

**PEAK PURSUITS, NANTWICH ROAD, AUDLEY**  
**PEAK ACTIVITY SERVICES – MR JOHN POTTER**

**20/01045/FUL**

The application is for full planning permission for the retention of three 6m by 2.4m 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 application was deferred at the 20<sup>th</sup> July 2021 planning committee meeting to enable the views of the Highways Authority to be sought in relation to the impact on parking.

**The 8 week period for the determination of this application expired on 9<sup>th</sup> February 2021. The applicant has agreed an extension of time to the 20<sup>th</sup> August 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**

Whilst the development represents inappropriate development within the Green Belt, it is accepted that there are very special circumstances which would outweigh any limited harm to the openness of the Green Belt from this development. It is considered that given the small scale nature of the containers and their location, they would have a limited impact upon the character and appearance of the landscape. It is therefore considered that very special circumstances exist that justify approval of planning permission for a temporary period of two years. 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**

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 shipping/ storage containers within the enclosed yard to the side of the building at Peak Pursuits. The containers measure 6m by 2.4m and are of a 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, an Area of Landscape Enhancement and the rural area, as identified on the Local Development Framework Proposals Map.

The main issues to be considered with this proposal are:

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- 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 that 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 138 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment. Paragraph 147 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 149 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 150 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, shipping/ storage containers do not constitute any of the limited exceptions and therefore 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 development 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 199 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 126 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 130 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.

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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 shipping/ 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 shipping/ 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 development does not necessarily contribute to the aim of maintaining a high quality landscape, they do not erode the character or result in harm.

The applicant highlights the previous planning consents 15/01022/FUL and 17/00260/FUL for similar storage containers at Audley Community Centre adjacent to the site. He considers the main difference between the current application being considered and the previous planning permissions is that this scheme is located within the private car park/yard and out of view of the general public. The approved shipping/ storage containers are located in the public car park adjacent to the Community Centre and are more visible.

Officers concur that the shipping/ storage containers subject of the current application are less prominent than previous approvals referred to in the applicant's comments, and as demonstrated in site visit photos. However, officers have also had regard to the impact of the development in relation to the Green Belt designation and the setting of the Locally Important Building and Audley Conservation Area. A balanced view must be taken as to the suitability of the development in this location.

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 110 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 111 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.

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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 spaces available within the site (approximately 3 spaces), which has the potential to displace vehicles onto the adjoining car park. However, the use of the main building is not being changed and there is no evidence to suggest that the shipping containers are exacerbating an on street car parking problem.

The objections received suggest that 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. They believe that this is causing parking problems and the Parish Council share similar concerns also.

The indicative plan submitted by the applicant demonstrates that the application site comprises 10 parking spaces following the siting of the containers, 4 spaces at the front of the building and 6 spaces in the yard adjacent to the storage containers. A further 8 spaces are available at the rear of the site within the Community Centre car park.

The objector to the application believes that the shipping/ storage containers are exacerbating car parking problems and your officers have now formally sought the views of the Highways Authority and their comments are awaited.

It is also clear that there are disputes between the operation of Peak Pursuits and Audley Community Centre. However, these are primarily civil matters between the two parties and they both acknowledge that the management of parking arrangements needs to be discussed outside of the planning application process.

Your officers acknowledge that the shipping/ 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 development is not considered to lead to an unacceptable impact on highway safety and it therefore accords with the guidance and requirements 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 only a very minor impact on the perceived openness of the Green Belt. In addition it is considered that the temporary storage containers do 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 development is 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

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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 \(NPPF\) \(2021\)](#)

#### [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.

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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** has been formally consulted on the application. Their comments will be provided in an update to Members.

### Representations

Two letters of objection have 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

Further comments have been received from the Community Centre with the following points:

- Significant increase in registered pupils at Peak education since beginning of the year, resulting in increase in staff, and vehicles using the Community Centre car park
- More than 20 vehicles of Peak Pursuits using Community Centre car park
- Other groups using the Community Centre (such as Slimming World), have been unable to park on site
- Peak Pursuits' car park at the front of the property is restricted to certain members and largely unused
- Area covered by containers, climbing walls and a motorhome for staff attending functions takes up a significantly larger area, (in excess of 1013sq.ft) compared with the Community Centre's containers (c.56sq.ft)

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- Community Centre is attempting to resolve matters involving parking problems in cooperation with Peak Pursuits

**Applicant's/Agent's submission**

The submitted plans and justification for the development can be viewed on the Council's website using the following link: <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/01045/FUL>

**Background papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

05 August 2021

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