

The application seeks to remove or vary a number of conditions of 18/00736/OUT, a hybrid planning permission for:-

- A.** full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and
- B.** outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses. All matters of detail are reserved for subsequent approval.

The application seeks the following:

- Removal of condition B23 which requires the provision of pedestrian and cycleway enhancements, including cycle links to Bathpool Park, in accordance with details to be approved.
- Variation of condition A1 by removal of the requirement to have completed the earthworks within 18 months of the commencement of the earthworks or by extension of the time period.
- Variation of Conditions A8, B1 and B10 with respect to reference to the Green Infrastructure Strategy.
- Variation of condition B3 (relating to the requirements to submit reserved matters applications) to correct an error.
- Variation of the reason for Condition B25 which restricts the permitted use classes on the plots, by removal of reference to a retail impact assessment.

The Newcastle Local Plan Proposal allocates, at policy E2, the site which measures 44ha, for employment development.

**The 13 week period for the determination of this application expired on the 24<sup>th</sup> January 2020.**

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## **RECOMMENDATION**

**PERMIT subject to conditions relating to:**

**1. Vary condition B23 as follows:**

**No building forming part of the development referred to in item (B) shall be occupied until full details of pedestrian and cycleway links/enhancements have been approved, implemented and access provided. Such links/enhancements shall include connections to the existing cycle route at Bathpool Park, the existing cycleway on Reginald Mitchel Way (A527), the canal, and existing cycleway in Bradwell Woods and Newcastle Road unless it has been demonstrated that it is not feasible to do so.**

**2. Vary condition A1 as follows:**

**The development referred to in item (A) must be begun not later than the expiration of FIVE years beginning with the date of this permission and shall be completed within FIVE years of the date of commencement of such works, such commencement to be notified beforehand to the Local Planning Authority in writing.**

**3. Vary conditions A8 and B10 so that they specify that the scheme shall accord with the principles of the Green Infrastructure Strategy.**

**4. Vary condition B3 as follows:**

**Plans and particulars of the reserved matters referred to in condition B2 above, (relating to the appearance and scale of any buildings to be erected on each plot or sub-plot, landscaping of each plot or sub-plot, of each plot or sub-plot layout and access arrangements to each plot or sub-plot from the approved road network) relating to the site as a whole or 4 any plot or sub-plot, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of any that part of the development referred to in item (B) and shall be carried out as approved.**

**5. Vary the wording of the reason for condition B25 as follows:**

**Having regard to the identification of this site as a Regional Investment Site and Premium Employment Site, and in accordance with policy SP1 and ASP5 the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and policy E2 of the Newcastle-under-Lyme Local Plan 2011, to ensure the uses are demonstrably consistent with the role and objectives of this Premium Employment Site; and in recognition that B1(a) is a main town centre use and that the construction of such development without the undertaking of a sequential assessment if required by policy, would be contrary to the aims and objectives of the National Planning Policy Framework 2019.**

**6. All other conditions of 19/00846/OUT as they continue to apply to the development**

## **Reason for Recommendation**

In the light of the policy support for the provision of such enhancements and the absence of any basis upon which to conclude that they could not be achieved, the removal of condition B23 as proposed is not supported. It is, however, considered appropriate to slightly amend the wording of the condition. It is appropriate and acceptable to amend all the other conditions as proposed with the exception of condition B1 which does not specify that the development is carried out in accordance with the Green Infrastructure Strategy and therefore does not require amendment as suggested by the applicant.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

### **Key Issues**

1.1 The application, under section 73 of the Town and Country Planning Act 1990, seeks to remove or vary a number of conditions of planning permission 19/00846/OUT which granted:

- A. full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and
- B. outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses. All matters of detail are reserved for subsequent approval.

1.2 In deciding this application the local planning authority must only consider the conditions that are the subject of the application, and should not completely reconsider the application.

