

The application is for full planning permission for the erection of a steel storage building within the grounds of the Apedale Valley Light Railway.

The site is located within the open countryside and an area of Landscape Regeneration. It is also within the Green Belt, as identified within the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on the 16<sup>th</sup> of March 2020.**

### **RECOMMENDATIONS**

**PERMIT subject to conditions relating to the following matters:-**

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. Site investigations in respect of coal mining legacy**
- 5. Remediation scheme in respect of coal mining legacy**
- 6. Submission and approval of a verification report (for coal mining legacy) prior to the first occupation/ use of the development**
- 7. Prior approval of external lighting**

### **Reason for Recommendation**

Whilst the proposed development represents inappropriate development within the Green Belt, and it is acknowledged that there would be harm to openness, there are considered to be appropriate very special circumstances to justify the development. The building would be of significant benefit to the Apedale Valley Light Railway, an established leisure and recreation attraction that is of local and national heritage significance. The development would provide appropriate facilities for the storage of heritage rail artefacts and would contribute to the vitality of this use. It is therefore considered that very special circumstances exist that justify approval of planning permission. In all other respects the development accords with local and national planning policy.

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

The development is considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

### **Key Issues**

Full planning permission is sought for the erection of a steel building within the grounds of the Apedale Valley Light Railway. The application site is located within the open countryside and an area of Landscape Regeneration. It is also within the Green Belt, as identified within the Local Development Framework Proposals Map.

The key issues in the determination of this planning application are considered to be;

- Is the proposal appropriate development within the Green Belt?
- Design of the proposal and its impact on the appearance of the Community Park and area of Landscape Regeneration;
- Implications with regards to coal mining and land instability, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

### Is the proposal appropriate development within the Green Belt?

Paragraph 133 of the NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

The NPPF further indicates in paragraph 145 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this include, amongst other things, buildings for agriculture and forestry, the provision of appropriate facilities for outdoor sport and outdoor recreation, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Policy S3 of the Local Plan states that Development for sport or recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area, may be located in the Green Belt so long as it does not disrupt viable farm holdings. Such development must use reclaimed land, or low grade agricultural land, where practicable. Any buildings must be limited to those essential to the use and must be sited to minimise their impact on the openness of the Green Belt.

The application is for a new detached building to be used in association with the Apedale Valley Light Railway and Apedale Heritage Centre, an established museum and visitor centre operating from the site.

In support of the application the applicant has detailed that the building is required for the storage of railway artefacts including rail vehicles and also road vehicles used in the construction and maintenance of the heritage railway and museum. Currently these vehicles are stored outside and so are at risk of deterioration and vandalism. The proposal would also facilitate the creation of new access tracks from the existing railways system to allow vehicles to be moved to and from the proposed building.

Despite serving an existing use, the development is not considered to meet the exceptions listed within the NPPF. It would not be required for the provision of appropriate facilities for outdoor recreation, and would introduce a new building into an area of Green Belt that is currently open and undeveloped.

The proposal therefore represents inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

### Design of the proposal and its impact on the appearance of the Community Park and area of Landscape Regeneration

Paragraph 124 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

The proposed building would be sited approximately 84m north east of the main Heritage Centre building. It would have the maximum dimensions 9.1m width x 42.6m depth and would be constructed from galvanised sheet cladding in Juniper Green. It would feature a pitched roof with three steel roller shutter doors on the front elevation, and one access door on the rear.

The design of the building is largely driven by its functional and practical requirements. However, this more industrial style building would not appear out of context with the wider area given the industrial heritage of the landscape and the appearance of other associated buildings within the application site. The majority of the building would be naturally screened by the surrounding land levels and planting that surrounds the application site. Any wider vantage points achieved of the building would be seen against the context of the main heritage and light railway centres, and so the development is not considered to be detrimental to the appearance of this area of Landscape Regeneration.

The Environmental Health Division (EHD) has raised no objections to the proposal but has noted that given the nature of the area and the significance of the items to be stored within the building, it is likely that it will be required to be illuminated externally for either security or safety purposes. Due to the inherently dark nature of the surrounding area during the night, EHD has recommended a condition to secure full details of any external lighting prior to its installation. Such a condition is considered to be reasonable and appropriate.

The development is therefore seen to comply with Policy N22 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

#### Implications with regards to coal mining and land instability

The application site is identified as falling within a Development High Risk Area with regards to former coal mining activities. The application is supported by a Ground Investigation Report, Coal Mining Report and Coal Mining Risk Assessment.

