

**UPPER FLOOR ABOVE TESCO EXPRESS, HIGHERLAND**  
**J3BOX Ltd** **19/00030/FUL**

The application is for full planning permission for the change of use of the upper ground floor of the former garage, above Tesco Express, to a boutique gym/fitness suite falling within use class D2. A parking area is to be provided to the rear and side of the premises.

The application site lies within the Urban Area of Newcastle-under-Lyme as defined on the Local Development Framework Proposals Map.

The application has been referred to the Committee for decision at the request of two Councillors due to residents' concerns inadequate parking proposals and potential highway obstruction on the A525.

**The 8 week period for the determination of this application expires on 14<sup>th</sup> March, but the applicant has agreed to extend the statutory period until 29<sup>th</sup> April 2019.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to the following:**

1. Time limit
2. Approved plans
3. Provision of parking and cycle storage prior to commencement of use.
4. Noise management plan
5. Approval of details of any mechanical ventilation or air conditioning plant prior to installation.
6. Approval of details of any external lighting prior to installation.
7. Approval of details of the storage and collection of recyclable materials and refuse storage.
8. Provision of 2 electric vehicle charging points within six months of commencement of use

**Reason for Recommendation**

The proposed use is considered to be acceptable in principle, would not result in an adverse impact on highway safety or residential amenity subject to appropriate planning conditions.

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

The development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

The proposal is the change of use of existing floorspace, measuring 168m<sup>2</sup>, to a gym.

The proposal initially involved the loss of a landscaped area, at the junction of Higherland and Seabridge Road, to create additional parking spaces. The application has, however, been amended so that this landscaped area is retained and all parking is now proposed on existing areas of hardstanding around the building. Taking this into account and that the application does not propose any external alterations to the building it is considered that the proposal does not raise any issues regarding visual amenity.

The key issues for consideration in the determination of this application are therefore:

- Is the principle of development acceptable?

- Would the proposed development have any adverse impact upon highway safety?
- Would there be any adverse impact on residential amenity?

Is the principle of development acceptable?

Both local and national policy advocate sustainable development with a primary focus on main town centre uses being located within town centres. The National Planning Policy Framework (NPPF) defines main town centre uses as including health and fitness centres as is proposed.

At paragraph 86 the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

At paragraph 87 the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The site is not within, or on the edge of, an existing centre as designated within the Core Spatial Strategy although it is noted that there are shops and facilities located close by which are similar to that of a local centre.

The submission indicates that the floorspace involved in this application has remained unoccupied since Randles ceased trading as a car showroom/repair garage a number of years ago prior to an application to convert the ground floor to a convenience goods store in 2012. It was identified by Tesco, who now occupy the lower ground floor of the building, as surplus to their requirements. The applicant indicates they are seeking to utilise the surplus redundant space to offer the local community an opportunity to improve health and fitness through flexible, pre-planned, timed exercise sessions lasting approximately 30 minutes.

There are a number of vacant premises that are within the town centre which could, potentially, be put to the proposed use. However, the application site is arguably more closely located to the residential population that it would serve. In addition it would bring back into use floorspace that has been vacant for a number of years. Therefore whilst the proposal does not fully accord with national policy in this case given the nature of the proposal, and taking into consideration its very limited scale, there are no objections in principle to the proposed use.

Would the proposed development have any adverse impact upon highway safety?

The NPPF states that safe and suitable access to the site should be achieved for all users. It advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The most up to date planning policy (contained within the Framework) 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. In 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 saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) is not consistent with the Framework in that it seeks to apply maximum parking standards it 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. The parking standards identified in the Local Plan indicate that for sports and leisure centres a maximum of 1 space per 10m<sup>2</sup> of indoor space is required which equates to the provision of 17 parking spaces. 11 parking spaces are proposed, in addition cycle storage will be available within the building.

The applicant advises that the gym operates a 10 station structured rolling 30 minute circuit and as such the number of customers at any one time will be less than the 11 spaces provided. They advise that the members of the gym will be encouraged, through membership advice, to walk, cycle and car share to increase health benefits and reduce the carbon footprint. In addition the applicant advises that they run a very similar operation in 13 different locations around the country and at no other site has there been a requirement for any more than 8 parking spaces.