### **2.0 Removal of condition B23**

2.1 The condition is worded as follows:

*No building forming part of the development referred to in item (B) shall be occupied until full details of pedestrian and cycleway enhancements, which shall include cycle links to Bathpool Park, the existing cycleway on Reginald Mitchel Way, the canal, and existing cycleway in Bradwell Woods and Newcastle Road, have been approved, implemented and access provided.*

2.2 The applicant argues that the substantial works to pedestrian and cycleway routes in the surrounding area as required by the condition, including works to widen the railway bridge on Peacock Hay Road, are not necessary to enable the development to be acceptable, are not precise and are not within the gift of the applicant to deliver. The applicant argues that the condition therefore fails to meet the tests sets out at paragraph 55 of the NPPF. In addition they say that the Highway Authority did not raise such requirements in order to make the development acceptable.

2.3 The applicant points out that the proposal already includes improved linkages to the surrounding area. The links to the A527 are already proposed and acceptable and there are also internal enhancement connections proposed to the underpass, which would improve connections to Bradwell Wood. The applicant considers, therefore, that the condition is unnecessary.

2.4 Therefore the concerns relate specifically to the requirement to include cycle links to Bathpool Park.

2.5 The NPPF indicates at paragraph 108 that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safety and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

2.6 At paragraph 110 it states that applications for development should:

- give priority first to pedestrian and cycle movements, both with the scheme and with neighbouring areas and second, as far as possible, to facilitating access to high quality public

transport, with layouts that maximise the catchment area for bus or other transport services, and appropriate facilities that encourage public transport use;

- address the needs of people with disabilities and reduced mobility in relation to all modes of transport,
- create places that are safe, secure and attractive.
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

2.7 Saved Policy E2 of the Local Plan includes a list of requirements that must be met for the employment development at Chatterley Valley, including the potential for access to the site by non-car modes, including a rail passenger station, should be fully assessed and exploited.

2.8 Notwithstanding, as highlighted by the applicant, that the Highway Authority did not specify that pedestrian and cycleway enhancement over and above those proposed there is strong policy support for this requirement. There is already a pedestrian and cycle route through Bathpool Park which forms part of the Sustrans route NCN555 and provides access to the large residential population of Kidsgrove. To ensure that access to the site by non-car modes is fully exploited so that employees that live within the catchment area of the development site have a safe route to walk and/or cycle to and from work it is important that there is a safe and suitable link to Bathpool Park in addition to the other route enhancements that the applicant is willing to provide. This could potentially be achieved by providing a route through woodland forming part of Bathpool Park to the south west of the railway line, joining the existing route at the point where it passes under the railway line. Alternatively it may be possible to provide the required enhancement along Peacock Hay Road from the site to the Bathpool Park carpark other than for the relatively short stretch where the road crosses over the railway line.

2.9 In the light of the policy support for the provision of such enhancements and the absence of any basis upon which to conclude that they could not be achieved, the removal of condition B23 as proposed is not supported. It is, however, considered appropriate to slightly amend the wording of the condition.

### **3.0 Variation of condition A1**

3.1 The condition is worded as follows:

*The development referred to in item (A) must be begun not later than the expiration of FIVE years beginning with the date of this permission and shall be completed within 18 months of the date of commencement of such works, such commencement to be notified beforehand to the Local Planning Authority in writing.*

3.2 The applicant does not consider that the 18 months is an appropriate timeframe for the completion of the earthworks. The applicant advises that the proposal includes a substantial earthworks programme in order to change the current sloped site to deliver development plateaus on which the proposed buildings can be constructed. When the level of piling of materials reaches a certain point it needs to be overlaid with excess material which would naturally reduce over time. This, it is advised, is essential to ensure the finished ground is suitable for construction, is a process which cannot be quickened and could take up to 5 years. The applicant therefore requests that the time period is either removed or extended.

3.3 The reason for the condition was, in part, to ensure that such works were completed in a prompt manner in the interests of visual amenity and the landscape. That reason remains valid, however in light of the information provided by the applicant it is considered appropriate to extend the period for completion of the works to 5 years from commencement.

