

**LAND WEST OF PIT HEAD CLOSE, LYMEDALE BUSINESS PARK**  
**PEVERIL SECURITIES LTD AND AVER PROPERTY LTD PARTNERSHIP**  
**21/01131/REM**

The application is for the approval of reserved matters relating to the layout, scale, appearance and landscaping in respect of the erection of an industrial building within Use Class E (g)(iii), B2 and/or B8 (Flexible), together with associated vehicular car park and service/delivery yard, soft landscaping, engineering works, detention basin and other associated works. It follows the granting of an outline planning permission, reference 20/00123/OUT, in July 2020 for the erection of business/industrial development.

The application site was previously occupied by the former Loomer Road Speedway Stadium and is located in the urban area of Chesterton, Newcastle, as indicated on the Local Development Framework Proposals Map.

Vehicle access to the site is proposed off Pit Head Close via Lymedale Business Park and these details were approved as part of the outline consent.

The application site extends to approximately 6.5 hectares in size.

**The 13 week period for the determination of this application expired on the 17<sup>th</sup> March 2022.**

**RECOMMENDATIONS**

**Subject to the Lead Local Flood Authority not raising objections that cannot be resolved through conditions, the Head of Planning be given the delegated authority to Permit, subject to conditions relating to;**

- 1. Link to outline planning permission and conditions;**
- 2. Approved plans;**
- 3. Facing and roofing materials;**
- 4. Boundary treatments, including acoustic fencing;**
- 5. Hardstandings;**
- 6. Provision of parking, servicing and turning areas;**
- 7. Prior approval of surfacing materials, surface water drainage and delineation of the parking spaces and servicing areas;**
- 8. Provision of cycle and smoking shelter;**
- 9. Soft landscaping/ approved masterplan;**
- 10. Prior approval of noise validation report;**
- 11. Waste storage and collection arrangements**
- 12. Surface water drainage strategy; and**
- 13. Coal mining remedial / mitigation measures.**

**Reason for Recommendation**

The proposed development represents a good quality design and following the submission of a revised landscape masterplan it is accepted that there would be no significant harm to the visual amenity of the area, including views from Apedale Country Park. The scheme has demonstrated that coal mining legacy matters have been suitably addressed and that suitably worded planning conditions can secure appropriate noise mitigation measures and a sustainable surface water drainage strategy. It is therefore accepted that the proposed development is a sustainable form of development that accords with the development plan policies identified and the guidance and requirements of the National Planning Policy Framework and should be approved.

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

The LPA and applicant have engaged in proactive discussions and the LPA has requested further information during the consideration of the application to address concerns. Following the submission

of further information the proposed development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

### **Key Issues**

1.1 The application is for the approval of reserved matters relating to the layout, scale, appearance and landscaping in respect of the erection of an industrial building within Use Class E (g)(iii), B2 and/or B8 (Flexible), together with associated vehicular car park and service/delivery yard, soft landscaping, engineering works, detention basin and other associated works. It follows the granting of an outline planning permission, reference 20/00123/OUT, in July 2020 for the erection of business/industrial development.

1.2 The application site was previously occupied by the former Loomer Road Speedway Stadium and is located in the urban area of Chesterton, Newcastle, as indicated on the Local Development Framework Proposals Map.

1.3 Vehicle access to the site is proposed off Pit Head Close via Lymedale Business Park and these details were approved as part of the outline consent.

1.4 The application site extends to approximately 6.5 hectares in size.

1.5 The outline planning permission was subject to a number of planning conditions, including conditions which required information to be submitted as part of the reserved matters submission, namely; details of a noise management plan and mitigation; a detailed surface water drainage design; a detailed landscape masterplan; details of the waste storage and collection arrangements; and intrusive site investigations for coal mining.

