

Delegated Report for P/2019/00591

Application Number	P/2019/00591	
Planning Officer	Kerry Challoner	
Site Address	Frostfields Silver Lane Marchington Staffordshire ST14 8LL	
Proposal	Retention of use of part of the driveway & land for the storage of up to 20 LGV vehicles (online sales) for a temporary period of 12 months	
Expiry Dates	Weekly List	28 June 2019
	Neighbours	19 July 2019
	Consultations	19 July 2019
	Site Notice	26 July 2019
	Newspaper Advert	N/A
Application not Determined within Statutory Time Period - Reason		
Environmental Assessment	Screening opinion undertaken	N/A
	Schedule 1 or 2	N/A
	EIA Required	N/A
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance
	Local Plan Policies	SP1, SP8, SP24, SP25, SP35, DP1
	Supplementary Planning Documents	East Staffordshire Design Guide Parking Standards SPD
	Other Policies/Guidance	Marchington Neighbourhood Plan
Relevant History	23 May 2011- P/2011/00413/JPM - Erection of a two storey side extension- Approved subject to conditions.	
	05 February 2014- P/2013/01447 - Formation of a turning head and change of use of public highway to domestic curtilage- Approved subject to conditions.	
	18 July 2014- P/2014/00798 - Discharge of conditions 3-5 of planning permission P/2013/01447 relating to the formation of a turning head and change of use of public highway to domestic curtilage- Approved.	
	16 March 2016- P/2015/01719 - Change of use of land to domestic garden and erection of three detached buildings for garaging/general purpose storage buildings- Refused, Appeal dismissed.	
Consultation Responses	ESBC Highways - Objections raised on the grounds of an obstruction to the Highway.	
Parish Council	<p>Marchington Parish Council-</p> <p>Marchington Parish Council would like to lodge its strong objection to this application. This application is retrospective due to the Parish Council informing ESBC Enforcement of the vehicles being on site in Spring 2019. Several nearby residents have sent their objections to this application to the Parish Council and our Ward Councillor.</p> <p>Previous applications for this site have been rejected by ESBC due to the property falling</p>	

	<p>outside the settlement boundary.</p> <p>The application would, in effect, extend the adjacent Industrial Estate nearer the village centre and nearer the Silver Lane Playing Fields. This business also increases the goods traffic down Silver Lane, a cul de sac, where villagers play sport and exercise their dogs with the increased risk of accidents.</p> <p>The property is quite secluded being located at the end of a lane, but the 20+ small vans have a detrimental impact on the landscape as they are visible from Silver Lane Playing Field, a designated green space, defined in Marchington's Neighbourhood Plan. This is a residential area and an area for recreation.</p> <p>Marchington Parish Council does not believe that this business is appropriate, in this location and ask that the application be rejected.</p>
<p>Neighbour Responses</p>	<p>11 Responses were received from neighbouring occupiers/ local residents. Objections can be summarised as:</p> <ul style="list-style-type: none"> • The impact on this rural, residential area • The Highways Implications, increased use of Silver Lane • The proposal will set a precedent • This is an unsuitable site, there are other far more suitable sites in better locations. • The site is outside settlement boundaries and does not comply with the relevant countryside policies.
<p>Human Rights Act Considerations</p>	<p>There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.</p>
<p>Crime and Disorder Implications</p>	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>
<p>Equalities Act 2010</p>	<p>Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>
<p>Planning Officer's Assessment</p>	<p>Site and Surroundings</p> <p>This application relates to a detached dwelling house set within a spacious site located to the Southern side of Silver Lane on the edge of the village of Marchington. The dwelling occupies a prominent position adjacent to playing fields. To the South of the site is Marchington Industrial Estate which comprises a number of commercial buildings.</p> <p>The site is located outside of settlement boundaries as identified in the Local Plan.</p> <p>Proposal</p> <p>Consent is sought for the retention of the use of part of the driveway and land for the parking of upto 20 LGV goods vehicles in connection with an online sales business. The application seeks a temporary change of use for a period of 12 months.</p> <p>During the course of the application the applicant has clarified land ownership details.</p> <p>Assessment</p> <p>The main considerations in the assessment of this application are the principle of the proposal, impact on visual and residential amenity, heritage assets and the highways implications of the proposal.</p> <p>The following Local Plan policies are considered to be relevant in the assessment of the application:</p> <p>East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are</p>

located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity or causing highway safety issues. Another principle is that proposals are designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping.

Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a 'made' Neighbourhood Plan; or
- development under the Rural Exception Sites policy
- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- Provision for renewable energy generation, of a scale and design appropriate to its location
- Otherwise appropriate in the countryside

Policy SP8 then goes on to define further criteria seeking to limit the visual impacts on the character and appearance of the countryside.

Policy SP24 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development. The Local Plan policies are supplemented by the East Staffordshire Design Guide and the NPPF where it is indicated that developments should have due regard to the future amenities of residents.

Section 16 of the National Planning Policy Framework states that proposals should not pose significant harm to any heritage asset and should aim to preserve or enhance the asset by way of sensitive and appropriate design. Policy DP5 of the Local Plan states that development which protects the character and setting of listed buildings and conservation areas will be permitted. Strategic Policy 25 of the Local Plan indicates amongst other things that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.

Local Plan Policy SP35 sets out policies in relation to accessibility and sustainable transport.

Principle of the Proposal

The Local Plan sets out a spatial strategy which directs new development to sustainable places within the Borough, principally within Settlement Boundaries. As this site is located outside of the settlement boundaries defined in the Local Plan, Policy SP8 is particularly relevant as this policy sets out 'exceptions' where development may be considered acceptable in the countryside. Having regard to the submissions, it is not considered that any of the exception criteria set out in Policy SP8 could be met by this proposal. Whilst the online sales of commercial vans may be a lawful business, it is not considered that this location is justified in terms of the operations in this rural location. The visual impacts are addressed further below.

	<p><u>Impact on visual and residential amenity</u> The use of the land for the storage of upto 20 commercial vehicles would not be in keeping with the domestic character of the site and its rural surroundings. Whilst it is noted that there are large industrial buildings to the South of the site, this would not be justification to extend inappropriate development further into the countryside. It is considered that the proposal would adversely affect the landscape and character of the area, conflicting with the objectives set out in Local Plan Policies SP1, SP8, SP24 and DP1. Although consent is sought for a temporary period of 12 months, after which the applicant would seek to relocate his business operations, in this case the temporary approval would set an unfortunate precedent for future development at the site given the conflict in principle and the visual impacts of the development.</p> <p>In terms of residential amenity, the site is located a sufficient distance from neighbouring dwellings to ensure that there would be no overbearing impacts or loss of light. The comings and goings to and from the site would increase, however this would not be sufficiently detrimental to the amenities of neighbouring occupiers to sustain a reason for refusal of the application.</p> <p><u>Heritage Asseis</u> The application site is approximately 275 metres from the boundary of the Marchington Conservation Area and some 390 metres from the nearest listed building. Given the separation distances and the intervening features, it is considered that the proposal would have no material impact on any heritage asset.</p> <p>Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for a development which affects a listed building or its setting, the Local Planning Authority have to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this case, for the reasons set out above, Section 66 (1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 are not engaged by this proposal.</p> <p><u>Highway Impacts</u> The County Highways Authority have raised objections on the basis that the proposal would create an obstruction within the highway. Whilst planning permission was previously granted for alterations to the Highway at the access to the site (ref P/2013/01447), the necessary legal process for its 'stopping up' has never been progressed. This remains a legal matter between the County Highway Authority and the applicant. It is noted that the County Highway Authority have raised no other objections regarding this proposal.</p> <p>In terms of the Highway Safety implications of the scheme, the submissions indicate that the vehicles would be parked in a designated area within the application site. In itself, this would not cause detriment to the safe and freeflow of the Highway. Whilst it is acknowledged that there would be additional trips to and from the site, the County Highway Authority have not raised objections to the impacts that such additional trips would generate.</p> <p>It is not considered that a refusal of the application on highway grounds could be sustained given the advice provided by the County Highway Authority.</p>
Planning Officer's response to Parish Council	The objections raised by the Parish Council and Neighbouring occupiers/ Local residents have been addressed above.
Conclusion (including Signature & date)	<p>Accordingly, it is concluded that the proposed scheme is unacceptable and would fail to comply with the objectives of Local Plan Policies SP1, SP8, SP24 and DP1. The application is therefore recommended for refusal.</p> <p></p> <p></p> <p>07 February 2020</p>

Engagement	The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.	
Section 106 required?	No	
Draft Decision Notice checked by Planning Officer or Team Leader		
Team Leader Comments		

