

The Application is for full planning permission for the change of use of an existing shop (Class A1 use) to an indoor play area (Class D2 use) and seating area associated with a refreshment/snack bar (Class A3). The first floor (residential) and Bridge Street level uses (Salvation Army Hall, parking and servicing areas) of this building are not altered by this proposal.

The site is within the Primary Shopping Area of Newcastle Town Centre as indicated on the Local Development Framework Proposals Map and adjoins Newcastle Conservation Area. In terms of the Town Centre Supplementary Planning Document it lies within the "Northern Quarter".

The 13 week period for the determination of this application expires on 30 July 2012.

RECOMMENDATION

Permit subject to conditions relating to the following:-

- (i) **Standard time limit.**
- (ii) **Approved plans.**
- (iii) **Sound insulation to protect the occupiers of the flat above the premises.**
- (iv) **Fume extraction system.**
- (v) **Prevention of food and grease debris from entering the drainage system.**
- (vi) **Refuse storage and collection, including provision for the recycling of waste.**

Reason for Recommendation

The proposal involves main town centre uses within a town centre location. Although it will result in the loss of retail floorspace it is considered that the proposed uses will enhance the vitality and viability of Newcastle Town Centre in accordance with Policy ASP4 of the Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework (NPPF). Subject to appropriate conditions the proposed uses will not result in any odour or noise nuisance. It will not harm the character and appearance of the adjoining Conservation Area and as such will be in accordance with Policies B9 and B14 of the Local Plan. In addition the application site has good access to public transport and public car parks and as such it is considered that the proposal will not give rise to highway safety concerns.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy UR1: Implementing Urban Renaissance – the MUAs
Policy UR3: Enhancing the role of City, Town and District Centres

Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (SSSP)

Policy D2: The Design and Environmental Quality of Development
Policy TC1: Ensuring the Future of Town Centre
Policy NC19: Conservation Areas

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP4: Newcastle Town Centre Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle under Lyme Local Plan 2011 (LP)

Policy T16: Development – General Parking Requirements
Policy B9: Prevention of Harm to Conservation Areas

Policy B14: Development In or Adjoining the Boundary of Conservation Areas
Policy T17: Parking in Town and District Centres

Other Material Considerations Include:

National Planning Policy Framework (March 2012)

Supplementary Planning Documents (SPDs)

Newcastle-under-Lyme Town Centre SPD (2009)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (Nov 2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

The Newcastle under Lyme Retail and Leisure Study (2011)

Relevant Planning History

In 1981 planning permission was granted for the erection of a supermarket, reference N9111.

In 2011 planning permission (11/00617/FUL) was granted for the change of use of part of the first floor of the premises from office/teaching area to a 3 bedroom self contained flat. Whilst the flat has not yet been created, partitioning works associated with it have commenced.

An application for advertisement consent has been submitted and is being considered separately. The reference is 12/00195/ADV.

Views of Consultees

The **Highway Authority** has no objections subject to a condition requiring the parking and servicing areas to be retained for the development. They further advise that, given the existing permitted retail use, the proposed development will not generate sufficient additional trips onto the highway network within the PM peak to justify a Newcastle (urban) Transport and Development Strategy (NTADS) contribution being sought.

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

- Sound insulation to protect the occupiers of the flat above the premises.
- Fume extraction system.
- Prevention of food and grease debris from entering the drainage system.
- Refuse storage and collection, including provision for the recycling of waste.

The **Conservation Officer** does not consider the change of use to have any impact upon the Conservation Area. She has no objections.

The **Conservation Advisory Working Party** has no objections.

The views of the **Town, Thistleberry and Poolfields Locality Action Partnership** have not been received by the due date and it is therefore assumed that they have no comments on the proposal.

Representations

The **Thistleberry Residents Association** does not object to this change of use provided there is assurance for adequate parking. The concern lies in the fact that whilst the old Sainsbury car park site exists at the moment, it might not in the future and should that site be redeveloped, parking could be a problem. Its close proximity to the Magistrate's Court seems somewhat unfortunate. They also note that the outside of the building is not to be altered apart from the fixing of the Company's logo. They point out how ugly this building is and that they think our children deserve better.

Applicant/Agent's Submission

A Design and Access Statement has been submitted, the main points raised are summarised as follows:-

- Due to the unique nature of this type of service facility, the proposal will become a popular type of establishment, which will add great value road in this period of economic downturn.
- The proposal will provide access to high quality children's play provision, encouraging children to become more active through recreation, helping to improve both health and well-being.
- The proposed scheme will provide employment opportunities by providing up to 6 full-time and 6 part-time positions. Currently there are just 2 employees.

