

The Applications are for:

**14/00055/FUL** - the variation of condition 1 of 12/00770/FUL which specified the approved plan. The variation sought is the substitution of the approved plan with a plan that shows an extended area for the external display of car for sale.

**14/00056/ADV** - outdoor advertisement consent for the display of a replacement free standing sign at the vehicle access to the site fronting the busy A34.

The site is located in the Urban Area of Newcastle under Lyme as identified on the Local Development Framework Proposal Map.

**The statutory 8-week determination period for both applications expires on the 4<sup>th</sup> April 2014**

### **RECOMMENDATION**

#### **14/00055/FUL**

Subject to the Highways Authority removing their objections, condition 1 of 12/00770/FUL can be varied with the addition of the following conditions;

- Submission of a plan showing a revised layout on the side/ north boundary in front of the control barrier to ensure an adequate separation distance between the first displayed vehicle and the point of access from the A34.
- Conditions of 12/00770/FUL continuing to apply

#### **14/00056/ADV**

**Permit** no conditions.

### **Reason for Recommendation**

The principle of car sales has previously been accepted and the impact of the additional area on the residential amenity of neighbouring properties would be limited. The location of the vehicles to be displayed could adversely affect the safety of vehicles accessing the site from the A34. However it is considered that highway safety concerns could be addressed by amending the area additional car sales would take place so that they are not sited too close to the boundary of the site with the A34. This could be secured via a condition. Therefore subject to the condition the proposal to vary condition 1 is considered acceptable and would meet the requirements and guidance of the National Planning Policy Framework.

The proposed advertisement would not raise any concerns with regard to amenity and public safety.

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

Officers have been working with the applicant to address any concerns and subject to further correspondence being received the development is a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy

Policy SP2: Spatial principles of Economic Development  
Policy CSP1 Design Quality

Newcastle under Lyme Local Plan 2011

Policy T16: Development - General Parking Requirements

**Other material considerations include:**

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

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

Relevant Planning History

97/00268/COU PERMITTED 16.06.1997 Change of Use of part of ground floor area to motorcycle and spares sales - implemented

03/00511/FUL PERMITTED in part 13.02.2004 Change of Use of part of ground floor area to motorcycle and spares sales with out complying with Conditions 2 (testing) and 5 (hours of operation of the use) subject to which planning permission 97/00268/COU was granted.- implemented (testing area formed)

03/01056/COU – change of use of first floor storage area to form a new motorcycle sales area with associated external alterations – PERMITTED with same condition as above 24<sup>th</sup> December 2003 - implemented

05/01240/FUL PERMITTED 28.04.2006 Two storey extension forming additional ground floor sales area for off road motorcycles and first floor accessories shop, together with additional car parking – implemented only insofar that the additional parking referred to has been provided, as has an acoustic fence the subject of a planning condition.

09/00181/COU REFUSED 21.05.2009 Variation to condition Number 5 of planning permission 97/00268/COU, condition 5 of planning permission 03/00511/FUL and condition1 of planning permission of planning permission 03/01056/COU so as to permit Sunday retail of motorcycles and motorcycle accessories from 11 a.m. to 5 p.m.

09/00548/COU PERMITTED 19.11.2010 Variation to condition 5 of planning permissions 03/00511/FUL & 97/00268/COU and condition 1 of 03/01056/COU to allow retail sales of motorcycles and motorcycle accessories from 10:00 to 17:00 hours on Sundays and reduced by one hour during the week through the amendment of opening hours from 08:00 to 09:00 hours on Monday to Saturday (closing time to remain at 18:00 hours).

10/00391/FUL PERMITTED 24.08.2010 Variation to condition 3 of Planning Permission 09/00548/COU so that the existing one way system imposed by Condition No.8 of Planning Permission 03/00511/FUL shall remain in operation during all trading hours but no motorcycles shall pass through the control barriers on Sundays and all vehicles that pass through the barrier shall egress via Wilton Street only.

12/00770/FUL PERMITTED 29.01.2013 Retention of use of land for car sales, ancillary to the existing lawful use of the premises for motorcycle sales; the sale of motorcycle accessories; and the service, repair and MOT testing of motorcycles approved under application number 97/00268/COU and varied/updated under application numbers 03/00511/FUL, 03/01056/COU, 05/1240/FUL.

Views of Consultees

14/00055/FUL

The **Highways Authority** recommends that the application should be refused as it appears that there is insufficient space to park vehicles within the proposed parking area located directly between the A34 Liverpool Road and the access control barrier. Furthermore, vehicles parking and manoeuvring within this area will impede traffic access from the A34 Liverpool Road resulting in the slowing down of vehicles which could affect the free flow of traffic on the A34.

The **Environmental Health Division** raises no objections subject to a condition regarding the submission of any external lighting.