A consultation response from the Coal Authority has noted that the author of the Coal Mining Risk Assessment Report correctly identifies that a roadway crosses under the application site at a shallow depth and so recommends that the risk from ground instability can be mitigated by adopting standard remedial and protection practises, like a reinforced raft foundation.

However, the Coal Authority do not consider that the risk posed by the roadway can be satisfactorily mitigated by the adoption of a foundation alone. They therefore recommend that a scheme of intrusive site investigations need to be undertaken in order to assess the line of the roadway and a suitable scheme of remedial measures devised.

Subject to the attachment of conditions to secure the appropriate site investigations and remedial measures, the Coal Authority raises no objections to the proposal. Therefore the development is considered to comply with the requirements of the NPPF.

#### Do very special circumstances exist which would outweigh the harm caused to the openness of the Green Belt, and any other harm?

As the proposal is considered to represent inappropriate development in the Green Belt, very special circumstances are required that would outweigh the harm caused by the inappropriate development, and any other harm, to the Green Belt.

It is accepted that the proposed building is of a substantial scale which is largely driven by the need for the building and size of the objects that are to be stored within it. Therefore it would undoubtedly have an adverse impact on the openness of this part of the Green Belt.

Paragraph 144 of the NPPF sets out that; "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

The application site is of local heritage significance and is already an established leisure and recreation attraction. The need to store rail and heritage artefacts in a covered and secured structure is considered to represent a very special circumstance and is crucial for the ongoing viability of the heritage centre.

Also, a large number of the vehicles and artefacts are currently stored outside within the grounds of the site which can present a cluttered and somewhat untidy appearance. Therefore the construction of the building would allow these vehicles to be stored neatly inside the building, reducing the visual clutter from within the site, and thus enhancing the appearance of this area of landscape regeneration.

Comments received in support of the application further emphasise the local importance of the heritage museum and railway, and fully support proposals to allow for the preservation of historic artefacts and equipment.

Given the benefits that the scheme would have on preserving local heritage and the general improvements that it would make to the appearance of the landscape, on this occasion it is considered that the necessary very special circumstances exist to permit the proposed development and that these circumstances would outweigh the harm that would result to the openness of this part of the Green Belt.

## APPENDIX

### **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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3: Development in the Green Belt  
Policy N22: Areas of Landscape Regeneration  
Policy C13: Additional Facilities at Apedale Community Country Park

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

#### National Planning Policy

[National Planning Policy Framework](#) (February 2019)

[Planning Practice Guidance](#) (March 2014)

#### Supplementary Planning Guidance/Documents

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

#### Relevant Planning History

98/00381/FUL - Development of mining museum including erection of associated buildings and high gauge railway – Approved

06/00600/FUL - A. Full planning permission for the use of land as a Railway Heritage Museum, the erection of a storage building for railway artefacts, the construction of a narrow gauge railway line, platforms and associated works. B. Outline planning permission for the erection of a Railway Heritage Museum building and water storage towers – Approved

09/00493/REM - Details of the erection of a railway heritage museum building and water storage tower granted outline planning permission 06/00600/FUL, and associated landscaping – Approved

#### Views of Consultees

The **Environmental Health Division** raises no objections with regards to land contamination. They do however request the attachment of a condition to control the installation of external lighting.

The **Coal Authority** acknowledges the presence of a roadway beneath the application site. They raise no objections to the proposal subject to conditions to secure appropriate site investigations and remedial measures.

The **Staffordshire Police Crime Prevention** draws the applicants attention to options that should be considered to reduce and prevent anti-social behaviour and any resulting damage to the application site.

No comments were received from the **Staffordshire Wildlife Trust** or the **Staffordshire County Minerals Planning Authority**

### Representations

Seven representations have been received in support of the application with their comments summarised as follows;

- Proposal will enhance the site and provision of storage for heritage artefacts
- It will contribute towards the preservation of the industrial heritage and history of the local area
- The Railway is a significant local and national visitor attraction
- Proposal will enhance Apedale Community Country Park.

### Applicant's/Agent's submission

The submitted plans and supporting documents are available for inspection at Castle House and on <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00003/FUL>

### Background papers

Planning files referred to  
Planning Documents referred to

### Date report prepared

1<sup>st</sup> April 2020