

CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD, TALKE
C/O AGENT HARWORTH ESTATES

23/00818/REM

The application is for the approval of reserved matters relating to the details of a new spine road and detailed structural landscaping scheme, which are required by Conditions B10 and B11 of hybrid planning permission ref: 21/00595/FUL.

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

The 13 week period for the determination of this application expires on the 12th January 2024.

RECOMMENDATIONS

Permit, subject to conditions relating to the following matters:-

- 1. Link to outline planning permission and conditions;**
- 2. Approved plans;**
- 3. The road to be completed prior to first occupation of the buildings on site.**

Reason for Recommendation

The proposed development raises no issues with regards to visual impact or highway safety and 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 proposed development is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and therefore no amended or additional information has been sought.

Key Issues

The application is for the approval of reserved matters relating to a new spine road and detailed structural landscaping scheme, the details of which are required by Conditions B10 and B11 of hybrid planning permission ref 21/00595/FUL.

Outline planning permission for the redevelopment of the Chatterley Valley for industrial development was approved in 2019 and has since been subject to a number of Section 73 applications for the variation of conditions. Permission 21/00595/FUL was subject to a number of planning conditions, including those which required information to be submitted as part of the reserved matters submission, namely details of the proposed site-wide structural landscaping scheme, which includes the verges of the main internal spine road and footpaths.

Given that this is a reserved matters application and does not seek to vary any previously agreed conditions, the key issues for consideration are now limited to highway safety and landscaping matters.

Highway Safety

Paragraph 111 of the Framework states 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.

Classification: NULBC UNCLASSIFIED

The principle of the wider access works via Peacock Hay Road have been accepted under the previous applications approved on site, however the technical details of the new spine road and landscaping details were controlled through conditions of the hybrid planning permission.

The spine road would connect to the recently approved roundabout located on Peacock Hay Road and will run from the north western edge of the site down towards the south east, serving as the main access road to the industrial units located within the wider development site.

In the absence of any objections from the Highway Authority and subject to conditions, the proposed development is considered acceptable in highways terms.

Landscaping Matters

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”.

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.

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

A landscape buffer will surround the application site on all sides, with existing woodland being retained in the south east corner of the site. Extra heavy standard planting will be used along the north western edge of the site which would extend along the edge of and within the centre of the approved roundabout. The heavy standard planting would also be used alongside the main spine road which runs through the site. Native species hedgerows will also be used on either side of the spine road which will create a defined edge to the highway. The north eastern and south western edges of the site will have a large landscape buffer which would be comprised of a mixture of a native woodland mix and ephemeral perennials whilst a grassland and wetland meadow mix will be planted in the south eastern edge of the site around an attenuation basin.

The landscaping details provided with the application are comprehensive and will soften the appearance of the development whilst also proving ecological benefits and opportunities for new habitats. The conditions attached to the original permission require any plant or tree that dies within a period of 5 years from the date of planting to be replaced, and so it is not considered necessary to apply this condition again to any permission. No comments have been received from the Council’s Landscape Development Section and on the basis of the above, the landscaping details are considered to be acceptable.

Other Matters

The Coal Authority has noted that no information has been provided in respect of discharging condition 8 of application 21/00595/FUL and have requested clarification on whether or not the LPA are expecting information relating to this condition to be provided to support the current reserved matters submission.

For clarity, the details required by condition 8 fall beyond the scope of this application which relates to matters relevant to conditions B10 and B11 only, and any matters relevant to condition 8 will need to be assessed under a separate discharge of condition application.

Reducing Inequalities

Classification: NULBC UNCLASSIFIED

Classification: NULBC UNCLASSIFIED

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 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 N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (July 2023)

Planning Practice Guidance (2019 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 has been permitted

Classification: NULBC **UNCLASSIFIED**

Application 23/00220/REM Reserved Matters Application for appearance, landscaping, layout, scale and access of Site D1 for a building in Use Classes B1(b), B1(c), B2 and/or B8 pursuant to outline element of hybrid planning application ref: 21/00595/FUL has been permitted.

Most recently, application 23/00678/REM Reserved matters application for details of the new roundabout access, footways and improvement to the existing site access, detailing those issues reserved by Condition B9 of hybrid planning permission ref: 21/00595/FUL, has been permitted.

Views of Consultees

The **Highway Authority** raises no objections subject to a condition requiring that prior to the first occupation of the buildings within the site that the main internal spine road shall be fully implemented and operational in accordance with the approved plans.

The **Environmental Health Division** have no objections to the proposal.

National Highways raise no objections to the proposal.

The **Coal Authority** has noted that no information has been provided in respect of discharging condition 8 of application 21/00595/FUL and therefore object to the proposal.

The **Public Rights of Way Officer** has no comments on the proposal.

No comments have been received from the **Landscape Development Section** or **Stoke-on-Trent City Council**.

Representations

None received.

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/23/00818/REM>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

16th November 2023

Classification: NULBC **UNCLASSIFIED**