

Application No: 13/5117C

Location: Pulse Fitness Ltd, Radnor Park Industrial Estate, BACK LANE,
CONGLETON, CW12 4TW

Proposal: Change of use from manufacturing unit to fitness centre.

Applicant: Christopher Johnson, Pulse Fitness

Expiry Date: 18-Mar-2014

SUMMARY RECOMMENDATION:

REFUSE on grounds of loss of an employment site.

MAIN ISSUES:

The key issues for Members to consider in determining this application are:

- a) Cheshire East Local Plan Strategy
- b) Principle of Development
- c) Loss of Employment Land
- d) Highways
- e) Residential Amenity

1) REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the proposal relates to a site measuring more than 1ha in size and is therefore a small-scale major development.

2) DESCRIPTION OF SITE AND CONTEXT

This application relates to the site of an existing commercial warehouse (4546 square metres), office building (817 square metres) and associated parking and loading areas on the western edge of Radnor Park Industrial Estate in Congleton. The site is situated within the settlement zone line of Congleton as designated in the adopted Congleton Borough Local Plan First Review (2005).

3) DETAILS OF PROPOSAL

Full planning permission is sought to change the use of the manufacturing centre to use as a fitness centre.

4) RELEVANT HISTORY

08/1728/FUL - New access and parking area - Approved 04-Dec-2008

5) POLICIES

Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR6	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR18	Traffic Generation
E10	Re-use or Redevelopment of Existing Employment Sites

Other Material Considerations

National Planning Policy Framework

6) CONSULTATIONS (External to Planning)

Environmental Protection:

No comments

Strategic Highways Manager:

No objection

Archaeology:

This application has no archaeological implications and no archaeological mitigation is advised.

Environment Agency:

Part of the site is within Flood Zone 2. Given that the site is over 1.3 ha, a Flood Risk Assessment should be submitted with the application.

VIEWS OF THE CONGLETON TOWN COUNCIL:

No objection

7) OTHER REPRESENTATIONS:

None received

8) APPLICANT'S SUPPORTING INFORMATION:

None

9) OFFICER APPRAISAL

Cheshire East Local Plan Strategy

Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.

Principle of Development

The application site is located within the settlement zone line for Congleton where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies.

The proposals involve the change of use of the existing manufacturing and office building at the site. The use would be accommodated within the existing buildings and as such, no operational development is proposed. The character and appearance of the site and the area would not be harmed.

Proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 2 The adequacy of supply of suitable employment sites and premises in the area
- 3 Whether reasonable attempts have been made to let or sell the premises for employment uses

The site is located within an established industrial estate on the north-westerly edge of Congleton. The site is well connected being positioned close to services and facilities and is accessible by various modes of transport. The buildings appear to be in reasonable condition and offer valuable employment floorspace within an established industrial estate.

The general demand and uptake of existing units within the area appears to be good with most units occupied. The applicant has indicated that the buildings are not presently vacant and therefore in the absence of any details and information to show otherwise, it is reasonable to say that there is still the demand for properties of this type for employment uses.

The applicant has not provided any indication or evidence to show that the site has been marketed for employment uses. This lack of marketing does not constitute a reasonable attempt to secure tenants in the building and therefore the applicant has failed to satisfy the 3 criteria in the first strand of policy E10 and demonstrate that the site is no longer suitable for employment use to warrant its loss and use as a fitness centre.

In considering whether there would be a substantial planning benefit from permitting an alternative use account will be taken of:

- 1 Any benefits in terms of traffic generation, noise or disturbance to amenity
- 2 The impact the proposal would have on the environment & economy of the local area
- 3 The need for the proposal and its potential contribution to the local area
- 4 The requirements of other relevant policies of the local plan.

The applicants have provided no case as to whether there would be any benefit in permitting a fitness centre use at the site. The site benefits from good vehicular access and is capable of being serviced by large articulated vehicles. Whilst the local road network does provide access to residential properties, the present lawful use of the site and the wider industrial estate operates without causing significant harm to these neighbouring uses and the local highway network.

Whilst there may be benefits to the local economy in terms of the provision of a recreation facility, this consideration does not sufficient to justify the loss of an employment site on its own. No evidence has been submitted to demonstrate that there is a pressing need for such facilities in the local area and therefore it has not been demonstrated that there would be substantial planning benefit in permitting the proposals and losing the employment floorspace.

Accordingly, the proposals would not offer significant benefit that would outweigh the loss of the site for employment uses thereby reducing employment opportunities within this sustainable location. There are high levels of 'out-commuting' within the Borough, which lead to unsustainable travel patterns. This will only be exacerbated if employment opportunities offered by sites such as this one are lost.

On balance therefore, it is not considered that the planning benefits are substantial enough to outweigh the loss of the site for employment uses.

Highways

The proposal would make use of the existing vehicular access and parking areas. These are capable of serving the proposed use without giving rise to parking or highway safety issues in the area. The Strategic Highways Manager has assessed the application and has offered no objection to the proposals.

Residential Amenity

The nearest residential properties are sited approximately 50 metres to the west. In view of the current lawful industrial use at the site and the pattern of surrounding commercial development; it is not considered that the proposed use would have any greater material harm on

neighbouring residential amenity. Conditions controlling hours of use could minimise any disturbance at sensitive times.

Conclusion

The applicant has failed to demonstrate that the site is unsuitable for its current use in terms of location and the surrounding land uses, or that reasonable attempts have been made to market the site for either its current use or redevelopment for alternative B1 uses.

Given the limited information submitted, it appears that any benefits from developing the site for an alternative use are not substantial enough to outweigh the loss of the site's employment use. There is no evidence to demonstrate a current issue arising from the site's use in terms of noise, general disturbance or traffic flow, and furthermore whilst the proposal will provide a recreational use, this should not be at the expense of reducing employment opportunities further encouraging the already predominantly unsustainable transport patterns in the Borough. The proposal would not therefore accord with the Development Plan

10) RECOMMENDATIONS

REFUSE subject to the following conditions: -

Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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