

**LAND AND GARAGES, BRIERYHURST ROAD, KIDSGROVE**  
**MR SIMON JONES**

**24/00915/FUL**

Part retrospective planning permission is sought for the installation of shipping containers for storage with boundary fencing and a pergola at land and garages at Brieryhurst Road, Kidsgrove.

The application site is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The application was deferred at the Planning Committee meeting on 22 April in order to obtain further details on the pergola, drainage, footpaths and access and external lighting.

**The 8-week period for the determination of this application expired on 28 February, but an extension of time has been agreed to 27 May.**

**RECOMMENDATIONS**

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

- **Approved plans**
- **Approved materials**
- **Consent limited specifically to that applied for**
- **Limitation of hours of access to containers**
- **No outside storage**
- **Installation of signage controlling the traffic**
- **Limitations on delivery of containers to the site**

**Reason for recommendations**

Given the limited views of the site and the substantial boundary fencing, the impact on the character and appearance of the area is considered acceptable. Subject to the imposition of conditions, on balance, it is not considered that objections could be sustained on the grounds of impact on residential amenity or highway safety.

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

Amended plans and additional details were requested to address concerns and these were subsequently submitted. The proposal is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

**KEY ISSUES**

Part retrospective planning permission is sought for the installation of shipping containers for storage with boundary fencing and a pergola at land and garages at Brieryhurst Road, Kidsgrove.

The application site is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The application was deferred at the Planning Committee meeting on 22 April to enable Officers to obtain further details on the pergola, drainage, footpaths and access and external lighting.

Therefore, the key issues in the determination of this application are;

1. Impact of the development on the character and appearance of the area
2. Impact upon neighbouring occupiers in terms of amenity
3. Impact on highway safety
4. Other matters

**Impact of the development on the character and appearance of the area**

Paragraph 131 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 135 of the framework lists 6 criteria, 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 Core Strategy requires that the design of the development is respectful to the character of the area.

The application is partly retrospective as much of the groundwork is complete, 3 shipping containers are on site, and the fencing and pergola is complete. It is proposed to locate a total of 12 shipping containers on the site which was previously occupied by 12 garages serving the residential properties surrounding it.

The site is bounded by a timber fence which is 2.5m at its highest, although some sections are lower as agreed between the applicant and the adjoining neighbours. There is also security fencing and a security gate separating the site from the access to the highway, and the public right of way. The gate is 1.8m high.

The shipping containers are constructed from corrugated steel sheets with a typical flat roof construction. They have the approximate overall dimensions of 2.6m in height, 2.5m in width, and 6m in depth. The 12 shipping containers detailed in the plans would be arranged in a row of 5, and a row of 7, set against the northern boundaries of the site.

The pergola stands in the eastern corner of the site. It is constructed of timber, with a pitched roof covered in a synthetic membrane, which has solar panels affixed to its slopes. At the previous meeting of the Planning Committee, further to representations made to the meeting by a neighbouring resident, Members queried whether the dimensions of the pergola as shown on the submitted plans were reflective of the pergola that has been erected. The applicant has subsequently submitted amended plans.

The pergola measures 6m in width, 5.75m in depth, and 3.5m in height to the ridge of its roof.

Shipping containers are by their very nature temporary structures and therefore their appearance cannot be said to be of a high design quality. That said, given their relatively limited scale and the screening afforded by the substantial boundary fencing, the impact on the character and appearance of the area would not be significant. It is not considered that they would be any more harmful than the garages which preceded them. The overall siting and scale of the structures, both the shipping containers and the pergola, are considered acceptable.

To conclude, given the limited views of the site and the substantial boundary fencing, on balance, it is not considered that an objection could be sustained on the grounds of harm to the character and appearance of the area.

**Impact on residential amenity**

Paragraph 135 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

SPG (Space Around Dwellings) provides guidance on privacy, daylight standards and environmental considerations.

The nature of the business would be that of private domestic storage as the applicant intends to rent the containers privately to local people, who will have exclusive access to the land via the security gate.

Several objections have been received from residents concerned about the effects of the development upon their amenity, and concerns that this development could be used as a springboard to other kinds of development on the site.

The Environmental Health Division (EHD) initially objected to the proposed development, concerned that since the proposed use class extends to both storage and distribution, such a commercial use could expand in the future to form a distribution hub.

Discussions have taken place between your Officers and the applicant and it is considered that a number of conditions can be imposed to ensure that the impact on residential amenity would be limited. Importantly, the permission would be solely for the specific domestic storage rental business described by the applicant. It would not be possible for the use to be extended or varied without a further planning permission. In addition, a limit on the hours during which the containers may be accessed will limit any disturbance to neighbouring residents and a condition is recommended prohibiting storage outside of the containers.

At the previous meeting of the Planning Committee, queries were raised regarding the exterior lighting proposed by the applicant. Officers had recommended a condition requiring the submission and approval of any lighting but the applicant has now provided details indicating that there would be 6 exterior lights, all of which would be solar powered, controlled by sensors and angled to face away from the neighbouring properties. The comments of Environmental Health are awaited and will be reported to Members in a supplementary report.

