

The application is for full planning permission for the retention of three 20ft x 8ft shipping containers located on the private rear hard standing of the property at Peak Pursuits.

The application site lies in the Green Belt and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The building is on the Council's list of Locally Important Buildings and is located within Audley Conservation Area.

The 8 week period for the determination of this application expired on 9th February 2021. The applicant has agreed an extension of time to 25th June 2021.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Planning permission for temporary 2 year period.**
- 2. Approved plans**
- 3. Lighting**

Reason for Recommendation

Although the proposed development is inappropriate in Green Belt, given the small scale and location of the development, it would have a limited impact upon the character and appearance of the landscape. There are similar storage containers on adjacent land at Audley Community Centre. The proposed development would accord with the overarching aims and objectives of both local and national policy in this regard.

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

This is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

Key Issues

This is an application for full planning permission for the siting of 3 storage containers within the enclosed yard to the side of the building at Peak Pursuits. The containers measure 6m by 2.4m and are steel shipping container design.

The application site comprises the main building, set back from the highway, with hard surfaced parking area to front. The yard containing the storage units is accessed via a narrow shared road serving the community centre, associated car parking and BT Openreach depot. The parking area is also used by visitors to Audley village centre.

The property is on the Council's Register of Locally Important Buildings and the application site is located in Audley Conservation Area. The site is on the edge of Audley centre, and is located within the Green Belt, a Landscape Maintenance Area and the rural area of Newcastle as identified on the Local Development Framework Proposals Map.

The main issues to be considered with this proposal are:

- the appropriateness of the development in the Green Belt
- the design of the proposal and impact on the Locally Important Building and Conservation Area and wider landscape
- the impact on parking provision.

- Do the very special circumstances exist to justify inappropriate development in the Green Belt

Appropriateness of development in the Green Belt

'Saved' policy S3 of the Local Plan asserts there will be a presumption against any form of development in the Green Belt, with limited exceptions. Development for sport or recreation uses of a predominantly open character may be deemed acceptable.

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstance.

Paragraph 145 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. Paragraph 146 identifies other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

In this instance, storage containers do not constitute any of the limited exceptions and would constitute inappropriate development within the Green Belt. It is therefore necessary to consider whether there are special circumstances to justify approval of the development.

Design and impact on the Locally Important Building, Conservation Area and wider landscape

The application site is located within Audley Conservation Area, and the building is on the Council's list of Locally Important Buildings. The application is accompanied by a Heritage Asset Statement, which sets out the proposal in its historic context.

Both national guidance in the NPPF and local planning policies seek to protect and enhance the character and appearance of Conservation Areas. Development that fails to meet those aims will be resisted.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, significant weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 124 of the NPPF 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 NPPF lists 6 criterion that planning policies and decisions should accord with; including, 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 B9 asserts the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 reiterates the requirement for development to preserve or enhance the character or appearance of a Conservation Area.

Policy B13 requires applicants to demonstrate how they have taken account of the Conservation Area designation in their proposal. B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability of the form, scale and design of the proposal when related to the character of its setting.

Policy B8 states that the Council will ensure the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration.

Policy CSP1 of the adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of

the area. Policy CSP2 seeks to preserve and enhance the character and appearance of the built heritage, and sites and areas of special historic interest.

The proposal comprises the retention of the existing storage containers within the hard-surfaced yard at the side of the existing building. They are single storey and flat-roofed and of metal construction. They are well-screened by existing boundary treatments – brick boundary walls and planting, and do not have a detrimental impact on the street scene.

Whilst the storage containers are not prominent in the street scene given their location in an enclosed area, it is considered that a more suitable storage solution should be designed to enhance and preserve the character and appearance of the Locally Important Building and the Conservation Area. Therefore, it is considered that a temporary permission of 2 years should be approved, to enable the applicant to submit a further application and address the design and character of the property and area in the long term.

With regard to Policy N20 of the Local Plan, the Council is required to seek to maintain high quality and characteristic landscapes in Landscape Enhancement Areas. Development is expected to contribute to this aim, and should not erode the character or harm the quality of the landscape.

The containers are being used for storage of equipment associated with Peak Pursuits. The single storey storage containers are located within the hard surfaced yard, adjacent to the existing building and are screened by boundary treatments. The containers would not be overly visible or prominent from public vantage points given their location in the contained yard. The containers would not be widely visible from the landscape beyond the application site. Furthermore, similar storage containers have been permitted for use at the adjacent community centre which are within the parking area and therefore more open to views.

Whilst the proposal does not necessarily contribute to the aim of maintaining high quality landscape, it would not erode the character or result in harm.

It is therefore concluded that the development would be acceptable by virtue of its scale and siting for a temporary period, and would accord with the policies of the development plan and the aims and objectives of the NPPF.

Impact on Parking provision

Paragraph 108 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Policy T16 of the Local Plan outlines development which provides significantly less parking than maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem.

