

The application seeks planning permission for a change of use to the vacant former garage site on Blackfriars Road to an A1 retail unit to be used by The Donna Louise Charity providing 1232m² of non-food retail floorspace.

The site, of approximately 0.7 acres in extent, is located within the Urban Area on the Local Development Framework Proposals Map. In the Newcastle Town Centre Supplementary Planning Document of January 2009 the site lies within the Pool Dam Waterside Quarter and is identified within the SPD as a potential future development area, adjacent to the Blackfriars Key Site

The statutory 13 week determination period for the application expires on the 5th June 2018.

RECOMMENDATION

Approve, subject to conditions covering the following matters

1. Time Limit
2. Approved Plans
3. Hours of deliveries
4. Prior approval of any air conditioning / refrigeration units
5. Parking and turning areas provided prior to first use
6. Restriction of goods sold at the premises to bulky goods only

Reason for recommendation

The proposed change of use of the building has to be considered in the context of policies which seek to enhance the vitality and viability of the town centre. The proposal entails a 'main town centre use' in an 'edge of town centre' location. It is considered that the redevelopment of this site for bulky goods retail purposes is acceptable as no sequentially preferable site has been identified. The proposal would be acceptable in terms of highway safety and amenity. There are no other material considerations which would justify a refusal of this application.

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

Pre-application discussions took place with the applicant as well as discussions during the course of the application, taking into account the guidance found within the NPPF on the approach to be adopted.

KEY ISSUES

The main issues to address are as follows:-

- Principle of development
- Highway safety
- Any amenity concerns

Principle of Retail Development on this Site

The Newcastle-under-Lyme Local Plan (NLP) does not contain any saved policies that are relevant to the consideration of the principle of this proposed retail development. Policy SP1 of the Core Spatial Strategy (CSS) indicates that retail and office development will be focussed towards the City Centre and Newcastle Town Centre. In Policy ASP4, the CSS sets out a number of planning considerations which are designed to enhance the vitality and viability of the town centre. Amongst those

considerations is the formulation of a spatial framework identifying distinct zones both within the primary shopping area and beyond, aimed at maintaining their distinctive characters and helping break through the perceived barrier of the ring road. It indicates that in the plan period proposals will provide for 25,000m² of additional gross comparison floorspace to 2021 and a further 10,000m² to 2026.

The Council's Supplementary Planning Document (SPD) is the framework for Newcastle Town Centre referred to by Policy ASP4. The application is within the Pooldam Waterside Quarter as defined in the SPD. The SPD does not form part of the Development Plan but is a material consideration. 'Edge of Centre' is defined, within the SPD, as those areas beyond and immediately adjoining the inner ring road.

The Town Centre SPD indicates that proposals for additional retail floorspace that are 'edge of centre' will need to be judged on whether they increase the attractiveness of the centre or detract from it. It is indicated that it is not just the proximity to the Primary Shopping Area (indicated as being the area within the ring road) that is important, it is the ease of accessing it, on foot. For this reason it is indicated that the "edge of centre" location extends along the A34 for about 250m, but individual proposals need to show good connectivity. There is nothing explicitly in the SPD that addresses the situation here – a site that does not immediately adjoin the Inner Ring Road, is not on the A34, but is (measured from the town centre side of the Inner Ring Road) about 250 metres from the Inner Ring Road via Pool Dam or 275 metres via Blackfriars. It is arguable whether the site meets the definition of "edge of centre" as set out in the SPD. Pedestrian access points from the building are on both the Pool Dam and Blackfriars Road frontages.

Paragraph 24 of the existing NPPF indicates that Local Planning Authorities 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 Local Planning Authorities (LPAs) are also required to demonstrate flexibility on issues such as format and scale.

The NPPF goes on to state, at paragraph 26, that where retail development is outside centres, and which are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. Where, as in the Borough, there is no locally set threshold the NPPF indicates that the default threshold is 2,500 m².

The NPPF definition of 'edge of centre', for retail purposes is a "location that is well connected and up to 300 metres of the primary shopping area (as opposed to the 250 metres referred to in the SPD). Where there is inconsistency between the Framework and policies in existing plans, the Framework is to be given greater weight. Bearing this in mind and that the site is accessible from the primary shopping area via two alternative routes (Blackfriars and Pool Dam) the conclusion reached is that it is not unreasonable to characterise the location as "edge of centre" as opposed to "out of centre".

A review of the NPPF is currently taking place. There are no changes from the existing NPPF of any consequence (to this particular issue) within the draft revised NPPF.

The proposed development involves the change of use of the former car showroom with MOT testing centre to a bulky goods charity store, providing 1,232m² of retail floor space on the edge of the Town Centre. This falls below 2500m² threshold within paragraph 26 of the Framework, and as such an impact assessment is not required. However, there is a requirement to follow a sequential approach to site selection. As already indicated the site occupies an 'edge of centre' location. This means that from a sequential test perspective, any alternative sites either within the Primary Shopping Area (PSA), or 'edge of centre' and better related to it than the former car dealership site should be preferred. This guidance is largely mirrored by the Town Centre SPD that states retail on edge of centre sites can be permissible providing damage is not caused to the PSA and has good connectivity to the Town Centre.

Connectivity

The application site is located towards the edge of the town centre with good access on foot and with opportunity for shoppers to travel via public transport, there being two sets of bus stops located within 150 metres of the entrance of the existing building. The proposal therefore performs reasonably well in this respect.

