

Planning Reference No:	10/1361C
Application Address:	Units 2 & 3 The Point, Crewe Road, Alsager
Proposal:	Change of Use of from A1 Retail to D1 PDSA Veterinary Clinic
Applicant:	Muller Palatine Properties Ltd
Application Type:	Change of Use
Ward:	Alsager
Registration Date:	20-May-2010
Earliest Determination Date:	12-June-2010
Expiry Date:	15-July-2010
Date report Prepared	17-September-2010
Constraints:	None

SUMMARY RECOMMENDATION:

APPROVE subject to conditions.

MAIN ISSUES:

- Policy
- Principle of Development
- Environmental Health
- Highways and Parking
- Other matters

1. REASON FOR REFERRAL

Councillor S. Jones has called this application in for consideration by the Southern Planning Committee as “local residents have serious concerns about the environmental impact this change of size will have on their quality of life and their homes. Residents have grave concerns about the impact of the proposed occupiers the PDSA.”

2. DESCRIPTION AND SITE CONTEXT

The application site comprises a large 3 storey mixed use development fronting the busy Crewe Road at the junction with Close Lane, Alsager, where residential properties bound the site to the northeast and northwest and open fields reside to the south. This application relates to retail units 2 and 3 which are situated on ground floor level. The site is located within Alsager Settlement Zone Line but falls outside of the Alsager Principal Shopping Area as designated in the adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Planning permission is sought to change the use of units 2 and 3 from use class A1 (retail) to use class D1 (non residential institutions) for use by the PDSA as a Veterinary Clinic.

The proposal would require the removal of an existing internal partition to facilitate the creation of a larger unit measuring 174 square metres.

Condition number 5 of the original permission would also need to be varied to allow the amalgamation of the units to occur and this item is also being considered under the same committee agenda (application 10/1307C).

4. RELEVANT HISTORY

2004 (37059/3) Refusal of permission for demolition of existing buildings and erection of 37 no. 2 bedroom affordable starter flats and 1 replacement retail unit – Appeal Allowed

2005 (05/1002/FUL) Erection of 28 affordable starter flats (2 one bed and 26 two bed) max three storey with third floor within roof space, replacement retail units at ground floor, along with associated vehicle access, parking and landscaping – withdrawn.

2006 (06/0950/FUL) Erection of 29no. affordable starter flats (2 one bed, 26 two bed & 1 three bed units) max 3 storey with third floor within roof space, office and retail space at ground floor, along with associated vehicle access, parking, sub-station and landscaping. Permissions granted.

2007 (07/0618/FUL) Section 73 application to vary conditions no. 21 & 22 of approval notice 06/0950/FUL relating to opening hours and delivery times for the retail and office units - Refused

2007 (07/1283/FUL) Section 73 Application to vary conditions 21 and 22 of Planning Permission 06/0950/FUL. Proposed Delivery hours Mon - Sat 7am to 7pm, Sun 8am to 4pm. Proposed opening times Mon - Sat 6am to 11pm, Sunday & Bank Holidays 7am to 11pm –Permitted

2008 08/0342/MOD Section 73 application to vary Condition 4 of planning permission 06/0950/FUL - Permitted

2010 08/0764/FUL Extension to office and rear car park with associated external lighting together with relocated bin and cycle stores, new canopies to residential entrances and amended retail / office floor area subdivision - Permitted

5. POLICIES

Local Plan Policy

PS4 Towns

GR1 General Requirements for New Development

GR6 Amenity and Health

GR17 Car Parking

S2 Shopping & Commercial Development Outside Town Centres

Other Material Considerations

PPS1 'Delivering Sustainable Development'

PPG24 'Planning & Noise'

'Circular 11/95 - The Use of Conditions in Planning Permissions'

6. CONSIDERATIONS (External to Planning)

Environmental Health:

Further information has recently been supplied by the PDSA stating that:

"The PDSA will not keep any live animals at the premises overnight unless in cases of extreme emergency. It is intended that any animal that will require overnight care will be treated at the PDSA Pet Aid Hospital in Stoke on Trent."

Taking this information into consideration, this Division would recommend that no animals are kept on the premises after opening hours and that if an animal does require further treatment resulting in an overnight stay that all animals are taken to Stoke on Trent. In doing so ensuring that the neighbouring properties are not affected by noise nuisance that could arise from distressed animals.

Highways:

No objection

7. VIEWS OF ALSAGER TOWN COUNCIL

The Town Council support the objections stated in the attached letter dated 26th May 2010 from Mr and Mrs Rosenthal of 259 Crewe Road, Alsager and would add the following further points of objection:-

- While recognising that the proposed PDSA clinic would be advantageous for pet owners in Alsager the Town Council feel that this is the wrong development for what is essentially a residential area with accommodation above the proposed clinic.
- The Town Council is of the opinion that the proposed change of use from commercial/retail premises to a PDSA clinic is not appropriate.
- There could be noise nuisance to neighbouring residential properties particularly in The Point itself from the animals being treated at the clinic.
- The Town Council request the Southern Area Planning Committee obtain an Environmental Health report because of the likelihood of vermin and infestation to neighbouring properties.

