



Appeal Decision

Site visit made on 12 November 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/M3455/W/24/3345898

Unit C73, 73 Shelton Boulevard, Stoke-on-Trent, ST1 5NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Emerge Global Ltd against the decision of the City of Stoke-on-Trent Council.
 - The application Ref is 70265/FUL
 - The development proposed is the erection of a temporary canopy to the side elevation of the warehouse to provide shelter for the loading bay.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the canopy on the character and appearance of the surrounding area, including the Trent and Mersey Canal Conservation Area (CA).

Reasons

3. The temporary canopy has already been erected and the application is therefore of a retrospective nature.
4. The appeal property is a modern industrial building located at the junction of Shelton Boulevard and Festival Way. There are two similarly designed modern industrial buildings to the south, and another to the north, on the opposite side of Festival Way. The Trent and Mersey Canal towpath runs along the eastern side of the site. There is a car park to the front of the building and a loading area to the south, both of which are accessed from Shelton Boulevard. The canopy is situated at the eastern end of the loading area, against the side elevation of the building, and close to the boundary with the canal towpath.
5. Planning permission was granted in March 2023 for a permanent extension to the main building in the same general position as that currently occupied by the temporary canopy. Subsequently, in June 2023 a further permission was granted by the Council for an amended version. Both related to buildings of the same basic design principles and materials as the main building. The current canopy has a white marquee style roof and has partial walls constructed from light grey cladding with some open sides to enable vehicular access. The main building is flat-roofed and has walls of mainly dark grey cladding with white cladding around the front reception/office area only.

6. The industrial area, of which the appeal property forms a part, has a unified appearance with buildings of similar appearance. It is a very modern area and there is a large sculpture on the nearby roundabout which appears as a gateway feature into the area. The Council contends that the industrial estate is the city's premier employment offer and that the design and nature of the canopy structure detracts from the quality of the industrial estate. I concur with that view. The canopy is readily visible from the road and appears incongruous and uncharacteristic in the context of its surroundings.
7. In addition, the canopy projects almost 3 metres beyond the rear elevation of the main building such that it is readily visible from Festival Way to the north and is very close to the canal towpath. The canal corridor is a conservation area and the canopy is clearly visible when approaching the appeal site along the towpath from the south and becomes an even more significant feature from the towpath immediately outside of the appeal site, where there are large gaps within the boundary planting.
8. On the basis of the above, the canopy does not respect the character or appearance of the surrounding area, either in terms of the wider industrial estate or the Conservation Area along the canal corridor. It would, therefore, conflict with Policy CPS1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy which indicates that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and in particular, the built heritage and its historic environment. In addition, new development should promote the image and distinctive identity of Newcastle and Stoke-on Trent through the enhancement of strategic and local gateway locations. The canopy does not do this.
9. The appellants contend that company finances do not currently permit the construction of the approved permanent canopy scheme and that the approved schemes require further revision in any event to facilitate free movement of fork lift trucks. It is contended that a temporary solution is required in order to fulfil health and safety obligations and ensure optimal operational efficiency. I note that the design of the recently constructed main building was based on known operational requirements for commercial/industrial occupiers, and that the appellants have indicated in the appeal statement that, in due course, the temporary canopy may be removed from the site altogether, with or without a permanent replacement.
10. I have before me no detailed business plan from the appellants. Moreover, given the fact that proposals for the permanent structure have already changed since first occupation and appear to be subject to further proposed changes, including removing the temporary canopy without replacement, I find that the level of need for the temporary canopy is not clearly proven.

Conclusion

11. I find that the temporary canopy is harmful to the character and appearance of the surrounding area, including the Trent and Mersey Canal Conservation Area. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR