

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO COUNCIL

28 October 2009

1. ADOPTION OF CORE SPATIAL STRATEGY

Submitted by: Directorate for Regeneration and Development

Portfolio: Regeneration and Planning

Ward(s) affected: All

Purpose of the Report

To consider the adoption the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy.

Recommendation

That the Council adopt the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (incorporating the changes recommended in the Government Inspector's Report dated 23 June 2009) as part of the Newcastle-under-Lyme Local Development Framework.

Reasons

Following an independent examination by a Government Inspector the Core Spatial Strategy has been found 'sound' subject to making a number of changes to the document. The next stage is to formally adopt the document as part of the Local Development Framework for Newcastle.

Members of the Planning Committee have been informed of the outcome of the examination but have not been required to make a decision because the Inspector's Report is 'binding,' which effectively means that the Borough Council must change the Core Spatial Strategy in accordance with the recommendations set out before the document is adopted.

1. Background

- 1.1 All local authorities are required by the Planning and Compulsory Purchase Act 2004 to produce a Core Spatial Strategy as part of their Local Development Framework. The Core Spatial Strategy provides the overarching framework to develop and support detailed planning policies, guidance and programmes to secure the sustainable regeneration of the Borough. It covers the twenty year period from 2006 to 2026.
- 1.2 Members will be aware that in 2005, the Council decided to prepare a Core Spatial Strategy jointly with the City of Stoke on Trent. All the preparation work has therefore been carried out in partnership. However, at each stage, all published documents were approved by both Councils separately.
- 1.3 A revised Preferred Options Core Strategy document was published in summer 2007 and the 1,300 detailed representations received were taken into account in the production of a Submission Draft. In May 2008 the Council approved the final Submission Draft for publication and submission to Government for independent examination.

- 1.4 The Submission Draft Core Spatial Strategy was subsequently published in August 2008 for a period of 8 weeks and comments were invited relating to the tests of 'soundness' as defined by Government. A total of 404 duly made representations were submitted by 64 individuals and organisations.
- 1.5 The Core Spatial Strategy was finally formally submitted to Government in December 2008, along with the 604 representations received from interested parties. As part of the examination process Public Hearings were held over a two week period at the end of April 2009. Interested parties who had made representations were invited to attend the Hearings at the discretion of the Inspector.
- 1.6 Following independent examination by a Government Inspector the Core Spatial Strategy has been found 'sound' subject to making a number of changes to the document. The next stage is to formally adopt the document as part of the Local Development Framework for Newcastle-under-Lyme.
- 1.7 It is the first Core Strategy to be found sound in Staffordshire and only the second Core Spatial Strategy to be found sound in the West Midlands. It is also the first sound Core Strategy in England produced jointly by two planning authorities.
- 1.8 The Inspector's Report is 'binding' which effectively means that the Borough Council must change the Core Spatial Strategy in accordance with the recommendations set out before the document is adopted. These are summarised in Appendix 'A' (cream paper) attached to this report. The only other alternative would be to not adopt the Core Spatial Strategy at all; but this would be in breach of our responsibilities as a planning authority. Officers can advise that there are no changes recommended to the document that are in any way disadvantageous. The overwhelming majority were put forward by officers during the examination as a way of dealing with potential conflict with representations.
- 1.9 The City Council adopted the Core Spatial Strategy on 1 October 2009. Once this Council has adopted it, a final version, will be printed and published in accordance with the planning regulations. In the mean time draft copies of the final Core Spatial Strategy can be made available on request.

2. Issues: The Importance of the Core Spatial Strategy

- 2.1 The Core Spatial Strategy is the principal Development Plan Document. All other Development Plan Documents must be in conformity with it and the Regional Spatial Strategy. It sets out the overarching spatial planning framework for the sustainable regeneration of the Borough and it plays a key part in guiding investment to deliver the North Staffordshire Regeneration Partnership (NSRP) Business Plan, and the Sustainable Community Strategies for both Newcastle and Staffordshire.
- 2.2 It advances eighteen strategic aims relating to the themes of people; prosperity and place and advocates a strategy of targeted regeneration to meet projected development needs in accordance with sustainability principles and to maximise development within key priority areas.
- 2.3 Bespoke 'Area Spatial Strategies' are set out for the Town Centre; the rest of the urban area, including Kids Grove; and the Rural Area. These area strategies provide the framework for the nature, scale and location of development in each of these key locations. There are also ten core strategic policies, which are applicable across the plan area and all developers will need to take account of. A comprehensive monitoring regime is set in place to measure the impact of the new spatial policies.

3. **Consideration of Options and Proposal**

- 3.1 As noted above, there are no realistic options other than to adopt the document. If changes had been made by the Inspector that the Council felt were against its interests, this could cause a dilemma. However, that is not the case. The Core Spatial Strategy that the Council is being asked to adopt is in all important essentials the same document that it has already approved and submitted to the Secretary of State in May 2008.
- 3.2 The proposal is therefore that the Borough Council formally adopts the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, incorporating all of the changes recommended by the Inspector, as part of its Local Development Framework.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 4.1 As noted in paragraph 2.1, the Core Spatial Strategy is one of the implementation vehicles for the Newcastle-under-Lyme Sustainable Community Strategy, adopted in February 2008 and the Staffordshire Community Strategy 2008-2023. One of the judgements of the document's "soundness" is that it is fully compliant with both Community Strategies, and there are references to this compliance in the document. Thus it can be assumed that it is closely aligned with the priorities of each strategy.

5. **Legal and Statutory Implications**

- 5.1 The Council has a duty to prepare a Local Development Framework, and this document forms part of that. It has been prepared in accordance with the Town and County Planning (Local Development) Regulations 2004.

6. **Equality Impact Assessment**

- 6.1 Equality Impact Assessments have been carried out for the planning policy function and the Core Spatial Strategy

7. **Financial and Resource Implications**

There are no financial implications in adopting this document.

8. **Major Risks**

The Council is subject to no major risks in adopting this document.

9. **Key Decision Information**

- 9.1 The submission of this report has been announced in the Forward Plan)

10. **Earlier Cabinet/Committee Resolutions**

Adoption of the first Local development Scheme: Cabinet October 2004
Approval of preferred options document: Council 29 March 2006
Approval of revised preferred options document: Council 28 March 2007
Approval of Core Spatial Strategy for submission to secretary of State: Council 14 May 2008.

11. **List of Appendices**

Appendix 'A' (cream paper) - Core Spatial Strategy Government Inspector's Recommended Changes.

2. TESCO, SPRINGFIELDS, TRENT VALE, STOKE-ON-TRENT

Submitted by: Executive Director - Regeneration & Development

Portfolio: Regeneration and Planning

Ward(s) affected: All

Purpose of the Report

To advise on the most appropriate course of action to represent this Council's interests in matters relating to the planning application for a new Tesco replacement store at Trent Vale, Stoke-on-Trent.

Recommendations

- (a) That the report and the actions taken to date be noted.**
- (b) That a further report on the implications for the Borough Council be given if the Secretary of State decides to "call-in" the planning application.**
- (c) That if the Head of Central Services decides to seek a Judicial Review of either the decision of the City Council or that of the Secretary of State that a further report on such proceedings be provided.**

Reasons

Various actions have been taken to ensure that there is the greatest likelihood of the Secretary of State calling in this application which is of considerable significance to the future vitality and viability of Newcastle Town Centre. The Borough Council now has to await the decision of the Secretary of State, although advice is also being taken on all measures which protect this Council's position including the possibility of seeking a Judicial Review of decisions by others in this matter.

1. Background

- 1.1 On 16 September 2009, the Council deferred consideration of the Core Spatial Strategy to its next meeting on 28 October 2009. During the course of the discussion of the matter Members expressed concerns over the intentions of the City Council with regard to a planning application by Tesco for a new replacement store at Trent Vale which may be detrimental to Newcastle Town Centre and appeared to be contrary to the joint Core Spatial Strategy.
- 1.2 Earlier that same day City Council's Development Management Committee had passed a resolution to the effect that planning permission should be granted for the Tesco proposals.
- 1.3 The Borough Council was consulted by the City Council with respect to this planning application. The Planning Committee of the Borough Council considered the matter at its meeting on 30 September 2008 and resolved that the Borough Council should object to the planning application on the following grounds :-
 - Taking into consideration the retail commitments on the edge of Newcastle town centre of the new Sainsbury's store, the Cannons site and the acceptance in principle by the Committee of a retail development on the Georgia Pacific site, provided direct

access is provided there is no surplus convenience goods expenditure available for this proposal. There is not, therefore, a quantitative need for the additional retail floorspace proposed and as such the proposal is contrary to retail policy and could be harmful to the vitality and viability of Newcastle Town Centre.

- Blackfriars Bakery site, which is a sequentially preferable site, appears to be suitable and available for the proposed development.

1.4 The Planning Committee further resolved that if the City Council were minded not to refuse the application:

- The application should be referred to the Secretary of State under the Shopping Direction.
- Suitable controls should be put in place to ensure that the sales of comparison goods at the premises remains at a level where they are complementary to the sales of convenience goods.

1.5 The City Council's Development Control Committee met to consider the application at a meeting on 11 March 2009. They resolved to defer determination of the planning application to consider further information received from Tesco.

1.6 At its subsequent meeting on 1 April 2009 the City Council's Development Control Committee resolved that "members be minded to approve the application subject to the matter coming back to the Committee with suggested conditions and any appropriate planning obligations". The recommendation of the City Council's officers had been that the application should be refused on several grounds, the first one being that the proposed development would result in the expansion of a major convenience retail use in an out of centre location; that the applicants had failed to demonstrate that there is a need for the development, that the development is of an appropriate scale, that the sequential approach to site location has been adopted and that the development would not have an adverse impact on retail provision in nearby centres; and that as a consequence the proposal is contrary to national guidance on retail development and a range of policies contained within the Regional Spatial Strategy.

1.7 Your officers wrote on 24 April 2009 a further letter to the City Council repeating the Council's view that in the absence of a quantitative need for the additional retail floorspace proposed within the scheme the proposal was contrary to retail policy and could be harmful to the vitality and viability of Newcastle Town Centre. A copy of this letter is attached as Appendix 'B' (yellow).

1.8 Your officers also wrote to the Government Office for the West Midlands on 25 April 2009 and a copy of that letter is attached as Appendix 'C' (grey paper). By letter dated 1 May the Government Office responded (Appendix 'D' - salmon).

1.9 The matter then came back to the City Council's Development Management Committee at its meeting on 16 September 2009. The officer's report to that meeting confirmed that their continued view that the proposal was unacceptable on retail planning policy grounds. The Committee however resolved to grant planning permission subject to:-

(1) Tesco first committing to planning obligations to secure:

- A sum of £100,000 (index linked from the date of the permission) to be payable upon first use of the development hereby permitted to fund environmental improvements to Stoke Town Centre;

- A sum of £100,000 (index linked from the date of the permission) to be payable upon first use of the development hereby permitted to fund environmental improvements to Newcastle-under-Lyme town centre;
 - A sum of £25,000 (index linked from the date of the permission) to be payable upon commencement of the development hereby permitted to fund improvements to Bridgett's Pond.
- (2) Certain planning conditions - as detailed in the agenda report to the meeting, with certain amendments - the most important one, from our perspective, being as follows: *"The net sales area of the retail store hereby approved shall not exceed 5,920 square metres. No more than 35% of the net sales area shall be used for comparison goods."* Comparison goods are (there then follows a definition).
- (3) That the application be referred to the Secretary of State under the 'Shopping Direction'.
- 1.10 The Council's Executive Director (Regeneration and Development) subsequently wrote to the City Council. The substantive content of this letter is reproduced at Appendix 'E' (gold paper).
- 1.11 At its meeting on 28 September 2009 Cabinet received an Update report from the Executive Director of Regeneration and Development on the North Staffordshire Core Spatial Strategy and Sub-Regional working within the North Staffordshire Regeneration Partnership and resolved in respect of the Tesco application as follows ;-
- (i) Cabinet notes and supports the decision of the Council meeting on 16 September 2009 to make strong representations to both the City Council and the Government Office for the West Midlands (GOWM) relating to the scheme; and
 - (ii) Officers prepare a report to the next meeting of Full Council advising on the most appropriate course of action to represent this Council's interests in matters relating to the scheme; and
 - (iii) Appropriate lobbying channels be utilised to enhance the likelihood of the Secretary of State calling in the planning application
- 1.12 A further letter has now been sent to the Government Office and a copy of this is attached as Appendix 'F' (lavender paper).
2. **Issues**
- 2.1 This report is concerned with what course of action at this point in time would be most appropriate to represent this Council's interests as a local planning authority.
- 2.2 As indicated above the resolution of the City Council's Development Management Committee requires that Tesco submit an undertaking securing a sum of £100,000 (index linked from the date of the permission) to be payable upon first use of the development hereby permitted to fund environmental improvements to Newcastle-under-Lyme town centre. A draft of this undertaking has been received since 16 September and comments upon it made to both Tesco's solicitors and those of the City Council. It is a unilateral undertaking which does not require the agreement of the Borough Council.
- 2.3 The City Council have resolved that before the application can be permitted it must be referred or notified to the Secretary of State under the Town and Country Planning (Shopping Development) Direction 1993 – the 'Shopping Direction'. This will provide the Secretary of State with a formal opportunity to consider whether or not to "call in" the application. If he were to call in the application he would then arrange for a Public Inquiry to

be held. The Secretary has a limited 21 day period, following receipt of the notification, within which he can decide to call in the application. However he is able to issue an Article 14 direction extending this period.

- 2.4 It is important to note that the sole decision which the Secretary of State will have to make upon receipt of the notification is whether or not to call in the application. In coming to that decision he will have regard to his “call-in policy” which was set out in Richard Caborn’s statement of 16 June 1999 to the House of Commons:

“My right hon. Friend’s general approach, like that of previous Secretaries of State, “is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. It is right that, in general, they should be free to carry out their duties responsibly, with the minimum interference.”

There will be occasions, however, when my right hon. Friend may consider it necessary to call in the planning application to determine himself, instead of leaving the decision to the local planning authority.

His policy is to be very selective about calling in planning applications. He will, in general only take this step if planning issues of more than local importance are involved. Such cases may include, for example, those which, in his opinion:

- may conflict with national policies on important matters;*
- could have significant effects beyond their immediate locality;*
- give rise to substantial regional controversy;*
- raise significant architectural and urban design issues; or*
- may involve the interests of national security or foreign Governments.”*

3. Options Considered, Proposal and Reasons for Proposal

- 3.1 I It is clear from the May 2009 letter from the Government Office (Appendix ‘D’) that the Secretary of State will not make a decision on whether or not to “call-in” the application until he has received the formal notification of this application from the City Council.
- 3.2 The City Council have not yet notified the application to the Secretary of State. In doing so they would be required to provide the Secretary of State with certain information as set out in the ‘Shopping Direction’. The City Council received advice from a retail planning consultant and your officer has ensured that this advice, which is critical of the proposal, will be before the Secretary of State when he makes the decision on whether or not to call in the application. Given that the Secretary of State will have before him not only the applicant’s retail consultants report, but also that of the City Council’s retail consultant as well as the report of the City Council officers on the application, and the actual decision which the Secretary of State will be required to make, it is not considered any material purpose would be served at this stage in the Borough Council obtaining its own retail advice. Even if obtained no guarantee could be given that it would be able to be taken into account by the Secretary of State as he might well have already made his decision in this matter and the expenditure involved would be abortive.
- 3.3 The Head of Central Services is taking advice from Counsel on other alternative measures which the Council could take that include the seeking of a Judicial Review of the decision of the City Council, or that of the Secretary of State. That advice has not yet been received. However Judicial Review applications do have to be made promptly and, in any case, by no more than 6 weeks of the decision in question. The Head of Central Services already has

delegated authority to act in such matters.

- 3.4 If the Secretary of State does decide to “call-in” the application he would then cause a Public Inquiry to be held. The Borough Council would then need to consider how it wishes to present its case. The primary issue will relate to the interpretation of retail policy and the potential retail impact on existing town centres (particularly Newcastle and Stoke). In view of the specialist nature of this area of work and the likely high profile of the case the Council would be advised to commission appropriate Legal and expert witness support (including a specialist retail planning consultant). No steps have been taken to obtain estimates of the costs that might be incurred but they would be substantial. The Authority would receive notice of the call in and would, it is considered, be able to make arrangements at that time.

4. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 4.1 If the planned Tesco foodstore development at Trent Vale is implemented it has the potential to seriously harm the viability of the Town Centre. Therefore the scheme is contrary to the objectives of the Council’s priority of “A Borough of Opportunity”, hence the reason why the Council should seek to prevent it happening.

5 Legal and Statutory Implications

- 5.1 The Council has responsibility under the Local Government Act 2000, to improve the social, economic and environmental well-being of the Borough and is the local planning authority for the area conferred with the powers and duties relating to that function.

6 Equality Impact Assessment

This is not directly relevant to the subject matter of this report.

7 Financial and Resource Implications

- 7.1 Your officers are of the view that, if the Council wishes to present a robust case at any future Public Inquiry, sufficient to convince the Secretary of State to dismiss the proposed development, it would be prudent to make budgetary provision to fund the necessary expert support. It is unlikely that any such Inquiry would take place until at least late in the next financial year, although preparation of the Council’s case would begin almost immediately, if and when notice of the call-in was received. Similarly if Judicial Review proceedings were brought there would be substantial financial implications.

8 Major Risks

- 8.1 With regard to the proposed Tesco development the first major risk lies with the Secretary of State in the sense that he may choose to not call-in the matter; hence the importance of lobbying GOWM. Secondly the Council may incur significant expense in presenting a case to a Public Inquiry only for the Secretary of State to allow the development. This would be difficult to mitigate other than to seek specialist advice about the prospects of success; the key balancing factor - serious harm to the long term vitality of Newcastle Town Centre - remains. Thirdly if the Council was to seek unsuccessfully a Judicial Review proceeding it might well have to bear both its own costs and those of the City Council.

9 Key Decision Information

- 9.1 The planning application documents; various officers’ reports; the expert view of the retail consultant engaged by the City Council; the agendas and minutes of relevant City Council’s Development Control and Development Management Committee meetings.

10. **Earlier Council Resolutions**

10.1 These have been referred to within the report above.

11. **List of Appendices**

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Appendix 'B' (yellow paper) – copy of letter from the Council to Stoke City Council dated 24 April 2009

Appendix 'C' (grey paper) – copy of letter from the Council to GOWM dated 25 April 2009.

Appendix 'D' (salmon paper) – copy of response from GOWM dated 1 May 2009

Appendix 'E' (gold paper) - copy of the main extracts of a letter to the Managing Director of the NSRP relating to the Core Strategy and Tesco Trent Vale decision, dated 28.9.09.

Appendix 'F' (lavender paper) – copy of letter from Council to GOWM dated 9 October 2009

12. **Background Papers**

The documents referred to in this report

CORE SPATIAL STRATEGY GOVERNMENT INSPECTOR'S RECOMMENDED CHANGES

- 1.0 The recommended changes set out in the Inspector's binding report are to amend the document in the light of legal requirements and/or for reasons of 'soundness'. The Inspector concluded that none of the changes should materially alter the substance of the overall plan and its policies, nor undermine the sustainability appraisal and processes of public participation already undertaken.
- 1.1 In summary the recommended changes are:-
- New headings to spatial principles SP1-3 to make clear they are policies; changes to Policy SP1 and supporting text to clarify its application to the RENEW Pathfinder areas and the test of harm.
 - Updating of the housing trajectories to clarify the position about demolitions and delivery.
 - Reformatting of the area spatial strategies as policies.
 - Provision of flexibility in respect of possible increases in housing numbers from the current West Midlands Regional Spatial Strategy review.
 - Amendment of the criteria for the selection of gypsy sites in Policy CSP7 for consistency with Circular 01/2006.
 - Rewording of policy CSP3 in respect of renewable energy and sustainable construction to provide consistency with national policy; addition of new point 7 regarding flooding.
 - Amendments to Policy CSP8 for consistency with national policy on minerals. (applies to the City only)
 - Insertion of cross references to the Strategic Infrastructure Planning and Delivery Document and its relation to the Annual Monitoring Reports.
 - Revision of Section 8 'Monitoring Framework' including monitoring targets and indicators.
 - Amendments to the Key Diagram and plans to make them clear, accurate and consistent.
- 1.2 In addition the Inspector has endorsed a number of minor changes relating to typographical errors, factual updates and for clarity.

Our ref: EM/348/173
Your ref: PL/SOT/48769 Paul Wealleans
Date: 24th April 2009

Planning Policy and Development
Stoke-on-Trent City Council
PO Box 630
Civic Centre
Glebe Street
Stoke-on-Trent
ST4 1RF

Dear Mr Wealleans

Application Number: SOT/48769
Description: Erection of replacement Tesco Supermarket
Location: Tesco Store, Springfields Retail Park, Newcastle Road, Trent Vale, Stoke-on-Trent
Grid Reference: SJ 8601 4427

I write in respect of the above application which I am advised was considered at the City Council's Planning Committee meeting on 1st April 2009. I understand that at that meeting Members were minded to permit the proposed development, but that the application would be reported back to a future Committee meeting when it would be reconsidered (with the benefit of further highway-related information), and, if Members are still minded to permit the application, appropriate conditions would be agreed.

As you are aware Newcastle under Lyme B.C.'s Planning Committee considered the application at their meeting on 30th September 2008 when Members resolved to object to the application for the reasons set out in my letter of 8th October 2008. The view of Newcastle under Lyme B.C. firmly remains that in the absence of a quantitative need for the additional retail floor space proposed within this scheme the proposal is contrary to retail policy and could be harmful to the vitality and the viability of Newcastle Town Centre.

You should be aware that we have received further retail advice on an application for an Aldi store on a site close to Newcastle Town Centre since consideration was given to the Tesco proposal. The Aldi proposal is for a store with a gross floor space of 1,548 sqm., which is considerably smaller than the additional floor space involved in the Tesco proposal. The advice received is that a quantitative need has not been demonstrated by Aldi, that there are sequentially preferable sites available, and that the cumulative impact on Newcastle town centre is negative and unacceptable given the current deterioration in the centre's vitality and viability. In view of this advice Newcastle under Lyme B.C. considers that it is necessary to reiterate their objections and request that the application is refused in accordance with the first reason for refusal as set out in the recommendation section of the report to your Committee meeting of 1st April.

The other significant and material consideration that has begun to emerge since this Council reviewed the proposed development last autumn is the draft Strategic Investment Frame (SIF) prepared on behalf of the North Staffs Regeneration Partnership(NSRP)/Newcastle-under-Lyme B.C. As you will be aware investment in Newcastle Town Centre is one of the NSRP's strategic priorities and the purpose of the SIF is to guide future investment into that location to strengthen its viability in accordance with national, regional and local planning policy objectives. One of the SIF's three key themes relates to the need to remake the retail offer in the town centre and this is likely to be damaged by further convenience and/or comparison goods retailing in the Trent Vale Area.

I trust that this letter will be reported to Members when they consider this application further.

Yours sincerely

For Development Control Manager
Planning, Development and Housing Service
Directorate of Regeneration and Development
Email planningapplications@newcastle-staffs.gov.uk
Direct fax 01782 714303

Our ref: EM/348/173
Your ref:
Date: 25th April 2009

Government Office for the West Midlands
Sustainable Futures Directorate
5 St Philip's Row
Colmore Row
Birmingham
B3 2PW

Dear Sirs

Erection of replacement Tesco Supermarket at Springfields Retail Park, Newcastle Road, Trent Vale, Stoke-on-Trent. Application reference no. SOT/48769. Grid Reference SJ 8601 4427

I write in respect of the above planning application which was considered at the Stoke-on-Trent City Council's Development Control Committee on 1st April 2009. I understand that at that meeting Members were minded to permit the proposed development, contrary to officer recommendation, but that the application would be reported back to a future Committee meeting when it would be reconsidered (with the benefit of further highway-related information), and, if Members are still minded to permit the application, appropriate conditions would be agreed. I have been advised that the likely date that the application will be reported back to Committee is 13th May.

The purpose of this letter is to persuade you that the proposed development is of strategic significance and to urge you to call in the application pursuant to Section 77 of the Town and Country Planning Act 1990.

The application is for the construction of a new retail store to replace the existing Tesco store currently on the site. The new store represents a 76% increase in gross floor space (existing store providing 5,342 sqm of gross floor space and proposed providing 9,383 sqm of gross floorspace). The site is in an out of centre location. Full details of the application are viewable on the City Council's website, www.stoke.gov.uk, using the above application reference number to search for the submitted details.

Newcastle-under-Lyme Borough Council was consulted on the application given the proximity of the site to the Borough boundary, and objected to the proposal. The reasons for the objection are detailed in the attached copy of the letter sent to the City Council.

Since then we have received further retail advice on an application for an Aldi store on a site close to Newcastle Town Centre. The Aldi proposal is for a store with a gross floor space of 1,548 sqm. The advice received is that a quantitative need has not been demonstrated by Aldi, that there are sequentially preferable sites available, and that the cumulative impact on Newcastle town centre is negative and unacceptable given the current deterioration in the centre's vitality and viability. In light of this advice Newcastle under Lyme B.C. firmly remains of the view that in the absence of a quantitative need for the additional retail floor space proposed within this scheme the proposal is contrary to retail policy and unacceptable.

The other significant and material consideration that has begun to emerge since this Council reviewed the proposed development last autumn is the draft Strategic Investment Frame (SIF) prepared on behalf of the North Staffs Regeneration Partnership(NSRP)/Newcastle-under-Lyme B.C. Investment in Newcastle Town Centre is one of the NSRP's strategic priorities and the purpose of the SIF is to guide future investment into that location to strengthen its viability in accordance with national, regional and local planning policy objectives. One of the SIF's three key themes relates to the need to remake the retail offer in the town centre and this is likely to be damaged by further convenience and/or comparison goods retailing in the Trent Vale Area.

I trust that you will consider the contents of this letter, and hope that you will be persuaded that the potential impact of the proposed development could be felt at a strategic level and that therefore the application should not be determined by the City Council.

Yours sincerely

For Development Control Manager
Planning, Development and Housing Service
Directorate of Regeneration and Development
Email planningapplications@newcastle-staffs.gov.uk
Direct fax 01782 714303



GOVERNMENT OFFICE
FOR THE WEST MIDLANDS

Development Control Manager
Newcastle under Lyme Borough Council
Directorate of Regeneration and Development
Civic Offices
Merrial Street
Newcastle under Lyme
Staffordshire
ST5 2AG

1 St Philip's Place
Colmore Row
Birmingham B3 2PW

Your Ref: EX/348/173
Our Ref: GOWM/NP/P_5371/42340

Date: 1st May 2009

Dear Sir,

No
Eam

**ERECTION OF REPLACEMENT TESCO SUPERMARKET AT SPRINGFIELDS
RETAIL PARK, NEWCASTLE ROAD, TRENT VALE, STOKE ON TRENT.**

Thank you for your letter of 25th April 2009 and attached copy correspondence on application reference number SOT/48769.

May I explain that Stoke on Trent City Council has indicated to this Government Office that should it be minded to grant consent for the application, it would be formally referred to the Secretary of State. Referral provides the opportunity for consideration as to whether, in the light of the Government's Call-In Policy, it would be appropriate to call-in the application for the Secretary of State's decision. When referring an application, the local planning authority should provide a copy of the application (including plans and drawings), a copy of any representations made and a statement of the issues involved in the decision; this would usually be set out in the report to committee. A decision on call-in would not be made until full information on the basis on which an authority is minded to grant approval is received.

In the circumstances, it would not be appropriate to comment on the application in the meantime. To do so may be prejudicial to the Secretary of State should the application be formally referred or should it come before her on appeal.

I would like to reassure you however that the points you make in your letter will be taken into account together with all the other information received on the application should it be referred.

Yours faithfully

Mr M Ellis

Our ref: EM/348/173
Your ref: GOWM/NPT/P_5371/42340
Date: 9TH October 2009



Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

Government Office for the West Midlands
Planning Team
Sustainable Futures Directorate
5 St Philip's Place
Colmore Row
Birmingham
B3 2PW

SENT BY EMAIL ONLY

Dear Sirs,

Erection of replacement Tesco Supermarket at Springfields Retail Park, Newcastle Road, Trent Vale, Stoke-on-Trent. Stoke on Trent City Council Application reference no. SOT/48769.

I write in respect of the above planning application, further to my letter of 25th April and your response on 1st May 2009 reference GOWM/NPT/P_5371/42340.

As you will recall from my previous letter and your subsequent discussion with Stoke-on-Trent City Council, the City Council had resolved, at their Development Control Committee meeting on 1st April 2009, that they were minded to permit the proposed development, contrary to officer recommendation, subject to receipt and consideration of further highway related information and the matter being brought back to Committee with suggested conditions and any appropriate planning obligations.

Since our previous correspondence the application was considered, for a second time, at the City Council's Development Management Committee which took place on 16th September 2009. The report to that meeting indicated that the officers still had concerns, but in recognition of the previous resolution it concentrated on additional information received following the first meeting, including S106 contributions, and set out conditions that should be imposed if their Members remained of the view that the application should be approved.

At that meeting their Members resolved that they were minded to permit the application subject to:-

1. Tesco first committing to planning obligations to secure

- A sum of £100,000 (index linked from the date of the permission) to be payable upon first use of the development hereby permitted to fund environmental improvements to Stoke Town Centre
- A sum of £100,000 (index linked from the date of the permission) to be payable upon first use of the development hereby permitted to fund environmental improvements to Newcastle-under-Lyme town centre
- A sum of £25,000 (index linked from the date of the permission) to be payable upon commencement of the development hereby permitted to fund improvements to Bridgett's Pond (a pond to the south of the development)

2. Certain planning conditions - as detailed in the agenda report to the meeting, with certain amendments - the most important one, from our perspective, being as follows "*The net sales area*

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of the retail store hereby approved shall not exceed 5,920 square metres. No more than 35% of the net sales area shall be used for comparison goods. Comparison goods are.... (there then follows a definition)".

3. That the application be referred to the Secretary of State under the Shopping Direction.

Newcastle under Lyme Borough Council have been advised that the application will not be referred in accordance with the 3rd part of the resolution until unilateral undertakings securing the financial contributions referred to in the resolution have been received, and it is understood that this has not yet happened. Nonetheless this Council is seeking to persuade you that the proposed development raises planning issues of more than local importance and is seeking, at this time, to urge you to call in the application pursuant to Section 77 of the Town and Country Planning Act 1990.

In the report to the meeting of 1st April the officer indicated that the applicants had not demonstrated need, the development was not of an appropriate scale, the sequential approach to site selection had not been followed and the development would adversely impact on existing centres. This recommendation was in recognition of the advice received by the City Council's retail consultant. I attach a copy of the City Council's retail planning consultant Mr. Tonks's initial advice, annotated with comments by the applicant's planning consultant, and a copy of a letter dated 19th December 2008 from Mr Tonks giving his observations on these comments. The reason for the decision to grant planning permission as set out in the report and accepted by their Members was that the development did not fully accord with the certain policies listed in the report but that it was considered to be acceptable having regard to other material considerations – which are not set out in any way. The City Council resolution is, as their report recognises, contrary to national retail policies. Given the scale of the development and the nature of the national policies involved this Council considers that the conflict with national policies is a matter of more than local importance.

The adverse impact on existing centres as highlighted by officers of the City Council and their retail consultant Mr Tonks extends beyond their own administrative boundaries and will impact upon the vitality and viability of Newcastle Town Centre due to the scale of the development and the amount of convenience and comparison goods floor proposed (65% convenience to 35% comparison). The development could therefore have significant effects beyond its immediate locality.

In view of the development conflicting with national policies on important matters and having the potential to have significant effects beyond its immediate locality by impacting upon both Newcastle Town Centre and Stoke Town Centre this Council remains opposed to the development.

I trust that you will take the contents of this letter into consideration and hope that you are persuaded that the application should not be determined by the City Council and call the matter in for the Secretary of State to determine once the application is referred to him.

Yours faithfully



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