

The application is for full planning permission for a proposed showroom for construction and civil engineering plant sales including an external display area, parts trade counter, repair workshop, preparation bay, office, storage and ancillary spaces, and external hardstanding, vehicle wash and parking for staff and customers. The site extends to some 1.3 hectares.

The application site lies on the edge of the Nelson Industrial Estate within the Kidsgrove Urban Area on the Local Development Framework Proposals Map.

The site fronts onto both West Avenue and Linley Road, the A5011. Vehicular access is onto West Avenue.

The 13 week period for the determination of this application expires on the 14th March 2018.

RECOMMENDATION

Permit subject to conditions regarding the following:

- **Time limit**
- **Approved plans**
- **Materials**
- **Boundary treatments/ security fencing**
- **Finished ground levels of external display area**
- **submission, approval and implementation of a landscaping scheme**
- **Tree protection measures for all trees on or adjoining the site**
- **Provision of access, parking, servicing and turning areas**
- **Details of weatherproof cycle parking**
- **Gates to open away from the highway**
- **Construction Method Statement**
- **Construction hours**
- **Hours of Operation (movement and operation of heavy plant and machinery)**
- **External lighting details**
- **Noise assessment**
- **Land contamination**

Reason for Recommendation

The principle of the development is considered acceptable and subject to conditions it is not considered that there would be any significant adverse impact on the visual amenity of the area, the residential amenity of neighbouring occupiers, or significant highway safety implications.

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

The applicant has been in discussions with officers to address concerns raised by consultees and additional information has been submitted which has addressed concerns. The development is now considered to represent a sustainable form of development that meets the requirements of the National Planning Policy Framework 2012.

Key Issues

The application seeks planning permission for a proposed showroom for construction and civil engineering plant sales including an external display area, parts trade counter, repair workshop, preparation bay, office, storage and ancillary spaces, external hardstanding, vehicle wash and parking for staff and customers.

The application site lies on the edge of the Nelson Industrial Estate within the Kidsgrove Urban Area on the Local Development Framework Proposals Map.

The key issues for consideration in the determination of this application are:

- Is the principle of development acceptable?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?, and
- Would the proposed development have any adverse impact upon highway safety?

Is the principle of development acceptable?

The site was previously in use as warehousing and distribution with associated offices but the buildings on the site have now been demolished under a demolition works notification 17/00153/DEM.

The proposed development consists of a number of elements, which include a showroom for plant and machinery but also the servicing and repair of new and used construction and civil engineering plant and machinery.

The business currently operates from a smaller site located within the vicinity of the application site at the junction of Congleton Road and Newcastle Road, Butt Lane. The application sets out that the business has identified a need for business expansion and the improvement of the facilities will contribute heavily to this expansion.

The business currently has 6 employees and it is anticipated that the development will support a total of 16 employees, so there 10 additional employment opportunities.

The application also indicates that the workshop element of the proposed development leads to the greater proportion of employment numbers which require skilled tradespeople - this is what is termed a B1/ B2 activity (as defined in the Use Classes Order).

Policy E11 of the NLP seeks to protect good quality business and general industrial land and buildings. The loss of such land, where this would limit the range and quality of sites and premises available, should be resisted.

The showroom element is a sales use but does not fall within the A1 (retail) Use Class. A car showroom is a sui-generis use and it is considered that the showroom in this instance would be sui-generis i.e. a use in its own right. Car showrooms are not listed as a "main town centre use" as defined in Annex 2 of the NPPF although retailing is. However an objection in principle to a non-town centre location is unlikely to be sustained. The requirements of a construction plant and machinery showroom do not lend itself to a town centre location, and furthermore the retail/sales element is only one part of the use and arguably unable to be separated from those other repair and maintenance elements. Therefore it is not considered necessary for this application to be supported by a sequential assessment.

The proposed development would bring back into use a vacant site on the edge of Nelson Industrial Estate. The B1 and B2 elements of the proposal would accord with policy E11 of the Local Plan. A showroom for construction equipment and machinery is only a partial element of the proposed development and it is not considered that it would unduly conflict with the principles of policy E11 and it would result in employment opportunities.

The site benefits from good links to the A34 and the A500 and wider links to the M6 motorway and it is considered to be in a sustainable location. Given the previous use of the site and subject to the detail of the scheme being acceptable it is considered that the proposal is acceptable in principle.

