

KIDSGROVE WORKING MEN'S CLUB
HARDINGSWOOD ROAD, KIDSGROVE
LIDL UK GMBH & KIMBERLEY DEVELOPMENTS LTD

18/00916/FUL

The application is for full planning permission for the demolition of existing buildings and the construction of a new retail store (use class A1, measuring 2,206 square metres in gross floor area), with means of access, parking, landscaping and associated infrastructure works.

The site area under consideration measures just under 0.7 hectares. It includes in addition to the club the taxi base and land which used as a beer garden serving the Canal Tavern public house...

The site lies within the Urban Area of Kidsgrove as indicated on the Local Development Framework Proposals Map. It also borders the Trent and Mersey Canal Conservation Area which also includes a stretch of the Macclesfield Canal. The Canal bridges and lock areas associated to it are Grade II Listed Buildings.

The 13 week period for the determination of this application ended on the 15th February. The statutory determination period was extended by written agreement to the 26th April.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by agreement by 28th June 2019 to secure the following:

- A Travel Plan monitoring fee of £2,407.
- £10,000 for the provision of signal controlled pedestrian crossing facilities on the A50 Liverpool Road.

PERMIT subject to conditions relating to:-

1. Time Limit.
2. Plans, unless overridden by conditions below.
3. No consent granted for signs indicated in submission
4. Agreement of external facing materials.
5. Agreement of boundary treatments.
6. Hard and soft landscaping details, including for area currently proposed for 10 car parking spaces adjacent to Canal boundary, and tree protection measures

Highways and parking matters

7. Amended car parking layout to reflect condition 5 above
8. Full details of the site access on Hardingswood Road
9. Agreed visibility splays being provided on Hardingswood Road
10. The development not to be brought into use until parking, servicing and turning areas have been provided in accordance with the approved plans.
11. Prior approval and provision of surface water drainage for the access and car park.
12. Off-site highways works for the provision of road signs 'for pedestrians in carriageway' and 'slow' road markings on Hardingswood Road and Second Avenue prior to use of the development.
13. Pedestrian / cycle access point's provision.
14. The pedestrian / cycle route via the canal towpath to be signed subject to the agreement and thereafter maintained.
15. Secure weatherproof cycle parking details
16. The submitted Travel Plan shall be fully implemented. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary date of the planning consent for a period of 5 years.
17. Agreement and implementation of a Delivery Vehicle Management Plan.
18. The agreement and implementation of a Construction Management Plan.

Drainage

19. Foul and surface water drained on separate systems.
20. Prior approval and implementation of a surface water drainage scheme.
21. The surface water drainage scheme to be in accordance with Standards for Sustainable Drainage Systems.

Amenity matters/ Site contamination

22. Agreement of a Construction and Demolition Environmental Management Plan.
23. Implementation of the submitted lighting scheme.
24. Agreement of refuse and storage arrangements.
25. No noise generating plant shall be installed externally in any part of the development until full and precise details of the proposed plant and any mitigation measures have been submitted to and approved in writing by the Local Planning Authority.
26. Deliveries to, and waste collections from, the store shall not take place before 7am or after 11pm on any day.
27. Standard conditions relating to dealing with land contamination and the importation of soil
28. Electric Vehicle charging points provision.

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 matters being secured, the development would fail to ensure it achieves sustainable development outcomes and safety improvements required to secure an

appropriate context for the development , and there would not be an appropriate review mechanism to allow for changed financial circumstance, or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

The principle of allowing the proposed food store retail development to occur outside Kidsgrove Town Centre in this location is acceptable taking into account the sequential tests applicable set by national planning policy and also having regard to accessibility. The impact of the development on the visual appearance of the area and setting of the Trent and Mersey Canal Conservation Area and general amenity of the area subject to planning conditions is considered to be acceptable. Subject to a planning obligation to secure an appropriate sum for Travel Plan Monitoring and also signalised crossing on Liverpool Road (A50) and a range of planning conditions to secure a range of highway safety and sustainable transportation measure requirements there are no objections to this development.

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

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

Key Issues

1.1 Full planning permission is sought for the demolition of the existing Working Men's Club building and an additional building used as a taxi base to make way for the construction of a new food retail store (measuring 2,206 square metres in external gross floor area) with means of vehicular and ramped pedestrian access off Hardingswood Road, parking, landscaping and associated infrastructure works. The site also includes land which was previously a beer garden serving the Canal Tavern Public House. Signs indicated on the proposal drawings are not part of the application, requiring to be subject of a separate application for consent under the Advertisement Regulations.

