

The application is for change of use of the building from warehouse (Class B8) and taxi base (sui generis) to a Working Men's Club (Use Class D2) including external alterations and partial demolition of flat roof annexe

The site lies within the Urban Area and within the Town Centre of Kidsgrove as indicated on the Local Development Framework Proposals Map of the Local Plan.

The 8 week period for the determination of this application ended on the 1st January 2019. The statutory determination period was extended by written agreement to the 26th April.

RECOMMENDATIONS

(A) Subject to

- (a) The Environmental Health Department maintaining their objection to the scheme, the entering into by the applicants of a planning obligation by the 28th June financing the provision of improved glazing to any properties which the EHO consider would be materially impacted by the development ,**
- (b) Kidsgrove Town Council providing their comments before the meeting and your Officer confirming that there has been sufficient opportunity to consider these PERMIT subject to conditions relating to:-**

- 1. Time Limit.**
- 2. Plans.**
- 3. Permitted construction hours.**
- 4. Permitted delivery hours.**
- 5. Approval of noise levels for plant, cooling and ventilation equipment.**
- 6. Prior approval of any external lighting.**
- 7. Prevention of break out music from windows of the function room.**
- 8. Prevention of break out music from the fire door serving the stage.**
- 9. Hours of use limited to 9am to 11pm Monday to Thursday and 9am to 12pm Friday to Saturday including bank holidays.**
- 10. Control of music volume within the main function room.**
- 11. Provision of parking, access and turning areas.**
- 12. Provision of cycle parking.**
- 13. Prior approval and implementation of the marking out of the Meadows Road car park.**
- 14. Approval and implementation of a Construction Method Plan.**

In the event of Kidsgrove Town Council not providing their comments before the meeting and/or your Officer being unable to confirm that there has been sufficient opportunity to consider such comments, that a decision on this application be DEFERRED.

- (B) Should the above Section 106 obligation not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such noise mitigation works being secured, the development would be likely to cause a material loss of residential amenity by reason of disturbance by noise , or if he considers it appropriate, to extend the period of time within which such obligation can be secured**

Reason for Recommendation

Kidsgrove Town Council have not yet been provided with the opportunity to comment upon the application and only if their comments are received in time can this application lawfully be determined

on the 21st May. There are no objections to the broad principle of allowing Working Men's Club as a leisure use at this central location within Kidsgrove Town Centre. At the time of writing the Environmental Health Department is not satisfied that the Noise Assessment demonstrates satisfactorily that noise impacts (to adjoining residents) can be managed to an acceptable level through the imposition of planning conditions. Unless a different conclusion is reached, it is considered appropriate to require the applicant to fund improvements to the glazing of the sheltered housing units which might be impacted upon. There are no highway safety impacts which give rise to refusal which cannot be addressed by planning condition.

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

The Planning Authority has requested additional information during the consideration of the planning application to address specific noise related concerns to the proposal. Taking into account all information submitted the proposal is considered to be a sustainable form of development.

Key Issues

The application is for change of use of the building from warehouse (Class B8) and taxi base (sui generis) to a Working Men's Club (Use Class D2) including external alterations and partial demolition of flat roof annexe. Use Class D2 refers to the proposed hours of opening are 9am until 12pm Monday to Sunday including Bank Holidays. The amount of floor space subject to the change of use is 366 square metres. The site lies within the Urban Area of Kidsgrove as indicated on the Local Development Framework Proposals Map and within the Town Centre. The main issues for consideration of the application are:

1. Is the principle of leisure development on the site acceptable having regard to prevailing policy?
2. Is the design of the proposal acceptable?
3. Is the impact on neighbouring land uses and local amenity in general acceptable, with particular regard to noise and artificial light impacts, or other general amenity impacts?
4. Is the proposal acceptable in terms of highway safety?

1. Is the principle of leisure development on the site acceptable having regard to prevailing policy?

1.1 The National Planning Policy Framework (the Framework) advises main town centre uses such as leisure facilities (which a workingmen's club or social club can be described as) 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.

1.2 The site is in the town centre of Kidsgrove and accordingly there is no need to consider the issue of the sequential test any further (there is no need to consider whether there are any more suitable sites within the town centre).

1.3 In terms of the Development Plan for the area, the most relevant policy is saved policy R12 which indicates that retail or leisure uses within or close to Kidsgrove Town Centre as defined on the Proposals Map, will be encouraged so long as the following requirements are met:

- i) The development should not harm the vitality and viability of the centre
- ii) Any opportunities to improve conditions for pedestrians should be exploited

1.4 There are no grounds to consider the development would harm the vitality and viability of the centre. This is a sustainable Town Centre location where non-retail uses such as leisure uses are appropriate and the existing B8 use of the building is not something policy seeks retention of, nor prevent an appropriate alternative use. Taking into account the Development Plan for the area as well as the Framework in force it is concluded there are no objections to the broad principle of the leisure development proposed. More site specific detailed matters are now considered.

2. Is the design of the proposal acceptable?

2.1 Paragraph 124 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.

2.2 Policy CSP1 of the Core Spatial Strategy (CSS) seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

2.3 The changes to the exterior of the building largely entail the demolition of a flat roofed side extension, the provision of an external smoking shelter/entrance, the bricking up of windows and associated rendering. The changes are modest and do not give rise to any significant design concerns.

3. Is the impact on neighbouring land uses and local amenity in general acceptable with particular regard to noise and artificial light impacts, as well as other general amenity impacts?