Would the development be acceptable in terms of the impact on the form and character of the area?

Paragraph 56 of the NPPF indicates that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD provides design guidance on employment development and policy E1 of the SPD states that “Business development should be designed to respond to and exploit key features or characteristics of the site and the local context.”

Other matters covered by the SPD include that buildings should address the street, it should be easy for a visitor to find their way around and to create a positive impression on arrival and boundary treatments should form an integral part of the design of proposals for business development.

The submitted Design and Access Statement (D&AS) has a section on design which identifies that there are three key zones which influence the design of the scheme. The workshop elements have been sited towards the rear with the customer facing and retail elements being sited towards the front and side that face Linley Road and West Avenue.

The building is of a traditional appearance for a modern commercial building with brickwork and metal cladding, glazing and a standing seam metal roofing system.

The massing of the building is taller at the rear with a lower eaves height to the Linley Road frontage to limit the visual impact. The building is also significantly set back from the frontage and on a lower level than the Linley Road frontage.

The site frontage previously had a high level of tree coverage which provided natural screening of the site and industrial estate. These trees have been removed which have opened up views of the site frontage and of the industrial estate from public vantage points. An intrinsic part of the scheme is a proposed external sales area on the Linley Road frontage. This area is proposed to be used for the display of construction equipment and the proposed design includes associated security fencing and equipment.

No consent was required to remove these trees.

A landscaping plan has now been submitted (at the request of your officers) which is considered necessary to mitigate the loss of the trees and to ensure that the proposed development benefits from some level of screening, whilst also achieving an attractive road frontage.

Whilst the submitted landscaping plan goes some way to providing an attractive frontage the external display area still dominates. Your officers consider that a reduction to the size of the external display area is necessary and further landscaping is required before it can be considered acceptable. The landscaping of the site frontage to Linley Road (the entry point into Butt Lane/Talke from the northwest on this road corridor) is a key consideration and once an acceptable scheme is submitted it is considered necessary that landscaping scheme is carried out prior to the occupation and operation of the site. This could all be secured by a condition.

Therefore, subject to appropriate conditions it is considered that the proposed development would not significantly harm the character and appearance of the area.

Would there be any adverse impact on residential amenity?

The site had been operating as a B8 Storage and Distribution site and whilst it has been vacant it is accepted that the site is on the edge of an established industrial estate.

The site is opposite a number of residential properties located on a side road but they front the southern side of Linley Road and others properties on Walton Way which have rear gardens that are adjacent to Linley Road.

Trees on the Linley Road frontage which provided a landscape buffer between the site and the adjacent residential properties have been removed and a number of objections from the occupiers

have been received. The objections identify that the removal of the trees have opened up the industrial estate and the associated activities which would result in odour, noise and light pollution'

The proposed building would be used as a workshop for servicing and repair work which is a B2 activity and so potential noise impacts will arise. However, the building has been designed so that these activities would be located at the rear of the building and site. This is approximately 100 metres from the nearest residential properties.

The Environmental Health Division (EHD) raises no objections but they do recommend conditions that would limit the noise impact and the impact on nearby residential amenity levels. In particular EHD recommend that the movement and operation of heavy plant and machinery on site shall only take place between the hours of 7.30am and 18.30 Monday to Friday and 8.30am to 1.30pm on a Saturday with no activity beyond these hours or on a Sunday or a Public Holiday.

Other conditions advised by EHD would minimise the impact of the development on nearby residential amenity levels which are considered acceptable.

The removal of the trees is unfortunate but the Local Planning Authority had no control of this because the trees were not covered by a Tree Preservation Order and the site does not lie in a Conservation Area. With respect to the trees that were removed EHD have advised that the trees on this site were not intended to provide any mitigation against noise or dust from activities unlike those on the Prince Minerals site on the opposite side of West Avenue, and the nature of the intended use is very different from that on the Prince Minerals site which involves the filling of silos from bulk tankers, the distribution of materials from silos and the handling of dusty materials in bunkers.

A landscaping scheme which includes replacement planting, would provide some limited level of screening and mitigate the impact on nearby residential properties to a sufficient degree to reasonably address the objections received.

Subject to conditions, it is not considered that an objection could be sustained on the grounds of impact on residential amenity.

Would the proposed development have any adverse impact upon highway safety?

NLP policy T16 states 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 parking or traffic problem. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

Representations have been received on this issue.

