

The application is for full planning permission for the change of use of land from a former car park to external storage associated with the adjoining construction hoist rental business.

The application site is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to residents' concerns, particularly about impact on residential amenity and highways safety.

**The 8 week determination period expired on the 23<sup>rd</sup> March 2018 but the applicant has agreed to an extension of time to that period to the 27<sup>th</sup> April 2018.**

### **RECOMMENDATION**

Refuse for the following reason;

**1. In the absence of the following;**

- **Details of the areas of storage, servicing, turning and staff / visitor parking;**
- **A swept path analysis to demonstrate that the largest vehicles (including trailers) can manoeuvre within the site curtilage as well as enter and exit the site in a forward gear;**
- **Details of the typical daily trips for all vehicles that will enter and exit the site;**
- **Details of the routeing of vehicles to the site;**
- **Numbers of staff to be based on site;**
- **site gradients;**
- **Bus stop relocation information; and**
- **A stage one road safety audit is also required.**

**the application has failed to demonstrate that the proposed development would not lead to significant highways safety implications for users of the highway, including pedestrian safety, which would be contrary to the guidance and requirements of the NPPF.**

### **Reason for Recommendation**

Subject to conditions, the proposed development would not result in a significant adverse harm to the visual amenity of the area or undue harm to the residential amenity levels of neighbouring occupiers. However, the lack of information submitted with the application initially resulted in there being significant concerns about the impact of the development on highway safety and the nature of the use is likely to result in significant highway safety implications. Additional information has been submitted however the views of the Highway Authority have not yet been received on such information. In the absence of confirmation by the Highway Authority that the proposal does not give rise to unacceptable highway safety issues the development is contrary to the guidance and requirements of the NPPF.

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

This planning application is a resubmission following a previous application which was withdrawn due to objections regarding highway safety. The applicant has failed to address the previous objections and the fundamental concerns regarding highway safety have not been overcome. This is therefore not considered to be a sustainable form of development and so does not comply with the provisions of the National Planning Policy Framework.

## **KEY ISSUES**

The application is for full planning permission for the change of use of a former car park to use of the land for external storage.

The application site is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

A report was prepared for the 27<sup>th</sup> March Planning Committee but following the submission of a Highways Technical Note the views of the Highways Authority were sought and it was considered appropriate to defer making a decision on this application at this meeting to ensure that the additional information is properly considered and the views of the Highway Authority taken into account.

The key issues in the determination of the development are:

- The acceptability of the development in principle,
- The impact on the residential amenity of neighbouring occupiers
- Impact on visual amenity, and
- Impact on highways safety,

### The principle of the development

The application site is a former car park of a social club. The social club no longer exists and it appears to have been left vacant for a number of years.

The proposal is for the site to be used as an external storage yard associated with a neighbouring construction hoist rental business which operates from the main Imperial works site.

Policies of the CSS seek to support and encourage economic development with Policy SP2 seeking to support economic development that results in improvement in the levels of productivity, modernisation and competitiveness of existing economic activities.

The current National Planning Policy Framework (NPPF) at paragraph 19 highlights that the Government is committed to ensuring that the planning system does everything it can to support economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. The draft NPPF which is currently out for consultation indicates that Government policy is not set to fundamentally change in the near future.

At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In light of the above, the starting point must be one of a presumption in favour of development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal.

### The impact on the residential amenity of neighbouring occupiers

The current NPPF seeks to protect living conditions and quality of life of an area (paragraph 123). The draft NPPF similarly, at paragraph 168, indicates that planning decision should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition development should, wherever possible, help to improve local environmental conditions such as air quality.

The application site has been left vacant for a number of years but was previously used as a car park for a social club.

It is proposed that the site will be used for the external storage of industrial equipment including masts, scaffold hoists and platforms.

The site adjoins a number of residential properties on Coalpit Hill, Rockhouse Lane, Coppice Road and Browning Grove and the operation of the site as a storage area would have an impact on the residential amenity of these properties in noise and disturbance.

The application is supported by a noise assessment and the Environmental Health Division (EHD) have raised no objections subject to conditions that restrict the operation of the site to 7am to 9pm Monday to Friday and not at any time on Saturdays, Sundays, or Bank Holidays. They also seek a 2 metre high acoustic fence along any boundary which is shared with a residential property.

Over and above the submission of the noise assessment the EHD have also requested the submission of a noise management plan which shall identify all potential noise sources and the mitigation measures that will be applied to minimise noise. External lighting will also need to be submitted prior to it being installed.

It is accepted that the use of the site will result in increased noise and disturbance to residential properties due to the nature of equipment being stored and the vehicle movements to and from the site, along with movements within the site. However, subject to an appropriate acoustic fence being installed prior to the use of the site commencing and restrictions on the operations of the site, which can be secured by condition, it is considered that the harm to existing residential amenity levels will be acceptable.

#### The impact on visual amenity of the area

As discussed the site has been unused for a number of years and is now overgrown. There is vegetation on the boundary which does provide some level of screening.

