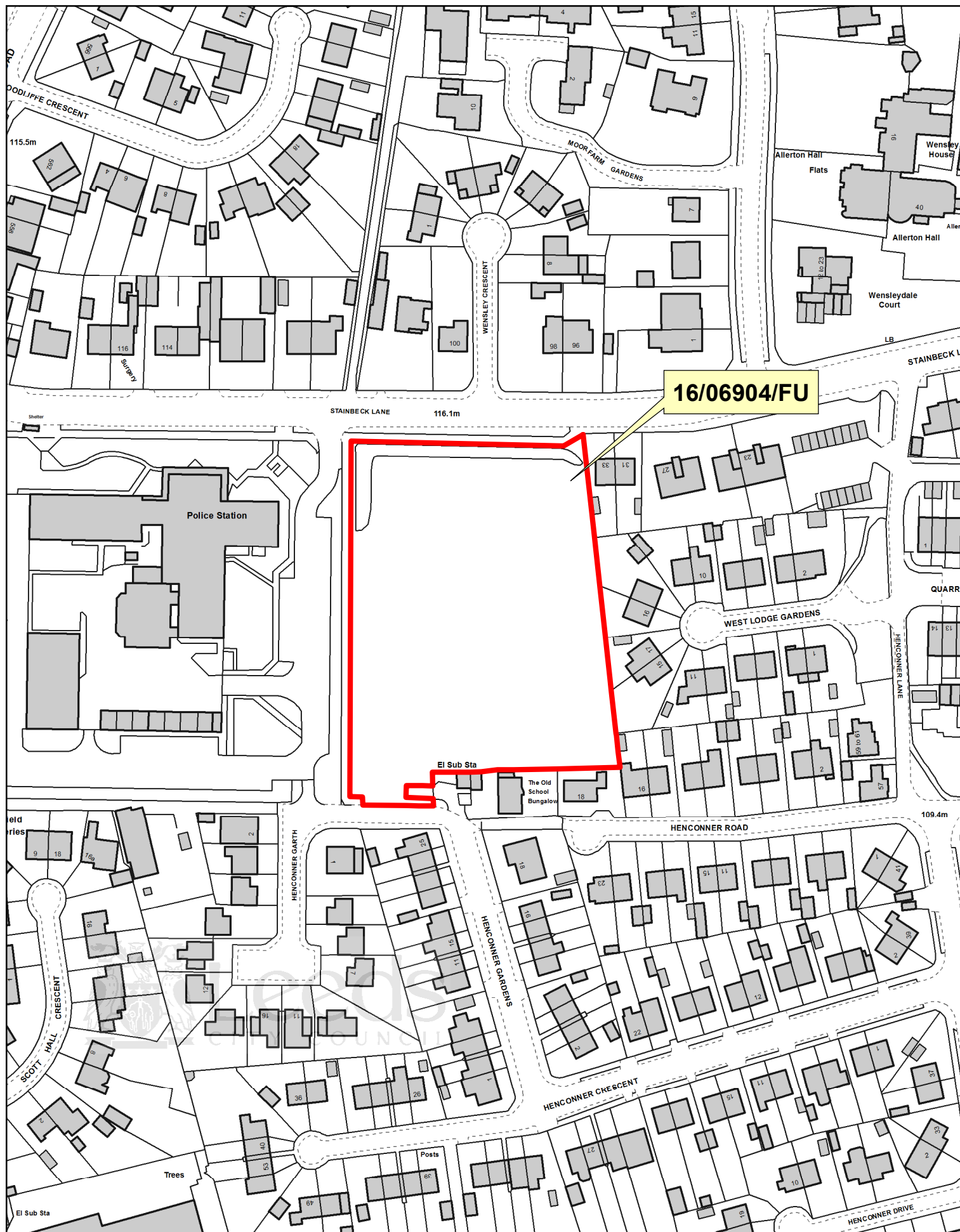
- 10.11 Objectors have raised concerns relating to the removal of tree limbs to facilitate the siting of the container in its current location and the damage this has caused the trees. It is unfortunate that tree limbs have been removed, whether or not this was done to facilitate the container is not known. The trees are however in the ownership of the council and permission to carry out any such works should have been sought. The council's landscape architect has however commented on the proposals and has raised no objection to the application and its proposed re-siting albeit it is

recommended that the stationing of the container is amended so as to not be stationed below tree canopies in order to reduce the pressure on their root zones. It is considered that this can be conditioned as part of any planning approval.

11.0 CONCLUSION

- 11.1 Sport England has advised they do not wish to raise an objection to this application as it is considered to be ancillary to the principal use of the site as a playing field(s), and does not affect the quantity or quality of pitches or adversely affect their use.
- 11.2 The proposal will serve to support a community facility by providing additional storage space for a local football club. Whilst the addition of a storage container is not considered to be an appropriate permanent addition in this location, it is considered that the proposed re-siting of the container to a less prominent part of the site, for a temporary period, represents an appropriate solution to meet the short term needs of the community facility whilst protecting the character of the residential amenity. It is considered that a 1 year permission is reasonable for consideration to be given to alternative storage options and to enable a more permanent solution to be explored.
- 11.3 Against this background it is considered, on balance and taking all the above and all other relevant material planning considerations into account, the proposal should be recommended for approval on a temporary basis.

Background Papers:



NORTH AND EAST PLANS PANEL

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