

LAND OFF CHEMICAL LANE, TUNSTALL
RAVENSDALE PROP. SERVICES LTD & HARWORTH ESTATES INVEST LTD
20/01047/FUL

The application seeks full planning permission for a proposed distribution warehouse (Use Class B8) with associated offices, parking and vehicle wash.

The site is located off Chemical Lane in the urban area and is designated locally as Saved Policy E6, Chemical Lane. It is also located within a Mineral Safeguarding Area as defined in the Minerals Local Plan for Staffordshire (2015-2030).

The boundary between the Borough and Stoke-on-Trent City Council lies on the eastern boundary of the application site, which also adjoins the West Coast Main railway line.

The application site measures 2.6 hectares in size and the building would have a gross internal floor area of 6,887 square metres.

Vehicle access to the site is proposed by a single access point off an unnamed road off Chemical Lane.

The 13 week period for the determination of this application expires on the 9th March 2021.

RECOMMENDATIONS

A. Subject to the receipt of no objections from the Lead Local Flood Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 2nd March 2021 upon receipt and consideration of the Lead Local Flood Authority comments, and

B. Subject to the applicant first entering into a Section 106 obligation by the 16th April 2021 to secure a travel plan monitoring fee of £2,443, PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Soft landscaping scheme, to include replacement tree planting**
- 4. Tree protection measures**
- 5. Provision of access, parking, servicing and turning areas**
- 6. Visibility splays**
- 7. Surfacing materials, surface water drainage and delineation of the parking spaces and servicing areas**
- 8. Access barrier**
- 9. Secure, weatherproof parking for 12 cycles**
- 10. Implementation of Travel Plan**
- 11. Construction Management Plan**
- 12. Construction hours**
- 13. External lighting**
- 14. Contaminated land**
- 15. Electric vehicle charging provision**
- 16. Flood risk mitigation measures and Sustainable Drainage Strategy**
- 17. Land contamination investigations and mitigation measures**
- 18. Bat and Bird Boxes**
- 19. Recommendations of the Preliminary Ecological Appraisal**

C. Should the matters referred to in (B) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The redevelopment and regeneration of this vacant site for employment uses, within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety implications. Subject to flooding issues being suitably addressed and subject to a number of conditions, the development represents a sustainable form of development that accords with the guidance and requirements of the NPPF and should be supported.

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

Officers of the Authority have requested further information throughout the application process to address concerns of consultees. The applicant has subsequently provided amended and additional information. This has resulted in an acceptable form of development now being proposed.

Key Issues

1.1 The application seeks full planning permission for a proposed distribution warehouse (Use Class B8) with associated offices, parking and vehicle wash, with a gross internal floor area of 6,887 square metres.

1.2 The site is located off Chemical Lane in the urban area and is designated locally as Saved Policy E6, Chemical Lane. It is also located within a Mineral Safeguarding Area as defined in the Minerals Local Plan for Staffordshire (2015-2030). It is also located within a High Risk Coal Mining area.

1.3 The boundary between the Borough and Stoke-on-Trent City Council lies on the eastern boundary of the application site, which also adjoins the West Coast Main railway line.

1.4 The application site measures 2.6 hectares in size.

1.5 Vehicle access to the site is proposed by a single access point off an unnamed road off Chemical Lane.

1.4 The key issues in the determination of this planning application are considered to be;

- Principle of the proposed development,
- Design and Appearance,
- Impact on Highway Safety,
- Flood Risk, and
- Coal Mining Legacy and contamination.

2.0 Principle of the proposed development

2.1 Paragraph 80 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

2.2 At paragraph 82 it indicates that planning decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

2.3 Policy SP1 of the Core Spatial Strategy indicates that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. It also states that employment provision will be focused towards sites accessible to and within the North Staffordshire Regeneration Zone. Policy SP2 of the CSS also indicates that economic development should capitalise on North Staffordshire's potentially strong geographical position, its people and its productive asset base.