3.1 The Environmental Health Division of the Council referring to their experience with this type of development, object to the development from a noise impact perspective. They are not convinced that residential properties in the immediate vicinity will not be unduly affected by the new use, based on the information submitted within the applicant's noise assessment. They do not consider their concerns could be dealt with by planning conditions, or controlled via the licensing regime.

3.2 In response the applicant has pointed out that the Environmental Health Division are citing noise methodology levels which are appropriate for an industrial activity rather than a social club use. They argue by way of technical report that the resultant impact will be acceptable and the application should not be refused on technical grounds associated with noise assessment. The Environmental Health Division are currently considering their position and a further report is expected to be provided on this aspect.

4. Is the proposal acceptable in terms of highway safety?

4.1 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. At paragraph 106 the Framework 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.

4.2 Saved policy T16 of the NLP 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.

4.3 Parking is provided for at most 10 vehicles within the site boundary. The applicant also proposes that the free public car park on Meadows Road will be used for any overspill parking. The public car park has parking for approximately 20 vehicles. There is also a regular bus service within a short walking distance located on The Avenue. The Highway Authority have no objections to the proposal subject to conditions relating to access, parking and surfacing.

4.4 Overall subject to the conditions the highway safety impacts of the development are acceptable.

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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

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

Policy R12: Development in Kidsgrove Town Centre
Policy T16: Development – General Parking Requirements
Policy T17: Parking in Town and District Centres
Policy T18: Development – Servicing Requirements

Other Material Considerations include:

National Planning Policy

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

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

[Community Infrastructure Levy Regulations \(2010, as amended\)](#) and related statutory guidance

EPUK/IAQM publication `Land-use Planning and development Control: Planning for Air Quality, January 2017

Supplementary Planning Guidance/Documents

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

[Waste Management and Recycling Planning Practice Guidance Note \(January 2011\)](#)

Relevant Planning History

11/00630/COU Change of use from offices to taxi base Permitted 2012
Views of Consultees

The **Highway Authority** has no objections subject to conditions requiring:-

1. The development is not brought into use until the access, parking and turning areas have been provided in accordance with the approved plans.
2. The development shall not be brought into use until details of surfacing materials, means of surface water drainage for the access, parking and turning areas and delineation of the parking spaces have been approved and implemented.
3. Prior approval and implementation of weatherproof cycle parking details.
4. Prior approval and implementation of a Construction Method Plan.

The **Environmental Health Division** object to the application on the basis that they are unable to say that the development is acceptable in terms of noise impacts and these concerns could not be dealt with by condition, or controlled via the licensing regime

In the event of approval they recommend the following conditions:-

1. Approval of noise levels for plant, cooling and ventilation equipment.
2. Prior approval of any external lighting.

3. Prevention of break out music from windows of the function room.
4. Prevention of break out music from the fire door serving the stage.
5. Control of music volume within the main function room.
6. Hours of construction
7. Electric vehicle charging.

Staffordshire Police (Crime Prevention Design Advisor) comment that despite the fact that a comprehensive Noise Assessment has been produced accompanying the application which suggests noise levels would be acceptable, the facts of the matter introduce some doubts. The premises would be open until either midnight or 0030 hours (times vary within the documentation) seven days a week. The smaller capacity of the ground floor club room could be inflated on Fridays, Saturdays and Sundays by the larger capacity first floor function room which could cater for up to 110 additional people. The potential for conflict would most likely occur at the end of evening when people leave the premises, particularly from functions and perhaps en masse and fuelled by alcohol. One could envisage some rowdy behaviour even if it were good natured. Parked vehicles leaving and people waiting around for and getting into taxis could add to the noise. The slightly elevated external smoking area could generate some background noise throughout the evening as could youngsters of those attending the club or functions who might go outside to let off steam. Some of those within the Meadows sheltered housing scheme whose rooms face the application premises no doubt sleep with their windows partially open. It would seem unavoidable that late evening/early hours noise would be likely to disturb them. This may be the case even if windows are closed. Consequently, it is difficult to see how a Working Men's Club would be compatible with a sheltered housing scheme already in existence in such close proximity. Without prejudice to the above concerns, should the application meet with Local Authority approval, bearing in mind that social clubs and pubs are popular targets for burglary, the applicant would be wise to ensure that the external doorsets (including cellar doors) and ground floor windows offer a very robust barrier to forced entry. Internally, the office door (where presumably any cash is stored overnight) would need to be equally robust. The applicant should seriously consider installing products in these respective apertures that will offer a proven and certified level of intruder resistance (rather than relying upon products which have no third party security certification and have an unknown and unquantifiable attack-resistance capability). Consequently, the attention of the applicant is drawn to the following widely recognised national security standards.

Kidsgrove Town Council have been consulted and they have until 30th May to comment but they are expected to provide comment following their meeting on the 16th May

The Canal and River Trust and **County Council Mineral and Waste Authority** have no comments. The **Coal Authority** have been consulted but having not responded by the due date can be assumed to have no comments to make upon the application

Representations

Some 238 letters of representation have been received – of these 235 are in support of the application. The 3 objections received relate to the following concerns

- Noise and antisocial behaviour impacts will result
- Parking problems will occur.

The supportive comments relate to:-

- Allowing relocation of the Working Men's Club to a more modern facility in a more central town centre location which would be an improvement and serve wider community needs.
- Bringing jobs to the area.
- Customer variety.

(Some of the comments in support of the application are referring to the new supermarket proposal on the current site occupied by the Working Men's Club.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Transport Statement
- Noise Impact Assessment

All of these documents are available for inspection as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00889/FUL>

Background papers

Planning files referred to.
Planning Documents referred to.

Date report prepared

3rd May 2019