1.6 The outline planning permission remains extant and given that access arrangements and transport matters have already been accepted the key issues for consideration now are limited to:-

- The design of the scheme and the impact on the visual amenity of the area;
- Impact on the amenity of the area;
- Sustainable drainage considerations;
- Coal mining legacy; and
- Reducing Inequalities.

### **2.0 Design of the scheme and the impact on the form and character of the area, including loss of trees**

2.1 Paragraph 126 of the National Planning Policy 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. Furthermore, paragraph 130 of the revised framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

2.2 Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the revised NPPF.

2.3 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.

2.4 The proposal is for a large single building with a floor area of approximately 30,000 square metres. The footprint of the proposed building would be built close to the eastern and southern boundaries, with large car parking and service areas to the northern and western parts of the site.

2.5 The height of the proposed building would be approximately 22 metres in height, which accords with a restriction imposed by condition 6 of the outline permission.

2.6 The application site is located adjacent to an existing business park and other industrial and commercial buildings on Loomer Road. Therefore, the proposed development would be seen within the context of the existing industrial land uses and the existing large expansive units that form part of the business park immediately to the east.

2.7 The general design of the proposed building represents a simple rectangular form but the elevations will be clad using colour-coated metal panels which are graded in horizontal bands of colour from dark at the base to light at the top. This serves to reduce the apparent height of the building, particularly when seen from distance. The roof would be a series of curved gables and have a dark tone colour. These design features add interest to the building and seek to minimise the impact that a building of this size and appearance can have on the visual amenity of the area.

2.8 The outline planning application acknowledged that the proposed development would be viewed from the public open space to the south, including the Apedale Country Park. Therefore a landscape buffer primarily on the southern boundary was necessary to soften the impact of the proposed development on Apedale Country Park and the outline permission required the submission of a landscape masterplan as part of the reserved matters application.

2.9 A landscape master plan has been submitted to support the application which sets out that a buffer, in the form of an 8 metre strip of woodland planting to the south west, will allow the developed site to merge with the wider green open space. Tree planting in this location will be dense and include suitable species to promote height so as to maximise visual screening of the building. A detention basin will also be located in this area as part of the site drainage strategy.

2.10 The Loomer Road boundary will also feature woodland planting and the wider site, including car parking areas, will feature soft landscaping to break up the commercial appearance of the site.

2.11 The Council's Landscape Development Section (LDS) have raised concerns regarding the level of landscaping proposals and they consider that the visual appeal of the scheme is reduced from the indicative details submitted at the outline stage. They also believe that the building is much larger and views will be more imposing from Apedale Country Park with visual softening and the screening effect of landscaping being much reduced.

2.12 In response to the comments of LDS the applicant has submitted revised landscaping proposals and further commentary on the landscape masterplan. They advise, amongst other things, that changes to the landscaping scheme include an increase in tree planting to 100 trees, which equates to a 5:1 tree replacement ratio for the trees lost, alongside other planting and green infrastructure enhancements. The additional tree planting is focused around the boundaries of the site and in particular the Loomer Road boundary and cycle path.

2.13 Your officers are content that the proposed landscape masterplan for the site will soften the appearance of the development and whilst the proposed building is vast the application has demonstrated that the design is of a high quality for a development of this nature. The proposed development would be a 'stand out' building within the context of the area and other neighbouring commercial buildings. The views of the building from the Country Park would be softened by the landscape buffer and whilst there would be some level of impact it is accepted that the impact would not be significant and would be outweighed by the high quality appearance of the development and the backdrop of the commercial and industrial character of the wider area.

2.14 It should also be noted that neighbouring commercial buildings of a similar size and scale have a similar impact.

2.15 Subject to conditions which secure the details set out within the application regarding facing materials, boundary treatments and soft landscaping plans, it is considered that the proposed development represents a good quality design and accords with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

### 3.0 Impact on the amenity of the area

3.1 Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It further sets out at paragraph 185 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

3.2 The outline planning permission secured a condition that required any reserved matters application to include a noise management plan and a noise assessment to demonstrate proposed mitigation measures to ensure acceptable noise levels.

