

The Application is for the approval of reserved matters for commercial business uses (Class B1, B2 and B8) and a small/medium sized A1 retail foodstore at Linley Trading Estate, Linley Road, Talke.

The reserved matters submitted for approval are all the matters of detail including access, appearance, landscaping, layout and scale. This approval of reserved matters follows the granting of an outline planning permission in 2011 (Ref. 10/00080/OUT).

The site lies within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

The 13 week period for this application expires on 15th August 2014.

RECOMMENDATION

Permit, subject to conditions relating to the following:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Materials to be as per the submission, or other materials to be agreed in writing**
- **Submission/approval/implementation of details of site access**
- **Roads, parking, servicing and turning areas in compliance with Drawing No. 8419 P14 Rev D**
- **Compliance with arboricultural method statement**
- **Construction environmental management plan**
- **Noise assessment**
- **Restrictions on HDV activity**
- **Restrictions on access to car parking areas**
- **Lighting**

Reason for Recommendation

The principle of the development has been established by the grant of outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. The proposal would not adversely impact on highway safety or residential amenity and there are no other material considerations which would justify a refusal of this reserved matters submission.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

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 CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Documents (SPDs)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design (2010)

Relevant Planning History

10/00080/OUT Outline planning permission for 14 units providing some 8728 square metres of units for commercial business use (Class B1, B2 & B8) and an A1 retail foodstore of some 1,356 square metres Approved

13/00625/OUT Outline planning permission for the erection of up to 139 dwellings and associated works Resolution to approve on completion of Section 106 Agreement

14/00362/FUL Variation of conditions of planning permission 10/00080/OUT as follows:-
Condition 5 regarding revised right hand turning facility and access works; Condition 18 to allow gross retail floorspace up to 1,384 square metres; and Condition 20 to require that at least 80% of the net sales floorspace is devoted to the retailing of convenience goods.
In addition the removal of condition 19 which prevents the retail floorspace from being operated by Tesco, Sainsbury's, Asda or Morrison's; and Condition 21 which requires that a minimum of 2,434 square metres of floorspace for business, industrial or storage be made available before the foodstore is available for letting or sale -
Pending consideration

14/00432/FUL Construction of a petrol filling station to include the installation of fuel storage tanks, associated pipework, overhead canopy, forecourt surfacing, pumps and other associated works – Pending consideration

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding the submission, approval and implementation of details of the site access, and the provision of the access roads, parking, servicing and turning areas in accordance with Drawing No. 8419 P14 Rev D.

The **Police Architectural Liaison Officer** has no objections.

The **Landscape Development Section** has no objections subject to comments as follows:

- A greater number of trees should be planted to the frontage with Linley Road and within the supermarket car park to mitigate the loss of the existing trees and to enhance the large expanse of bitmac. The strips of planting at the end of the parking bays within the supermarket car park are very narrow and likely to be unsustainable.
- If the area of land subject to a separate application is not developed then it should be landscaped.
- The tree protection plan is satisfactory and all items within the Arboricultural Method Statement should be followed.

Amended plans have subsequently been received showing more trees along the Linley Road frontage and within the car park.

The **Environment Agency** has no objection subject to the submission of details of a drainage scheme which incorporates sustainable drainage techniques wherever practicable.

The **Environmental Health Division** states that given the proximity of the housing development allowed under 12/00127/OUT to the site, it is considered that additional conditions concerned with the management of environmental impacts associated with demolition, groundworks and construction should be imposed on the reserved matters scheme to safeguard amenity. There are no objections to this application subject to conditions regarding a construction environmental management plan, full and precise details of noise mitigation measures, restrictions on HDV activity, restrictions on access to car parking areas, lighting and supermarket trolleys.

United Utilities state that the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. To reduce the volume of surface water draining from the site the use of permeable paving on hard-standing areas is promoted. They have no objections subject to conditions regarding surface water and foul drainage.

No comments have been received from **Cheshire East Council**, **Kidsgrove Town Council**, the **Economic Regeneration Section** of the Council and the **Waste Management Section** of the Council. Given that the period for comments has expired, it must be assumed that they have no observations to make upon the proposal.

Representations

One letter of representation has been received from **Councillor Kyle Robinson**. He objects on the grounds that a supermarket in this location would harm the town centre, increase traffic and destroy Butt Lane high street. Congleton Road has reached saturation point and the increase in traffic and congestion is leading to strangulation of the A34 and is having a major impact on local residents' health and well-being. He is concerned about the access as Linley Road is already a problem road. Another supermarket is not required and would have an adverse impact on our town centres.

Applicant's/Agent's submission

The application is accompanied by a Transport Statement which is available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400363REM

Key Issues

The principle of the use of the site for commercial business uses (B1, B2 and B8) and a small/medium sized A1 retail foodstore has been established by the granting of outline planning permission 10/00080/OUT in 2010. All matters of detail were reserved for subsequent approval. The issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Would there be any adverse impact upon highway safety?

Is the proposal acceptable in terms of its design and impact on the form and character of the area?

The NPPF at paragraph 56 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. At paragraph 64 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an areas identity in terms of scale, density layout and use of materials.

The proposed store would be sited to the front of the site. There would be a small amount of parking to the front but the majority would be to the east of the store. The building would be predominantly constructed with white horizontal cladding with sections of horizontal timber boarding on both the front elevation and the elevation facing the car park. The store would have a large area of glazing and a

projecting lobby area on its front elevation. It would be a building of approximately 6.3m in height. The servicing would be sited to the rear

Your Officer had some concerns regarding the original landscaping plan for the site, specifically with regard to the limited landscaping to the road frontage and within the store car park. Amended plans have been received showing additional trees along the frontage and some trees sited centrally within the car park. The Landscape Development Section has advised that the landscaping is sufficient. It is considered therefore that the proposed landscaping, which will help to soften the appearance of the car park, is acceptable.

The commercial business element of the scheme would comprise four buildings of varying dimensions. The maximum height of the buildings would be 8.8m. The buildings would have pitched roofs and the materials would comprise silver and grey horizontal cladding.

The area is of a mixed commercial and residential character and it is considered that this scheme, with the retail store creating an active site frontage, would be appropriate in terms of its design and impact on the form and character of the area.

Would there be any adverse impact on residential amenity?

The comments of the Council's Environmental Health Division were received in relation to the outline consent and they considered that the proposed development was unlikely to give rise to any loss of amenity to the surrounding area and had no objections subject to conditions. A number of conditions were attached to the outline consent that was allowed at appeal. If the development is undertaken in accordance with any permission granted on this reserved matters application it would have to comply with such conditions.

The Environmental Health Division has commented on the reserved matter scheme and has no objections subject to the imposition of additional conditions. Subject to further conditions, it is not considered that any objection could be raised to this reserved matters submission on the grounds of impact on residential amenity.

Would there be any adverse impact upon highway safety?

The site would be served by a single access from Linley Road at the eastern end of the site frontage. The foodstore would have 105 parking spaces and the commercial business units would be served by a total of 182 parking spaces. A Transport Statement that accompanies the application concludes that there will be a very marginal increase in traffic flows which will not have any detrimental impact on the operation of the proposed site access junction or the wider highway network.

Although an objection has been received regarding increased traffic and congestion in Butt Lane, the site benefits from outline consent for business uses and a retail store and therefore, an objection to the principle of such uses in terms of their impact upon the highway network could not now be sustained.

The Highway Authority has no objections to the detail of the proposal subject to conditions and therefore, the proposal is considered acceptable in terms of impact on highway safety.

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

30 June 2014