

**UNITS 1 AND 2, BRICK KILN LANE, CHESTERTON
NEWCASTLE UNDER LYME BOROUGH COUNCIL**

24/00617/FUL

Full planning permission is sought for the Change of use of Units 1 & 2, Brick Kiln Lane to General Industrial (Class B2) and Storage & Distribution (Class B8) uses.

The application site is located within the urban area of the Borough, as indicated on the Local Development Framework Proposals Map.

The 8-week period for determination of the planning application expires on 27th November 2024.

RECOMMENDATION

PERMIT the application subject to conditions relating to the following matters: -

- 1. Standard time limit**
- 2. Approved plans**
- 3. Provision of cycle parking**
- 4. Submission of Parking and Servicing Management Plan**
- 5. Hours of operation**
- 6. Development in accordance with approved Noise Management Plan**

Reason for Recommendation

The proposal represents limited and acceptable changes to the existing industrial units within a sustainable location. The development will not result in an adverse impact on residential amenity or highway safety.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework, and it has not been necessary to request amendments.

Key Issues

This proposal seeks full planning permission for the change of use of Units 1 & 2 Brick Kiln Lane, Chesterton to General Industrial (Class B2) and Storage & Distribution (Class B8) uses.

No external alterations are proposed to the buildings, other than the removal of the existing company name. Limited changes would be made internally with blocking up of 2 internal doors and removal of the mezzanine in Unit 2 and limited reconfiguration of floorspace in Unit 1 (position of door to disabled WC).

Unit 1 has an extant use as a training centre – D1 (now F1 use class). Unit 2 has an extant B8 use (Storage & Distribution). The units would be used by Broxap Limited mainly for storing finished products, with some limited elements of product assembly, such as grinding/fettling and welding of parts on site. The change of use to include both B8 and B2 use would enable flexibility if the company wish to increase manufacturing on the site. The main Broxap Limited site is on Rowhurst Industrial Estate.

The application site is located within an existing industrial development, with other B2 and B8 uses; therefore, the principle of the change of use is considered acceptable and consistent with the surrounding commercial businesses. It is within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. There is an area of trees and green open space directly to the south of the application site, with residential development and Chesterton Primary School beyond.

The main issues to consider in the determination of the application are as follows:

- Design and visual impact

Classification: NULBC UNCLASSIFIED

- Impact on amenity
- Impact on highway safety

Design of the development and impact on the area

Paragraph 131 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Strategy requires that the design of the development is respectful to the character of the area.

The external appearance of the building would be unchanged other than the removal of existing signage, and all internal alterations limited. Existing vehicular access, parking and turning arrangements would remain as existing. Therefore, the proposal is considered acceptable in terms of the scale and design and would be in keeping with the existing buildings and the area.

It is considered that the proposal would not adversely affect the character and appearance of the area, with provision of designated parking, and it would comply with local planning policy and the requirements of the NPPF.

Impact on adjoining residential amenity

Paragraph 135 (f) of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Given the nature of the proposed development, consideration has to be given to noise/vibration during the operational phase of work. Following the submission of a Noise Management Plan the Council's Environmental Health Team have confirmed that they have no objections to the proposal on amenity grounds subject to a condition restricting hours of operation. It is therefore considered that the proposal would not result in undue harm and any potential issues from noise and vibration can be mitigated.

Highway Safety

In the consideration of proposed development, paragraph 115 of the NPPF states it should be ensured that safe and suitable access to the site can be achieved and that significant impacts on the transport network or on highway safety can be mitigated.

Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Policy T16 of the Local Plan asserts 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 or parking problem.

The Highway Authority has confirmed there are no objections subject to the imposition of appropriate conditions regarding provision of cycle parking and a Parking and Servicing Management Plan.

The proposal would provide appropriate access, with adequate parking and turning space, utilising the existing arrangements and would not result in issues of highway safety or on street parking. Accordingly, the proposal is considered acceptable in highway terms and in accordance with Policy T16 of the Local Plan and the requirements of the NPPF.

Reducing Inequalities

Classification: NULBC UNCLASSIFIED

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

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

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2023\)](#)

[Planning Practice Guidance \(NPPG\) \(2019\)](#)

[Supplementary Planning Documents \(SPDs\)](#)

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

[Relevant Planning History](#)

99/00915/FUL Extensions and alterations

[Views of Consultees](#)

The **Highway Authority** has no objections subject to conditions regarding provision of secure, covered cycle parking, and submission of a parking and servicing management plan.

The **Environmental Health Division** has no objections subject to a condition regarding restriction on hours of operation.

[Representations](#)

None received.

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

21st October 2024