14/00056/ADV

The **Highways Authority** raises no objections

The **Environmental Health Division** raises no objections subject to it being none illuminated

#### Representations

No letters of representation have been received.

#### Applicant/agent's submission

The applications are supported by a Planning statement which details the following key points;

- The sale of cars has continued to grow over the past 12 months and forms an ancillary part of the wider business operation at Swift House. Given the growth in sales, an additional area for the display of vehicles for display is required.
- The above proposal would ancillary to the existing lawful use of the premises for car sales, motorcycle sales; the sale of motorcycle accessories; and the service, repair and MOT testing of motorcycles approved under application number 97/00268/COU and varied/updated under application numbers 03/00511/FUL, 03/01056/COU, 05/1240/FUL and application number 12/00770/FUL.
- The existing one way system through the site would be retained as previously approved.
- The opening hours of the car showroom would be the same as those approved under previous planning applications.
- There would be no Sunday trading of cars on site.
- In light of the above, an increase in the number of cars displayed for sale on site is highly unlikely to generate any substantial increase in noise emissions on the site.
- The proposed advertisement would replace the existing advertisements/banners with a simple looking totem sign. An existing totem sign already exists at the site entrance and this would be replaced by the proposed totem sign.

All of the application documents can be viewed at the Guildhall, and on the Councils website using the following links

14/00055/FUL - [www.newcastle-staffs.gov.uk/planning/SwiftHouseVcond](http://www.newcastle-staffs.gov.uk/planning/SwiftHouseVcond)

14/00056/ADV - [www.newcastle-staffs.gov.uk/planning/SwiftHouseAdvts](http://www.newcastle-staffs.gov.uk/planning/SwiftHouseAdvts)

#### **KEY ISSUES**

**Application reference 11/00055/FUL** is for the variation of condition 1 of 12/00770/FUL which specified the approved plan. The variation sought is the substitution of the approved plan with a plan that shows an extended area for the external display of car for sale.

The site and buildings are now operating as a mixed use with the currently approved area for the display of cars being on the site frontage, along then northern elevation of the building and the a small area to the rear, and the parking area to the rear of properties on Derwent Place. The proposal is to provide a further area for the along the northern boundary of the site at the front (before the control

barrier) site and at the side/ north (through the control barrier). The area at the front would require a wall and vegetation to be removed.

The use of car sales within the site was established during the previous permission and at that time it was considered that the introduction of such a use would not result in any adverse impact on the residential amenity of neighbouring properties. It is not considered that the proposal would raise any additional concerns in this regard particularly when the area is located adjoining another commercial use. Therefore, the main issue for consideration is the impact on highways safety.

#### The impact on highway safety

A plan showing the existing and proposed areas for car sales have been submitted, along with a photomontage of how the proposed front area will be utilised

The Highway Authority has raised an objection due to the proximity of the area to the main access point and the lack of clarity on how the area can work safely. This has resulted in a further plan being submitted which shows three spaces for vehicles to be sold before the control barrier and three spaces beyond the barrier. Each space measures approximately 4.8m by 2.4 metres.

It is considered that the three spaces beyond the control barrier do not raise any concerns. However, the three spaces in front of the control barrier are of a greater concern. The views of HA have been requested and their comments will be reported but your Officer remains concerned in respect of impact on highway safety due to the location close to the existing access, which is the main point of the access to the site, and whether there is sufficient space to manoeuvre safely. Notwithstanding this the number of spaces could be reduced down to limited the overall area where vehicles can be parked, and this could be achieved through the submission of an amended plan secured by condition.

Subject to appropriate conditions it is considered that the proposal to increase car sales at the site would meet the guidance and requirements of the NPPF.

**Application reference 11/0056/ADV** is for outdoor advertisement consent for a non-illuminated free standing sign located at the site entrance.

The National Planning Policy Framework provides guidance on outdoor advertisements and details in paragraph 67 that,

“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”

The main issues to address are considered to be the impact of the signs on the amenity of the site it relates to and the surrounding conservation area, along with the impact upon public safety

#### The impact of the advertisement sign

The proposed sign would measure 2.2 metres (height) by 0.7 metre (width) by 0.2 metres (depth) and would advertise the existing business uses of the site. It would replace an existing free standing sign of a similar size and design. The applicant also details that existing banners would also be removed.

The proposed replacement sign is considered to represent an acceptable size and design that would not harm the character of the street scene or the visual amenity of the area in general, this being in accordance with the guidance and requirements of the NPPF.

The replacement sign would be located close to the busy A34 but it would be non-illuminated. The Highway Authority and Environmental Health Division have raised no objections to the proposed sign and subject to the standard conditions for advertisements it is considered that its impact on public safety and amenity would be minimal. Therefore it would comply with the requirements of the NPPF.

Background Papers

Planning file  
Planning documents referred to

Date report prepared

19<sup>th</sup> March 2014