8. OTHER REPRESENTATIONS

Letters have been received from 7 adjoining properties objecting to this application on the following grounds:

- The veterinary use in such close proximity to residential is unsuitable.
- Noise nuisance, smells and ventilation within and outside opening hours.
- Concern about animals being kept on the premises overnight.
- Associated health risks arising from disposal of clinical and animal waste.

- When residents purchased the flats, they were of the impression that the ground floor use of the units would be retail only.
- There is already adequate provision of veterinary clinics and pet shops in Alsager and there is already a very large PDSA clinic in Stoke-on-Trent. There is no qualitative or quantitative need for the proposal
- There is inadequate retail provision.
- Allowing the use may discourage further retail uses.
- The landlord may need to reconsider his rent demands in order to encourage retail interest.
- Impact on property values.
- Security.
- Tenants are not allowed to keep pets.

9. APPLICANT'S SUPPORTING INFORMATION

The applicant has confirmed in writing that “The PDSA will not keep any live animals at the premises overnight unless in cases of extreme emergency. It is intended that any animal that will require overnight care will be treated at the PDSA Pet Aid Hospital in Stoke on Trent.”

Further, the applicant has submitted an acoustic report detailing the measures employed to minimise noise nuisance for adjoining residents emanating from the commercial/retail units at ground floor.

10. OFFICER APPRAISAL

Principle of Development

The proposed commercial floorspace created by the veterinary clinic would be located within two existing retail units with a combined floorspace of 174 square metres, well below the 500m² threshold identified under policy S2. It is not therefore necessary to demonstrate that there is a proven need for the development; that no town centre site or other site allocated for retail use is available and suitable; and that the proposal would not undermine, either individually or cumulatively, the vitality and viability of Alsager town centre. In terms of operation, the use would not deviate significantly from the authorised retail uses that could occupy the premises.

The authorised uses within the D1 use class are wide ranging and include art galleries and day nurseries as well as places of worship and the proposed veterinary use. While these other uses fall into the same use class and are of a similar character, the number of employees generated by these uses would differ substantially from those generated by a veterinary practice. Also churches, crèches and museums would have very different requirements particularly in relation to highway and parking requirements from the use applied for which might mean that these uses would be inappropriate in this locality especially given the site's location within a residential area.

As a precautionary measure it is suggested that any consent should be limited to the veterinary clinic use applied for with a condition limiting future movement within the D1 use class without the submission of a further application for planning permission. This would

give the Local Planning Authority the opportunity to consider the future change of use of this site for uses other than as a veterinary surgery in order to establish the impact on neighbouring residential amenity and any highway implications that may arise.

Environmental Health

One of the main considerations with this application is the likely noise and disturbance that the proposed veterinary use may have on the nearby residents. Neighbouring residents have expressed concern regarding the potential for noise generated from animals on the premises. In response to this, the applicant has provided an acoustic report which details the measures that were put in place at the time of construction to prevent noise and vibration from travelling from the retail/commercial units at ground floor up to the residential units occupying the upper floors above. In any event, the PDSA have confirmed in writing that no live animals will be kept on the premises outside of openings hours and therefore the applicant has indicated that they would be willing to accept a condition specifying this. Furthermore, the hours of use would be restricted to 8am to 6pm Monday to Friday as specified on the application form.

As such, it is considered that the proposed use would be no more intrusive than the activities associated with the current authorised A1 retail uses that could occupy the premises. Environmental Health have taken into account the additional acoustic report and offer no objection to the proposal subject to the imposition of a condition preventing live animals from being kept on the premises overnight.

With regards to comments made about the possible spread of vermin, infestation to adjoining properties and risks arising from clinical waste, these are matters covered under Environmental Health legislation and are not something that could be reasonably controlled by the planning process.

Highways and Parking

The access arrangements remain unchanged and the existing parking arrangements are more than adequate to support the proposal. The traffic that would be generated and the demand for parking that would arise from the proposed use would be no greater than the authorised A1 uses. In the absence of any objection from the Strategic Highways Manager, the parking, access and highways provision is considered to be acceptable.

Other matters

Whilst a number of other matters have been raised such as impact on property values and the fact that residents are not allowed to keep pets and had not anticipated that the ground floor units would change from retail use are not material to the determination of the application and cannot therefore be considered as part of the decision making process.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the proposed change of use is considered to be acceptable in this location. The measures built into the scheme to attenuate noise from the proposed retail uses are deemed sufficient to mitigate against any harm to the amenities afforded to adjoining properties from the proposed use and this is further supported by the fact that animals will

not be kept on the premises outside of opening hours. . There are no highways or parking issues. Consequently, it is not considered that the concerns expressed by the Local Ward Councillor or the neighbouring residents would warrant a refusal given that the proposed development accords with the requirements of the relevant policies of the adopted Congleton Borough Local Plan First Review (2005). As such the proposal is deemed to be acceptable and is recommended for approval.

12. RECOMMENDATION:

APPROVE the proposed change of use subject to the following conditions:

- 1. Commencement of use within 3 years**
- 2. Floor plan in accordance with submitted plans**
- 3. Restriction of hours of operation to 08.00 to 18.00 Monday to Friday**
- 4. No animals kept on premises overnight**
- 5. No other activity within the D1 Use Class shall be permitted**

Location Plan: Cheshire East Council Licence No. 100049045