On the basis of the above conditions, the EHD raises no objections, and it is considered that the proposal complies with the guidance set out in the NPPF.

#### **Impact on highway safety**

Paragraph 116 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 on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

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

The applicant has indicated that once delivered onto the site, the shipping containers would remain in-situ, would be used for domestic storage only, and vehicle movement is expected for delivery and collection of stored items only.

The site was previously occupied by domestic garages and access is still provided to rear parking for some properties. The vehicular access to the site is from Brieryhurst Road and is only capable of accommodating single vehicle movements.

The Highway Authority (HA) initially raised concerns regarding the proposed use on the grounds that a commercial operation is likely to represent an increase in vehicle movements to the site and this, along with the need for the delivery of the containers by HGV, would represent an intensification of a substandard access both in vehicle numbers and size.

Additional information has been provided by the applicant and revised comments have been received from the HA raising concerns regarding vehicle manoeuvrability, access from the highway and the enforceability of conditions.

It is clear from a visit to the site that there is no issue regarding vehicle manoeuvrability. The site area is substantial, and the boundary fencing and gates do not impede movements. Given that the number of containers would equal the number of garages previously on the site, it is not considered that there would be any intensification of the use of the access. The applicant has agreed to install signage to

help to control the traffic, giving incoming vehicles the right of way. This would be controlled via a condition and a further condition is recommended requiring deliveries of containers to be carried out in accordance with certain stipulations.

Your Officers are satisfied that these conditions can be enforced and comparing the proposed use to the previous use of the site for garages, on balance, it is not considered that an objection could be sustained on the grounds of highway safety.

### **Other matters**

Concerns have been raised regarding impact of the development on drainage, and consideration of the application was deferred at the previous meeting of the Planning Committee to enable details to be sought. The submission of drainage details is not a requirement for applications of this nature and can only be required for applications for major development or those within an identified flood risk area which this application is not. Notwithstanding this, the applicant has agreed to provide details and therefore an update will be given to Members once received.

Queries have been raised regarding the potential impact of the development on public rights of way and access to the rear of properties. The County Council as Public Rights of Way Authority has confirmed that the definitive map shows that one Public Footpath (No. 232 Kidsgrove Parish) runs along the access track to the site. Use of the footpath would not be affected by the proposed development, but the County Council has advised that any works to the footpath should be discussed with them.

The issue of access to the rear of properties is a civil matter and not material to the determination of the planning application.

### **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

Classification: NULBC **UNCLASSIFIED**

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

Classification: NULBC **UNCLASSIFIED**

## **APPENDIX**

### **Policies and proposals in the Development Plan relevant to this decision:**

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy T16: Development – General Parking Requirements

### **Other Material Considerations**

#### Relevant National Policy Guidance:

National Planning Policy Framework (2024)  
Planning Practice Guidance (updated 2019)

#### Supplementary Planning Guidance:

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

### **Relevant Planning History**

None relevant.

### **Views of Consultees**

The **Environmental Health Division** has no objections subject to conditions regarding hours of use and external lighting.

The **Highway Authority** has queried access rights and the historical use of the site and has raised concerns regarding vehicle manoeuvrability, access from the highway and the enforceability of conditions.

Staffordshire County Council as **Public Rights of Way Authority** states that the possibility of the existence of a currently unrecognised public right of way makes it advisable that the applicant seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public. Any works to the surface of the footpath require discussions with the County Council Rights of Way Team prior to any works commencing.

No comments have been received from the **Mining Remediation Authority** or **Kidsgrove Town Council** and given that the period for comments has ended it must be assumed that they have no comments to make.

### **Representations**

25 (twenty-five) letters have been received from members of the public. 14 are in support of the proposal for the following reasons:

- Site brought back into usage.
- Improved visual appearance of the area.
- Would provide secure storage facilities to residents.
- Would deter anti-social behaviour. Land is more secure, and safe.
- Land was untidy/ neglected. Overgrown trees cut back. No more fly tipping. Land is cleaner. Access to daylight improved.

- New fencing is an improvement, provides residents privacy.
- The containers if coloured would blend in with the surroundings.

11 object to the proposal on the following grounds:

- The application is retrospective, and works are ongoing.
- Ownership of the land and matters relating to its sale.
- Not a suitable location for a commercial business, not in keeping with the residential setting/ character of the area.
- Negative visual impact.
- Concerns over noise.
- Restricting access to a public right of way.
- Wooden roofed structure is not present in the submitted plans. Structure is large.
- Groundworks carried out in rushed manner without consideration for residents. Alterations to the ground level.
- Containers appear unstable. Supported by logs.
- No previous issues around security or anti-social behaviour.
- Boundary fences are high.
- Knock-on parking and highways and pedestrian safety issues.
- Concerns around what precisely will be stored, and by who.
- Hours of operation. Whether this would cause noise at unsociable hours.
- Works have caused flooding/ drainage issues for neighbouring properties.
- Removal of well-established trees and hedgerows.
- The burial of waste.
- Impact on ecology and wildlife.
- Restricting access to daylight.

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00915/FUL>

Background Papers

Planning File referred to  
Development Plan referred to

Date report prepared

8 May 2025