

The application is for full planning permission for a retail warehouse unit with a gross area of 4,708m² measured externally and a gross internal area of 3,884m².

The site lies within the Newcastle Urban South and East Neighbourhood.

The site is accessed off Grange Lane (A527), which links the A500, which is part of the Staffordshire Strategic Highway Network, to May Bank and Wolstanton.

The 13 week period for the determination of this application expired on the 20th May, however the applicant has agreed to extend the determination period until 19th July.

RECOMMENDATIONS

A) Subject to the applicant entering into planning obligations by 16th September 2019 to secure the following:-

- 1. £2,407 towards travel plan monitoring;**

Permit, subject to conditions/informatives relating to the following matters:-

- i. Commencement time limit**
- ii. Development to be carried out in accordance with the approved plans and supporting documents, unless otherwise required by condition.**
- iii. External facing and surfacing materials.**
- iv. Construction environmental management plan**
- v. Unit to be used for the sale and display of non-food goods (excluding certain goods such as clothing, footwear, CDs, health and beauty, jewellery) other than the sale and display of food and drink for consumption on the premises within a café not exceeding 139m².**
- vi. Noise from plant and mechanical ventilation,**
- vii. External lighting**
- viii. Noise mitigation measures, supported by a noise assessment, regarding delivery and waste collection**
- ix. Cycle parking in accordance with approved details**
- x. Travel plan**
- xi. Car park, servicing and turning areas to be provided prior to the building being brought into use.**
- xii. Security measures for the development, including the cycle parking.**
- xiii. Restrictions on waste collections and deliveries of goods**
 - Coal Authority informative regarding public safety.**
 - Cadent informative note that consideration is given to gas pipeline/s identified on the site.**

B) Should the above planning obligations not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that the development would fail to ensure it achieves sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

The proposal complies with the sequential and impact test and therefore the development on this out of centre site accords with local and national policy and is acceptable in principle. The proposal is

acceptable in appearance and does not raise concerns in respect of residential amenity or highway safety subject to conditions. Subject to a planning obligation to secure an appropriate sum for Travel Plan Monitoring in addition to the imposition of conditions there are no objections to this development.

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

Additional information, in respect of the sequential assessment, has been provided by the applicant in response to request of the Authority. Taking into account all information submitted the proposal is considered to be a sustainable form of development.

KEY ISSUES

1.1 The application seeks full planning permission for a building for use as a retail warehouse (Class A1) with a gross area of 4,078m² measured externally and a gross internal area of 3,884m². The proposed floorspace is provided at ground and mezzanine levels. It is to be occupied by Dunelm who advertise as UK's leading home furnishing retailers. The application site measures 0.66ha, is largely situated between two existing buildings (M&S and Matalan) and is currently in use as an area of car parking.

1.2 The key issues for consideration in the determination of this application are:

- The principle of the development
- Acceptability of the appearance of the development
- Residential amenity; and
- Highway capacity and parking.

2.0 Is the principle of the proposed development on the site acceptable?

a) Local Plan and National Planning Policy

2.1 Policy SP1 and SP2 of the Core Spatial Strategy (CSS) seek to direct retail development to Newcastle Town Centre or Hanley City Centre. SP1 indicates that development in other Centres will be of a nature and scale appropriate to their respective position and role within the hierarchy of centres. Similarly Policy SP2 indicates that one of the spatial principles of economic development will be the diversification and modernisation of the centres for new business development, particularly in terms of retailing development that is appropriate in scale and nature to the respective centre

2.2 Wolstanton is identified at paragraph 5.8 of the CSS as one of the Significant Urban Centre which will play a complementary role to the two strategic Centres (Hanley and Newcastle) primarily providing retail and services to meet local needs. The CSS goes on to say that achieving the right balance of development within these centres will be vital for maintaining the sustainability of all the centres within the hierarchy. The site does not fall within Wolstanton Centre as identified on the Local Development Framework Proposals Map.

2.3 Policy ASP4 of the CSS on Newcastle Town Centre indicates that over the plan period (2006-2026) proposals will provide for 25,000m² of additional gross comparison retail floorspace to 2021 and a further 10,000m² to 2026 which will be appropriate in terms of the role of the Town Centre and capable of meeting needs of the Town Centre.

2.4 Policy ASP5 of the CSS sets out the Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy. It indicates that retail development outside of Newcastle Town Centre will be of a nature and scale appropriate to the role of each local centre and will primarily be to meet identified local requirements.

2.5 At paragraph 86 the National Planning Policy Framework (NPPF) states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available

(or expected to become available within a reasonable period) should out of centre sites be considered.

2.6 At paragraph 87 the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

2.7 The NPPF goes on to say, at paragraph 89, that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a threshold of 2,500m² if there is no proportionate locally set threshold. This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).

2.8 Paragraph 90 states that where an application fails to satisfy the sequential test it should be refused.

2.9 The site is not within, or on the edge of, an existing Town Centre as designated within the Development Plan. It is an 'out of centre' site.

2.10 To ensure that the sequential and impact tests are appropriately applied, your Officer has engaged a retail consultant to offer advice. Such advice has been received, is accepted, and is reflected in the following sub-sections of the report.

b) Sequential Test

2.10 Guidance on how to adopt a sequential approach is set out in Planning Practice Guidance (PPG). It advises that the sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. The PPG provides a checklist of considerations that should be taken into account in determining whether the proposal complies with the sequential test:-

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

2.11 It is for the applicant to demonstrate compliance with the sequential test and they have sought to do this within the submitted Planning and Retail Statement (PRS). The area of search for a sequentially preferable site that has been adopted, and which is considered by your Officer to be appropriate, is Newcastle and Hanley. The applicant has indicated that they would be prepared to accept a condition that would preclude the sale of food goods and some comparison goods and the applicant's willingness to accept such a condition is of relevance to how the sequential test should be applied in practice.

2.12 It is evident, taking into consideration key cases and Secretary of State decisions, that sequential alternative sites must be viewed in the context of whether they meet the specific 'real world' requirements of a development of this nature, i.e. with reference to the requirements of a mixed goods retailer. It is accepted that the proposed retail operation, as proposed to be restricted by condition, would likely sell some household/bulky goods and that such operators typically require access to nearby car parking.

2.13 The submitted PRS has looked at a number of sites within Newcastle Town Centre and Hanley and consideration has been given to a further site at Clough Street, Hanley. All sites were not considered to be both available and suitable to accommodate the application proposal. No other sequentially preferable sites within or proximate to Newcastle, Hanley or any other centre has been identified as offering realistic potential. The proposal therefore conforms to the requirements of the sequential test as set out in paragraphs 86 and 87 of the NPPF.

c) Impact Test

2.14 The PPG advises that the purpose of this test is to ensure that the impact over time of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test is to be applied to retail, office and leisure developments which are not in accordance with an up to date Local Plan and outside of existing town centres as in this case. It advises that it is important that the impact is assessed in relation to all town centres that may be affected, which are not necessarily just those closest to the proposal and may be in neighbouring authority areas.

2.15 The PPG again says it is for the applicant to demonstrate compliance with the impact test and advises that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.

2.16 The PPG goes on to advise that where wider town centre developments or investments are in progress it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include

- The policy status of the investment (i.e. whether it is outlined in the Development Plan)
- The progress towards securing the investment (for example if contracts are established)
- The extent to which an application is likely to undermine planned developments or investments, based on the effects on current/forecast turnovers, operator demand and investor confidence.

2.17 Within the PRS, submitted in support of the application, it is stated that the scheme will have an impact on trade of approximately minus 0.2% on Newcastle Town Centre and minus 0.1% on Hanley City Centre, as a relatively high proportion of trade will be diverted from out of centre destinations. The advice that the Borough Council has received is that the development has the potential to divert a higher level of trade from in-centre stores, however even if the assumption is that 20% of the proposal's turnover is diverted from Newcastle town centre (which is an unlikely scenario as a consequence of the proposed goods condition) the impact would still be just minus 0.7%. The indication is that any trade diversion impact arising at Hanley would be substantially lower still.

2.18 The Borough and the City Council have proposals to bring forward comprehensive redevelopment at Ryecroft and the former East West Precinct which require consideration in the impact test. In the context of the Secretary of State's decision to grant planning permission for a proposal at Rushden Lakes, Northamptonshire the Borough Council are advised that it has to be concluded that these proposals are a relatively early stage, given that earlier plans to develop the sites have stalled. In addition the advice received is that it now appears unlikely that the type of mixed goods retail operation as is proposed in this application will be a key component of either scheme. Taking such matters into consideration and the relatively limited trade diversion to the application proposal from town centre locations, it is considered that the application proposal will not likely have a significant adverse impact on the delivery of either of the identified planned investments.

2.19 In conclusion, the advice received by the Borough Council is that, given the restrictive condition, the comparison goods impact would not comprise a significant adverse impact that would be likely to undermine the future health of any relevant defined centre. As a consequence the impacts arising

from the proposal are acceptable and the proposal conforms to the requirements of the sequential test as set out in paragraphs 89 and 90 of the NPPF.

3.0 Is the development acceptable in its appearance?

3.1 Paragraph 124 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. It goes on to say at paragraph 130, 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

3.2 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.

3.3 The Urban Design Supplementary Planning Document indicates at E1 that business development should be designed to respond to and exploit key features or characteristics of the site and the local context. At E3 it states that business development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. For development in existing settlements it should respond to the established urban or suburban character where this exists.

3.4 The proposed building largely fills the gap between the existing Matalan and M&S store. It is taller at the front with the roof sloping towards the lower rear elevation. It will be of a similar height to the M&S store. It is to be constructed in a smooth composite cladding to the upper walls with blockwork on the lower walls. The front elevation will include a high proportion of modern double glazed curtain wall type system creating a visually interesting and active frontage. The design, appearance and choice of materials is similar to that of the M&S store and will complement that building.

3.5 Overall the development is considered to be appropriate in appearance in the context of the Retail Park.

4.0 Are acceptable residential amenity levels achieved?

4.1 The construction works have the potential to create noise and dust disturbance. The supporting Air Quality Assessment (AQA) indicates that this poses a medium to low risk and it is considered that this can be suitably managed through a construction environmental management plan recommended by the Environmental Health Division (EHD). The AQA seeks to demonstrate that additional vehicle trips generated by the proposed development will have no impact upon air quality, and the EHD has not indicated that they disagree.

4.2 There is the potential that the noise from plant and vehicles loading and unloading could cause disturbance to nearby residents on the other side of Grange Lane. In addition the submitted noise assessment models the impact of heating and cooling units using data relating to a number and types of units used elsewhere as the exact nature of the plant to be used in this development is not known at this time. In the absence of such information a condition requiring the prior approval of any external plant is required. Similarly conditions imposing restrictions on waste collections and deliveries of goods to the store and requiring prior approval of external lighting are necessary to ensure that maintain appropriate living conditions for nearby residents.

5.0 Is the proposal acceptable in terms of highway safety?

5.1 The NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. At paragraph 106 the Framework states that maximum parking standards for residential and non-residential development should only be set where there is clear and

compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

5.2 Saved policy T16 of the NLP states that development which provides significantly less parking than the maximum specified levels it refers to will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

5.3 A Transport Statement (TS) has been submitted to accompany the application. The site would continue to be served from the A527 which links to the A500 by a dumbbell roundabout, and from Church Lane, Wolstanton, via a traffic light controlled junction. The Statement concludes that the wider highway network would be able to accommodate traffic from the development and that no mitigation measures are required. This has been accepted by both Highways England (responsible for the A500) and the Highway Authority. It is noted that the TS does not take the Etruria Valley Link Road into consideration, presumably because it is not yet permitted, however it is considered that the Highway Authority and Highways England conclusions on this proposal are still valid.

5.4 The proposal involves the loss of area of the car park, totalling 111 spaces, which reduces the amount of parking for all units, other than the Asda Store, from 903 to 792. As such there will be fewer parking spaces available to serve an increased amount of retail floorspace.

5.5 Policy T16 of the Local Plan sets out, in the associated Annex, maximum parking standards for different uses. The maximum number of parking spaces for ASDA, Homebase, Matalan and the proposed M&S store (given the level of floorspace for food retailing is 1 space per 14m² of floor space and for non-food retailing 1 space per 20m²) is 1,551 spaces. The submission indicates that there will be a total of 1,479 parking spaces for the whole retail park. Consequently the proposed number of spaces, just 72 spaces short of the maximum, is judged within a reasonable tolerance level.

5.6 The TS seeks to demonstrate that even with a reduced quantum of parking provision and an increased parking demand associated with a new unit, the overall site provision is sufficient to accommodate the future demand in the busiest periods. In addition the TS notes that the Asda car park provides an additional 531 spaces and existing customers who park in the Asda car park can continue to park there and shop in the Asda store as well as the other units.

5.7 The Highway Authority advise that subject to planning conditions and a legal agreement securing a Travel Plan monitoring fee there would be no harm to highway safety.

5.8 Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

5.9 The planning obligation meets relevant legal tests when measured against Section 122 of the Community Infrastructure Levy Regulations and is in accordance with the requirements of the Development Plan and the Framework in dealing with successful site mitigation.

APPENDIX

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 SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP4	Newcastle Town Centre Area Spatial Policy
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP10	Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy T16	Development – General Parking Requirements
Policy T17	Parking in Town and District Centres
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:

National Planning Policy

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Community Infrastructure Levy Regulations \(2010\) as amended and related statutory guidance](#)

Supplementary Planning Guidance/Documents

[Developer contributions SPD \(September 2007\)](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD \(2010\)](#)

Relevant Planning History

Outline planning permission was granted in 1987 (reference N16472) on part of the former Wolstanton Colliery site for the demolition of existing buildings, reclamation of land and retail development incorporating a multi-screen cinema and covered tennis courts with access from A500. All matters of detail, other than the means of access, were reserved for subsequent approval. The amount of area to be used for retailing under this permission was restricted to an area not exceeding 245,000 square feet (22,760 square metres) gross floor space, measured internally. A further restriction was imposed on the amount of retail floor space to be used for the selling of food and other convenience goods to an area not exceeding 27,000 square feet (2,508 square metres) net, measured internally.

In 1988 reserved matters approval was granted for a retail development measuring 245,000 square feet (22,760 square metres) gross floor space. The approved layout provided an Asda supermarket and a further five retail units (some capable of subdivision).

In 1991 (reference N20658) planning permission was granted for the change of use of vacant non-food retail units (totalling 9,331 square metres) for uses falling with classes B1, B2 and B8. The planning permission included the remaining units that were not occupied by Asda and Texas Homecare (now Homebase). This planning permission has been partially implemented and three of the 5 units to be demolished are considered to have a lawful use falling within Class B (this amounts to approximately 5,783 square metres of floorspace).

In 2012 Planning permission was granted for the demolition of existing retail warehouse units and distribution unit (measuring 7,511 square metres); demolition of redundant methane pumping station; construction of new retail store with ancillary refreshment facilities (measuring 13,010 square metres total gross floor space); new and altered car parking, servicing and sewerage facilities under application reference, 11/00611/FUL.

In 2017 condition 3 of planning permission 11/00611/FUL was varied to enable a sales area floorspace no more than 8,962 square metres, of which no more than 7,973 square metres shall be for the display of comparison goods and no more than 1,496 square metres shall be for the display and sale of convenience goods only. The original condition restricted the sales area floorspace to no more than 8,962 m², of which no more than 7,973 m² shall be for the display of comparison goods and no more than 989 m² shall be for the display and sale of convenience goods only.

Views of Consultees

The **Highways Authority** has no objections and recommends conditions relating to the following:

- Provision of parking, servicing and turning areas prior to development being brought into use.
- Provision of secure weatherproof cycle parking for 18 cycles.
- Submission, approval and implementation of revised Travel Plan.

They also advise that a planning obligation is required to secure a Travel Plan monitoring fee of £2,407.

Highways England has no objections.

The **Environmental Health Division (EHD)** has no objections subject to conditions relating to the following:

- Construction Environmental Management Plan.
- Restrictions on waste collections and deliveries of goods
- Prior approval of any noise generating plant.
- Prior approval of external lighting.

The **Economic Regeneration Section** recommends that the application be refused because the proposal is not in line with national policy set out in the NPPF which promotes a 'centres-first' approach to development. The Government has launched the Future High Streets Fund to attempt to arrest the decline of the country's high streets which have lost trade in part to the Internet but more significantly to out of centre retail parks which offer generous, free and level car parking situated right outside the door. The more retailers which leave the High Street, the less appealing what remains of the High Street offer becomes. Dunelm is a shop, the like of which local planning policy seeks to retain or attract to the town centre. In an attempt to strengthen the town centre, the Borough Council has assembled the Ryecroft site in Newcastle Town centre for the purpose of providing prospective retailers with the opportunity to locate within the town centre and not re-locate to one of the area's out of town retail parks which are now home to many of Newcastle's former shops.

The **Waste Management Section** has no specific comments and advises that refuse and packaging storage will be required.

The **Staffordshire Police Crime Prevention Design Advisor (CPDA)** comments that the proposals appear to be reasonably well conceived in terms of crime prevention with neighbouring premises potentially benefitting from the filling of the gap and less accessibility to their rear yards. The main points raised are summarised as follows:-

- It is unclear whether a gap will exist between the new store and Matalan, if so it will need to be suitably blocked up at the front of the building line to deny unauthorised access to the rear.
- The enclosure of the paved apron in front of the store by bollards is welcomed in terms of pedestrian safety and preventing vehicles impacting the store frontage.
- The shop frontage will need an appropriate amount of manual attack-resistance such as appropriate security standard doors and glazing.

Published 8 July, 2019

- The 2.5m high service yard fence/gate should offer a reasonable outer layer of protection for the rear of the store.
- The relocation of a CCTV camera close to one of the trees in front of the store is noted. Due consideration is required to any potential adverse impact on the camera's field of view from the tree.
- The position of the cycle hoops will not be subject to very good natural surveillance. The hoops will need to be of a type which enables cyclists to secure both wheels and the frame in situ. A dedicated CCTV camera should be provided to cover the cycle area which should be secured by condition

The **Environment Agency** makes no comment.

The **Coal Authority** does not object and recommends, in the interests of public safety, that an informative note is included on the decision notice.

Cadent request that an informative note is included in the decision recommendation consideration is given to gas pipeline/s identified on the site.

The **Landscape Development Section** advises that they have no capacity to comment on the application.

No comments have been received from the **Stoke-on-Trent City Council, East Newcastle and Newcastle South LAPs**, and Staffordshire County Council as **Strategic Planning Authority** by the due date and therefore it must be assumed that they have no observations.

Representations

No representations have been received to date.

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning and Retail Statement
- Design and Access Statement (incorporating site photographs, landscaping and Energy Statement requirements)
- Transport Statement (incorporating parking details and travel plan)
- Interim Travel Plan
- Noise Report
- Air Quality Assessment
- Non-Residential Mining Report
- Waste Management Statement
- Existing Services Plan

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00103/FUL>

Background Papers

Planning file
Planning documents referred to

Date report prepared

6th July 2019