The external storage of industrial equipment can have an unsightly appearance, especially in this instance because the site is visible from a number of vantage points due to its location on a busy road junction.

EHD have requested a 2 metre high acoustic fence along any boundary which is shared with a residential property. This is likely to be a timber acoustic fence and to avoid a range of different boundary treatments on the side and rear boundaries it is considered that a 2 metres high timber acoustic fence should be proposed on any side and rear boundary. The front boundary is proposed to have green mesh fencing and gates. It is considered that specification details (materials, height and location) of all boundary treatments should be secured by condition prior to the use operating from the site. It is also considered necessary that the industrial equipment is not stored at a height that is greater than the height of the fencing i.e. 2 metres, to avoid impact on the visual amenity of the area. Existing trees and vegetation on the boundaries should also be maintained where possible and tree protections measures installed where possible. These matters can also be secured by suitably worded conditions.

Subject to the above conditions it is considered that the proposal would not result in a severe adverse impact on the visual amenity of the area.

#### Impact on highways safety

The current NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. This is repeated in the draft NPPF at paragraph 109.

The access to the site would be off Coalpit Hill. Whilst visibility splay details have been provided, the information supporting the application upon submission was otherwise limited. The applicant has, however, now submitted a technical note which seeks to demonstrate that the proposed access

arrangements and swept path assessment will ensure that a 16.5m long articulated HGV and 12m long rigid HGV can access the site in a safe manner. This will require a bus stop to be relocated but there appears to be limited potential for this. It also sets out that the road safety audit does not highlight any fundamental issue associated with the proposed site access junction and all matters raised are capable of being dealt with during the detailed design stage.

The Highway Authority have been consulted on the technical and their comments are still awaited but are likely to be received prior to the committee meeting. Their comments will therefore be reported in advance of the meeting.

Due to the nature of the proposed use, the irregular shape of the site and the constraints of the existing highway network it is considered that the proposal still has the potential to cause significant highway safety implications on users of the highway and until formal comments of the Highways Authority have been received, on the additional information submitted, your officer maintains that the application should be refused for this reason.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

The proposal would allow the existing business to expand and provide a greater level of storage but, as discussed, there are severe highway safety concerns that significantly outweigh the benefits and the proposed development is contrary to the guidance and requirements of the NPPF.

## **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

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

Policy T16: Development – General Parking Requirements  
Policy T18: Development – Servicing Requirements

### **Other material considerations include:**

[National Planning Policy](#)

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

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

[Draft revised National Planning Policy Framework](#)

[Relevant Planning History](#)

17/00069/COU Change of use from car park to industrial storage Withdrawn

[Views of Consultees](#)

The **Environmental Health Division** raises no objections subject to conditions to restrict operational hours (to between 7am and 9pm) and external lighting, along with the submission of details of an acoustic barrier and noise management plan.

The **Highways Authority** recommends the application should be refused on the grounds that there is inadequate information for a decision to be made on highway safety matters. The following information is therefore required;

- A stage 1 road safety audit of the proposed access including a designers response to any issues raised;
- A plan with dimensions detailing the specific areas of storage, servicing, turning and staff / visitor parking;
- A swept path analysis to demonstrate that the largest vehicles (including trailers) can manoeuvre within the site curtilage to enter and exit the site in a forward gear;
- Typical daily trips for all vehicles to enter and exit the site;
- Routing of vehicles to the site;
- Numbers of staff to be based on site;
- Site gradients; and
- Bus relocation.

**Kidsgrove Town Council** objects to the application due to highway safety issues from the volume of traffic and the type of traffic using the site. The levels of noise and pollution arising from the change is also likely to be detrimental to the amenity of the area. Visual impact is also a concern.

[Representations](#)

17 letters of representation have been received raising the following objections/ concerns;

- The site is not suitable for this use due to it being a residential area,
- Loss of privacy, noise, disturbance and security,
- The access is unsuitable being near to four junctions,
- The road is not suitable for large HGV's – the roads are narrow and hilly with bends in the road,
- There have been road accidents on this stretch of road,
- The storage use would have an unacceptable adverse impact on the area,
- Health and safety concerns due to weight of equipment to be stored,
- An existing 7.5 ton weight limit is being ignored,
- Existing pollution problems would be increased,
- This land is marked on the local plan as suitable for houses,
- The application has a lack of information on the operations and use of the site,
- The relocation of the bus stop to Swan Bank is not sustainable,
- A heavy goods vehicle movement every 6 minutes presents a serious safety hazard on an already busy junction of 4 roads,
- The removal of trees and hedges would be detrimental,

#### Applicant/agent's submission

The application has been supported by the planning application form, access plans, swept path analysis, topographical survey and a site location plan.

A Highways Technical Note has also been submitted during the consideration of the planning application.

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00066/FUL>

#### Background Papers

Planning files referred to  
 Planning Documents referred to

#### Date report prepared

11<sup>th</sup> April 2018