1.2 The site lies within the Urban Area of Kidsgrove as indicated on the Local Development Framework Proposals Map. It also borders the Trent and Mersey Canal Conservation Area. The canal bridges and lock areas are Grade II Listed. The application site at its closest boundary is approximately 355 metres away from the boundary of the Kidsgrove Town Centre as defined on the Local Development Framework Proposals Map of the Local Plan. The main issues for consideration of the application are:

1. Is the principle of retail development on the site acceptable having regard to prevailing policy on the appropriate location of main town centre uses such as retailing, and also regard to the loss or potential replacement of an established community facility?
2. Is the design of the proposal acceptable inclusive of regard to the special character and appearance of the Trent and Mersey Canal Conservation Area and the setting of Listed canal structures in close proximity?
3. Is the impact on any other remaining trees acceptable?
4. Is the impact on neighbouring land uses and local amenity in general acceptable, with particular regard to air quality, noise/artificial light impacts, and other general amenity impacts?
5. Is the proposal acceptable in terms of highway safety?

2. Is the principle of the proposed development on the site acceptable having regard to prevailing policy on the appropriate location of main town centre uses and also the loss or potential replacement of an established community facility?

2.1 Kidsgrove town centre is recognised by the Councils' Joint Core Spatial Strategy to primarily provide food shopping and services to meet local needs. The 2011 Retail & Leisure Study noted that Kidsgrove Town centre had a low vacancy rate with a low proportion of vacant units and floorspace - an observation confirmed by recent visits to the centre. Notably there is no anchor food store within

the town centre itself. Tesco operates a bulk food store to the north west side of the town centre and Aldi operates a bulk food store to the east side the town centre. Both of those existing stores (as measured by foot to their entrances) are around 260-290 metres beyond the Kidsgrove Town Centre boundary. The proposal in comparison is around 385 metres away from the Kidsgrove Town Centre boundary. A plan showing that boundary will be displayed at the meeting.

a) Local Plan and National Planning Policy

2.2 Both local and national planning policy advocate sustainable development with a primary focus on main town centre uses being located within town centres. Main town centre uses include retail development such as new supermarkets.

2.3 Saved Newcastle under Lyme Local Plan (NLP) Policy R12 which relates to development within Kidsgrove Town Centre states that development for retail 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.

The policy is consistent with the Framework, but given the distance from the site to the Town Centre, the site cannot be described as “close to” that Centre.

2.4 At paragraph 86 the National Planning Policy Framework (the Framework) 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. The glossary to the Framework indicates that “edge of centre” means for retail purposes a location that is well connected to, and up to 300 m from, the primary shopping area. In the case of Kidsgrove Town Centre no primary shopping area is identified in the Local Plan, so it is appropriate to take such measurements from the boundary of the Town Centre.

2.5 At paragraph 87 the Framework 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.

2.6 The Framework goes on to say, at paragraph 89, that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a threshold of 2,500m² if there is no proportionate locally set threshold. As there is no locally set threshold and the floorspace involved is below 2,500m² an impact assessment is not necessary in this case.

Paragraph 90 states that where an application fails to satisfy the sequential test it should be refused.

2.7 The site is not within, or on the edge of, an existing Town Centre as designated within the Development Plan. It is an ‘out of centre’ site.

2.8 Policy SP1 of the CSS indicates that retail development will be focussed towards the City Centre and Newcastle Town Centre, and that such development in other centres will be of a nature and scale appropriate to their respective position and role within the hierarchy of centres. Kidsgrove is recognised within the CSS as a centre that primarily provides food shopping and services to meet local needs, and the development is “appropriate” to Kidsgrove’s position albeit it is not within the centre. The policy goes on to state 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. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to

developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

2.9 Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. At part c) for decision making this means approving development proposals that accord with an up to date development plan without delay and at part d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:-

- i. the application of policies in the Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed, or
- ii. 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.

