

VEHICLE STORAGE LAND, LINLEY ROAD, TALKE
NEIL LAWSON, ARNOLD CLARK AUTOMOBILES

24/00776/FUL

Planning permission is sought for the variation of condition 2 of planning permission 24/00307/FUL (New HGV Service Centre Building).

The site forms part of an existing vehicle storage area which is located on Linley Road Talke. The application site is located within the urban area of the Borough, as indicated on the Local Development Proposals Framework Map.

The 13-week period for the planning application expired on the 24th January 2025 however an extension of time has been agreed until the 31st January.

RECOMMENDATIONS

PERMIT subject to conditions relating to the following matters:

1. Time limit
2. Approved plans
3. Materials
4. Parking and turning spaces
5. Limit on construction hours
6. Limit on operational hours
7. Construction and Environmental Management Plan
8. Dust control and mitigation
9. Noise details of any refrigeration and air conditioning units
10. Contaminated Land
11. Waste Storage
12. Surface water drainage design

Reason for Recommendations

The visual changes to the proposal are not considered to be harmful or significant and are therefore in compliance with policies CSP1 of the CSS, Saved policy E3 of the LP and paragraphs 131 and 135 of the NPPF.

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.

Key Issues

Full planning permission was granted in September 2024 (Ref. 24/00307/FUL) for a new HGV service centre building at an existing vehicle storage area which is located on Linley Road, Talke. This application now seeks to vary condition 2 of the permission to allow for a change to the footprint of the approved building.

An application such as this can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice

describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

This application originally sought to raise the height of the building, however amended plans have been submitted which demonstrate that the height of the building will remain the same as originally approved.

The sole difference between the proposals as originally approved and the new application is an alteration to the footprint of the proposed building.

The Highway Authority have raised no objections to the proposal subject to conditions and it is not considered that there are any highway safety implications resulting from the changes to the scheme. On this basis the key consideration is whether the amended design would have an adverse impact on the character and appearance of the area.

Paragraph 131 of the Framework 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.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

The Urban Design Supplementary Planning Document indicates at Policy E3 that business development should be designed to contribute towards improving the character and quality of the area.

The application site is bounded by Linley Road to the south, industrial and commercial development to west and south-east and by residential development to the north-east. The site is clearly visible from Linley Road however it does benefit from a good amount of screening to the west, east and north in the form of an established tree line. No trees are proposed to be removed as part of the development.

The scheme as originally approved comprised a large warehouse style building measuring 25m x 35m with a dual pitched roof arrangement with an eaves height of 6m and a total ridge height of 7.2m. The revisions to the scheme would see the footprint of the building reduced to 22m x 27.7m, which would result in a slighter wider elevation facing onto Linley Road to the south. The overall height of the building would remain as previously approved.

The alterations to the footprint of the building would result in a modest visual change to the overall site, however, like the original proposal it is considered that the proposal would be a suitable addition to this existing commercial site and would not result in any adverse impact to the surrounding area.

Therefore, in light of the above the proposed development is not considered to raise any adverse implications in relation to the character or appearance of the wider landscape and would accord with the policies of the development plan and the NPPF.

Reducing Inequalities

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 the decision on the planning application:-

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 T18: Development – Servicing Requirements

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2024)

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

16/00367/FUL - Formation of vehicle distribution and storage compound and erection of a building to be used as storage and vehicle preparation, with offices and facilities – permitted

17/00616/FUL - 6 bay vehicle preparation building and separate modular offices/canteen and welfare facilities building, all associated with approved motor vehicle storage/distribution centre – permitted

20/00145/FUL - Relocation of existing Adblue and Diesel tanks – permitted

24/00307/FUL - New HGV Service Centre (workshop) – permitted

Views of Consultees

The **Highway Authority** raise no objections to the proposal.

No comments have been received from the **Environmental Health Division** or from **Kidsgrove Town Council** by the given deadline and therefore it must be assumed that they have no comments to make.

Representations

None received.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00776/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

15th January 2025