

Application No: 12/3431N

Location: LAND TO THE NORTH OF EARLE STREET, CREWE, CHESHIRE, CW1 2AL

Proposal: Proposed new build Tool and Plant Hire unit (Use Class sui-generis), including site access, car parking, landscaping and associated infrastructure.

Applicant: Carl Banks, P.E.T. Hire Centre Limited

Expiry Date: 07-Dec-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Key Issues;
- Principle of Development;
- Trade Counter;
- Employment Site;
- Design;
- Amenity;
- Contaminated Land;
- Drainage;
- Highways; and
- Landscape

REFERRAL

This application is to be determined by the Southern Planning Committee as the floor area of the proposed building exceeds 1000msq.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the former Tile Giant store and the site of the Bell Vue public house, which was demolished several years ago. The site is flanked on western boundary by residential properties and to the north and east boundaries by other commercial/industrial buildings. To the south of the site is Earle Street. Overall, the application site measures approximately 0.42ha and is irregular in shape and is relatively flat. There is a mix of residential and commercial properties within the immediate locality and the application site is located wholly within the Crewe Settlement boundary.

DETAILS OF PROPOSAL

This is a full application for a proposed tool and plant hire building including a new site access, car parking, landscaping and associated infrastructure. Tool hire is considered to be sui generis (i.e. it does not fall into a specific use class).

RELEVANT HISTORY

P91/0224 – Illuminated Gantry Sign – Approved – 10th February 1992
P92/0007 – Installation of Trough Lighting – Approved – 10th February 1992
P95/0270 – Non-Illuminated Signs – Approved – 15th May 1995
P95/0443 – Conversion of Storage Areas to Retail – Approved – 28th July 1995
P98/0344 – Non-Illuminated Adverts – Approved – 9th June 1998
P04/0178 – Change of Use to A1 (Retail) – Approved – 6th April 2004

POLICIES

National Policy

National Planning Policy Framework

Local Policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
E.7 (Existing Employment Sites)
NE.17 (Pollution Control)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
S.8 (Existing District and Local Shopping Centres)
S.10 (Major Shopping Proposals)
S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe

Other Material Considerations

All Change for Crewe

CONSIDERATIONS (External to Planning)

Environmental Health: No objections subject to conditions relation to hours of construction, pile foundations, floor floating, external lighting and hours of use.

Contaminated Land: No objection subject to a contaminated land condition

United Utilities: No objection

Landscape: No objection subject to a condition relating to landscaping

VIEWS OF THE PARISH / TOWN COUNCIL

Not Applicable

OTHER REPRESENTATIONS

One letter of representation has been received from the occupier of 9 Greystone Park. The objector raises the following salient points:

- The proposal is located near Grand Junction Retail Park and if allowed it will have a detrimental impact on amount of traffic in the area;
- The proposal will cast their property in permanent shade as it is only 50 feet away;
- The area is liable to flooding and the proposal will exacerbate the problem in the locality;
- The proposal will have a significant detrimental impact on residential amenity in particular during the hours of operation.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Transport Assessment
- Statement of Community Involvement
- Supporting Planning and Retail Statement

OFFICER APPRAISAL

Key Issues

The main issues in the consideration of this application are the acceptability of the development in principle having regard to retail policy, its impact on residential amenity, drainage, highway safety. Consideration must also be given to matters of design, layout, trees and landscaping.

Principle

The application site is situated on land to the north of Earle Street, Crewe and is approximately 3/4 km to the south east of Crewe Town Centre. The applicant seeks planning permission for one tool and plant hire business. The footprint of the proposed building is approximately 1265.92msq and the total floor area will be 2267msq split over two floors. The proposed unit will be used for the tool and plant hire business, which is relocating from the opposite side of Earle Street. The current existing premises off Earle Street were

rebuilt and refurbished in 2002. The business has sold and hired a wide range of goods and has continued to do well over the recent years. Due to the economic down turn, the business has had to diversify the range of products sold and hired in order to compete in the market. The business has still continued to grow and as now out grown the current premises. Therefore, the applicant is proposing to relocate the current premises on to the opposite side of Earle Street.

The application site is located outside of the Crewe town centre boundary, as defined on the Crewe and Nantwich Replacement Local Plan Proposals Map. It is considered that due to its distance from the town centre and the natural barrier of the railway line, it is considered that the application site is out of centre.

Policy S.10 of the Crewe and Nantwich Replacement Local Plan 2011 relates to major shopping proposals outside the centres of Crewe and Nantwich. According to the National Planning Policy Framework states *'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications 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. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale'*. (paragraph 24)

The policy guidance notes goes on to enunciate that *'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m)'*. (Paragraph 25). The Local Plan policy S.10 also states that a sequential test is required if the proposed retail floor space exceeds 2500sqm. However, the amount of retail floor space is well below this standard and as such a sequential test is not applicable.