In this case there are no “relevant development plan policies” so paragraph 11(d) is engaged. If the decision maker finds either that policies in the Framework that protect Conservation Areas (as designated heritage assets) provide clear reason for refusing the development proposed, or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against policies, such as those on main town centre uses, in the Framework taken as a whole, planning permission should be refused

2.10 Paragraph 12 highlights that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permissions should not normally be granted. Existing policies, such as those within the NLP on development that affects Conservation Areas, should not be considered to be out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

b) Sequential Test

2.11 Guidance on how to adopt a sequential approach is set out in Planning Practice Guidance (PPG). It advises that the sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. The PPG provides a checklist of considerations that should be taken into account in determining whether the proposal complies with the sequential test:-

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

2.12 It is for the applicant to demonstrate compliance with the sequential test. The applicant's submission material asserts the following sites have been taken into account, with the reason as to why they have been discounted:-

- Kidsgrove Station Yard – discounted because it is not visible from a main road frontage making it unsuitable for a food retailer use.
- Land at Kinnersley Street – discounted on the grounds the site is too small.

- The caravan and storage yard directly opposite Tesco – not available.
- Site at Heathcote Street/ Market Street and Queen Street – discounted on the ground the site is too small.
- Land between the telephone exchange and the realigned Mount Road – discounted on the ground the site is too small.
- A range of other brownfield sites including land at Heathcote Street and sites further afield in the Kidsgrove area are also referred to as either being not available for development or unsuitable in terms of Lidl's size requirements.

2.13 It is also asserted by the applicant that the proposed food store cannot be reduced in scale owing to operational requirements – a smaller than usual sized store is already being proposed by Lidl. The applicant submits there are no sequentially preferable sites which are more favourable to the one proposed. Your Officer does not disagree with this conclusion.

c) The potential loss of a community facility and its replacement

2.14 Saved NLP C22 states that when considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of it being able to be replaced will be a material consideration. Where the community facility is a commercial enterprise, planning permission for alternative use may not be given unless the applicant can demonstrate that the business is not commercially viable. The NPPF indicates that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should inter alia guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs; and ensure that established facilities are both able to develop and modernise, and are retained for the benefit of the community.

2.15 The applicant in making this application is also seeking approval for a new home for the Working Men's club within Kidsgrove Town Centre boundary. A separate report on an application for planning approval for such a proposal at 4 Meadows Road (reference number 18/00889/FUL) precedes this item on the agenda. The question does arise is it necessary for the LPA to determine first that other application in order to establish whether at least in planning terms there is an alternative acceptable location for the Working Men's Club within the Kidsgrove Community, and if it is what steps if any need to be taken to secure that alternative.

2.16 The existing Working Men's Club building (following several site visits) does appear to be well used and of local benefit. No commercial viability case has been advanced. In terms of retention of the community use, policy C22 does have consistency with the Framework and is a material consideration. However there is realistic scope for replacement of the facility as opposed to straightforward loss following direct negotiations undertaken between the applicant and Kidsgrove Working Men's Club as landowner. Moreover the present occupiers of the building have referred to ongoing substantial maintenance issues for the roof and running costs as reasons why a newer more modern facility is a better option for them in dialogue with Lidl. Noting that other similar facilities will exist within the area, it is not considered necessary to seek further controls to require replacement of the facility in this particular case.

d) Conclusion on the principle of the acceptability of the location taking into account all relevant factors

2.17 Your officer agrees with the applicant's findings that there are no sequentially preferable sites available.

2.18 The site entails previously developed land in close proximity to pedestrian links to and from Kidsgrove Town Centre, which is within easy walking distance, and where there are regular bus services and a railway station. The links referred to include a cycleway and pedestrian footway along the Trent and Mersey Canal as well as the existing footway along Liverpool Road and the proposal makes efficient use of land within an urban area close to a town centre.

2.19 It is estimated by the applicant the new food store will provide 40 new jobs on a full and part time basis as a further significant local economic benefit factor to pay regard to (in the context of paragraph 11(d)).

2.20 Taking into account the Development Plan for the area as well as the Framework in force it is therefore concluded there are no objections to the broad principle of the retail development proposed. More site specific detailed matters are now considered.

3. Is the design of the proposal acceptable inclusive of regard to the special character and appearance of the Trent and Mersey Canal Conservation Area and the setting of Listed canal structures, adjacent to the site?

3.1 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.

3.2 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. CSP2 of the CSS seeks to preserve and enhance the character and appearance of sites with heritage or historic interest. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1 and CSP2.

3.3 Furthermore local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special regard of preserving or enhancing the character and appearance of Conservation Areas in the exercise of its planning functions.

3.4 The site lies adjacent to but is not within a Conservation Area.

3.5 The Framework states that the effect of a proposal on the significance of a designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

3.6 The Working Men's Club building to be demolished is in a state of disrepair and has no substantial architectural merit. The same is true for the taxi office. Both significantly detract from views obtained entering Kidsgrove along the A50 from the west at this "gateway" location.

