

The application seeks full planning permission for the demolition of a cluster of small buildings and the construction of an extension to the existing industrial building. The proposed extension would have an internal floor area of 1008 square metres.

The site is located off Spencroft Road in the urban area, as indicated on the Local Development Framework Proposals Map.

The site is located within Flood Zone 3 therefore it has a high risk of flooding.

**The 13 week period for the determination of this application expired on the 2<sup>nd</sup> December 2021 but the applicant has agreed an extension of time to the determination period to the 4<sup>th</sup> March 2022.**

### **RECOMMENDATIONS**

**PERMIT the application subject to conditions relating to the following matters:-**

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Colour of cladding**
- 4. Prior approval of existing and proposed parking arrangements**
- 5. Provision of sound insulation**
- 6. Construction hours**
- 7. Electric vehicle charging provision**
- 8. Flood risk mitigation measures and Sustainable Drainage Strategy**
- 9. Unexpected land contamination remediation**

### **Reason for Recommendation**

The proposed development would support the economic growth of the business within a highly sustainable location. The scheme represents an acceptable design that would not harm the visual amenity of the area and mitigation measures secured by condition can suitably address concerns. Overall the scheme 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**

The application seeks full planning permission for the demolition of a cluster of small buildings and the construction of an extension to the existing industrial building. The proposed extension would have an internal floor area of 1008 square metres.

The site is located off Spencroft Road in the urban area, as indicated on the Local Development Framework Proposals Map.

The site is located within Flood Zone 3 therefore it has a high risk of flooding.

The application confirms that the proposed extension would serve the existing industrial uses of the site and due to its location within an established industrial setting it is considered that the proposed development is acceptable. The application is supported by appropriate ground investigation reports

which did not find any significant risks from ground contamination and subject to appropriate planning conditions land contamination matters can be mitigated. Therefore, the key issues in the determination of this planning application are considered to be;

1. Design, Appearance and Impact on Amenity,
2. Parking Provision and Impact on Highway Safety, and
3. Flood Risk issues.

#### 1. Design, Appearance and Impact on Amenity

Paragraph 126 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.

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.

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.

The application site is set within an industrial context with a variety of style, design and size of buildings and units.

The existing building to be extended is a two storey brick building with a flat roof. The proposed extension would also replace an existing single storey brick building with a pitched roof.

The proposed development represents a large side extension that would be constructed of metal sheet cladding to the elevations and roof. Therefore, the design of the proposed extension would be a contrast to the existing building. It would also be taller than the existing building.

Whilst the proposed extension would be a contrast to the existing two storey brick building it would be similar in appearance to neighbouring industrial buildings. Therefore the proposed extension would sit comfortably within the context of the area and it would showcase the difference between old and new.

The colour of the proposed metal sheeting and external appearance of the extension would be a light grey colour and no objections are raised with neighbouring buildings being of a similar colour.

The application is supported by a Noise Impact Assessment (NIA) and the Environmental Health Division has raised no objections subject to conditions which limit construction and demolition hours and secure sound insulation in the construction of the building.

Overall, the proposed development would have an acceptable design 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.

#### 2. Parking Provision and Impact on Highway Safety

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. The NPPF also 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.

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.

The application indicates that access arrangements for the site will not be altered and the site currently has 25 car parking spaces.

Policy T16 of the local plan requires a maximum of 13 additional spaces to be provided for an extension of this size. However, whilst no additional spaces are proposed there appears to be scope for an additional 7 car parking spaces to the front of the proposed extension.

The site is within a highly sustainable location within walking and cycling distance of residential areas and with good access to public transport opportunities.

The Highways Authority has raised no objections subject to the submission and approval of a car parking and access plan.

The requested condition is considered reasonable and necessary to make the development acceptable and to ensure that appropriate parking provision for the site is secured, which currently appears informal and sporadic.

It is also considered necessary to secure electric vehicle charging provision and similar schemes have secured at least 1 parking space per 1000 square meters of commercial floor space 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 level of provision is also considered acceptable for this development and 2 spaces within the site should be provided with a fully operational dedicated electric vehicle charging point. Additional spaces provided within the site shall be provided with passive wiring to allow future charging point connection.

Due to the nature of the development and its location it is considered that the proposed development would not exacerbate an existing on street car parking problem and the proposed development is considered to comply with the guidance and requirements of the NPPF.

### 3. Flood Risk issues

The application site is located within Flood Zone 3 therefore it has a high risk of flooding.

Paragraph 159 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The application was originally supported by a Flood Risk Assessment (FRA) but the Environment Agency (EA) and Lead Local Flood Authority (LLFA) both raised concerns with the information and this has resulted in a revised FRA and Drainage Strategy (DS) being submitted.

The EA and LLFA now raise no objections subject to conditions which secure flood risk mitigation measures. In particular the LLFA request a pre commencement condition which incorporates the identified measures into an acceptable surface water drainage scheme, which will then need to be submitted for further approval. Therefore, subject to the advised planning conditions the development is acceptable and flood risk is minimised in accordance with the guidance and requirements of the NPPF.

### 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

The scheme has been developed embracing the Building for Life 12 criteria developed by CABI and the Home Builders Federation. It is therefore 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](#)

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

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

Policy T16: Development – General Parking Requirements

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

[National Planning Policy](#)

[National Planning Policy Framework \(2021\)](#)

[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](#)

None relevant to the determination of this planning application.

[Views of Consultees](#)

The **Highways Authority** raises no objections subject to a condition that secures the car parking and access arrangements.

The **Council's Economic Regeneration Section** support the application.

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

- Construction hours restriction
- Sound insulation for the building to control noise breakout, and
- Prior approval of ground gas mitigation measures.

Staffordshire County Council as the **Lead Local Flood Authority** have raised no objections following the submission of a revised Flood Risk Assessment and Drainage Strategy but they request a pre commencement condition which secures the measures, as set out in the submitted documents, are incorporated into an acceptable surface water drainage scheme. An advisory/informative is also recommended for satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.

The **Environment Agency** advises that they are satisfied the revised Flood Risk Assessment and raise no objections subject to conditions which secure the identified Flood Resilience Measures, along with a condition which secures a remediation strategy for previously unidentified contamination during construction.

Comments were also invited from and **Greater Chesterton Locality Action Partnership (LAP)** 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, Noise Impact Assessment, Revised Flood Risk Assessment and Phase 1 & 2 Environmental Report.

All of the application documents are available for inspection at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00654/FUL>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

11<sup>th</sup> March 2022