

The Application is for the erection and retention of a canvas covered temporary building for a period of 2 years.

The site lies within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

The application has been called to Committee by two Councillors for decision for the following reasons:

- Height impact on adjacent residents
- Over development of the site
- Building erected prior to submission of application
- Roof safety risk
- Noise impact
- Appears more than a temporary building
- The applicant has extensive workshop space

**The statutory determination period for this application expires on 15<sup>th</sup> April 2014.**

### **RECOMMENDATION**

**Permit, subject to conditions relating to:**

- **Temporary for two years**
- **Submission and approval of details of any external lighting**

### **Reason for Recommendation**

It does appear that this additional building is needed to serve the existing level of use of this established business and the site is in a relatively sustainable location within walking distance of Loggerheads. Public views of the building are limited and it is not considered that the development has any significant adverse impact upon the character of the countryside. Given the existing lawful use of the site it is not considered that the building will result in any significant additional harm to residential amenity.

### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments have been considered necessary.

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### **Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026**

Policy CSP1: Design Quality  
Policy CSP4: Natural Assets  
Policy ASP6: Rural Area Spatial Policy

#### **Newcastle-under-Lyme Local Plan (NLP) 2011**

Policy N17: Landscape Character – General Considerations  
Policy N19: Area of Landscape Maintenance

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (March 2012)

### **Relevant Planning History**

77/4237/N	Outline application for workshop and Lorry Park – Permitted
05/00356/ELD	Certificate of Lawfulness for use of site as a lorry park/haulage yard for the parking, repair and maintenance of heavy goods vehicles, fuel storage and associated offices – Issued
05/01166/FUL	New office building, workshop extension, alteration of two accesses and closure of further access – Withdrawn
06/00214/FUL	New office building, workshop extension, alteration of two existing accesses and closure of existing access – Refused
07/00114/FUL	New offices and replacement workshop – Refused and allowed on appeal
08/00659/FUL	New offices and workshop – Approved
10/00537/FUL	Retention of two static mobile homes for residential use for security staff – Refused and a subsequent appeal against an Enforcement Notice was dismissed and the enforcement notice upheld, however planning permission for one mobile home was granted
11/00543/FUL	Retention of portal framed building/amendments to previously approved application ref. 08/00659/FUL and associated landscaping – Approved
12/00004/FUL	Retention of new basement area for new offices previously approved under planning application 08/00659/FUL – Approved
12/00498/FUL	Retention of mobile home for storage associated with security purposes - Approved

### **Views of Consultees**

The **Environmental Health Division** has no objections subject to a condition requiring no external lighting unless a lighting scheme is approved by the Local Planning Authority.

**Loggerheads Parish Council** objects to the proposal in the strongest terms. The building is already substantially completed and occupied by large vehicles. Objection is made on the following grounds:

- The site is much larger than the area quoted.
- The application form states that there will not be any industrial or commercial processes or machinery within the building so it is queried why it is needed.
- The Design and Access Statement does not mention the completed roof or the fact that the sides are of partial metal construction, not canvas.
- The application refers to temporary workspace and storage but there is no information as to the proposed uses which will have to be strictly conditioned and controlled as the structure is less than 25m from a residential property.
- The building could easily go elsewhere on the site rather than close to an existing residential property and other temporary residential structures within the site.
- There are no other canvas covered temporary structures on the site.
- It appears that this is the first stage in obtaining a permanent consent for a building as the concrete floor will have a useful life considerably in excess of two years.
- This proposal will lead to overdevelopment of the site.
- The proposal will have a significant impact upon the adjacent residential property, West View.
- Approval will require very strict conditioning of the uses to be permitted, working hours and noise levels, all of which will require strict and continual monitoring by Officers.
- This retrospective application is simply a means to try and circumvent the planning process.

The **Highway Authority** has no objections to the proposal.

### **Representations**

One letter of objection has been received. Objection is made on the grounds of the impact on the neighbouring residential property from activity, noise and disruption, and impact on property value. It

is requested that activity is monitored, kept to a minimum (i.e. for storage purposes only) and that the two year deadline for deconstruction will be enforced.

