

Full planning permission is sought for the change of use of the site from a B2 use class to a B8 use class for storage and distribution. The works also include the extension of an existing, retained building and the construction of a detached building to house an office, meeting room, kitchen and toilets. It has been noted that operations under a B8 use class have commenced on site and so this application is now retrospective.

The application site is located within the urban area of the Borough, as indicated on the Local Development Proposals Framework Map.

A strip of the application site, along the eastern boundary of the site, falls within Stoke-on-Trent City Council, and is subject to a separate planning application to address this cross-boundary area of the site.

The site is accessed via Garner Street which links to the A53, Etruria Road. Beyond the eastern boundary sits the railway line.

The 13 week period for the planning application expired on 18th December, however an extension of time has been agreed until the 10th January 2024.

RECOMMENDATIONS

PERMIT subject to conditions relating to the following matters:

- 1. Approved plans**
- 2. Parking and turning spaces**
- 3. Prior approval of cycle parking provision**

Reason for Recommendations

The development is located within a highly sustainable location and would continue to support the provision of commercial development on the site and contribute to the economic prosperity of the Borough, with no adverse impacts identified.

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

Amended plans and additional information have been sought from the applicant and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

This proposal is seeking retrospective planning permission for the change of use of land formerly associated with a commercial enterprise referred to as Ham Baker Slow Control (a B2 use) into a B8 use for storage and distribution. It has been noted that operations under a B8 use class have commenced on site which is why this proposal has been amended to refer to the retrospective nature of the works.

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The site is accessed via Garner Street which links to the A53, Etruria Road. Beyond the eastern boundary sits the railway line.

The application is accompanied by an Air Quality Assessment, and on review of this information the Council's Environmental Health Division raise no objections to the scheme. Similarly the Lead Local Flood Authority is satisfied that there would be no net increase in impermeable surfacing and so raise no objections to the drainage for the development.

The key issues to consider in the determination of this application are therefore;

- The principle of development,
- Any impact on the character or appearance of the area,
- Highway safety and parking implications and
- Any implications on the adjacent railway infrastructure.

The principle of development

Policy SP2 of the Core Spatial Strategy supports economic development, diversification and modernisation of businesses within the area.

Paragraph 81 of the National Planning Policy Framework (NPPF) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

It has become apparent through the application process that the applicant has moved onto the site and begun the B8 operations that are being sought in this application. However, the last use of the site was for a B2 use class.

Since the vacation of the site formerly referred to as Ham Baker Slow Control, a number of buildings have been demolished and the site cleared with the exception of one building positioned centrally within the site. This building would be utilised for long term palletised storage and the surrounding hardstanding would all be utilised for the parking of HGV vehicles and cars associated with the B8 operations.

The development would see the applicant move their existing operations from a site in Clayton to the application site, allowing the company to retain their operations within the Borough at a site that is more suitable for their commercial activities. The site is located within a highly sustainable location, whereby commercial and industrial activities are located. Therefore the change of use of the site to a B8 use is considered to be acceptable in principle and would comply with the relevant policies of the development plan and the provisions of the NPPF.

Any impact on the character or appearance of the area

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 serviced by Garner Street, an access road that serves only this development site from the A53 Etruria Road. To the west of the site lies the A500 highway, and to the east, the railway line. The site is therefore encompassed by existing development and infrastructure and given its siting below the carriageway of the A500 and lack of any immediate public vantage points, the application site is not readily visible within the wider landscape. Only glimpses of the site would be visible when travelling along the A500.

Former buildings on the site have already been demolished in line with prior approval application 23/00102/DEM, and the site cleared with one building retained to be utilised in association with the B8 use being sought. This building has been extended in the form of a modest lean to extension off the western elevation of the building. The height of this extension sits well below that of the main building and is also of a modest footprint in the comparison to the scale of the existing building and wider application site.

Further new development is in the form of a detached flat roof modular style building that is sited to the north west of the main access. The front elevation of the building features large levels of glazing to serve the office and meeting room spaces provided internally. There is also a small kitchen and toilets within the structure. Whilst flat roof design is not considered to be the most aesthetically pleasing, the building is considered to be modest in both its design and scale and suitable for its functional purpose as a supporting ancillary structure to the operations on the site.

While the applicant added that no new surfacing had been installed, a site visit from officers clearly identified areas of new tarmac to the eastern edge of the site, but this is considered to be an appropriate form of surfacing in the context of the site. Alterations to boundary treatments have also included new green wire fencing around the southern elevation which has no impacts on the character or appearance of the wider landscape.

Therefore in light of the above the proposed development is not considered to raise any adverse implications in relation to the character or appearance of the wider landscape and would accord with the policies of the development plan and the NPPF.

Highway safety and parking implications

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 is for the use of the site for storage and distribution, within a B8 use class. The details provided within the application have highlighted that the site is to be used as the central hub for a haulage enterprise and so the site would be subject to vehicle movements from Heavy Goods Vehicles (HGVs) and associated staff.

