

The application is for the approval of reserved matters relating to access arrangements, layout, scale, appearance and landscaping of Plot D1 for a building in Use Classes B1(b), B1(c), B2 and/or B8 pursuant to the outline planning permission element of the hybrid planning application ref: 21/00595/FUL.

The application site forms part of the wider Chatterley Valley development site which has a long standing employment allocation and has previously been subject to planning permission for its redevelopment.

Plot D1 extends to approximately 1.82ha.

The 13 week period for the determination of this application expires on the 16th June 2023.

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;**
- 5. Hardstandings;**
- 6. Soft landscaping;**
- 7. No external storage;**
- 8. Provision of car parking, access, servicing and circulation areas as shown on the approved and sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building;**
- 9. Provision of secure, covered and safe cycle parking facilities;**
- 10. Implementation of ecology and habitat mitigation and enhancement measures;**
- 11. Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application**

Reason for Recommendation

The proposed development represents a good quality design and there would be no significant harm to the visual amenity of the area, including views from the wider landscape. All technical issues have been addressed within this application or are covered by conditions of the hybrid planning application. 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 access arrangements, layout, scale, appearance and landscaping of Plot D1 for a building in Use Classes B1(b), B1(c), B2 and/or B8 pursuant to the outline planning permission element of the hybrid planning application ref: 21/00595/FUL.

1.2 Plot D1 extends to approximately 1.82ha and forms part of the wider Chatterley Valley development site which has a long standing employment allocation and has previously been subject to planning permission for its redevelopment. Therefore, the principle of employment development has been established on the site.

1.3 The outline planning permission was subject to a number of planning conditions, including those which required information to be submitted as part of the reserved matters submission, namely; intrusive site investigations and remediation for coal mining legacy; landscaping within the parking areas and other hard surfaced areas; a schedule of long-term on-plot landscape management proposals; details of Tree and Hedgerow Protection Measures to BS5837:2012 Method Statement to BS5837:2012; further ecological surveys; Electric Vehicle Charging Infrastructure; and the potential impacts arising from operational noise and onsite vehicle movements.

1.4 The building will comprise a floor area of 7,061sqm and access to the plot will be via a spine road, which will serve other plots on the Chatterley Valley development site. The plot will have 88 parking spaces, including 18 electric vehicle charging bays, 6 accessible parking spaces, and 3 motorcycle parking spaces. Sheltered cycle spaces will also be provided. A landscape strategy and an ecological management plan are also proposed.

1.5 A public right of way will need to be diverted by way of a separate section 257 application.

1.6 Given that this is a reserved matters application the key issues for consideration are now limited to:-

- The design of the scheme and the impact on the form and character of the area;
- Access, parking and highway safety matters;
- Ecology impacts; and
- Sustainable drainage considerations;

2.0 The 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 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 proposed building will be located on Plot D1 which is the first plot on the southern side of the future spine road which will serve other plots on the wider Chatterley Valley development site. It will be served by a single point of access and the car parking and servicing areas will be to the front of the building. The building will have a floor area of 7,061sqm and a height of approximately 15.7 metres.

2.5 The application is supported by a design and access statement which includes extensive details about the appearance of the building, including computer-generated imagery of the proposed building. Site sections, hard and soft landscaping details have been submitted also.

2.6 The appearance of the building would be comparable to other modern large commercial buildings and the submitted design and access statement sets out that *"The graduated horizontal bands help to read the building from the exterior as the lower, darker band indicates the ground and first floor levels that the offices are located at. This is also accentuated by a feature colour band in Ocean Blue that suggests the extent of the first floor level. The middle and upper horizontal bands are lighter shades of blue-greys which create less contrast between the building and its surroundings from eye level, helping the building to sit more subtly in the surroundings. The vertical feature bands are placed on the corners of each elevation creating visual interest at the most critically visible points of the building."*

2.7 A landscaping scheme has been proposed to soften the appearance of the proposed building, particularly on the western boundary. There is less opportunity for soft landscaping on the northern and eastern boundaries and this is even more limited on the southern boundary due to the footprint and position of the building. However, the topography of the land ensures that the building would be sunken into the landscape.

2.8 The Landscape Development Section (LDS) have expressed disappointment at elements of the scheme, in particular they raise concerns about planting densities and missed opportunities for additional tree planting. They also assert that landscaped areas should not be used as 'potential storage areas', as indicated on the proposed site plans.

2.9 The applicant has set out that the landscaping works for Plot D1 need to be viewed in the context of the overall Green Infrastructure Strategy for the wider site. The wider site will consist of flat plateaus with surrounding substantial sloped areas separating the plots. These slopes will be landscaped which will assist in softening views from the wider area. Additionally, the plots are designed in an efficient manner to provide maximum floorspace and parking within each plot and this reduces the overall visual impact of the plots but does restrict on-site soft landscaping opportunity.

2.10 Conditions of the hybrid planning permission secured the Green Infrastructure Strategy and on balance the applicants' justification for the amount of landscaping for plot D1 is accepted. A condition which prevents external storage areas, particularly within soft landscaping areas, is considered reasonable and necessary due to the already limited amount of soft landscaping provision within the site.

2.11 Subject to conditions which secure additional tree planting and the provision of the approved landscaping scheme, along with the details set out within the application regarding facing materials, boundary treatments and hard surfaces, 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 Access, parking and highway safety matters

3.1 The principle of the wider access works via Peacock Hay Road have been accepted but these details will be considered as part of future reserved matters applications, as required by conditions B9, B10 and B11 of the hybrid planning permission.

3.2 The proposed access point for Plot D1 will be located at the south-eastern corner of the plot, off the future spine road. The internal access roads, parking and turning arrangements are now submitted for approval.

3.3 The HGV servicing and loading area, including parking for 15 trailers will be located to the front of the building and the car parking will be located to the side/ east. The plot will have 88 parking spaces, including 18 Electric Vehicle Charging Bays (20%), 6 Accessible Parking Spaces, and 3 Motorcycle Parking Spaces. Sheltered cycle spaces will also be provided.

3.4 The previous hybrid applications have secured wider access improvements for walkers, cyclists and horse riders and the proposed access arrangements for this plot would connect to the wider roads and footways to support movement to the proposed building for pedestrians and cyclists. The hybrid application also secured the submission and approval of a travel plan prior to the occupation of any of the buildings.

3.5 The Highway Authority has raised no objections, subject to the standard conditions which ensure that the car parking, access, servicing and circulation areas are sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building. The secure, covered and safe cycle parking facilities shall also be provided prior to the occupation of the building.

3.6 The proposed development is considered acceptable and it has been demonstrated that suitable access, parking, servicing and turning areas can be achieved. On this basis the proposed development is in accordance with policies of the development plan and the aims and objectives of the NPPF.

4.0 Ecology and tree/ hedgerow Impacts

4.1 Policy CSP4 of the Core Strategy states that “the quality and quantity of the plan area’s natural assets will be protected, maintained and enhanced through the following measures ... ensuring that the location, scale and nature of all development planned and delivered through this Core Spatial Strategy avoids and mitigates adverse impacts, and wherever possible enhances, the plan area’s distinctive natural assets, landscape character”.

4.2 Paragraphs 174 & 180 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

4.3 The hybrid application secured a schedule of long-term landscape and woodland management proposals and condition B16 of the outline planning permission requires that

any reserved matters application shall be supported by further ecological surveys, to include measures to mitigate any impact on ecology that is identified.

4.4 The application is accompanied by a Habitat Survey (HS) and a Landscape Specification Management Plan (LSMP) which set out mitigation and enhancement measures. These mainly focus on the wider site works.

4.5 The main focus of the submission is to demonstrate that the wider development works will result in the creation and retention of existing habitats. This will be via six on-site wildlife ponds, log piles and hibernacula, tussock and wildflower grasslands, structural planting, trees and species-rich hedgerows. Furthermore, dropped kerbs, wildlife kerbs/off-set gullies, amphibian gully ladders (where adoptable) and a wildlife tunnel are also being provided to guide animals through a safe road crossing point. This would help to provide suitable foraging, sheltering, commuting and breeding habitat, enabling wildlife to utilise features throughout the wider-site and out to the wider environment.

4.6 Similar surveys and landscape management plans will need to accompany applications for reserved matters for other plots.

4.7 LDS have raised concerns about the ongoing engineering works and the specification of tree protection fencing. However, it is not clear whether they have considered the submitted Arboricultural Assessment & Method Statement. Your officers are seeking clarification on this point.

4.8 The mitigation and enhancements, as set out in the LSMP, are sufficiently detailed and can be secured by condition. On this basis it is accepted that suitable mitigation and enhancement is proposed in accordance with policy CSP4 of the CSS and the guidance and requirements of the NPPF.

5.0 Sustainable drainage considerations

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

5.2 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”.

5.3 Conditions of the hybrid permission sought outline surface water drainage schemes (SuDS) for the wider development site and conditions B5 and B12 of the hybrid planning permission sought detailed surface water drainage schemes for the site (B5).

5.4 Condition B5 of the outline planning permission has not been satisfied as yet but this is a separate process to this reserved matters application. However, surface water drainage details were required as part of the reserved matters application, via condition 12.

5.5 The Lead Local Flood Authority (LLFA) has asked for clarification on the detailed surface water drainage schemes for the site, including Plot D1 and their further comments are awaited. These are likely to be received prior to the committee meeting.

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

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 E2: Chatterley Valley

Policy T16: Development – General Parking Requirements

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures

Policy N4: Development and Nature Conservation – Use of Local Species

Policy N17: Landscape Character – General Considerations

Other Material Considerations include:

National Planning Policy

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

[Planning Practice Guidance](#) (2018 as updated)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

In 2019 a hybrid planning permission, 18/00736/OUT, was granted for the following:-

- A. full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and
- B. outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses. All matters of detail are reserved for subsequent approval.

Application 19/00846/OUT permitted the removal of condition B23, relating to pedestrian and cycleway enhancements, of planning permission 18/00736/OUT and variation of condition A1 relating to timescales for completion of earthworks; variation of conditions A8, B1 and B10 with regards to reference to Green Infrastructure Strategy; variation of condition B3 regarding requirements for the reserved matters application/s; and variation of reason for condition B25 relating to permitted use classes on the plots.

A further application, 21/00595/FUL, was permitted for the removal and variation of a number of conditions of 19/00846/OUT.

Application 21/00570/FUL, for full planning permission for the formation of development platforms, provision of access road and accompanying infrastructure and ecological enhancements has also been permitted.

Application 21/00595/NMA for a non-material amendment relating to the Electric Vehicle Charging Infrastructure as required by condition B18 of planning permission 21/00595/FUL is pending consideration.

Views of Consultees

The **Environment Agency** advises that Flood Risk Standing Advice, and/or Development Guidance Note, should be considered.

The **Highways Authority** raises no objections subject to conditions which ensure that the car parking, access, servicing and circulation areas are sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building. The secure, covered and safe cycle parking facilities shall also be provided prior to the occupation of the building.

The **Coal Authority** raises no objections subject to the recommended remedial works (secured by condition B8 of the outline permission) being implemented on site.

The **Landscape Development Section** advises that planting densities are light and there are missed opportunities for additional tree planting. Softening views of the site from the footpath/bridleway/ cyclepath, along with large expanses of paved surfacing should also be considered. Footpath diversion details should be shown because of concerns about how this would work with the layout and levels shown. Issues are raised with regards to tree protection measures on site whilst extensive works are undertaken.

Network Rail raises no objections.

The County Council as the **Lead Local Flood Authority** advises that information to satisfy other drainage conditions of the hybrid planning application should also come forward for consideration alongside the REM.

Stoke-on-Trent City Council advises that they have no comments to make on the application.

The County Council as the **Mineral and Waste Planning Authority** has no comments.

Comments were also invited from the **Council's Waste Management Section, Economic Regeneration and Environmental Health Division**, along with the **Public Rights of Way Officer** 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

None received.

Applicant's/Agent's submission

The application is accompanied by the following key documents;

- Planning Statement;
- Design and Access Statement;

- Drainage Strategy;
- Habitat Survey;
- Landscape Specification Management Plan
- Noise Assessment;
- Arboricultural Report;
- Geotechnical Investigation Report (GIR) and Environmental Report;
- External lighting statement.

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/23/00220/REM>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

6th June 2023