

THORP PRECAST LTD, APEDALE ROAD
THORP PRECAST LIMITED

24/00232/FUL

The application seeks full planning permission for construction of two new industrial buildings and a new batching plant at the Rowhurst Industrial Estate. The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map and falls within a High Coal Mining Risk Area.

The statutory 13 week determination period for this application expires on the 17th July.

RECOMMENDATION

PERMIT the application subject to conditions relating to the following matters: -

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Works to be completed in accordance with submitted CEMP**
- 5. Contaminated land**
- 6. Coal mining investigations and remediation**

Reason for recommendations

The development of the site within an existing industrial estate accords with local and national planning policy. The scheme represents an appropriate design that would not have any significant or adverse impacts on the appearance of the area and it has been demonstrated that the proposed development would not cause any highway safety concerns or impact on residential amenity. Subject to conditions, the development represents a sustainable form of development and should be supported.

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

The LPA has requested further information throughout the application process and the applicant has subsequently provided amended and additional information. The application is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the construction of two industrial buildings and a new batching plant at the Rowhurst Industrial Estate. The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The site also falls within a high risk coal mining area.

No objections have been raised by the Highway Authority and there are not considered to be any highway safety implications arising from the proposal. Subject to the use of a condition as requested by the Coal Authority, there are not considered to be any issues relating to Coal mining legacy. Therefore, the key issues for consideration are:

1. The principle of development
2. The design of the development and its impact on the surrounding area,
3. Impact on residential amenity,
4. Biodiversity Net Gain

Is the principle of development acceptable?

Policy SP1 of the Core Spatial Strategy indicates that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. It also states that employment provision will be focused towards sites accessible to and within the North Staffordshire Regeneration Zone.

Policy SP2 of the CSS also indicates that economic development should capitalise on North Staffordshire's potentially strong geographical position, its people and its productive asset base.

Paragraph 87 of the NPPF outlines that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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.

At paragraph 83 it indicates that planning decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

The application site is located within the Rowhurst Industrial Estate which is in close proximity to the A34 to the east. There are a variety of B2 and B8 uses within the locality. As the proposal seeks to expand the operational capabilities of an existing business within an established industrial estate, it is considered that the proposal complies with the requirements of both national and local policies and is therefore acceptable in principle.

The design of the development and its impact on the surrounding area

Paragraph 131 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 135 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.

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.

The development is comprised of a new manufacturing building, a new paint building and a batching plant. The latter has already been partially constructed. All three elements of the proposal would be located in a central area within the Thorp Precast site, approximately 40m away from the western boundary of the application site.

The proposed warehouse would measure 20m x 75m in plan and would feature a dual pitched roof arrangement which would have an eaves height of 13.5m and a total ridge height of 14.7m. The building would have an appearance which is based on functional requirements and would be constructed of goosewing grey cladding. Whilst it is accepted that the proposed warehouse is large, it would be sited directly to the east of a taller existing building which would largely screen the proposal from view when viewed from the west. There are also a number of other structures found within the wider site which are of a similar scale to the proposal. Given the industrial built form of the site, it is not considered that the proposal would appear as an isolated or unusual feature within its setting. Rather, it would be seen in context with the wider site.

The paint building would be more modest in scale, measuring 24m x 14.5m in plan, it would feature a mono pitched roof which would have an eaves height of 3.5m and a total ridge height of 4.8m. The building would be constructed of the same cladding as the larger warehouse which will help it to blend in with surrounding structures and equipment.

The batching plant and associated silos also have appearances based on functional requirements but are not dissimilar in nature to other industrial equipment found within the application site. The silos which have already been erected within the site have a total height of 16.3m which whilst high is still slightly lower than that of the existing warehouse building located to the west.

The site benefits from a good level of screening in the form of existing trees which surround the site which will help to screen the proposals from view and will soften the overall visual impacts of the proposal. In respect of the impact on the wider landscape, the application site is located on a low level of ground and is surrounded by a sloping topography which would further limit the visual impacts of the development.

To conclude, it is considered that the visual impacts of the proposal are acceptable and would comply with the requirements of the NPPF.

Impact on residential amenity

Paragraph 135 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 191 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.

Given the nature of the proposal, consideration must be given to whether there would be any adverse noise or air quality issues.

The nearest residential dwellings to the site lie approximately 170m to the west and are separated from the site by a large number of mature trees. No objections to the proposal has been received from local residents.

The Council's Environmental Health Team have noted that the site is controlled by permit under the Pollution Prevention and Control Act 1999 Environmental permitting (England and Wales) Regulations 2016 (As Amended), which is regulated by Environmental Health (EH) and given this arrangement they do not consider it necessary to require further assessment of the additional buildings in relation to this planning proposal. A Construction and Environmental Management Plan (CEMP) has been submitted in support of the application which has been reviewed by the EH team who raise no objection to the contained details.

Subject to the works being completed in accordance with the submitted CEMP and in the absence of any objections from the Council's Environmental Health team, it is considered that the development would not have any significant effect on the living conditions of nearby residential properties and the proposal would accord with the guidance and requirements of the NPPF.

Biodiversity Net Gain

Paragraphs 180 & 185 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.

Biodiversity Net Gain (BNG) is "an approach to development that leaves biodiversity in a better state than before". When applying biodiversity net gain principles, developers are encouraged to bring forward schemes that provide an overall increase in natural habitat and ecological features. The aim of BNG is to minimise losses of biodiversity and help to restore ecological networks. Sites must demonstrate a minimum of a 10% Biodiversity Net Gain as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, with habitat used for net gain to be secured for a minimum of 30 years.

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As the development does not impact a priority habitat and impacts less than 25 square metres of on-site habitat or 5 metres of onsite linear habitats, then the proposal does not meet the requirements to demonstrate a Biodiversity Net Gain.

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:-

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 2011 (NLP)

Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements

Other material considerations include:

National Planning Policy Framework (December 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)

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

A number of applications for industrial/office developments have been approved within the site, the most recent being 22/01059/FUL (Proposed new storage building) which was permitted in January 2023.

Views of Consultees

The **Highway Authority** raises no objections to the proposal.

The Council's **Environmental Health Division** has no objections subject to conditions relating to land contamination.

Naturespace raise no objections to the proposal subject to an informative being added to any decision notice.

The Coal Authority raise no objections to the proposal subject to a condition relating to further ground investigations.

The **County Minerals Officer** raises no objections to the proposal.

The **County Archaeologist** raises no objections to the proposal.

The **Environment Agency** raise no objections to the proposal subject to a contamination investigation condition.

No comments have been received from **United Utilities**, the Council's **Waste Services Section** or the **Local Area Partnership** (Greater Chesterton)

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Representations

None received.

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00232/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

26th June 2024

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