

**UNITS 1-7 FESTIVAL PARK, RIDGEHOUSE DRIVE, ETRURIA**

**M&G REAL ESTATE**

**SOTCC ref 58224/FUL (NuIBC ref 348/220)**

The Borough Council has been consulted by the City Council on an application for full planning permission for the extension and subdivision of Unit 7, Festival Park, (currently Toys R Us) to create two units; rear extension to Unit 1 (formerly Comet) and alterations to Units 1-7 including installation of a colonnade canopy. Alterations to the car park are also proposed.

**For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 27<sup>th</sup> May.**

**RECOMMENDATION**

**That the City Council be advised that the Borough Council OBJECTS to the application on the following grounds:**

- **the proposal involves Class A1 (retail) floorspace, a main town centre use as identified in the National Planning Policy Framework (the NPPF), in this out of centre location. Furthermore the applicant has not demonstrated, through the submitted sequential assessment, that the proposed development cannot be located within Newcastle on the site of the former Sainsbury's store on Ryecroft which is available within a reasonable time frame.**
- **Permitting the development would have an adverse impact on the committed and plant investment in the Ryecroft site within Newcastle Town Centre.**

**Reason for Recommendation**

Ryecroft, a town centre site, is a sequentially preferable site as it is both suitable and available for the proposed development. As the application fails to satisfy the sequential test it should be refused in accordance with paragraph 27 of the NPPF.

**Key Issues**

As indicated above, the Borough Council has been consulted by the City Council on an application for full planning permission for the extension of Unit 1, currently Toys R Us, by 203m<sup>2</sup> at ground floor, and a new mezzanine floor providing an addition 2,473m<sup>2</sup>. The extended unit will be subdivided to create a unit of 1,621m<sup>2</sup> and a larger unit of 5,995 m<sup>2</sup>. It is intended that the larger unit will be occupied by Next who will relocate their existing Festival site and Octagon Centre stores to this location where they can sell their full range of goods.

Toys R Us is to relocate to Unit 1. The existing mezzanine floorspace will be removed and a rear extension constructed resulting in a reduction in floorspace.

Overall there will be uplift in floorspace of 2,819m<sup>2</sup>.

The principal issue that could adversely affect the interests of Newcastle Borough is the matter of whether the proposal conforms to policies on the location of retail development.

**Acceptability of Class A1, retail, development in this location**

Class A1 (retail) is defined as a main town centre use. Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town

centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale.

Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, an impact assessment of the development is required if over a proportionate, locally set floorspace threshold and if there is not the default threshold is 2,500m<sup>2</sup>. Such an assessment should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre and the impact of the proposal of town centre vitality and viability.

The application is supported by a Planning and Retail Statement which includes a sequential assessment of a total of 9 sites, one of which, Ryecroft, is within the Borough. The assessment concludes that none of the sites are suitable, viable or available within a reasonable period of time.

The submission indicates that the redevelopment scheme for the Ryecroft site of the preferred development Henry Davidson Developments would not accommodate the proposed development as the indicative layout is not currently proposing large floorspace. In addition the agents consider that the Ryecroft site would not be available within a reasonable period of time as the Development Contract has been delayed and the Civic Offices will not be vacated until December 2016 and as such there can be no material start on site before that date.

In December 2013, when the application for an Aldi Store on the site of the former Blackfriars bakery was considered (13/00712/FUL), it was concluded by the Borough Council as Local Planning Authority that the Ryecroft site would not be available within a reasonable period of time, and therefore the sequential test was met in that case. Some 16 months later a preferred developer has been identified and plans for the redevelopment of the Ryecroft site are progressing. Whilst the date by which the site of the Civic Offices will be available is not yet known, the site of the former Sainsbury's and the associated parking areas are available now. It is feasible that development of that part of the site commences considerably in advance of the site of the Civic Offices as a two phased development. There is no basis to support any conclusion that such a development would not provide adequate floorspace to meet Next's needs. In addition the restrictive covenant that is understood could affect the redevelopment of the Sainsbury's store only affects food retailing and would not impose a constraint on a Next store.

It is accepted that it cannot be claimed that the Ryecroft site could be made available within a 12 month time period, which the submission suggests is the time period within which Next could occupy and be trading from Festival Park. It is, however, considered that the application has failed to provide a convincing case to support the claim that Ryecroft would not be available within a **reasonable** time period. In addition it is a site that could accommodate a Next store to meet their needs, and as such it is suitable.

As the proposed development provides over 2,500m<sup>2</sup> of floorspace the application the submitted Planning and Retail Statement includes an impact assessment. For similar reasons as advanced to dismiss the Ryecroft as being a sequentially preferable site the submission concludes that the proposed development would not have a significant adverse impact upon this committed investment in Newcastle Town Centre. The Ryecroft development is a committed and planned investment and it could accommodate a similar development as proposed. As such it cannot be concluded that the application proposal will not have a significant adverse impact on the proposed development at Ryecroft.

In summary Ryecroft, a town centre site, is a sequentially preferable site as it is both suitable and available for the proposed development and will be adversely impacted upon as a planned investment. As the application fails to satisfy the sequential test and is likely to have significant adverse impact on planned investment in Newcastle Town Centre, namely Ryecroft, it should be refused in accordance with paragraph 27 of the NPPF.

**Policies and proposals in the Development Plan relevant to this recommendation on both applications:**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS)

Policy SP1 - Spatial Principles of Targeted Regeneration  
Policy SP2 - Spatial Principles of Economic Development  
Policy ASP1 - City Centre of Stoke-on-Trent Area Spatial Policy  
Policy ASP3 - Stoke-on-Trent Inner Outer Core Area Spatial Policy  
Policy ASP4 – Newcastle Town Centre Area Spatial Policy  
Policy ASP5 – Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

**Other Material Considerations include:**

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

**Applicants Submission**

The applications are supported by a number of documents as follows:-

- Transport Assessment
- Planning and Retail Statement
- Design and Access Statement

All these documents are available to view on Stoke City Council's website [www.stoke.gov.uk](http://www.stoke.gov.uk) using the City Council reference 58224/FUL

**Background Papers**

Planning Policy documents referred to  
Planning files referred to

**Date Report Prepared**

12<sup>th</sup> May 2015.