

**LAND AT JUNCTION OF SHELTON BOULEVARD AND FORGE LANE, ETRURIA  
STOKE-ON-TRENT REGENERATION & GREEN KING LTD  
SOTCC ref 58302/FUL (NuIBC ref 348/223)**

The Borough Council has recently been consulted by the City Council on an application for full planning permission for the erection on the above site of a restaurant including the provision of 3 ancillary staff accommodation units with associated car parking (94 spaces) and access.

**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 29<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.**

**Reason for Recommendation**

The proposal involves Class A3/A4, a 'main town centre' use as identified in the NPPF, in this out of centre location. Notwithstanding the submission Ryecroft, a town centre site, is a sequentially preferable site as it suitable, viable 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 construction of a restaurant, a main town centre use, on a site measuring 0.6 ha within Etruria Valley. It falls within the Phase 2A 6.3ha site which was granted outline planning permission to construct a business park containing B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. Vehicular access to the site is proposed from Shelton Boulevard.

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 a 'main town centre' use in an out of centre location.

**Acceptability of a restaurant in this location**

Class A3 (restaurant and cafes)/A4 (drinking establishments) 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.

The application is supported by a Planning Statement which includes a sequential assessment of a total of 8 sites, 4 of which are within the Borough. The assessment concludes that none of the sites are suitable, viable or available within a reasonable period of time.

The conclusions of the applicant on the sites and a response from your officer are provided:

**Zanzibar, Hassell Street** – this is considered not to be suitable as the site is too small to hold the proposed development and the required level of parking. Your officer accepts that conclusion and confirms that this edge of centre site is not sequentially preferable to the proposed site in Etruria Valley.

**Blackfriars Bakery** – this is considered to be unavailable as it has had approval for an Aldi supermarket. This is accepted by your officer.

**Georgia Pacific** – the applicant indicates that the availability of this site is not known and states that the listed building consent application on the listed Maxims building within the site suggest there is a commitment to undertake work and on that basis concludes that the site is unavailable. This is believed to be correct.

**Ryecroft site** – the applicant concludes that as the site is too large for a sole A3/A4 development in a location remote from its intended catchment it is neither suitable nor viable. They also conclude it may not be available on the basis that the site has specifically been reserved for an office under the terms of the permission granted to Sainsbury's

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 and have not been reserved for office development as incorrectly suggested by the applicant. 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 accommodate the proposed development in combination with other uses on this site. 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 restaurant as proposed.

It is considered that the application has failed to provide a convincing case to support the claim that Ryecroft would not be suitable, viable or available.

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>. The floor space proposed for the restaurant is considerably below the threshold and as such an assessment of impact is not required in this case

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 it should be refused in accordance with paragraph 27 of the NPPF.

#### **Policies and proposals in the Development Plan relevant to this recommendation:**

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 SP3 – Spatial Principles of Movement and Access  
Policy ASP1 - City Centre of Stoke-on-Trent Area Spatial Policy  
Policy ASP2 - Stoke-on-Trent Inner Urban Core Area Spatial Policy  
Policy ASP4 – Newcastle Town Centre Area Spatial Policy  
Policy ASP5 – Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1 – Design Quality

**Other Material Considerations include:**

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Etruria Valley Enterprise Area – Supplementary Planning Document (adopted by the City Council March 2013)

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

**Applicants Submission**

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

- Planning Statement
- Transport Statement
- Travel Plan
- Design and Access Statement
- Sustainability Statement
- Drainage Strategy

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 58302/FUL

**Background Papers**

Planning Policy documents referred to  
Planning files referred to

**Date Report Prepared**

22<sup>nd</sup> May 2015.