3.3 This reserved matters application is therefore supported by a Noise Impact Assessment Report (NIAR) which concludes that mitigation measures are required to minimise the impact of the proposed development on the amenity of the area.

3.4 The Environmental Health Division (EHD) has raised a number of concerns with the NIAR, in particular reversing alarms of HGV's have not been considered and one of the mitigation measures is for an acoustic fence but limited details have been provided about the fence. There are also limited details on waste collection arrangements and external lighting has not been assessed properly.

3.5 Details of an acoustic fence have been shown on the application plans. The plans show a small section of acoustic fencing in the form of a 2.4m high timber close boarded acoustic fence with concrete posts adjacent to the access point on the northern boundary. The specific design and noise reducing specification can be secured by condition. A Waste Storage & Collection Strategy also supports the application which sets out details requested by EHD.

3.6 Condition 14 of the outline permission secures the prior approval of external lighting and on this basis the comments of EHD are not relevant. In terms of other concerns raised by EHD, their further comments have been requested but due to the context of the area, along with the matters raised, it is considered that appropriately worded conditions can secure this information prior to the building being operational.

3.7 Subject to appropriately worded conditions, the proposal is considered to meet the guidance and requirements of the NPPF and the living conditions of nearby residential areas to the west will be protected to an appropriate and acceptable standard.

### 4.0 Sustainable drainage considerations

4.1 Policy CSP3 of the CSS indicates that development which positively addresses the impacts of climate change and delivers a sustainable approach will be encouraged.

4.2 Paragraph 152 of the revised NPPF also recognises that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development".

4.3 The outline permission was supported by a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy (SuDS) and condition 16 of the permission required the reserved matters application to include a detailed surface water drainage design.

4.4 This application is now supported by a drainage strategy which is linked to the FRA and SuDS submitted with the outline permission but the Lead Local Flood Authority (LLFA) has advised that the submitted information was missing specific details.

4.5 The applicant has submitted further information to address the comments of the LLFA and their further comments are now awaited. These are likely to be received prior to the committee meeting.

4.6 Subject to no objections being received from the LLFA the proposed development has demonstrated an acceptable sustainable urban drainage scheme, in accordance with CSP3 of the NPPF and the guidance and requirements of the NPPF.

## 5.0 Coal mining legacy

5.1 The site lies within a High Risk Coal Mining Area and it has been identified that two mine entries are located within the site, near to the western boundary. The outline permission considered these matters with advice and comments being received from the Coal Authority (CA). This resulted in a condition which secured intrusive site investigations and the requirement for a further report to be submitted as part of this application.

5.2 The proposed layout demonstrates that the footprint of the buildings will be away from the mine entries and the application is supported by detailed information, which includes a Remedial Strategy on how the remediation of the site will be undertaken and how the works will be validated. The CA have raised no objections to the application on the basis of the submitted documents. A condition to ensure that the development is carried out in accordance with the submitted information, in particular the Remedial Strategy is considered reasonable and necessary due to the risks involved.

5.3 The proposed development has now demonstrated that risks arising from land instability and contamination can be suitably addressed in accordance with the guidance and requirements of the NPPF, in particular paragraph 183.

## 6.0 Reducing Inequalities

6.1 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.

6.2 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.

6.3 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

6.4 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

6.5 The scheme has been developed embracing good design and access and 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 CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

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

Policy E3: Lymedale Park Extension  
Policy T16: Development – General Parking Requirements  
Policy N12: Development and the Protection of Trees

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

[National Planning Policy](#)

[National Planning Policy Framework](#) (July 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

20/00114/DEM Application for prior notification of proposed demolition of all existing buildings and structures Permitted

20/00123/OUT Erection of business/industrial development of B1(c), B2 and/or B8 uses with all matters reserved except access on the site of the former Loomer Road Speedway Stadium Permitted

#### Views of Consultees

The **Highways Authority** raises no objections subject to conditions related to the following matters;

- Provision of parking, servicing and turning areas;
- Surfacing materials, means of surface water drainage for the parking, servicing and turning areas and delineation of the parking spaces and servicing areas;

The **Environmental Health Officer** raises no objections to land contamination matters but raises concerns with the proposed external lighting levels, the timing and frequency of waste collection arrangements and noise impacts. Their comments are now awaited on further information that has been received.

