

The application is for full planning permission for the change of use of land to a vehicle compound for seized vehicles, proposed siting of 3 cabins, new fencing and gates.

The application site lies within the Urban Area of Newcastle-under-Lyme and the area is covered by saved Local Plan Policy E9 (relating to employment uses), as identified on the Local Development Framework Proposals Map.

The site is accessed off Watermills Road and would share its access with Armstrong's vehicle recycling centre who owns the site. The site extends to 0.85 hectares in area.

The 13 week period for the determination of this application expires on the 21st March 2018 but the applicant has agreed to extend the statutory determination period to the 29th March 2018.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Time limit**
- 2. Approved plans**
- 3. Submission and approval of parking and turning areas for the storage of vehicles, recovery vehicles and staff,**
- 4. The cabins shall be removed from the site when they are no longer in use,**
- 5. No external lighting unless submitted for approval,**
- 6. Provision of hibernacula within a standoff area, details of which are to be agreed**
- 7. Planting of streamside vegetation on the currently unvegetated watercourse**
- 8. Further Great Crested Newt study prior to, whichever is the sooner, vehicles being brought onto site or additional hardsurfacing being laid**

Reason for Recommendation

The principle of the development is considered acceptable and there is unlikely to be any significant harm to the biodiversity of the area. Subject to conditions it is not considered that there would be any significant adverse impact on highway safety or 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

The applicant has been in discussions with officers to address matters not covered in the submission and additional information has been submitted which has addressed this. 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 full planning permission for the change of use of land to a vehicle compound for seized vehicles, proposed siting of 3 cabins, new fencing and gates.

The application site lies within the Urban Area of Newcastle-under-Lyme and is accessed off Watermills Road and would share its access with Armstrong's vehicle recycling centre.

The site is located within an established industrial estate setting and it is not considered that the proposed development would have a significant harm to the visual appearance of the landscape or trees. The applicant has also confirmed that no external lighting is proposed.

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

- Is the principle of development acceptable? and
- The impact on the ecology.

Is the principle of development acceptable?

Saved Policy E9 of the Local Plan relates to the renewal of planning permissions for employment development on certain sites. This site is covered by the policy which supports the renewal during the plan period of planning permissions for employment use broadly in accordance with the same terms as given by 2003, unless new factors or other material considerations indicate otherwise. Any viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with Mineral Local Plan policies 4 & 5. In the case of this site the policy requires a nature conservation study to support the application.

The plan period referred to in Policy E9 finished in 2011.

The proposed development is for the use of the site as a DVLA storage compound. The application indicates that vehicles that are unlicensed on the public highway would be seized and brought to the compound for a set period. The vehicles are then collected by the owners once they have paid the release fee. If the vehicles are not retrieved by the owners they are sold online and then collected by the new owner.

The application site is located on an established industrial estate and the proposal is for a vehicle storage compound for seized vehicles. The site appears to have been overgrown and unused for a number of years and extends either side of an access which leads to Armstrong's vehicle recycling centre. The application site is owned by Armstrong's vehicle recycling centre.

The County Council as the Mineral and Waste Planning Authority have advised that in terms of the requirements of Policy 2.5 a) of the Waste Local Plan they do not consider that the proposal would unduly restrict or constrain the activities at the permitted scrapyards adjacent to the application site, and furthermore that the application has no mineral safeguarding implications.

The site is also constrained by its shape, limited size and access through it, and has been laid with hardstanding and is secured via security fencing. It would appear that the previous vegetation on the site was removed and the hardstanding provided without the required planning consent recently. The implications of this will be discussed in the section below.

The application indicates that the site will employ 7 full time staff and that the proposed use is only required for a 7 year period at which point the DVLA will review its requirement and different locations for the facility.

The proposed development would make use of a vacant site and create 7 full time jobs and whilst it will only be for a 7 year period it is considered that it represents a sustainable form of development and the proposal is acceptable in principle.

The impact on biodiversity

Saved development plan policies and the NPPF (including the draft NPPF out for consultation) seek to protect important habitats and wildlife from development and as discussed policy E9 of the local plan requires a nature conservation study to support the planning application.

The area is known to have a population of Great Crested Newts (GCN) and the applicant has now submitted an up to date Great Crested Newt Impact Assessment.