3.7 The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area and Listed Buildings, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

3.8 In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

3.9 NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas and NLP Policy B10 lists a number of criteria that must be met in ensuring that the character and appearance of a Conservation Area is preserved or enhanced. These include inter alia that open spaces important to the character or historic value of the area are protected, that important views within, into and out of a Conservation Area are protected, and that trees and other landscape features contributing to the character of the

area are protected. The policy is consistent with the Framework and the weight to be given to them should reflect this.

3.10 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 point C that new development must not adversely affect the setting or detract from the qualities and significance that contribute to a Conservation Area's character and appearance.

3.11 The site presently contains a club building and its surrounds, open space including a pub's beer garden, planting, and associated car parking, and there is also a small office building present, used by a Taxi firm. Access is off Hardingswood Road to the west. Liverpool Road East is to the north. To the east of the site is a railway line. To the south is the Trent & Mersey Canal and the site abuts the Trent & Mersey Canal Conservation Area – within which lies the Listed and elevated Grade II Listed bridge over the Macclesfield Canal. To the south-west is the Canal Tavern Public House. The frontage of the site to Hardingswood Road is about one metre above the level of Liverpool Road. The site ground levels are also above the Liverpool Road East level. On the canal boundary side ground levels generally follow that of the canal towpath. There is existing dense landscaping and trees to the perimeter shared with the canal as well as fencing. The trees and their adjacent open space are an important contextual feature of the Canal Conservation Area boundary. On the opposite side of Hardingswood Road there are large industrial buildings in use. There are also terraced residential properties on Liverpool Road East which face towards the application site.

3.12 Today, the canal network continues to be a valuable local asset, serving the region's growing leisure and tourism industries. The 'ring' formed by the Trent and Mersey, the Staffordshire and Worcester and the Shropshire Union canals being a particularly popular route. Strategic Aim 8 (SA8) of the CSS is to increase the attraction of the area as a tourist destination based on its industrial heritage, existing and future magnets of tourism and leisure interest and the high quality environment.

3.13 The existing Working Men's Club building and taxi building have no significant architectural merit and are to a degree are partially viewable from the canal towpath. In that regard the removal of the buildings from the aspect of the canal would be a visual improvement. However consideration of the removal of any intervening green space is a factor. The Canal and Rivers Trust refers to the openness of the site alongside the canal as contributing positively to it, and helping to give an informal character to the area around the canal junction.

3.14 The new store proposed will occupy the space taken up by the existing club building. The store has a footprint which is roughly 50 percent larger than the existing club building to be demolished but is 2-3 metres lower in height on the side of the canal. The position of the new store would as a result be far closer to the canal boundary than the existing club building. The corner of the proposed food store building is around 2 metres to the boundary of the canal (as is the Tavern) and the building is situated roughly at a 45 degree angle to the canal boundary.

3.15 The new store is to comprise of a steel frame structure with grey metal cladding for the roof. The walls are to comprise of a mixture of smooth white metal cladding panels with grey coloured panels above matching the roof. The primary elevations and public frontage has shopfront glazing and a set of customer entrance doors. There are feature canopies framing the shopfront glazing fronting onto Hardingswood Road.

3.16 The Council's Conservation Officer and the Canal and River Trust object to the development on the basis that the store has a poor relationship with the Canal Conservation Area boundary, having referred to the contribution that the site makes at present. Their primary concern is that the store turns its back on this frontage as well as other criticisms about the location of the servicing area and boundary treatment. The comments of the Urban Vision Design Review Panel (UVDRP) also are of a similar nature.

3.17 There are a range of specific site constraints to consider in assessing the design. There are also functional surface parking requirements for the proposed use. The applicant points to the position of the site access as largely fixed and the best fit solution available. The proximity of the railway line also prevents a different site configuration where visibility from Liverpool Road East is an essential requirement of Lidl. The applicant notes the layout has also been designed in a way that it does not provide any hidden areas that could be potential areas for anti-social behaviour. There are also other

specific circumstances which include the position of a culvert within the site boundary which have impacted upon the position of the building relative to the surface parking area. Your Officer accepts that the scheme design is largely constrained by these factors and the layout configuration proposed is the only realistic option available to develop the site for a food store development of this size.