The proposed development provides 26 spaces for customers and employees. The staff parking would be to the rear and the customer car parking would be to the side by the access off West Avenue.

The site layout ensures space for manoeuvring of vehicles and machinery around the site and to the external display area.

The applicant has submitted a Transport Statement (TS) for the application. The TS details that previous use of the site was a wholesale distribution depot and that the previous land use had the potential to generate more vehicle trips than the proposed development.

The Highways Authority has raised no objections and it is considered that the proposed access, parking and manoeuvring within the site is acceptable and the proposed development is unlikely to lead to significant highway safety problems.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

17/00153/DEM Application for prior approval of proposed demolition of former warehouse and a two storey office block Permitted

Views of Consultees

The **Highway Authority** raises no objections subject to conditions which secure the access, parking, servicing and turning areas, submission and approval of secure weatherproof parking for cycles and a Construction Method Statement & gates shall open away from the highway.

The **Landscape Development Section** indicates that they object to the removal of all of the trees to the frontage with Linley Road. Whilst these trees were all poorly managed and not in good condition they provided an important visual screen to the West Avenue industrial area. The tree loss has significantly changed the character of the site, to the detriment of the A5011 road corridor which is a major gateway to Talke and Kidsgrove. This is exacerbated by the previous loss of trees and shrubs from the frontage of the adjacent vehicle storage site to the east leaving the north side of the road open as far as the Lawson car sales, although replacement buffer planting is proposed here. No attempt has been made to incorporate existing trees into the scheme or to provide replacements to mitigate their loss. Would request that the scheme is redesigned to replace the trees that have been removed.

The **Environmental Health Division** raises no objections subject to conditions which control construction hours, hours of operation for movement and operation of heavy plant and machinery, artificial lighting and the submission and approval of a noise assessment, along with contaminated land conditions.

The **Waste Management Section** has no comments to make on this application.

The **Staffordshire County Council Flood Risk Team** advises that the proposed development is to use the existing surface water drainage system and because there will be no significant change to the impermeable area there should be little change to the surface water runoff generated by the site.

Kidsgrove Town Council raises no objections but expects that the views of neighbours are given full consideration to ensure the development has no detrimental impact on the wellbeing of residents. That would include adequate screening to minimise the loss of visual amenity. The Council has grave concerns about the recent removal of trees at the edge of the site and asks that this is investigated and that planning history is checked to ensure that existing facilities such as floodlighting are subject to the appropriate controls.

The **Environment Agency** raises no objections.

Cadent (National Grid) advises that searches have identified that there is apparatus in the vicinity of the site which may be affected by the activities specified. They therefore provide a number of advisory notes/ recommendations prior to works commencing on site.

A summary of the comments of the **Crime Prevention Design Advisor** are as follows:

- Security will need to be an important consideration for the applicant given the value of the plant, spares, equipment and tools likely to be stored on site in addition to any IT equipment. The removal of the previous screening vegetation will be advantageous in this regard,
- The site will be reasonably well secured by fencing. Weld mesh fence types that the applicant should give consideration to that offer greater resistance to penetration (cropping) and climbing as well as providing excellent through visibility,
- The proposed materials provide an appropriate level of intruder-resistance,
- Security measures and guidance are proposed which includes CCTV details.

Representations

Twelve letters of representation have been received, including two ward councillors, making the following comments and concerns;

- The proposal would contribute to the road surface on West Avenue becoming worse and the development should contribute financially to its upkeep,
- Hours of operation should be restricted,
- Lighting and levels of luminance should be restricted,
- It would result in an increase in the volume of traffic,
- The existing road infrastructure is not adequate,
- Environmental damage through the loss of trees –odour, noise and light pollution from the industrial estate,
- The loss of the trees harms the visual amenity of the area,
- Replacement tree planting should be proposed to mitigate the loss of trees, and
- Quality of life should be preserved for residents,

Ruth Smeeth Member of Parliament for Stoke-on-Trent North and Kidsgrove has commented on the application requesting that the considerations of residents be taken into account when discussing this application, especially in regards to the provision of appropriate screening to protect the surrounding houses.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Noise Assessment,
- Phase 1 contaminated land report,
- Flood risk assessment,
- Tree report,
- Design and Access Statement, and

- Transport Statement.

The applicant has also provided a written response to a representation made by a ward councillor.

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00897/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th February 2018