Initial objections were raised by officers and the Highway Authority on the lack of information regarding the parking and turning of vehicles associated with the proposed B8 operations of the site. Additional information has been received which shows that there would be the following spaces;

- 91 trailer and tractor spaces
- 36 trailer cab spaces
- 100 staff parking spaces

The building on site would be utilised for long term palletised storage.

The applicant suggests that there would be around 150 vehicle movements over a 7-day period, with around 20-25 movements per day on average. The applicant also details that for the most part, staff will drive to the site in their own vehicles and then leave in a HGV, returning later to collect their vehicles.

The submitted transport statement however works off a worst case scenario for the use of the entire site as B8 (rather than the majority being lost to parking as proposed). This transport statement details that the proposed development would result in an increase of two additional 2-way trips during the AM peak and fifteen 2-way trips during the PM peak, over and above the existing use which would equate to one additional vehicle every 4 minutes. The assessment concludes that the proposal would have a minimal impact on the surrounding highway network.

Based on the additional information provided, the Highway Authority is satisfied that the availability of parking for both HGVs and staff vehicles would be sufficient and that the swept path analysis demonstrates that vehicles can effectively turn within the site and exit in a forward gear.

One representation has been received raising concerns in relation to highway safety and conflict of vehicles from the site with users of the A500 and Garner Street.

It is noted that the nature of the use proposed would increase vehicle movements to and from the site. However, in their consultation response, the Highway Authority note that the applicant will be required to apply to the Traffic Commissioner for an Operator's License to ensure that the business can legitimately operate the proposed level of vehicles from this site. As part of this license the applicant would be required to demonstrate that the site is large enough, has safe access and is an environmentally acceptable location. This process would be separate to the planning application process and would assist in controlling whether the number of vehicles associated with the site is acceptable. The applicant has confirmed that an interim license for the site has been granted for the site, so the process of obtaining a full license is underway.

The submitted Transport Statement demonstrates that the site can be appropriately accessed by bicycle as an alternative means of transport, but there are limited details on how cyclists would be encouraged to cycle to work given the lack of a storage facility. It is therefore recommended that a condition is attached to any permission granted to provide details of a secure and weatherproof facility within the application site.

With regards to any implications on the A500, Highways England have considered any impact that the development may have on this highway given its allocation as a Strategic Road Network. They have raised no objections to the proposal noting that they are content that the application would have a minimal impact on the A500.

The application site also sits adjacent to the boundary with Stoke-on-Trent City Council, whereby the A53 heading north-eastwards is maintained by Stoke-on-Trent City Council. Your officers have consulted with Stoke-on-Trent City Council as part of the assessment of this application and at the time of producing this report, no comments have been received.

It is therefore considered that subject to conditions to secure the parking and turning arrangements as shown on the submitted plans and the provision of appropriate cycle parking, the development would not result in any adverse implications in relation to parking or highway safety and so would accord with the policies of the development plan as well as the aims and objectives of the NPPF.

Any implications on the adjacent railway infrastructure

To the east of the application site lies the railway line. A consultation with Network Rail has identified that as the application site lies within 10m of this railway, there are a number of requirements with which the applicant must adhere to in order to ensure that the development would not result in any harm to the rail infrastructure.

The applicant has since provided an updated site plan that demonstrates that the requirements will be adhered to. Further comments have been received from Network Rail raising no objection.

It is therefore considered that the updated plans provided by the applicant have adhered to all of the requests from Network Rail that would have otherwise been secured via a condition. It would be the responsibility of the applicant going forward to ensure that the operation of the site and any mitigatory works are in accordance with the legislative requirements provided by Network Rail. The applicant has confirmed that this process has been initiated.

On the basis of the submission, the development is therefore considered to be acceptable.

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 the decision on the planning application:-

[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
Policy T18: Development – Servicing Requirements

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2023\)](#)

[Planning Practice Guidance \(NPPG\) \(2019\)](#)

[Supplementary Planning Documents \(SPDs\)](#)

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

Relevant Planning History

23/00102/DEM - Application for Prior Notification of proposed demolition of offices and commercial buildings- Permitted

Views of Consultees

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

Network Rail has no objections.

Highways England raise no objections to the proposal.

The **Highway Authority** raise no objections to the proposal subject to conditions relating to parking and turning space and cycle parking provision.

The **Lead Local Flood Authority** raises no objections on the basis that the existing hardstanding is not being amended in terms of the overall area.

Staffordshire Police has no objection in principle but makes several recommendations in terms of security and crime from thefts involving the HGV vehicles.

No comments have been received from **Stoke on Trent City Council** by the given deadline.

Representations

One representation has been received from a member of the public raising the following concerns;

- Road safety regarding the entrance and exit of vehicles
- Conflict with speed of vehicles exiting the A500 towards Hanley

- Conflict with other commercial business utilising Garner Street
- Poor road maintenance

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/23/00694/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

13th December 2023