The assessment indicates that there are two watercourses within the site but these are considered unsuitable for Great Crested Newts (GCN) because it includes a gravelled hardstanding and is the subject of high levels of disturbance. However, there are two ponds outside of the application site that are considered suitable to support breeding Great Crested Newts (GCN). The assessment concludes that there will be a negligible impact upon GCNs or any GCN habitat and no mitigation or

compensation measures are required. Furthermore, it is considered that works may commence without the need for a European protected species (EPS) mitigation licence from Natural England.

The hardstandings have been laid prior to planning permission being granted and some harm may have already been caused to GCN and their habitat. There is now no way of knowing whether harm to GCN has been caused or not. Additionally, it is accepted that the survey was undertaken outside of the desired time for a GCN survey but the assessment considers that sufficient vegetation (in the area) was available to provide a robust assessment of aquatic and terrestrial habitats. Your officers have no reason to challenge the assessment and the site characteristics and conclusions reached are considered accurate and therefore accepted.

The question for the Local Planning Authority is whether or not to require some form of mitigation works to reflect the likelihood that prior to the unauthorised hardstanding works the site would probably have been a suitable habitat for newts although it should be emphasised that there were no ponds upon the site. The site is part of an employment site as indicated in the Local Plan and weight should also be given to this. A recommended mitigation would be the provision on the pond side of the site of some purpose built hibernacula (or refuges) for GCN within a standoff area, and the planting of vegetation along the currently unvegetated section of one of the watercourse along the boundaries of the site.

However, in order to mitigate any future impact it is considered necessary to impose a condition that a further survey is conducted prior to whichever is the sooner vehicles being brought onto the land or any additional hardstandings being and a requirement appropriate measures be put in place to avoid harm to GCN's.

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
Policy CSP4:	Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy E9:	Renewal of Planning Permissions for Employment Development
Policy T16:	Development – General Parking Requirements
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4:	Development and Nature Conservation – Use of Local species
Policy N8:	Protection of Key Habitats
Policy N12:	Development and the Protection of Trees

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Draft revised National Planning Policy Framework](#)

[Protected species: how to review planning applications - Natural England Standing Advice: Great crested newts: surveys and mitigation for development projects \(December 2015\)](#)

Relevant Planning History

1980 N8292 Refuse - filling and grading of land
1980 N8912 Permit - filling and grading to improve low lying storage area
1981 N10259 Refuse - erection of warehouse units
1982 N11254 Refuse - erection of warehouse units
1983 N11725 Permit - erection of light industrial and warehouse units
1986 N15251 Permit - erection of light industrial and warehouse units
1989 N18652 Permit - erection of light industrial and warehouse units
1990 N18652D1 Permit - detailed permission for Unit G light industrial use
1990 N18652D2 Deemed - refused - layout of site (roads, buildings and access)
1990 N20004 Permit - erection of buildings for use as B1 light industrial and business and B8 storage and distribution

County Council ref N.002/01/231W (01/00799/CPO) Vehicle waste recycling centre Permit

County Council ref N.11/07/231 W (11/00273/CPO Retrospective planning application for change of use of part of an end of life vehicle recycling centre for smelting non-ferrous metals from road vehicles Permit

Views of Consultees

The **Highway Authority** raises no objections subject to a condition which secures details of the parking and turning arrangements within the site for the storage of vehicles, staff and visitors and recovery vehicles.

The **Landscape Development Section** indicates that they have no capacity to make comments on this application.

The **Environmental Health Division** raises no objections subject to a condition for the prior approval of external lighting.

The **Mineral and Waste Planning Authority** raises no objections on the grounds that the proposal would not unduly restrict or constrain the activities of the permitted scrapyards which are adjacent to the application site. They also advise that the application site is not within or near to any permitted waste management facility; and is exempt from the requirements of Policy 3 – Mineral Safeguarding in the Minerals Local Plan for Staffordshire 2015 – 2030

The **Greater Chesterton Action Partnership (LAP)** has been consulted on this application and have not responded by the due date and so it is assumed that they have no comments to make on the application.

The **Crime Prevention Design Advisor** raises no objections but indicates that without adequate overnight security in place, the potential will exist for break-ins to the compound and cabins, and theft from or of vehicles, or damage to them. Consequently there is a strong case for either a physical guarding presence overnight or the installation of a Perimeter Intruder Detection System linked to an externally monitored CCTV system with response arrangements in place. Record-only CCTV would be insufficient.

Representations

None received

Applicant's/Agent's submission

All of the application 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/17/00977/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

15th March 2018