2.4 The application site is designated in the local plan as Policy E6, Chemical Lane, which states that the development of 2.8 ha of land off Chemical Lane, as shown on the Proposals Map, will be permitted for Class B uses provided that viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with Mineral Local Plan policies 4,5 & 6. The potential for access to the site by non-car modes should be fully assessed and exploited.

2.5 The proposed development is for a proposed distribution warehouse, which falls within use class B8, and the application is supported by a Travel Plan which seeks to achieve sustainable access to the development. The application is also supported by a Mineral Safeguarding Statement (MSS) which identifies that the application site has a resource of Etruria Formation clays, approximately 76,300 tonnes (38,150 m³), and that it may be of sufficient quality for brick production. However, overburden, totalling at least 78,830 m³, would require removal and temporary or

permanent off-site storage to allow extraction of the mineral resource. The costs of removing the overburden, extracting the mineral resource and restoring the site development area is likely to far exceed the market value of the mineral resource.

2.6 Paragraph 206 of the NPPF and Policy 3 of the Minerals Local Plan for Staffordshire aim to protect mineral resources from sterilisation by other forms of development.

2.7 The County Council, as the Minerals and Waste Planning Authority, have provided detailed comments on the application and set out that given the sites overburden to mineral ratio, along with the unknown quality of the clay and the shortage of space for the storage of overburden, it is considered that the MSS has demonstrated that it is unlikely to be practicable or financially viable to recover the resource prior to the development. They therefore raise no objections to the application on the basis that the proposed development would not lead to the sterilisation of an otherwise significant recoverable clay resource.

2.8 Following the advice of the Minerals and Waste Planning Authority, it is accepted that the principle of the proposed development is acceptable and would provide a number of significant economic and employment benefits. It is therefore in accordance with development plan policies and the guidance and requirements of the NPPF.

3.0 Design and 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 Policy E3 that business development should be designed to contribute towards improving the character and quality of the area. Policy E6 further advises that boundary treatments should form an integral part of the design of proposals for business development.

3.4 The proposed development is for a large distribution warehouse on a piece of land that is largely vacant, although there is a residential caravan located close to the northern boundary of the site.

3.5 The application site is located within an industrial area with the A500 to the west and the West Coast Main railway line to the east. Reginald Mitchell Way and the Chatterley Valley employment site is also located to the north. There are a variety of B1, B2 and B8 uses within the vicinity and immediately adjacent to the application site.

3.6 As discussed, the proposed development is for a large distribution warehouse building with associated car parking and service yard areas. The application site benefits from soft landscaping on the northern, eastern and western boundaries, which is primarily within the adopted highway. The proposed building has a functional appearance, typical of a development of this nature. The proposed elevations of the building have design detailing to break up the appearance and the roof line is broken up by two roof pitches. It is considered that the design of the building is appropriate for its location and the existing soft landscaping would help to soften the appearance of the building and provide some screening.

3.7 Tree removal will be necessary within the application site in order to accommodate the proposed development. The Councils Landscape Development Section (LDS) has requested tree

protection measures and a soft landscaping scheme, to include replacement tree planting, which will further supplement existing soft landscaping within the adjacent adopted highway. Soft landscaping to break up the large areas of frontage car parking would also enhance the appearance of the development.

3.8 Overall, the proposed development would have an acceptable design, subject to a soft landscaping scheme and it would not result in significant harm to the visual amenity of the area. It is therefore considered to comply with Policy CSP1 of the CSS and the guidance and requirements of the NPPF.

4.0 Impact on highway safety?

4.1 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.

4.2 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.

4.3 Access is proposed off an unnamed adopted highway off Chemical Lane and the submitted layout plan shows a car parking area to the front of the building for 86 cars, with a HGV parking (69 spaces) and a servicing area further within the site.

4.4 The planning application has been supported by a Transport Assessment (TA), including a Travel Plan Framework, and following objections from Highways England (HE) and the Highways Authority (HA), an Additional Highways Technical Note (AHTN) and a Stage 1 Road Safety Audit (RSA) have been submitted to overcome the concerns raised with regards to the impact of the proposed development on highway safety and the highway network.

