

LAND OFF CHEMICAL LANE, TUNSTALL
RAVENSDALE PROP. SERVICES LTD & HARWORTH ESTATES INVEST LTD
22/00353/FUL

This application seeks full permission for the variation of conditions 2 and 15 of planning application 20/01047/FUL (Proposed Distribution Warehouse with Offices, Parking and Vehicle Wash) for approval of revised plans to allow changes to the elevations and drainage arrangements.

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 construction of the development has commenced.

The 13 week period for the determination of this application expires on 21st July.

RECOMMENDATION

A) Subject to the applicant entering into a planning obligation by 19th August that preserves the Council's position in respect of the obligation secured prior to the grant of permission 20/01047/FUL, PERMIT subject to conditions relating to:

- 1. Variation of condition 2 to list the revised plans**
- 2. Variation of Condition 15 to refer to revised drainage details**
- 3. Any other conditions attached to planning permission 20/01047/FUL that remain relevant at this time**

B) Should the above Deed of Variation to the original Section 106 obligation not be secured within the above period, 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 changes to the elevations maintain the scheme's good quality design that enhances the appearance of the area and the revised drainage arrangements provide a suitable surface water drainage strategy. The development represents a sustainable form of development that accords with the development plan for the area and the guidance and requirements of the NPPF.

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

This is considered to be a sustainable form of development and complies with the provisions of the development plan for the area and National Planning Policy Framework.

Key Issues

This application seeks to vary conditions 2 and 15 of planning permission 20/01047/FUL which granted the construction of a distribution warehouse with offices, parking and vehicle wash at land off Chemical Lane.

Condition 2 relates to the list of approved drawings and documents while condition 15 requires the development to be built in accordance with the approved drainage scheme.

In considering an application to vary or remove a condition, the Authority has to consider only the question of the conditions that are the subject of the application, it is not a complete reconsideration of the application. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied or removed it should refuse the application.

The approved materials for the industrial unit comprise vertical sheeting broken into bays of azure blue, goosewing and anthracite grey. This proposal removes the azure blue and includes merlin grey and an orange feature band. The different shades of grey and the orange feature band reflect the company's corporate business colours.

In addition to the colour of the materials to be used, alterations to the elevations are proposed as follows:

- A personnel door added to the north elevation.
- A window and personnel door are removed and two new windows are added to the south elevation.
- The size, number (an increase from 4 to 6) and location of the roller shutter doors are altered and 3 support poles are added to the canopy on the west elevation.
- The size and location of the personnel doors are altered and 3 roller shutters replace two personnel double doors on the east elevation.

The proposed development was for a large distribution warehouse on a piece of land which benefits from soft landscaping on the northern, eastern and western boundaries. The changes to the proposed materials and elevations of the building maintain its functional nature which is typical of a development of this nature. The different types of grey sheeting and orange feature band provide a subtle contrast and help to further break up the appearance of the building which is already broken up by two roof pitches.

In this regard, it is considered that the changes to the materials and elevations of the building are appropriate for this location and use and do not have an adverse impact on the immediate or wider locality. In addition, they reflect the company's corporate brand and seek to make the operation of the building more effective and efficient.

As such, the changes to the plans are considered acceptable and in accordance with local and national planning policy.

Condition 15 requires the implementation and retention of the drainage scheme as set out in the approved documents. The applicant has amended the drainage design and provided revised drainage plans which demonstrate a suitable surface water drainage strategy. In addition, a management and maintenance plan for the drainage system has been submitted and a company has been named to undertake the maintenance of the drainage system in perpetuity.

The Lead Local Flood Authority (LLFA) has no objections to the revised drainage plans and as such, the revised wording of the condition to reflect the amended details is considered acceptable.

Is a planning obligation required?

In law the consequence of the granting of an application to vary conditions of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (20/01047/FUL in this case). The previous permission was granted on the 16th April 2021 following the completion of a Section 106 agreement which secured a contribution towards travel plan monitoring. In some cases, there is a clause within the Section 106 which states that in the event that the Council grants a planning permission for a variation of a condition attached to the original planning permission, then references in the S106 to the planning permission shall be deemed to include any such subsequent permissions for variations. There is no such clause within the Unilateral Undertaking

for this site and therefore the applicant is required to enter into a Deed of Variation to the original Section 106 agreement to ensure that the Council's interests are protected.

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 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](#)

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

Other Material Considerations include:

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

[Planning Practice Guidance \(2014 as updated\)](#)

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD \(September 2007\)](#)

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

[Relevant Planning History](#)

20/01047/FUL Proposed Distribution Warehouse with Offices, Parking and Vehicle Wash - Approved

[Views of Consultees](#)

The Lead Local Flood Authority has no objections subject to a condition requiring implementation and retention of the approved drainage details.

[Representations](#)

None

[Applicant's/Agent's submission](#)

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/22/00353/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

8th July 2022