3.18 The entrance to the proposed food store will have its primary glazing located so that it is visible from the junction of Liverpool Road East and Hardingswood Road. It will also be visible from several vantage points on the Trent & Mersey Canal and the towpath adjoining the Canal, although it is not orientated to the Canal. The design also incorporates a direct pedestrian link to the Canal tow path following an in principle access agreement negotiated with the Canal and Rivers Trust.

3.19 The service area for the store is located on the southern side of the proposed development separating this area from the customer car parking. This area is low rise and to be screened from the Canal Conservation Area. The loading bay would be positioned at this end of building.

3.21 A significant number of trees on or near to the southern boundary that currently provide a backdrop to the Conservation Area are to be removed. The trees are proposed to be replaced by a single tree in the south western corner of the site. The trees are not protected. A proposed triangle of tree planting in the south eastern corner will provide partial screening at least of the end gable and its service and external plant areas. The corner of the building will be quite apparent as will its servicing bay and there is little scope to change this unless the scheme were to be completely revised. A substantial area of green space will be replaced with parking and manoeuvring space in the scheme as it is.

3.22 Taking all of the above into account including the benefits arising from the removal of the existing building, and the design of what is proposed, a significant change is required to the proposals in this respect, if the development is not to cause harm to the character and appearance of the Canal Conservation Area to which the LPA must pay special attention. Your Officer's view is that this can be achieved by reducing the number of car parking spaces along the canal boundary, by at least 10 spaces, and using the area involved to substantially improve the planting proposed in this area, and that this can be achieved by planning conditions. The consequences of such a change in terms of the overall level of parking provision is considered below.

3.23 Taking into account the heritage impact and design concerns received the view taken is that subject to the above change, the agreement of suitable boundary treatments and amended landscaping details, the impact on the surrounding area and most particularly the special character of the setting of the Canal Conservation Area, inclusive of listed structures, would be acceptable relative to the existing appearance of the site and its relationship with the canal.

4. Is the impact on any other remaining trees acceptable?

4.1 There is a large attractive willow tree on the site adjacent to the site access on Hardingswood Road which will be removed to make way for the proposed access to the store and to allow for pedestrian and surface car parking. The tree isn't protected. Policy N12 indicates that the Council will resist development that would involve the removal of any visually significant tree unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design. The loss of the tree is, it would appear, unavoidable given the site layout constraints evident. The applicant is proposing tree planting in the car parking area to offer some mitigation for tree loss and the view taken is that this will offer some benefit, accepting there are no other workable solutions to avoid the loss of the tree.

5. 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?

5.1 The Environmental Health Division of the Council do not raise any objections to the development from a noise or nuisance perspective subject to a suite of conditions to protect the amenity of the area including the agreement of a construction management plan, noise mitigation measures for noise generating equipment, implementation of agreed lighting, controlled deliveries to the site as well as controlled hours of construction. All of the recommended measures are considered to be appropriate and necessary apart from controlled deliveries to the site. Overall there are no objections to the

scheme from a noise and amenity perspective. Consideration has been also given to the close proximity of 3 long term leisure (as opposed to residential) moorings on the South West Boundary in reaching this conclusion as a concern raised by the Canal and River Trust.

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

6.1 National 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.

6.2 Saved policy T16 of the NLP states that development which provides significantly less parking than the maximum specified levels it refers to 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.

6.3 The development is proposed to provide a total of 89 car parking spaces, including 6 disabled car parking spaces and 8 parent and child car parking spaces. The development will also provide eight cycle stands with capacity for 16 bicycles. The number of parking spaces proposed is said to reflect Lidl's experience at their stores. This is a location where access is obtainable by a number of different modes of transport, the scheme includes provision for both pedestrians and cyclists and good accessibility by such means to adjoining areas, and your Officer's view is that were the car parking provision to be reduced to 79 spaces as is proposed above, noting that the adjacent highway network is subject to parking and waiting controls, no material harm to highway safety would result from that. The views of the Highway Authority on this are being sought and will be reported if available.

6.3 Vehicle access to the site is proposed to be achieved from a priority controlled all-movement T-junction with Hardingswood Road. The access junction is to be located in approximately the same position as the existing access to the Working Men's Club.

6.6 A number of highway safety impact related concerns have been negotiated with the applicant for resolution during the application determination period. In particular this includes the fact there are three narrow bridges on Hardingswood Road leading to Second Avenue. Two are Canal bridges and one a Railway bridge, and in one case there is no pedestrian provision at all. It is neither feasible nor desirable in place making terms to widen or replace these three narrow bridges. The Highway Authority are asking that pedestrian signage and road markings be secured by planning condition.