Whilst it is acknowledged that the tool hire is a sui generis rather than a retail use, under the Use Classes Order, according to the submitted plans, the building includes a showroom and trade counter, and the business in question does sell a number of other ancillary items such as tools, protective clothing, accessories etc.

Similarly, the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Furthermore, the NPPF states that local planning authorities should only require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

It is noted that although retail is a town centre use, the nature of the products being sold means that the use does not lend itself to the town centre. Furthermore, the nature of the sales are very much ancillary to the main use as a hire centre. Therefore, on the basis of the floor area, and the ancillary nature of the general retail sales, it is considered that the retail element of the proposal is not in conflict with the local plan.

It is therefore agreed that the proposal would not conflict with relevant national and local policy which seeks to protect town centres from loss of vitality, due to the specialist nature of the use not being suited to a town centre location. Nevertheless, an appropriately worded condition should be imposed to ensure that the building will only be used as a tool / plant hire shop and for not other purpose.

There is no definition of “trade counter” in legislation, circulars and guidance notes. It is often considered however that the term generally refers to a discrete small area, separated from the remaining function of the unit where specialist purchases are made from either a small display or a computer. It is important therefore that the trade counter element referred to in the submitted plans is a small discrete area as stated above and is subsidiary to the main function of the building.

National and Local guidance advocates that Local Planning Authorities should consider using appropriate planning conditions to ensure that the retail elements remain ancillary to the main development. Conditions in this instance should also be used to limit internal alterations, limit the range of goods sold and control the mix of convenience and comparison goods.

Due to the location of the site and the neighbouring land uses any unfettered retail proposal may have a potential negative impact on the viability and vitality of the town centre. Therefore, it is imperative any proposal including retail elements are scrutinised and mechanisms such as planning conditions (as endorsed by NPPF) are used effectively to protect the vitality and viability of the town centre.

In this instance and in order to ensure that the retail element (trade counter) of the proposal is maintained as ancillary, appropriate conditions should be established to include the following provisions:

- Restriction on the sale of goods to tools/protective clothing and accessories non - food goods.
- Prevent sub-division of any of the unit
- Ensure that ancillary retail elements remain ancillary to the main development

The reasoning behind the use of such conditions would be to ensure that the trade counter element of the proposal is subsidiary and does not impact upon the vitality and viability of the town centre. The conditions above reflect this and should be implemented in the absence of a submission with this planning application relating to an assessment of need and the sequential test (amongst other tests as stated above) being requested by the Local Planning Authority.

The proposal will also need to be assessed against Policy S.8 (Existing District and Local Shopping Centres). This policy states that new retail development will be permitted within district/local centres which includes Earle Street provided it is in accordance with policies BE.1 to BE.5 (relating to design, amenity and parking provision etc) as contained within the Local Plan. The Governments ‘Planning for Growth’ Agenda is also an important material consideration.

According to the NPPF:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system' (para 19).

The guidance goes on to state that:

'To help achieve economic growth, local planning should plan proactively to meet the development needs of business and support an economy fit for the 21st Century'.

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *"the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.*

The proposal will assist an existing thriving local business to continue to grow and expand and therefore the thrust of Government policy indicates that this is a proposal which the Council should be seeking to support unless there is any conflict with the NPPF in terms of the sustainability of the development.

Sustainable Development

The National Planning Policy Framework also promotes sustainable development. Transport policies have an important role to play in facilitating sustainable development, but also in contributing to wider sustainability and health objectives. The NPPF goes on to state that smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

In practical terms, this means that new industrial development should be located where the number of vehicle journeys generated is minimised. This means that an employment site should be accessible by a realistic choice of transport, walking and cycling. It is considered that the application site is in close proximity to the town centre and as such will be accessible by a wide mode of transportation and the proposal is broadly in accordance with advice advocated in the NPPF.

Employment Site

The approved use of the site is currently as a retail unit and public house. Therefore considered to be in "employment use" and must therefore be considered in relation to Policy E7 of the Local Plan, which deals with loss of existing employment sites. However, given that the proposed use will generate an additional three jobs and all the existing number of staff (15) will be retained it is not considered that there would be any conflict with Policy E7.

Design

According to the applicants Design and Access Statement the proposed layout of the application site has been principally influenced by the design constraints imposed by the road infrastructure, site boundary conditions and neighbouring land uses. According to the submitted plans the footprint of the proposed tool hire building is roughly rectangular in shape and measures approximately 18.4m wide by 68.8m deep and is 7.5m high to the eaves and 9m high to the highest part of the roof. The proposed building will be located centrally within the plot, with the main ridge running perpendicular to Earle Street.