Sequential Test

The applicant has submitted a sequential assessment. Guidance on how to adopt a sequential approach is set out in Planning Practice Guidance (PPG). It is for the applicant to demonstrate compliance with the test.

The following sites have been considered and discounted by the applicants' agent for the following reasons:-

1. **Vacant Units in the PSA** – they say that they have been unable to identify any site available that would meet the applicants' requirements for the acceptance and sale of bulky good donations.
2. **Key Sites identified within Town Centre SPD** – they say that three of these sites have already been redeveloped either in full or in part and are therefore discounted (Blackfriars (now Aldi) / the former Georgia Pacific site (now Maxims/Travel Lodge/Lidl) and Brunswick Street/Barracks Road). The fourth key site is Ryecroft to the North where it is expected planning permission will be issued (following the decision of the Planning Committee) for a large mixed use development, however, they say that this is unlikely to be completed until late 2019 at the earliest (which if it meant they were unable to forego many large donations over a period almost two years, they consider should reasonably be regarded as unacceptable). Furthermore they say it is very unlikely indeed that the large retail units would be made available for charity shops. This site has therefore also been discounted.
3. **Any other development sites with better connectivity to the PSA** – None have been identified. It is noted that the SPD did list the site adjacent to the application site and as such the area has been earmarked for growth/change.

It is noted that the applicant has not identified any town centre sites as part of their sequential assessment. Whilst most of their conclusions are accepted, the advanced stage which the Ryecroft proposals have now reached, would certainly justify the conclusion that that site is available. However the second point that is made about that site – the unlikelihood of its letting strategy for the bigger units including a bulky goods charity shop has more merit. Given the needs of the applicant it is considered that none of the above would be suitable to provide both the retail floor space and storage required. None of the identified sites are considered to be suitable or sequentially preferable to the application site. The applicant requires a site that would offer an element of retail space with ancillary storage for charitable donations and staff/administration space. No sites could offer this type of accommodation for the charity.

There are also clear practical operational advantages for the business enterprise to be within a site on the edge of town with suitable floorspace for growth in the future. The fact that the proposal encourages sustainable economic development and is linked to job creation also carries weight. In light of such matters the proposal is considered to be acceptable in principle and would not harm the vitality or viability of the town centre.

Is the impact on highway safety acceptable?

Saved Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels 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. Appendix 3 sets out maximum parking

standards for different uses. For A1 retail non-food uses, as is proposed, a maximum of 61 parking spaces would be required.

The most up to date planning advice on highway safety matters is contained within the Framework. The Framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are 'severe'. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. Whilst the maximum parking standards would not be met (26 being indicated), in this instance it is considered to be acceptable given the site's location in proximity to Council car parks in the Town Centre. It is of merit to note that the Highway Authority raise no objections to the proposal. It is therefore considered that the proposal would not result in any on-street parking or traffic problems in accordance with policy T16.

Amenity

The application site is on the edge of the town centre, and largely surrounded by commercial buildings with some residential units at first floor level (and a permission for student flats directly opposite (in the former Orme Centre building)). The Environmental Health Division were consulted and raise no objections to the proposed change of use, however they have requested a restriction in the hours of deliveries between 7am and 9pm daily which is considered to be reasonable and necessary, as is the requirement for the prior approval of any air-conditions units or large scale refrigeration units in the future.

A request was also made for a condition requesting that any refrigerated wagons turn off their engines on site to prevent the noise from idling engines. Given the restriction on delivery hours, and the fact the site would be used for bulky goods to a charity shop it is not considered that this would be reasonable or necessary in this instance.

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 SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP4: Newcastle Town Centre Area Spatial Policy
Policy CSP3: Sustainability and Climate Change

[Newcastle-under-Lyme Local Plan 2011 \(NLP\)](#)

Policy T16: Development – General Parking Requirements

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

Planning for Town Centres: Practice Guidance on need, impact and sequential location
National Planning Practice Guidance (August 2013)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

Supplementary Planning Guidance/Documents

[Newcastle-under-Lyme Town Centre SPD \(2009\)](#)

Relevant Planning History

88/17198/N

Erection of new garages, showrooms and workshops and covered used car area
Permitted 1988

79/07763/N

Single storey do-it-yourself retail warehouse and car park
Refused 1979

79/07841/N

Erection of wholesale/retail furniture and ancillary domestic goods including electrical goods
warehouse
Refused 1979

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Views of Consultees

The **Highway Authority** raise no objections subject to parking and turning areas being provided on site prior to the implementation of the change of use application.

The **Environmental Health Division** raise no objections to the application on the basis of several conditions including, restrictions on the hours of deliveries, refrigerated vehicles motors switched off when on site, prior approval of refrigeration or air conditioning units on site.

The Council's **Waste Services** offer no comments

The **National Grid** offered standing advice that is available for the applicant to view.

Representations

One letter of representation has been received during the course of the application. A summary of the objection is provided below;

- Retail should be within the Town Centre
- Housing would be better on the site
- Will encourage motorists to drive to the location

Applicant/agent's submission

The application is supported by a Planning Application, Plans and Planning Statement, Sequential Assessment, Parking Plan and consultation statement.

All of the application documents can be viewed at the Guildhall or using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00179/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

14th May 2018