It is considered that the siting of the containers does reduce the parking space available within the site to some extent which has the potential to displace vehicles onto the adjoining car park. The objections raised suggest there is limited parking provision for the community centre at certain times due to the number of vehicles associated with Peak Pursuits using the parking area at the rear of the site. The indicative plan submitted by the applicant to demonstrate the layout of parking spaces shows the application site comprises 10 spaces following the siting of the containers. The plan shows 4 spaces at the front of the building and 6 spaces in the yard adjacent to the storage containers, with a further 8 spaces at the rear of the site within the community centre car park. It appears that up to three additional spaces could have been accommodated within the enclosed yard.

The ongoing parking issues are noted; however, the storage containers are a temporary storage solution and result in a minimal loss of parking. It is therefore considered that the proposal does not lead to an unacceptable impact on highway safety or result in severe residual cumulative impacts. Any further, more permanent storage proposals to replace the storage containers would need to include

details of parking provision, to demonstrate that the proposal would not result in overspill on to the community centre car park and loss of parking.

On balance, the proposal is considered acceptable, and would comply with the relevant local planning policies and the provisions of the NPPF.

Do the required very special circumstances exist (to justify inappropriate development)?

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 units provide a storage solution that help to sustain this rural business which accords with one of the aims of the NPPF, to support a prosperous rural economy. Due to the well-screened and hard-surfaced location of the development there is a very minor impact on the perceived openness of the Green Belt. In addition it would not conflict with the purposes of including land within it. Therefore, in the absence of any other identified harm arising from the development for a temporary period. It is considered that such matters represent the very special circumstances required to justify the proposed development. The proposal therefore considered to be in accordance with the requirements of the NPPF.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

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 CSP2: Historic Environment
Policy CSP4: Natural Assets

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

Policy S3: Development in the Green Belt
Policy N20: Area of Landscape Enhancement
Policy B8: Other Buildings or Historic or Architectural Interest
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Planning Practice Guidance \(PPG\) \(Updated 2018\)](#)

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

07/00813/FUL Change of use from adult centre to first floor offices for outdoor pursuit company and ground floor education/training centre with associated car parking and landscaping to front and side, Permitted

Pre-application enquiry in November regarding the retention of the storage containers. Officer advice given that an application was required; but that the containers would not be visible from any public vantage points, and would only be on site for the lease on the building.

Views of Consultees

Audley Rural Parish Council objects to the application and makes the following comments:

- Car parking issue at rear of site
- Community Centre (custodians of site) objects
- Containers will take up 3 spaces of 19 allocated to Peak Pursuits
- Visitors to Peak Pursuits often use other parts of car park, limiting space available for the village/users of the Community Centre
- Car park is already very limited and overused therefore as many spaces as possible should be available for parking
- Alternative arrangements should be made – area is for car parking, not as a storage yard

The **Urban Design and Conservation Officer** has no objections to the application.

The **Environmental Health Officer** has no objections, subject to condition regarding lighting, and makes the following comments:

- Details of any lighting used to facilitate use, or for security purposes are to be submitted for approval, in order to limit light pollution

The **Highways Authority** was not formally consulted, but advised that details would be required of the increase in floor area and a parking plan of existing and proposed parking/ servicing arrangements to demonstrate that the development would not lead to parking issues on the highway.

Representations

A letter of objection has been received from the Community Centre, adjacent to the application site. The comments are summarised as follows:

- Proposal should be described as retrospective, not retention of shipping containers
- Area described as private hardstanding is allocated car parking, which applicant has right of way across Community Centre car park to access
- Applicant has insufficient parking for staff members, so utilises row of parking spaces in Community Centre car park
- No official agreement, but 'gentleman's agreement' has established for parking arrangements
- Now application site operates as a 'school', tutor to pupil ratio is high, and transport is required to bus pupils to site, resulting in additional and larger vehicles
- Community Centre has also allowed informal visitor parking for village centre, but parking of this nature is only occasional and for short time periods
- Complaints from people hiring/using Community Centre due to limited parking available
- Peak Pursuits also has a facility on Nantwich Road (with a climbing wall). No onsite parking means customers used Community Centre parking
- Disagreements between applicant and Community Centre regarding parking are long-running
- As custodians of the parking facilities, Community Centre cannot allow further encroachment, rendering parking unavailable to own users
- Submission of application was likely prompted by Community Centre's enquiries regarding initial delivery of containers to the premises
- Green Belt status thus special requirements for use of land
- Rebranding as school – should this be change of use
- Damage caused by pupils in car park due to lack of supervision
- Rear car park designated as gated play area, thus reducing car parking area
- Significant proportion of Community Centre car park used by Peak Pursuits (at least 12 of the 24 marked spaces/ 6 marked disabled spaces)
- Right of way across car park to all Open Reach vehicles and well used by pedestrians to nearby Millennium Green
- Years of complaints by Community Centre to Peak Pursuits and their landlords (Newcastle-under-Lyme Borough Council) – unaware that the Council has taken any action
- Peak Pursuits does not use maximum capacity available of either their front or rear parking area, except to display signage restricting other users from parking at frontage

Applicant's/Agent's submission

can be accessed by following this link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/01045/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

24th June 2021