

Planning permission is sought for the change of use of a former bus depot to a gym.

The site lies within Newcastle Town Centre as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Gateway.

**The 13 week period for the determination of this application expired on 22<sup>nd</sup> May 2020 but the applicant has agreed to an extension of time to 24<sup>th</sup> July.**

### **RECOMMENDATION**

Permit, subject to conditions relating to the following matters:-

- i. Commencement time limit
- ii. Approved plans
- iii. Hours of site works
- iv. Maximum noise rating level
- v. Noise limiting equipment
- vi. Noise management scheme
- vii. Restriction on location of noise making activities
- viii. Hours of deliveries and collections to site
- ix. Ventilation and extraction equipment
- x. Waste storage and collection arrangements
- xi. External lighting scheme
- xii. Lighting to be shielded
- xiii. Electric charging provision
- xiv. Tree protection
- xv. No approval granted for right turn access
- xvi. Full details of site access
- xvii. Provision of parking and turning areas
- xviii. Closure of existing site accesses
- xix. Implementation of Travel Plan
- xx. Details of secure weatherproof cycle parking
- xxi. Details of drainage facilities for the car park
- xxii. Details of any gates
- xxiii. Construction Management Plan

### **Reason for Recommendation**

The principle of the proposed change of use is considered acceptable in this sustainable location. Subject to the imposition of conditions there would be no adverse impact on highway safety or residential amenity.

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

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

### **Key Issues**

Planning permission is sought for the change of use of the former First Bus Depot to a gymnasium which would be open 24 hours a day and would include exercise classes but not a swimming pool or café.

The site lies within Newcastle Town Centre as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Gateway.

Limited external alterations are proposed and therefore the proposal would have no adverse impact on the character and appearance of the building. The key issues in the determination of the application are:

- Is the principle of the proposed development acceptable?
- Is the proposal acceptable in terms of highway safety?
- Would there be any adverse impact on residential amenity?

Is the principle of the proposed development on the site acceptable?

The site lies within Newcastle Town Centre. The NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The proposed gym use is defined in the NPPF as a 'main town centre use'. The Newcastle Town Centre SPD states that the areas on the edge of the town centre beyond the inner ring road are intended to be areas where retail or leisure uses can be permissible if it can be shown that they would add to the attractiveness of the Primary Shopping Area rather than damage it. It states that it is not just the proximity to the Primary Shopping Area that is important, it is the ease of accessing it on foot. Individual proposals need to demonstrate good "connectivity".

The SPD places the application site within the Northern Gateway. The SPD recognises this zone as one of the major gateways into the Town Centre that should be seen as providing a major opportunity to "address any damage done to the town's historic character".

This is a previously developed site in a highly sustainable location within the Town Centre close to a wide variety of amenities and facilities and employment areas. The site is very accessible by foot with good pedestrian infrastructure in place in the vicinity of the site. Bus stops are located adjacent to the site which provide frequent bus services to a range of destinations including Newcastle-under-Lyme Town Centre. Local bus services also provide access to Stoke-on-Trent Rail Station allowing travel by sustainable transport to destinations further afield.

It is considered that the site provides a sustainable location for the proposed development that would accord with the Town Centre SPD and the NPPF.

Is the proposal acceptable in terms of highway safety?

The NPPF, at paragraph 109, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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.

There are currently two accesses from Liverpool Road serving the site. The original access proposals comprised the use of the site's existing southern access point with the upgrading of the junction to include the realignment of the southern central reservation to provide queueing space for vehicles turning right into the site, while the northern part of the central reservation would be extended slightly to formalise the right turn waiting area. Turning out of the site would be limited to left turn only.

The Highway Authority objected to the proposed access on the grounds that it would impact on a scheme that they are undertaking in the near future to extend the right turn lane into Sainsbury's to improve capacity and to provide a right turn into Enderley Street to improve HGV access to the

Brampton Industrial Estate. That scheme also includes the closure of the gap within the central reservation which has a traffic regulation order restricting access for buses only.

The applicant has subsequently revised the scheme to relocate the proposed access further to the north which they consider provides the Highway Authority with greater scope to bring forward their reconfigured junction design in the future. The Highway Authority maintains its view however, that the proposed access would prejudice their future scheme which is currently being assessed and modelled but has been delayed due to Covid-19.

Notwithstanding the proposed plan and the right turn lane, it is the case that access to the site can be achieved in a satisfactory manner using left in/left out via the existing southern access. Northbound traffic would have to drive a relatively short distance to carry out a 'U' turn safely to enable them to use the left in access. The Highway Authority raises no objection to this solution subject to the imposition of conditions.

