

The application is for the retention of the change of use of an existing car park to a CBT motor cycle training area. No buildings or permanent facilities are proposed and the operating hours are detailed as "daytime only" at other times the car park is available for the parking of vehicles

The application site is located within the urban area of Clayton but this area is designated as being within the North Staffordshire Green Belt and a Landscape Maintenance area (Policy N19), as indicated on the Local Development Framework Proposals Map.

The application was deferred at the 24th June 2014 planning committee to enable discussions between all parties to agree a new description of development and to agree a specific area of the car park to be used and the hours of operation.

The 8 week period for the determination of this application expired on the 22nd May 2014.

RECOMMENDATION

Permit subject the following conditions;

i) Hours of operation

Reason for Recommendation

The change of use is considered to represent inappropriate development within the Green Belt because it does not fall within one of the exceptions detailed within the NPPF. The use does not harm the openness of the Green Belt and any minimal harm arising could be controlled through the use of conditions and would be outweighed by the sustainable nature of the dual use which is considered to represent the very special circumstances required. Subject to a restriction on the hours of operation there would be a minimal impact on highways safety and the amenity of the area.

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 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 2006-2026 (adopted 2009) (CSS)

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle Under Lyme Local Plan 2011(NLP)

Policy S3: Development in the Green Belt

Policy N17: Landscape character – general considerations

Policy N19: Area of Landscape Maintenance

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

None relevant

Views of Consultees

The **Highways Authority** raises no objections subject to a condition that the use shall not operate during the times that a cricket match is being played at the site.

The **Environmental Health Division** raise no objections subject to a condition restricting the hours of use from 8am to 6pm on weekdays and no operation on weekends and bank holidays.

Representations

No letters of representation have been received.

Applicant/agent's submission

A location plan has been submitted with the application site red edged. The application details can be viewed at the Guild Hall or by using the following link www.newcastle-staffs.gov.uk/planning/1400212COU

KEY ISSUES

The application is for the retention of the change of use of an existing car park to a CBT motor cycle training area. No buildings or permanent facilities are proposed and the operating hours are detailed as "daytime only" with the car park being available for the parking of vehicles at other times. However concerns have been expressed about the possible conflict of this use with the car parking arrangements for Clayton Sports Centre. Therefore discussions are due to take place with all parties to address this concern.

The application site is located within the urban area of Clayton but this area is designated as being within the North Staffordshire Green Belt and a landscape maintenance area, as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the application are:

- Is the proposal appropriate development within the Green Belt?
- Parking and the impact on highways safety,
- the impact on the amenity of the area, and
- if not appropriate do the required very special circumstances exist?

Appropriate development within the Green Belt?

Paragraph 79 of the NPPF details that "*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*"

The NPPF, at paragraphs 89 and 90, indicates that new buildings and other forms of development are classed as inappropriate development other than in a number of identified exceptions. The application is for the change of use of land only and no new buildings or permanent equipment is proposed. Changes of use of land do not fall within one of these exceptions and so the development has to be considered to represent inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Parking and the impact on highways safety

The change of use has already taken place and the existing car park is being used as a CBT motorcycle training centre. The application site currently operates as a dual use as a car park and now the motorcycle training use. The application form detailed that the motorcycle training use is operating outside the hours that the sports centre and cricket club operate. However, this is not the case.

The borough council lease the car park to the cricket club who sub-let the car park area to the CBT motorcycle training use. Concerns have been expressed about the description of development and the hours of use of the CBT motorcycle training use preventing users of the sports centre from parking on the car park during the day. Therefore to avoid any highway safety implications a meeting between all parties is due to take place to discuss what restrictions could be imposed to ensure that the car park is available for the parking of vehicles when required and to enable the motorcycle training use to continue. This is likely to involve restrictions on hours of operation and possibly restrictions on the area of the car park which can be used for the training. Further information in this regard will be reported following the meeting.

The impact on the amenity of the area

The use of the car park for motorcycle training has the potential to cause increased noise disturbance to the amenity of the area. In this regard EHD has detailed that a complaint was made to the Environmental Health Department in 2009 regarding noise from the activity but do not highlight any since that time. They indicate that the residential premises upon Stafford Avenue and Lilleshall Avenue are screened from the car park by the sports centre however there is a direct line of site to residential premises upon Clayton Lane and Cambridge Court and as such noisy activity on the site could adversely affect the occupiers of such premises. They therefore, recommend a condition restricting the hours of operation to 8am to 6pm Monday to Friday with no operation at weekends (including bank holidays). In the circumstances this is considered reasonable and appropriate.

Do the required very special circumstances exist

The NPPF details that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The use of the car park as a motor cycle training centre has no greater harm on the openness than the use of the car park for the sports centre and cricket club. The dual use would represent a more efficient and therefore sustainable form of development and this is deemed to represent the very special circumstances as it would outweigh the minimal harm arising from the use.

Background Papers

Planning File referred to
Planning Documents referred to

Date report prepared

1st July 2014