4.5 HE raised concerns with the quality of the information provided within the TA and requested further information and data to be submitted. The HA raised similar concerns but requested a RSA to be carried out due to the proximity of the proposed access to a railway bridge located roughly 80m to the east of the site access. The HA also raised concerns due to the "humped" nature of the bridge and its possible impact on visibility and turning movements at the proposed site access.

4.6 The submitted RSA concludes that acceptable visibility splays can be achieved but vegetation and existing signage would need to be altered so that they do not impede visibility. The proposed access would also need to include suitable surface water drainage.

4.7 The further comments of HE and HA have been received and they now raise no objections to the application. HE advises that the proposed development is unlikely to have a significant impact on the safe operation or free flow of the A500 strategic road, subject to a condition which secures detailed design information for the access and in particular the surface water and foul drainage scheme. HA have advised that the impact of the additional vehicle trips has been assessed within the TA at the proposed access and shows that Chemical Lane can accommodate the additional development traffic. The TA has also demonstrated that the site can be accessed by alternative travel modes including walking, cycling and public transport. A cycle store is proposed for 12 cycles and a Travel Plan has been included to further promote the sustainability of the development. HA therefore request conditions which secure the details of the access, parking, turning and servicing areas, surfacing, visibility splays, drainage, access barrier, cycle storage, travel plan and a construction management plan.

4.8 The application now demonstrates that the proposed development would not result in an unacceptable impact on highway safety and that an appropriate level of car parking can be provided, whilst also promoting alternative travel modes. A S106 Obligation to secure a travel plan monitoring fee will need to be secured before a decision can be made.

4.9 The Environmental Health Division has requested that electric vehicle charging provision is secured for the car parking areas, in order to meet sustainable development objectives. They have requested that at least 1 parking space per 1000 square meters of commercial floor space is provided with a fully operational dedicated electric vehicle charging point, with all other parking spaces being provided with passive wiring to allow future charging point connection. This amounts to a provision of 7 car parking spaces with a fully operational dedicated electric vehicle charging point, which is considered acceptable for the size of development.

4.10 Subject to the requested conditions and the S106 Obligation, the development is considered to comply with the guidance and requirements of the NPPF.

5. Flood Risk

5.1 The application site is located within Flood Zone 1 and a Flood Risk Assessment (FRA) has been submitted to support the application. Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF.

5.2 The FRA concludes that the development site is not considered to be at risk from fluvial or groundwater flooding. The FRA also identifies that there is no known history of the site flooding but that nearby roads have a medium risk of surface water flooding.

5.3 Paragraph 165 of the NPPF advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

5.4 The development of the site will increase the potential impact of surface water flooding unless an acceptable sustainable drainage scheme is proposed.

5.5 The Lead Local Flood Authority (LLFA) are not currently in a position to support the application due to insufficient information. However, the applicant has submitted further detailed information and the further comments of the LLFA should be received prior to the committee meeting. Conditions which secure acceptable flood mitigation and the provision of SUDs will be necessary to make the development acceptable and in accordance with local and national planning policy,

6. Coal Mining Legacy and contamination

6.1 The site lies within a High Risk Coal Mining Area and the application is supported by a Coal Mining Risk Assessment and a ground investigations report which identifies that there are mine shafts on the site but that the risk of other unrecorded mine entries is low.

6.2 Paragraph 178 of the NPPF advises that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). It also requires that adequate site investigation information, prepared by a competent person, is available to inform these assessments.

6.3 The Coal Authority (CA) originally submitted a holding objection to the application until further information was submitted to confirm that the proposed building would be over 5 metres from the centre of each shaft and evidence provided that these have been treated to current industry standards.

6.4 The applicant has submitted further information and the CA have now confirmed that they are satisfied that the applicant has demonstrated that the site is suitable for the development proposed

and the development will be safe and stable, in accordance with paragraphs 178 and 179 of the NPPF.