The **Coal Authority** raises no objections to the proposed layout and subject to the development being carried out in accordance with the identified remedial / mitigation measures set out within the technical documents submitted with the application the development is acceptable.

The **Landscape Development Section** has raised concerns with the layout and request an updated Tree Survey; tree retentions and removals plan; and updated Arboricultural Implications Assessment.

They also advise that the visual appeal of the layout is much reduced when compared with the schemes supplied at outline application stage. In particular the proposed building is larger and views will be more imposing from Apedale Country Park.

Visual softening and screening effect of landscaping proposals will be much reduced:

- Views from the cycleway will be less attractive due to the expansive carparking which is much nearer to the route, with little meaningful space remaining for landscaping,
- There is a considerable reduction in space left for landscaping/buffer treatment and replacement tree planting,
- Views from Loomer Road will be less attractive due to reduction in space for landscaping and proximity of additional car parking,
- The revised layout shows no opportunities to use internal landscaping to break up very large expanses of tarmac. We would suggest that landscaping treatment to these vast areas be considered.

Additional information is also required:

- Proposals for lighting the cycleway.
- Landscaping proposals to cover treatment of the brook
- Details of hard landscaping including construction details and cross sections showing levels treatments (including any retaining structures) be provided

However, their comments on further information are now awaited.

The **Crime Prevention Design Advisor** advises that they welcome the broad principles of the site layout and the site security measures. In particular, they advise that landscaping behind fencing, including the buffer on the southern boundary, is supported as a good security measure. Further security design is advised and it is recommended that the site would clearly benefit from a well-considered ongoing security strategy and a suitable risk assessment. Any potential vulnerabilities associated with the area around the quiet end of Loomer Road in particular will need to be suitably countered with good quality (attack-resistant) fencing/gating (reinforced by defensive planting where possible) and suitable CCTV coverage providing a good starting point.

The **County Flood Authority** has raised a number of technical concerns with the submitted drainage strategy. However, their comments on a revised surface water drainage strategy, set out in a revised flood risk assessment, are now awaited.

Comments were also invited from the **Waste Management Section** and the **Greater Chesterton Locality Action Partnership (LAP)** but 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

**One** representation has been received raising the following concerns and observations;

- Construction traffic should be via Pit Head Close and not Loomer Road;
- Noise & light pollution should be controlled;
- The site should be cleared appropriately;
- Surrounding roads should be cleared of mud debris;
- Complete the double yellow lines all the way down Loomer Rd to the entrance of Apedale Country Park;
- Encourage wildlife, insects, nature with sympathetic planting - bat & bird boxes and suitable habitats, wildflowers;
- Ensure adequate facilities for the wagon drivers;
- Litter from employees should be controlled correctly; and
- Do not allow any travellers to set up camp on Loomer Rd.

### Applicant's/Agent's submission

The application is accompanied by the following key documents;

- Design and Access Statement;
- Noise Impact assessment;
- Soft Landscaping Plans;
- Flood Risk Assessment & Drainage Strategy;
- Waste storage and collection arrangements document;
- Utilities report;
- Cut and fill design note;
- Geo-Environmental Assessment;
- Remedial Strategy; and
- Gas Protection Measures

All of the application documents can be viewed on the Council's website using the following link:  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/01131/REM>

### Background papers

Planning files referred to  
Planning Documents referred to

### Date report prepared

17<sup>th</sup> March 2022