6.7 In addition to the bridges as an existing highway constraint there is no footway to the frontage of the Canal Tavern Public House on Hardingswood Road consequently this would require pedestrians to either walk in the carriageway or use the footway on the western side of Hardingswood Road and then cross back over the road to access the store. However, to overcome this issue the applicant is providing a segregated pedestrian / cycle route via the canal towpath linking directly into the car park in agreement with the Canal and River Trust.

6.8 The most recent up to date advice from the Highway Authority is that subject to a range of planning conditions and legal agreement for:

- a) A Travel Plan monitoring fee of £2,407.
- b) £10,000 for the provision of signal controlled pedestrian crossing facilities on the A50 Liverpool Road.

there would be no harm to highway safety. The applicant has in response to this advice tabled a draft Heads of Terms agreeing to the obligation requirements advised by the Highway Authority in full.

6.9 Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

6.10 The planning obligation meets relevant legal tests when measured against Section 122 of the Community Infrastructure Levy Regulations and is in accordance with the requirements of the Development Plan and the Framework in dealing with successful site mitigation. Overall subject to the conditions and obligation referred the highway safety and transportation 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 SP1: Spatial Principles of Targeted Regeneration
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP10: Planning Obligations

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

Policy R12: Development in Kidsgrove Town Centre
Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy C22: Protection of Community Facilities
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities
Policy N2: Development and Nature Conservation – site surveys
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N12: Development and the protection of trees
Policy N13: Felling and pruning of trees

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](#)

[Developer contributions SPD \(September 2007\)](#)

[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](#)

05/00744/FUL - Erection of five town houses on site of Canal Tavern beer garden, car parking and alterations to existing accesses – refused

Views of Consultees

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

1. Full details of the site access on Hardingswood Road are agreed in writing by the planning authority prior to the building being brought into use.
2. Agreed visibility splays have been provided on Hardingswood Road and kept free of obstruction.
3. The development shall not be brought into use until parking, servicing and turning areas have been provided in accordance with the approved plans.
4. Prior approval and provision of surface water drainage for the access and car park.
5. Off-site highways works for the provision of road signs 'for pedestrians in carriageway' and slow road markings on Hardingswood Road and Second Avenue prior to use of the development.
6. Pedestrian / cycle access point's provision.
7. The pedestrian/ cycle route via the canal towpath be signed subject to the agreement of the Planning Authority and thereafter maintained.
8. Secure weatherproof cycle parking details shall be approved in writing and fully implemented.
9. The submitted Travel Plan shall be fully implemented. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary date of the planning consent for a period of 5 years.
10. Agreement and implementation of a Delivery Vehicle Management Plan.
11. The agreement and implementation of a Construction Management Plan.

And in addition, the developer enters into a Section 106 Agreement to secure the following:

- A Travel Plan monitoring fee of £2,407.
- £10,000 for the provision of signal controlled pedestrian crossing facilities on the A50 Liverpool Road at the junction with Hardingswood Road.

The **Canal and River Trust** in summary, object to the development on the basis that it creates a poor relationship with the canal seeking to turn its back on the canal rather than engaging with it. Consequently, the scheme will significantly detract from the character, setting and appearance of the Canal Conservation Area and listed bridge opposite the site. Their more detailed comments received note the following:-

Impact on designated Heritage Assets

The canal is a designated Conservation Area and the bridge carrying the towpath over the junction with the Macclesfield Canal is a Grade II Listed structure. No detailed heritage impact assessment has been undertaken to inform the scheme in with regard to those heritage assets.

The existing building on the application site has no great architectural value and makes little contribution to the character and appearance of the Conservation Area, although by virtue of its openness alongside the canal it does contribute positively to it, helping to give an informal character to the area around the canal junction. There is very little engagement with the canal, and the application sites car parking and servicing areas alongside the canal. Although some planting is proposed on the canal acing boundary, the proposal seeks to close off views to and from the canal by introducing boundary fencing. The result is that the scheme effectively turns its back on the canal presenting a largely unattractive and unengaging view which fails to preserve the character and appearance of the Canal Conservation Area, nor does it provide any enhancement. To a lesser extent, the setting of the listed bridge at the canal junction is also harmed for the same reasons. The proposed landscaping is inadequate to screen the development from view and in any event will be located behind the unattractive proposed high boundary fence.

