

FORMER HIGHGATE WORKS, BROWNHILLS ROAD, TUNSTALL  
NORCROS ESTATES LTD AND OPTIMISATION DEVELOPMENTS LTD. 348/192

The Borough Council has been consulted by Stoke City Council on an application for full planning permission for retail development including a retail foodstore of 6,688 sqm gross (to be operated by Wm. Morrison Supermarkets plc), 3,716 sqm gross non food retail development, 1,705 sqm gross food/drink establishments (Use Class A3/A4/A5), petrol filling station, car park and other ancillary development at the former Highgate Works, Brownhills Road, Tunstall.

The 5.5 hectare site is located to the south-west of the town centre of Tunstall.

**For the Borough Council's comments to be taken into account by the City Council they must be received by them by 14 November 2012.**

**RECOMMENDATION**

**That Stoke City Council be advised that the Borough Council OBJECTS to the application on the grounds that there are available and suitable sequentially preferable sites, namely Blackfriars Bakery, Ryecroft and the former Cannons site in Newcastle that could accommodate respectively all or part of the non-food retail and food and drink elements of the proposed scheme. The proposal fails to comply with national planning policy in terms of the sequential approach therefore. In the event that the City Council resolve to approve the application, the Borough Council requests that consideration be given to the imposition of a condition requiring Morrisons to be the first occupier of the foodstore and that they occupy the building for a period of 5 years.**

**Reason for Recommendation**

Although it is considered that the proposal would have no significant impact on the vitality or viability of either Newcastle or Kidsgrove Town Centres, it is considered that there are sequentially preferable sites, namely Blackfriars Bakery, Ryecroft and the former Cannons site in Newcastle that could accommodate respectively all or part of the non-food retail and food and drink elements of the proposed scheme.

**Policies and Proposals in the Approved Development Plan Relevant to This Recommendation:-**

**West Midlands Regional Spatial Strategy 2008 (WMRSS)**

Policy UR3: Enhancing the Role of City, Town and District Centres  
Policy PA13: Out of Centre Retail Development

**Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 (SSSP)**

Policy TC1: Ensuring the Future of Town Centres

**Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS)**

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

**Stoke-on-Trent City Plan 1993**

Nil

**Other Material Considerations include:**

**National Planning Policy**

National Planning Policy Framework (March 2012)

## **The Secretary of State's Announcement of His Intention to Abolish RSS**

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

The Newcastle-under-Lyme Retail and Leisure Study 2011

### **Applicant/Agent's Submission**

The application is supported by the following:

- Planning Statement
- Retail Assessment
- Employment Statement
- Design and Access Statement (including Refuse Disposal Statement and Lighting Assessment)
- Coal Mining Assessment
- Ecology Report
- Contaminated Land Assessment
- Noise Impact Assessment
- Flood Risk Assessment
- Healthy Urban Planning Assessment
- Statement of Community Involvement Addendum
- Sustainability and Climate Change Checklist/Report
- Transport Assessment
- Travel Plan
- Refuse Disposal Statement
- Landscaping Details
- Topographical Survey
- Air Quality Assessment

These documents are available to view both at the Stoke-on-Trent City Council Offices and on their website at [www.stoke.gov.uk](http://www.stoke.gov.uk) under reference 54248/FUL.

### **Key Issues**

As indicated above, the Borough Council has been consulted by Stoke City Council on an application for full planning permission for retail development including a foodstore of 6,688 sqm gross; 3,716 sqm gross non-food retail development (split into 4 units ranging in size from 697 sqm to 1,394 sqm); 1,704 sqm food/drink establishments (Use Class A3/A4/A5 split into 5 units); petrol filling station; car park; and other ancillary development at the former Highgate Works, Brownhills Road, Tunstall.

The Borough Council were consulted by Stoke City Council on a similar, but not identical, application earlier this year. The Borough Council objected on the basis that there were available and suitable sequentially preferable sites that could accommodate all or part of the non-food retail element of the proposed scheme. That application was withdrawn. That application proposed some 7,432 sqm of non food retail and two food/drink establishments of some 557 sqm.

The principal issue that could adversely affect the interests of Newcastle Borough remains the matter of whether the proposal conforms to policies on retail and leisure development.

The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development and for decision-making this means:

- approving development proposals that accord with the development plan without delay and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The guidance on retail and leisure development within the Framework could be considered to be an example of such specific policies.

Paragraph 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale.

Paragraph 26 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment in certain cases such as development of this scale.

The proposed development involves main town centre uses including the erection of a food store of 6,688 sqm (gross area) (3,530 sqm net sales area) and four non-food retail units totalling 3,716 sqm gross floorspace. In addition the proposal involves 5 units totalling 1,704 sqm for leisure uses including use as restaurant/café (Class A3) and drinking establishments (Class A4) all of which are defined within the NPPF as main town centre uses and should be considered in the same way as the retail elements of the proposal. In this location the proposal could have the potential to have an adverse impact on the vitality and viability of existing retail centres. As far as the Borough Council is concerned it is Kidsgrove and Newcastle Town Centres that could potentially be most affected.

#### Sequential assessment

In addressing this consideration, the sites within Newcastle Borough that are considered in detail in the Retail Assessment are the Blackfriars Bakery site, Ryecroft, and the former Cannon site. (The retail assessment in the previous application only considered the Blackfriars Bakery site).