According to the submitted plans there will be one access point. All vehicular movements will be via this access point. The remainder of the site will comprise areas of landscaping, car parking for up to 34 vehicles (2no. of spaces will be for disabled people) and a gas compound and storage yard.

The proposed unit will be set back approximately 7m tapering down to 1.8m from Earle Street and there will be two areas of car parking, one of which will be located immediately adjacent to the west of the store near the access point. Whilst the remaining parking will be located alongside the northern boundary and the gas compound and storage yard are located to the north east of the application site. The car parking alongside the northern boundary is accessed via a service road, which spans the entire front elevation of the building.

Whilst it is acknowledged that the car parking to the site frontage may make the site appear car dominated. It is considered that landscaping, which will be conditioned, in the event that planning permission is approved will help to soften the proposal.

The design and scale of the proposed building is typical of modern industrial units with shallow pitched roofs and is a simple portal frame construction and is constructed finished in profile sheeting and facing brick. A condition will be attached to the decision notice requiring detail of materials, in the event that planning permission is approved. The proposal incorporates a number of apertures on the various elevations. The general scale of the building has been broken down through the use of contrasting façade materials. The façades have been composed using strong vertical lines due to the kingspan profile sheeting with strong horizontal emphasis using windows. The front of the building, which directly faces Earle Street comprises large glazed area, which is broken up by vertical brick piers.

It is considered that the proposed unit is very uniform and utilitarian in form and is designed for functionality rather than form. However, the building is similar in design and size to other units within the area and across the Borough and it is considered that they will not appear as alien or incongruous features within the streetscene. As such, the proposal complies with policy BE.2 (Design Standards).

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does

not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

In view of the previous use of the site as a public house and retail unit, subject to appropriate controls relating to opening hours, illumination etc. It is not considered that the nature of the proposed use will adversely impact on residential amenity of neighbouring occupiers.

The nearest residential properties are located to the west of the application site and the rear elevations of these properties face the application site. According to the submitted plans there is a distance of approximately 14m separating the rear elevations of these properties from the side elevation of the proposed building. According to the Councils adopted supplementary planning guidance there should be a distance of 13.5m maintained between the flank elevation of a two or three storey building and a principal window in a neighbouring dwelling to prevent loss of light to the window. It is noted that there several windows on this elevation facing the residential properties on Greystone Park, but these will be conditioned to be obscurely glazed, which will prevent any loss of privacy. Therefore, the wall in question is considered to be a flank elevation. Overall, it is considered given the orientation of the proposed building and the neighbouring residential properties and the separation distances will help to prevent any loss of privacy or over domination. It is considered that the proposal complies with Policy BE.1 (Amenity).

Contaminated Land

Although a tool hire business is not a sensitive end use, there is potential for contamination on the land given the historic use of the site. It is suggested that a Phase I Contaminated Land survey be carried out in line with the advice contained in NPPF. This can be secured by condition.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns.

Highways

The response from the Highways Officer has not been received at the time of writing this report. Members will be informed via the update report once comments from Highways have been received.

Landscape

As previously stated the land is a brownfield piece of land which for the most part is overgrown with weeds. There are no landscape features of any note. The Council's landscape officer has been consulted and raises no objection to the proposal subject to a condition relating to landscaping. Overall, it is considered that the proposal complies with policy NE.5 (Nature Conservation and Habitats).

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered having regard to the pattern of existing development in the area and other material considerations, it is concluded that the proposed development would be in accordance with policies S1 (New Retail Development in Town Centres), S.8 (Existing District and Local Shopping Centres), S.10 (Major Shopping Proposals), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and the provision of the NPPF. It would not materially harm the character or appearance of the area or the privacy and living conditions of neighbouring occupiers and would be acceptable in terms of highway safety. It is accordingly recommended for approval subject to appropriate conditions.

Approve subject to conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Details of Secured Covered Cycle Parking to be Submitted and Agreed in Writing**
- 5. Surfacing Materials to be submitted and agreed**
- 6. Details of Boundary Treatment to be submitted and approved**
- 7. Details of the bin storage area to be submitted and agreed in writing**
- 8. Landscaping submitted**
- 9. Landscaping implemented**
- 10. Windows in the side elevation facing Greystone Park at first floor level to be obscurely glazed**
- 11. No subdivision**
- 12. Drainage scheme to be submitted and approved in writing**
- 13. Contaminated land report**
- 14. Car parking and turning areas to be made available prior to the first occupation of the building**
- 15. The building shall be for the sale/hire of tools and plant only**
- 16. Floor Floating**

17. Hours of Construction

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

18. Hours of Operation

19. No external lighting

20. Pile foundations

Monday – Friday	09:00 – 17:30 hrs
Saturday	09:00 – 13:00 hrs
Sunday and Public Holidays	Nil

21. Trade Counter

Application for Full Planning

RECOMMENDATION:



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