6.5 The site is also the subject of land contamination and the submitted report has identified a number of potential sources of land contamination but that the risks are low. The Environmental Health Division (EHD) do not agree with this conclusion and have requested further site investigations works and possible remediation by condition. Similar comments and requested conditions have also been received from the Environment Agency. Subject to these conditions the application would comply with paragraph 178 and 179 of the NPPF.

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 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 E6: Chemical Lane
Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy N2: Development and Nature Conservation – site surveys
Policy N3: Development and Nature Conservation - protection and enhancement measures
Policy N4: Development and Nature Conservation – use of local species
Policy N12: Development and the protection of trees

[Minerals Local Plan for Staffordshire \(2015-2030\)](#)

Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure

Other Material Considerations include:

National Planning Policy

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

[Planning Practice Guidance](#) (March 2014)

Supplementary Planning Guidance/Documents

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

Relevant Planning History

The site has primarily been left vacant for a significant amount of time but a static caravan has been located on the northern part of the site.

Views of Consultees

The **Highways Authority** raises no objections following the submission of additional information. They recommend conditions which secure the following matters;

- Provision of access, parking, servicing and turning areas,
- Visibility splays,
- Surfacing materials, surface water drainage and delineation of the parking spaces and servicing areas,
- Access barrier
- Secure, weatherproof parking for 12 cycles,
- Implementation of Travel Plan, and
- Construction Management Plan

They have also requested a S106 obligation for a travel plan monitoring fee of £2,443.

Highways England has advised that they are now satisfied that the proposed development is unlikely to have a significant impact on the safe operation or free flow of the A500 strategic road because the trip generation is immaterial. However, they have requested a pre commencement condition which secures detailed design information of the Development Surface Water and Foul drainage system to be provided at the site.

The **Environmental Health Division** raises no objections subject to a series of conditions that secure matters relating to the following;

- Construction hours restriction
- Prior approval of external lighting,
- Contaminated land, and
- Electric vehicle charging provision,

Staffordshire County Council as the **Lead Local Flood Authority** recommend that planning permission is not granted until an acceptable drainage strategy is proposed.

The **Coal Authority** has withdrawn its holding objection following the submission of further information to address coal mining legacy issues on the site. They now raise no objections.

The **Environment Agency** raises no objections subject to a pre commencement condition which secures further site investigations and remediation to address any risk posed to controlled waters by this development.

The Council's **Waste Management Section** advises that no details for the containment or storage of any waste/recyclable material generated on this site has been submitted.

The **Landscape Development Section** raises no objections subject to a condition which secures the implementation of tree protection measures and all of the recommendations of the Arboricultural Report. A condition which secures the submission and approval of a landscaping scheme for all sides of the site, including substantial tree replacement planting, is also advised.

Network Rail originally submitted a holding objection on the grounds that the applicant had included Network Rail land within the application site. However, an amended site location plan has been submitted and Network Rail now removes its objection, subject to any outstanding matters being dealt with by Network Rail Asset Protection.

Staffordshire County Council as the **Waste and Minerals Planning Authority** raises no objections to the application on the basis of the conclusions of the findings and conclusions set out in the Mineral Safeguarding Statement, which has been submitted with the application.

The **Police Crime Prevention Design Advisor** sets out that the site is ideally located for a distribution warehouse being a reasonable shape and size, and very close to major local and national arterial roads. Some indication of what measures are to be incorporated within the proposal to deter criminal opportunity would have been expected. It is recommended that the Local Planning Authority satisfy itself that this issue has been adequately considered and suitably addressed by the applicant before planning permission is granted. A number of crime prevention design measures are also advised, including lighting, contained within the Secured by Design Homes 2019 design guide document.

Comments were also invited from **Council's Economic Regeneration Section** and **Stoke-on-Trent City Council** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by a Planning Statement, Transport Statement, Travel Plan Framework, Noise Assessment, Flood Risk Assessment and Phase 1 Environmental Report.

All of the application documents are available for inspection at

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/01047/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

18th February 2021