#### Blackfriars Bakery site

The Assessment in so far as it relates to this site is similar to that set out in the previous application. It highlights that the current application site is approximately 4.5 miles to the north of the Blackfriars Bakery site and therefore is anticipated to have a completely different market and trade draw. It states that Morrisons have a shortfall of provision of their foodstores in the north of the city and that trade draw assumptions indicate that the convenience element of the foodstore would draw minimal trade from the Newcastle catchment area. It concludes that the Blackfriars site falls outside the primary catchment area of the proposed retail development and, as it would not perform the same role and function, it would therefore be entirely unsuitable for the proposed development. The Assessment also notes that as Morrisons already have a foodstore directly adjacent to the Blackfriars site, it would be commercially unsuitable for Morrisons.

In terms of availability, the Retail Assessment states that it is understood that a scheme is being drawn up for Blackfriars backed by a national retailer that is likely to be submitted in the foreseeable future, and therefore the site is not available. In relation to viability, it is again suggested that as Morrisons operate a store directly adjacent to the site, it is not commercially viable for that element to be located at the Blackfriars site.

In terms of the Blackfriars Bakery site, your Officer agrees, as previously, that taking a pragmatic approach it would be commercially unsuitable for Morrisons to open another large foodstore adjacent to one of their existing stores. However, there is no suggestion that the foodstore and the non-food retail /leisure elements of the scheme need to be on the same site and therefore consideration should be given to splitting the development so that the non-food units could be located on a separate site to the foodstore, and indeed there is no reason why the non-food units and food and drink units have to all be on the same site. On this basis, it is considered that the Blackfriars site may be suitable for this element of the scheme. In terms of availability, no plans have been submitted for the Blackfriars site by any national retailer to date and in any event, there is no evidence that the landowner would be unwilling to consider an alternative scheme.

### Ryecroft

The Retail Assessment considers that the site does not meet the retail need that has been identified in Tunstall and is not of a suitable size to accommodate the proposals as a whole. The Assessment considers that the site is a failed supermarket retail site and that the new Sainsburys would compete directly with any supermarket proposal at this site. It states that the site suffers from several inherent problems with redevelopment, notably the location of the store on site, and the multi-storey car park, which splits the car park and poor access. It is stated that the site is not commercially viable for a foodstore operator as evidenced by Sainsburys relocation. It goes on to quote from the Committee report regarding the M&S application at Wolstanton indicating that it has been accepted that this site is not available for retail development within a reasonable period of time. It is concluded that the site is not suitable or commercially viable.

The Retail Assessment only addresses the food retail element of the proposal at the former Highgate works, and makes no attempt to assess the site for the non-food retail elements. Whilst the Ryecroft site was discounted as a sequentially preferable site for the M&S store this was on the basis that the site of the former Sainsburys store and car park was not of a suitable size for the M&S store and that the larger site needed for this development, including the Civic Offices, would not be available in a reasonable timeframe. Whilst the circumstances have not materially changed and there remains questions as to the whole Ryecroft site's availability, if that is taken to include the Civic Offices site, and the proposals are at an early stage of development, the quantum of non-food floorspace and food and drink floorspace proposed at the former Highgate works site, particularly if disaggregated, could be accommodated at least in part on this site. Certainly no clear evidence has been advanced to demonstrate that the sequential test is satisfied.

### Former Cannons site

Again the Retail Assessment refers to the M&S application and that this site was not considered to be sequentially preferable site to the proposed site at Wolstanton Retail Park. However, again the assessment only addresses the availability and suitability of this site for the whole development proposed at the former Highgate works site and no evidence has been advanced to demonstrate that the site is not available or suitable for some of the non-food retail floor proposed. As such it is considered that the application does not demonstrate that the sequential test is satisfied.

In conclusion, the Blackfriars Bakery site, the former Cannon's site and the Ryecroft site in Newcastle are considered suitable and available for the quantum of comparison or non-food floorspace proposed and it is not considered that the applicant has submitted sufficient evidence to prove otherwise. The proposal fails to comply with national planning policy in terms of the sequential approach therefore.

### Impact assessment

As referred to above, the NPPF states that for retail and leisure development outside of town centres of more than 2,500 sqm, an impact assessment should include assessment of :-

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

In relation to the first point, it is not considered that there is any existing, committed or planned public and private investment in Kidsgrove centre that would be affected. Limited information has been submitted by the applicant to enable an assessment upon any investment in Newcastle but notwithstanding this, your Officer has no robust evidence that the proposal would have a negative impact on the planned investment in the Ryecroft site, particularly given the stage that proposal has reached.

In relation to the impact of the proposal on town centre vitality and viability, the Retail Assessment suggests that trade diversion from Newcastle and Kidsgrove Town centres would be 1.2% and 2.6% respectively. Although it is unclear whether this figure relates to just comparison or convenience goods spending or

combined spending, it would be difficult to argue that this level of trade diversion would have a *significant* impact on the vitality or viability of either Newcastle or Kidsgrove Town Centres.

#### Conclusions

Overall, it is considered that there are sequentially preferable sites, namely Blackfriars Bakery, the former Cannon's site and Ryecroft in Newcastle that could accommodate the non-food retail and the food and drink elements of the proposed scheme. The proposal fails to comply with national planning policy in terms of the sequential approach therefore.

#### **Background Papers**

Planning Policy documents referred to  
Planning files referred to

#### **Date Report Prepared**

29 October 2012