The level of parking provision that is proposed would, from the information provided, be adequate for the intended use although the views of the Highway Authority have not yet been received as to the acceptability of the parking layout. Whilst it is known that there are issues arising from parking associated with the Tesco store at the lower ground level of the building, given that it would appear that sufficient on-site parking can be provided to meet the operational requirements of the business, and the site does lie within walking distance of the town centre, and is close to a number of bus routes there is no basis to conclude that the proposed use will aggravate a local on-street parking or traffic problem so as to justify refusal.

#### Would there be any adverse impact on residential amenity?

Paragraph 127 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.

At paragraph 170 the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions.

There is the potential that noise from amplified music being played at the gym could cause disturbance to nearby residents. Whilst the application is supported by a Noise Management Strategy the Environmental Health Division (EHD) advise that it is not adequate for their purposes and as such have recommended that a condition is imposed to secure an appropriate noise management plan. It would be reasonable to impose such a condition and in addition a recommended condition is that the details of any external lighting be agreed.

Given that no external alterations or engineering works are proposed there is reason for the other conditions recommended by EHD which seek to control construction activities.

Discussions have been taking place between the applicant and EHD about the requirements for Electric Vehicle Charging Points. It has been agreed that two fully operable electric vehicle chargers should be provided within six months of the use commencing. It is considered that such a requirement is reasonable and would accord with national planning policy.

## APPENDIX

### **Policies and Proposals in the Approved Development Plan relevant to the decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1: Spatial Principles of Targeted Regeneration  
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**

#### [National Planning Policy Framework \(NPPF\) \(2019\)](#)

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

#### Planning History of the site and adjoining land

12/00701/FUL Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access – Permitted 2013.

13/00463/FUL Variation of condition 6 of planning permission 12/00701/FUL to allow the convenience goods store to open to members of the public between the hours of 07:00 and 23:00 on any day – Permitted 2013.

14/00163/OUT Outline application for the erection of 12 dwellings - Refused 2014.

14/00885/FUL Installation of access ramp and associated stairs (Tesco store). Permitted 2015

15/00077/OUT Erection of up to 12 dwellings - Permitted 2015.

15/00097/FUL Alterations to car park layout (approved under (12/00701/FUL) - Refused 2015

15/00390/FUL Alterations to car park layout (approved under (12/00701/FUL) - Permitted 2015

16/00405/REM Application for the approval of the details of appearance, the internal access arrangement, the layout and scale of the development, and the landscaping of the site relating to 15/00077/OUT - Erection of up to 12 dwellings. Permitted 2016

#### Views of Consultees

The **Highway Authority** had no objections subject to conditions relating to the following:

- Provision of access, parking and turning prior to use commencing.
- Provision of cycle storage prior to use commencing.

Their comments are awaited on the revised parking details and will be reported when received.

The **Environmental Health Division** has no objections subject to conditions relating to the following:

- Restrictions on hours of construction
- Provision of facilities to prevent the deposition of mud and debris on the public highway prior to the commencement of construction operations that involve the movement of materials in bulk to or from the site.
- Approval of dust mitigation measures during demolition and construction phase.
- No noise generating plant to be installed until full and precise details have been agreed.
- Approval of a noise management plan before use commences.
- Prior approval of a lighting scheme.
- Prior approval of arrangements for the storage and collection of recyclable materials and refuse.
- Electric Vehicle Charging provision

### **Representations**

One representation has been received objecting to the development on the grounds that there are parking problems in the area with Tesco Express customers parking on the highway rather than the designated car park and questioning what measures will be put in place to avoid more parking problems.

### **Applicants/ Agents submission**

The application is supported by a Planning Statement, Parking Strategy, and Noise Management Strategy. The application documents are available at the Guildhall and on the Council's website via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00030/FUL>

### **Background Papers**

Planning File  
Planning Documents referred to

### **Date Report Prepared**

4<sup>th</sup> April 2019.