### **4.0 Variation of Conditions A8, B1 and B10**

4.1 Such conditions make reference to the submitted Green Infrastructure Strategy which was submitted for illustrative purposes, as it overlays the indicative proposed site layout which could change. The applicant therefore proposes that the wording of the conditions be amended so that it

does not require the development to be carried out in strict accordance with the Strategy but in accordance with the principles of the Strategy. Such changes to conditions A8 and B10 are considered to be acceptable and appropriate. It is not considered necessary to make any changes to condition B1, as this condition sets out what plans were taken into consideration when approving outline planning permission and does not specify that the development shall be carried out in accordance with the listed plans.

### **5.0 Variation of condition B3**

5.1 The condition is worded as follows:

*Plans and particular of the reserved matters referred to in condition B2 above, relating to the appearance and scale of any buildings to be erected on each plot or sub-plot, landscaping of each plot or sub-plot, of each plot or sub-plot layout and access arrangements to each plot or sub-plot from the approved road network, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of any part of the development referred to in item (B) and shall be carried out as approved*

5.2 The applicant considers that the word layout is in the wrong place and suggest that the text of the condition is reworded as follows;

*Plans and particulars of the reserved matters referred to in condition B2 above, (relating to the appearance and scale of any buildings to be erected on each plot or sub-plot, landscaping of each plot or sub-plot, of each plot or sub-plot layout and access arrangements to each plot or sub-plot from the approved road network) relating to the site as a whole or 4 any plot or sub-plot, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of any that part of the development referred to in item (B) and shall be carried out as approved.*

5.3 Such a change is considered to be acceptable and appropriate.

### **6.0 Variation of the reason for condition B25**

6.1 The condition restricts the buildings erected on plots C and D to research and development and light industrial uses falling within Class B1(b) and B1(c), or Class B2 of the Use Classes Order. The reason for the condition incorrectly includes that this is in recognition that B1(a) uses, which are not permitted, are main town centre uses and that construction without the undertaking of a retail impact assessment as well as a sequential assessment would be contrary to policy. The requirement to carry out a retail impact assessment only applies to proposals for retail and leisure development outside town centres and as such it was not necessary to make reference to such an assessment in the reason. The omission of the reference to retail impact assessment from the reason is considered to be acceptable and appropriate therefore.

## 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 CSP1: Design Quality

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

Policy E2: Chatterley Valley

### **Other Material Considerations include:**

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

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

### **Relevant Planning History**

In 2019 a hybrid planning permission, 18/00736/OUT, was granted for the following:-

- C. full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and
- D. outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses. All matters of detail are reserved for subsequent approval.

### **Views of Consultees**

The **Environmental Health Division** indicate that without sustainable transport links to the existing public footpaths and cycle routes, the only feasible means of accessing the site are by road vehicles. Connectivity of the site to the surrounding communities must be achieved through provision of sustainable transport and travel choices including safe and practical links by foot and cycle. These would also contribute towards initiatives in North Staffordshire to address exceedances of national and European air quality related standards and contribute toward overall reductions in air emissions across the area.

The **Economic Regeneration Section** indicate that they are content to accept the modifications to the conditions as proposed.

The **Landscape Development Section** advise that they would consider the provision of a cycleway over land owned by the Borough Council at Bathpool Park.

The views of **Stoke City Council** have been sought but as they have not responded by the due date it is assumed that they have no comments.

### **Representations**

Two representations have been received objecting to the removal of condition B23 as it would deny people living in the large residential areas within the catchment area of the application site the opportunity to walk and cycle on safe and continuous routes and through the application site. The short link to Bathpool Park is absolutely necessary to join the existing cycle network of Stoke-on-Trent and would vastly increase the attractiveness of bike travel to the site since this route forms a north-south spine through the city.

Applicant's/Agent's submission

The application form and plan and supporting information are available for inspection at Castle House and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00846/OUT>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

18<sup>th</sup> December 2019