Canal access road

The application proposes (following amended plans being submitted) the construction of a pedestrian access from the site onto the canal access road. The Trust does not have any in principle objection to the creation of a new access, but construction of the access will require a commercial estates agreement to be entered into with the Trust directly.

Impact on the Ecological Value of the Canal

In the absence of an ecological survey or assessment the impact on biodiversity of the canal cannot be properly identified.

Impact on occupiers of nearby moorings

The application site is separated from the canal by a narrow strip of land which provides an access road from Hardingswood Road to three long term leisure moorings located adjacent to the site. Although these are not permanent moorings, the application does not appear to take any account of the potential impact of the development on the occupiers of the moorings whether in terms of visual impact, external lighting, noise or general disturbance. Without any assessment it is difficult to adequately identify the extent of any adverse impacts or whether mitigation measures may be necessary to ensure that the moorings can continue to be enjoyed by their occupiers, both during and after construction operations. It is therefore requested that an appropriate impact assessment of the impact to occupiers of the moorings should be considered by the Local Planning Authority.

The **Environmental Health Division** have no objections to the application subject to conditions:-

1. Agreement of a Construction and Demolition Environmental Management Plan.
2. Implementation of the submitted lighting scheme.
3. Agreement of refuse storage and collection arrangements.
4. No noise generating plant shall be installed externally in any part of the development until full and precise details of the proposed plant and any mitigation measures have been submitted to and approved in writing by the Local Planning Authority.
5. Deliveries to, and waste collections from, the store shall not take place before 7am or after 11pm on any day.
6. Contaminated land mitigation and the importation of soil. .

Staffordshire Police (Crime Prevention Design Advisor) notes that the site is a very prominent one and subject to a reasonable amount of natural surveillance from passing traffic. The positioning of the store towards the rear of the site could be beneficial if opportunities to restrict unauthorised access to the rear are taken with the bulk of the open space at the front of side of the store and potentially subject to natural surveillance. The fact that the site borders the railway line with its security fencing and the northern towpath of the canal has restricted access and is going to be reinforced could be to the site's advantage. Other noteworthy points in terms of security are the fact that the store does not stock cigarettes, which are a common target for organised offenders, that staff cycles will be secured stored within the warehouse and that Sheffield hoops are provided for members of the public to secure their cycles. The fully glazed frontage should provide a good level of natural surveillance over a portion of the car park and the coming and going of customers throughout the day should discourage criminal and anti-social behaviour on the car park as a whole. The bulk of any negative attention the site might receive is likely to be outside of operating hours. The police also mention there are a number of alterations/measures the applicant should consider which could reduce the opportunity for offenders to target the site or anti-social behaviour to be attracted to it these are related to site security measures such as CCTV, door shutters and window standards and consideration to gating the site access.

Cadent (National Grid) have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land.

United Utilities have no objections subject to:-

1. Foul and surface water drained on separate systems.
2. Prior approval and implementation of a surface water drainage scheme.
3. The surface water drainage scheme to be in accordance with Standards for Sustainable Drainage Systems.

Waste Management advise that the site layout is adequate for waste collection.

The **Conservation Advisory Working Party** is happy with the principle of a supermarket in this location although would prefer if it were slightly smaller and positioned further from the canal boundary. A more robust and characterful design and use of materials is preferable in this location

rather than a standard fits all design and there are examples of this in towns and locations. The landscaping needs improving and should be taller along the canal side edge to screen the car park and concern was raised in relation to the prominence of the car parking at what is a higher level on the canal side. The large sign on top of the South West elevations and the adverts on the side of the building are not appropriate and should be removed from the proposal as they are harmful in this location to the amenity of the character of the Conservation Area. There could be a sign near the canal (and of a more appropriate size) to advertise the store to canal users.

