

LAND TO NORTH OF SHELTON BOULEVARD, THE SOUTH OF NEWPORT LANE AND IN BETWEEN FESTIVAL WAY AND THE A500 (QUEENSWAY), AND LAND AT GRANGE LANE, WOLSTANTON

CITY OF STOKE-ON-TRENT COUNCIL

21/00574/FUL

The application seeks to vary condition 2 of planning permission 20/00630/FUL. Planning permission 20/00630/FUL varied condition 2 of the original planning permission 17/00834/FUL for a link road, known as the Etruria Valley Link Road, between Shelton Boulevard, Festival Park across the Fowlea Brook and the West Coast Main Line railway connecting to the Wolstanton/A500 roundabout junction. It is a cross-border development involving works within the City and the Borough and each Authority is the Local Planning Authority (decision maker) for the extent of the overall development that falls within its administrative area.

Condition 2 lists the plans approved under planning permission 20/00630/FUL and this application seeks to substitute approved plans with revised plans that include amendments to Fowlea Brook naturalisation works. Such works are entirely in Stoke's administrative area.

The City Council, as a Local Planning Authority, have received an identical application relating to the part of the development within their area (SOTCC reference [66719/VAR](#)). A number of amendments are proposed to the development within their area.

Part of the application site lies within Wolstanton Conservation Area and in part adjoins Wolstanton Marsh, a Green Heritage Network as defined on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on the 14th June 2021.

RECOMMENDATION

PERMIT the variation of Condition 2 of 20/00630/FUL subject to the imposition of all other conditions attached to planning permission 20/00630/FUL that remain relevant at this time, amended as necessary.

Reason for Recommendation

The development remains a strategically significant highway proposal which is in accordance with development plan and regeneration strategies for the area. It is considered that provided the scheme is undertaken in accordance with the conditions listed above, it should be permitted.

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

Additional time has been given to enable the issues identified by consultees to be addressed and an amendments to the application have been accepted. The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

The application, under section 73 of the Town and Country Planning Act 1990, seeks to vary condition 2 of planning permission 20/00630/FUL which itself varied condition 2 of planning permission 17/00834/FUL. The permitted development is a link road, known as the Etruria Valley Link Road, between Shelton Boulevard, Festival Park across the Fowlea Brook and the West Coast Main Line railway connecting to the Wolstanton/A500 roundabout junction. It is a cross-border development involving works within the City and the Borough and each Authority is the Local Planning Authority (decision maker) for the extent of the overall development that falls within its administrative area.

The application seeks variation of condition 2, which sets out the approved plans, to reflect revised plans that include amendments to Fowlea Brook naturalisation works. Such works are entirely in Stoke's administrative area.

National planning practice guidance states that where a site straddles one or more local planning authority boundaries an identical application must be submitted to each local planning authority. Whilst the guidance doesn't specifically state it applies to S73 applications it is considered, to avoid any potential challenge to the validity of the decision, it is necessary to determine this application given that amendments are proposed to aspects of the permitted development within Stoke's area requiring an application.

Given that no changes are proposed to the development, as already permitted by Newcastle Borough Council, there is no basis to refuse the current application.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

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](#)

Strategic Aim 3 To reduce the need to travel, improve accessibility and increase the opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure; and the progressive provision of park and ride and facilities to promote walking and cycling

Strategic Aim 5 To foster and diversify the employment base of all parts of the plan area, both urban and rural, including development of new types of work and working lifestyles, and supporting the office development sector, new technologies and business capitalising on the inherent advantages of North Staffordshire

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP2: Stoke-on-Trent Inner Urban Core Area Spatial Policy
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy E9: Renewal of Planning Permissions for Employment Development
Policy E11: Development of Employment Land for Land Other Uses
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N16: Protection of a Green Heritage Network
Policy N17: Landscape Character – General Considerations
Policy B9: Prevention of Harm to Conservation Areas

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

[Other Relevant Documents](#)

[Newcastle-under-Lyme and Stoke-on-Trent Joint Employment Land Review December 2015](#)

[Relevant Planning History](#)

In 2019 a planning permission, 17/00834/FUL, was granted for the construction of a new highway link road comprising improvements to the Wolstanton roundabouts, construction of a new viaduct over Fowlea Brook and the West Coast Mainline railway, connections between Shelton Boulevard and

Newport Lane including replacement bridge over the Trent and Mersey Canal (and new bus gate to south of the bridge), new connection between Shelton Boulevard and Festival Way including new bridge over the Trent and Mersey Canal, off-site improvements (at Grange La/Church Lane, Newport La and Festival Way/Marina Way/ Ridgehouse Drive), new landscaping and associated works (Cross boundary application)

Views of Consultees

The **Highway Authority** and **Highways England** have no objections.

The **Lead Local Flood Authority** (LLF) advise that the application is for works on the Fowlea Brook at a point where it is classed as main river and is therefore outside of their remit. They state that it should be noted that the impacts of the new surface water drainage and flood risk lie within the Stoke LLFA area, and as such they will be best placed to comment on the overall scheme.

The **Environment Agency** have no objections to the proposed variation of condition

Representations

None

Applicant's/Agent's submission

The application form, plans and supporting information are available for inspection on the website and can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00574/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

27th July 2021