This document is available to view at The Guildhall and on www.newcastle-staffs.gov.uk.

Key Issues

The proposal involves the change of use of the former Kwik Save store at 9 Liverpool Road to a mixed use comprising a snack bar and seating area (Class A3) and an indoor play area (Class D2). The proposal does not involve any external alterations (other than introduction of advertisements which are being considered in a separate application) and as such the key issues in the determination of this application are considered to be:

-

- Is the principle of the development acceptable?
- Does the development give rise to noise or odour nuisance?
- Would the proposal have an adverse impact on the character and appearance of the adjoining Conservation Area?
- Is the development acceptable in terms of highway safety?

Is the principle of the development acceptable?

The NPPF at paragraph 24 indicates that Local Planning Authorities should require proposals for "main town centre uses" to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Policy ASP4 (3) of the Core Spatial Strategy indicates that Newcastle Town Centre will continue to develop in a balanced way as a complementary service centre to the City Centre with a strong retail offer, a strengthened financial and professional sector, and as a focus for new leisure and residential opportunities, all accommodated within mixed development wherever practicable. In addition at ASP4 (6) it states that all development will enhance the vitality and viability of the Town Centre by contributing towards the existing vibrant mix of retail, nightlife, leisure, employment and residential uses.

The site, being within the inner ring road, is within the Primary Shopping Area as defined in the Town Centre SPD where retail is the primary activity, and the area which should be protected by ensuring that any retail activity outside it does not harm its viability and vitality. The "Primary Frontage" which the site does not lie within, is where pure retail is expected to predominate rather than other high street uses which the SPD considers are nevertheless an important ingredient in the overall mix. The site does not lie within the Ryecroft "Key Site" as indicated in the 2009 SPD and the building's reuse is not considered to be materially prejudicial to such proposals.

The proposal involves an indoor play area (a leisure use) and snack bar (a recreation use) which are both defined by the NPPF as "main town centre uses". Given that the site is within the Town Centre the application does not conflict with national policy.

The Core Spatial Strategy and the SPD recognise that the primary role of the Town Centre is to provide a strong retail offer but also that development which contributes to the mix of uses is important in enhancing its vitality and viability. Whilst the proposal involves the loss of some 1,200 square metres of retail floor space, which is currently in use, its location is outside of the Primary Frontage. Since the closure of Kwik Save it has been vacant for the majority of the time and has been regularly discounted as being suitable for modern retailing in Sequential Retail Site Assessments submitted in support of other out of centre retail developments. The proposal will introduce a facility that will be used by shoppers with young families adding to the mix of uses available in the Town Centre thereby making it more attractive.

It is therefore considered that the proposal is in principle in accordance with local and national policy and will enhance the vitality and viability of the Town Centre.

Does the development give rise to noise or odour nuisance?

The first floor of the premises has planning consent as a flat and to ensure that the living conditions of the future occupiers are not adversely affected by the activities associated with the proposal it has been recommended by the Environmental Health Division that a suitable sound insulation scheme is secured through a condition. Such a condition is considered to be appropriate and reasonable in the circumstances.

The proposal will involve the preparation and sale of hot food for consumption on the premises. As such the conditions recommended by the Environmental Health Division relating to the provision of a fume extraction system and prevention of food and grease debris from entering the drainage system are also considered appropriate and reasonable.

Would the proposal have an adverse impact on the character and appearance of the adjoining Conservation Area?

The application site is not within the Town Centre Conservation Area, however the rear elevation of the property adjoins its boundary and the building affects views out of and into the Conservation Area. The proposal does not involve any external alterations and it is not considered that the proposed use will, in this town centre location, harm the character and appearance of the Conservation Area. In light of this it is considered that the proposal will accord with Policies B9 and B14 of the Local Plan.

Is the development acceptable in terms of highway safety?

The existing building has a parking and servicing area at a lower level with access off Bridge Street which according to the applicant could provide up to 19 car parking spaces. The application is unclear as to whether such parking will be available to customers and indeed whether internally access to this lower level would be provided for customers although there must be an internal access within the building to it at present; clarification of the developer's intentions in this respect is being sought. However given that the site is within the Town Centre which is well served by public transport and public car parks it is not considered that the provision of on site parking is required or justified in this case, notwithstanding the condition suggested by the Highway Authority. Similarly no contribution towards NTADS is sought either. Adjoining streets are all the subject of parking controls.

The proposal does not raise any other highway issues.

Background Papers

Planning File

Development Plan

National Planning guidance/statements

Date Report Prepared

31 May 2012