The Council's **Conservation Officer** comments that the application site runs adjacent to the Trent and Mersey Canal Conservation Area. The locks at Hardingswood are distinctive as they are (along with the one at Etruria) known as the top locks of the canal. The junction at Hardingswood is also significant as the Macclesfield Canal runs parallel to the Trent and Mersey Canal at this point before crossing over it at Pool Locks. Adjacent to both canals is the towpath bridge over the Macclesfield Branch which is a Grade II Listed Building. This is opposite the proposal site at high level over the canals and provides views across to the site and along the canal landscape. The site currently has the club building and an additional office building which offer no visual character however by this token, redevelopment offers opportunity. The buildings are currently some distance away from the canal edge and the new development brings the large supermarket building close to the canal edge including the associated car parking and landscaping. There are no 'in principle' objections to a store on this site, but she would prefer a better quality of design which responds better to the local environment and vernacular given its location close to significant canal side location. The part of the building facing the canal will also be the back of the building and its servicing screened by fencing. There should be challenge to the applicants to engage their architects to consider the context and achieve a better design and materials for the location. There are strong objections to the size and location of the signage particularly on the South West elevation. This should be removed from the proposal. In addition the large pictures on the side of the elevation serve no purpose to invite people into the store and a more interesting building would be a better proposal. An access onto the canal towpath is encouraged, which might encourage canal users into the store as well.

The **Lead Local Flood Authority** comments that the submitted Flood Risk & Drainage Assessment concludes that the development will be at low flood risk and demonstrates that an acceptable Drainage Strategy can be achieved as part of the proposed development. Subject to a condition requiring prior approval of a detailed drainage scheme there are no objections.

The **Landscape Development Section** object to the scheme. In doing so they note it is disappointing that it is proposed to remove all existing trees from the site. Of particular merit is the large weeping willow tree on the boundary with Hardingswood Road which is a prominent feature of the site and consideration should be given to its retention. Little space has been allowed for tree planting to mitigate the tree loss, and it is proposed to replace the approximately 12 most prominent trees with only 7.

They also comment that the development has a poor relationship with the adjacent Hardingswood Conservation Area. A significant mass of trees on the southern boundary that currently provide a backdrop to the Conservation Area will be lost, to be replaced by a single tree in the south western corner of the site. Other planting in this area is to be limited to groundcover only. Although the triangle of tree and shrub planting in the south eastern corner will provide partial screening, the service and external plant areas have very little in the way of a buffer with the Trent and Mersey Canal. Trees are important to the boundaries of this section of the Conservation Area. It is also questionable the retention of existing fencing on this boundary.

Consideration should be given to improving the pedestrian access from Liverpool Road. Permission should be subject to submission of a Tree Protection Plan to BS5837:2012 for the trees on the rail embankment.

Kidsgrove Town Council, Staffordshire Wildlife Trust and the **Health and Safety Executive** have not responded by the due date and therefore it can be assumed that they have no comments to make upon the application.

Representations

Some 256 letters of representation have been received. A summary of the objections made is as follows:

- The application doesn't address the safety of pedestrians moving along Second Avenue or crossing bridges.
- There is a conflict of interest with members of the Working Men's Club commenting.
- The development will create excessive amounts of traffic and result in unacceptable danger to road users.
- There are long standing complaints about increased traffic through Second Avenue and Hardingswood Road which the Lidl development would exacerbate. A 'one way road' or 'no through road' would be an option.
- The canal bridges on Hardingswood Road close to the application site is an existing dangerous spot for road users and additional traffic will exacerbate this problem leading to further highway safety issues.
- There is no need for a new store.
- The existing road network is too narrow.
- Wing mirror damage to vehicles parked on Second Avenue is a persistent issue which would be made worse by additional traffic.
- The loss of a visually significant tree is detrimental to the area.

Of the letters received the majority 250 are in support of the application. A summary of the supportive comments is as follows:

- The proposal will improve the local area.
- There would be more traffic and strain on the area if houses are be built
- The supermarket use is not harmful to highway safety.
- The new store will help keep food prices low.
- The proposal will pay for a new smaller Working Men's Club which is of significant benefit to the community. The new social club will be located more centrally in the Town, and is therefore more accessible as a result.
- The existing club is in a poor state of repair.
- The store will be in a convenient place.
- The club will create new jobs.
- The new store will bring additional shoppers to the town.
- The new store will provide greater shopping choice.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Highways Technical Note
- Arboricultural Technical Assessment
- Air Quality Assessment
- Planning and Retail Statement
- Coal Mining Risk Assessment
- Phase 1 Investigation Report
- Statement of Community Involvement
- Transport Assessment and Travel Plan
- Noise Impact Assessment
- Ecology Statement
- Flood Risk Assessment
- Car Park Light Assessment
- Design Review Panel Comments
- Design and Access Statement
- Planning and Retail Statement

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/18/00916/FUL>

Background papers

Planning files referred to.
Planning Documents referred to.

Date report prepared

3rd_May 2019