#### Applicant's/Agent's submission

A Design and Access Statement has been submitted. The main comments are as follows:-

- The application is for the retention of a partially constructed temporary building comprising aluminium frame and waterproof canvas membrane covering.
- The development will provide temporary workspace and storage for a period of 2 years.
- The proposal will not create additional employment or traffic movements.

#### **Key Issues**

Full planning permission is sought for the erection and retention of a canvas covered temporary building for a period of 2 years. The site is within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

It is considered that the key issues in the determination of the application are as follows:

- Is the principle of additional accommodation acceptable?
- Would the proposal have any significant adverse impact on the character and appearance of the countryside?
- Would the proposal have any significant adverse impact on residential amenity?

#### Is the principle of additional accommodation acceptable?

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The sustainable growth and expansion of all types of business and enterprise in rural areas should be supported.

In an appeal decision relating to a previous scheme for new offices and a replacement workshop at the site (Ref. 07/00114/FUL), the Inspector attached substantial weight to the fact that this is an established business, which can operate lawfully at its present level of intensity even if the appeal were dismissed. He considered that the buildings were needed to serve the existing level of use and that in relation to the locational and employment policies of the relevant development plan documents at that time, the proposed development to serve an existing business would be acceptable, provided that no overriding harm to the character and appearance of the countryside would result. This view was maintained by the Council in relation to subsequent applications for larger offices (Refs. 08/00659/FUL and 12/00004/FUL).

The current proposal involves a substantial building measuring 18.1m x 12.1m in plan with a maximum height of 5m. The applicant's agent has stated that the building will provide additional workspace and storage. Given that the site has just one existing workshop building, and given the nature and the size of the vehicles and plant at the site, it does appear that this additional building is justified to serve the existing level of use.

In relation to the sustainability of the development, the site is situated within walking distance of Loggerheads which, as one of the key rural service centres in the CSS, is recognised as one of the rural villages that provides the most comprehensive provision of essential local services and relatively good access to the conurbation by public transport. Although the footpath from Loggerheads stops at the junction of Mucklestone Road with Rock Lane, it is then a relatively short distance to the entrance to the site. Given this and given that no additional employment or traffic movements are proposed, it is not considered that a refusal could be justified on the grounds of lack of accessibility.

Given the above, it is not considered that it is appropriate to raise objections to the proposal on the grounds of principle.

Would the building have any significant adverse impact on the character and appearance of the countryside?

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The site is within a Landscape Maintenance Area as designated in the Local Plan. Policy N19 of the Local Plan seeks to maintain the high quality and characteristic landscapes in Landscape Maintenance Areas. It states that it should be demonstrated that development would not erode the character or harm the quality of the landscape.

The building is sited on the eastern boundary of the site adjacent to an existing compound containing mobile buildings. It is within the boundary of an extensive haulage yard and existing vegetation and the height of the neighbouring land to the east limits public view of the building. It is not considered that the building has any significant adverse impact upon the character of the countryside therefore.

Would the proposal have any significant adverse impact on residential amenity?

The building is approximately 25m from a residential bungalow on Rock Lane to the east of the site. However, there is a significant difference in levels with the land to the east of the building where the bungalow is located being approximately 4m above the ground level of the building. In addition, there is substantial landscaping, much of it coniferous, on the higher ground. Given this, only limited glimpses of part of the roof of the building are obtained from the neighbouring property.

In terms of any potential impact upon the occupiers of the adjacent residential property from noise, dust, odour or any other general disturbance, the building is within the confines of the existing business use and therefore, it is already possible for lawful activity to take place outside of a building in this part of the site. It is not considered that the presence of a building would be likely to increase any potential impact upon residential amenity to such an extent to justify a refusal. The Parish Council has referred to the need for conditions to control the use of the building and the hours of operation. However, given that the site is occupied by an existing lawful business use, it is not considered that it is necessary or reasonable to attach any such conditions.

**Background Papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

13<sup>th</sup> March 2014