The application is accompanied by a Transport Statement which states that the proposed development is only forecast to generate a total of 28 additional vehicle movements during the weekday AM peak period and 34 additional vehicle movements during the PM peak period. This is equivalent to under one additional vehicle movement every two minutes during the AM peak period and just over one additional vehicle movement every two minutes during the PM peak period. Junction capacity assessments have been undertaken at several key junctions within the study area to assess the potential impacts associated with the development. The assessments confirm that all the assessed junctions are forecast to operate within capacity with the additional development traffic.

Based on the car parking standards in the Local Plan, no more than 269 spaces should be provided. The application proposes 147 car parking spaces and 24 secure cycle spaces. Given the highly sustainable nature of the location, the proposed level of parking is considered acceptable. A Travel Plan has also been submitted to promote the sustainability of the site. The implementation of the Travel Plan would be secured via a condition.

Subject to the imposition of conditions, it is not considered that the proposal would have any adverse impact on highway safety.

Would there be any significant adverse impact on the amenity of neighbouring residential properties?

Paragraph 180 of the NPPF sets out, amongst other things, that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

There are residential properties in close proximity to the rear of the site on Enderley Street. There are also properties to the north on the other side of the greenway and to the west on Ashfields New Road. The application is accompanied by a Noise Assessment which concludes that the adequate control of potential noise impact can be ensured by suitably worded planning conditions.

The Environmental Health Division states that the two main potential sources of noise have been identified as amplified music and voices from classes and gym activities and any plant/machinery noise. It is also considered that vehicle noise (including deliveries, car doors and car radios) has the potential to impact on residential amenity. No objections are raised subject to a number of conditions and on this basis, it is not considered that an objection could be sustained on noise impact grounds.

## **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 SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP4: Newcastle Town Centre Area Spatial Policy  
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 E11: Development of Employment Land for Other Uses  
Policy T16: Development - General Parking Requirements  
Policy T18: Development – Servicing Requirements

### **Other Material Considerations include:**

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

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

#### [Supplementary Planning Guidance/Documents](#)

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

#### [Newcastle Town Centre SPD \(2009\)](#)

#### [Relevant Planning History](#)

07/00083/FUL	Residential development with 66 dwelling units - Refused and appeal dismissed in 2008
08/00152/FUL	Residential development with 66 dwelling units – Approved
08/00782/OUT	Class A1 foodstore, Class B1 offices and associated parking and servicing – Refused
09/00055/OUT	Class A1 foodstore, Class B1 offices and associated parking and servicing – Refused
11/00652/FUL	Re-roofing of existing bus depot, installation of rooflights on pitched roof, cladding and installation of new doors, erection of fence to east elevation and rebuild of existing boundary wall on south boundary and installation of 5m high circular CCTV column – Approved

#### [Views of Consultees](#)

The **Highway Authority** states that the proposed indicative site layout drawing no: 7493 /12 rev D with a right turn lane is not acceptable on the grounds that Staffordshire County Council (SCC) are undertaking a scheme to provide a right turn into Enderley Street from the A34 Liverpool Road

signalised junction and extending the right turn filter lane into Sainsbury's which could be affected. The proposed right turn lane into Enderley Street is a safety scheme to prevent HGVs from using inappropriate residential streets to access the Brampton Industrial Estate and therefore to grant consent for the proposed right turn lane for this application would be contrary to highway safety and the aims and objectives of the NPPF. SCC cannot assess the design and highway safety implications of the proposed access junction at this time until the design of the Enderley Street scheme has been finalised.

SCC would support this application with a left in and left out access onto Liverpool Road as the site previously operated subject to conditions regarding access details, provision of parking and turning areas, closure of existing site accesses to be made redundant, implementation of Travel Plan, details of cycle parking, details of drainage facilities for the car park, details of any gates and submission of construction management plan.

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction, maximum noise levels, amplified music/voice controls, noise management scheme, restriction on location of noise making activities, deliveries and collections, ventilation and extraction equipment, waste storage and collection arrangements, lighting scheme and electric vehicle charging provision.

Staffordshire Police **Crime Prevention Design Advisor** states that the hours of opening will be 24/7 presumably via some access controlled arrangement at the entrance so the ability of anyone to circumvent this will need to be prevented. A number of security recommendations are made.

The **Landscape Development Section** states that there are no proposals within the site likely to affect existing trees and no objections are raised subject to tree protection to BS5837: 2012 being implemented as required during the construction period. The proposed new access arrangement from Liverpool Road is likely to affect the two existing trees within the central reservation and therefore an Arboricultural Impact Assessment is required.

No comments have been received from **Newcastle South LAP** and the **Waste Management Section** and given that the period for comment has passed, it must be assumed that they have no comments to make.

#### Representations

None received.

#### Applicant's/Agent's submission

A Noise Impact Assessment, Air Quality Assessment, Ground Investigation Report, Transport Assessment and Travel Plan have been submitted. All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00131/COU>

#### **Background papers**

Planning files referred to

Planning Documents referred to

#### **Date report prepared**

7<sup>th</sup> July 2020