

Application No: 15/2008N

Location: LAND ADJACENT BESWICK DRIVE, BESWICK DRIVE, CREWE, CHESHIRE

Proposal: The erection of a petrol filling station with ancillary shop

Applicant: Pochin's Ltd and The Kay Group

Expiry Date: 30-Jun-2015

## **SUMMARY**

The application site lies entirely within the Crewe Settlement boundary as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The application site also lies within the Crewe Business Park / Crewe Green employment allocation site.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

The proposed erection of a Petrol Filling Station and ancillary shop does not fall into any of these acceptable uses. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

Policy EG.3 of the emerging Cheshire East Local Plan - submission version, a material consideration, specifically refers to allocated employment sites. It is advised that existing allocation shall be protected unless the site is no longer viable for employment uses and there is no potential for alternative employment uses.

Given that the NPPF encourages sustainable economic development and given that the application site has remained vacant for a number of years and the proposed development would create an alternative employment use on this site, this principle of development is accepted.

The development would bring positive planning benefits such as; the creation of new employment opportunities. Balanced against this benefit must be the dis-benefits, which in this case relate to the loss of the land for specific employment allocation purposes (Economic). It is considered that the environmental and social roles of the scheme are neutral.

**In this instance, it is considered that economic benefit via the creation of jobs on a site which has been vacant for a number of years, outweighs the economic dis-benefit.**

**On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.**

## **RECOMMENDATION**

**APPROVE subject to conditions**

## **DEFERRAL**

This application was deferred by the Southern Planning Committee on the 30<sup>th</sup> September 2015. The application was deferred for the following reasons;

- To secure design improvements to the scheme at this gateway location
- Analysis of the pedestrian access to/through the site
- Consideration of how vehicles manoeuvre around the site

In response, the applicant has made the following changes;

- The submitted elevations have been enhanced (**not changed**) to include a better representation of the proposed landscaping as indicated on the plans
- The site plans have been enhanced (**not changed**) to show more clearly the extent of proposed landscaping throughout the development.
- The public access footpaths for both the Jaguar dealership and the petrol filling station, which were already included in the submitted schemes have been more clearly identified.
- The PFS layout drawing has been enhanced (**not changed**) to indicate the flow of vehicles through the forecourt.
- The design statement has been updated to include the images of recently completed buildings by JLR in the UK and worldwide (**but not changed**).

These changes result in no change to the positive recommendation proposed at the previous committee.

## **PROPOSAL:**

Full Planning permission is sought for the erection of a Petrol Filling Station, shop and associated landscaping, car parking and access arrangements.

The proposed buildings would it total measure 447 square metres.

The scheme has been amended during the application process. The original scheme also sought a Costa Coffee drive-thru stand alone building which has been removed from the scheme. A set of revised layout plans have been submitted to reflect this omission.

## **SITE DESCRIPTION:**

The application sites comprises of half of an irregular shaped parcel of land which is located to the northern side of Beswick Drive and to the west of University Way within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The site lies entirely on land allocated in the Crewe and Nantwich Replacement Local Plan 2011 under Policy E.1.1 for Class B1 uses and uses required by Manchester Metropolitan University.

## **RELEVANT HISTORY:**

**15/2007N** - The erection of a Car Dealership and Showroom (sui generis) with associated landscaping (to be secured by condition), car parking and access arrangements – Under consideration

**P06/0964** - Extension of time period condition 2 attached to P03/0639 for mixed use development – Approved 16<sup>th</sup> October 2006

**P04/1475** - Reserved Matters Application for Construction of Three Storey Office Block With Related Parking – Approved 11<sup>th</sup> January 2005

**P03/1239** - Variation of Conditions 7 & 20 (P03/0639) – Withdrawn 24<sup>th</sup> March 2004

**P03/0639** - Outline Application for Mixed use Development comprising Student Accommodation, Offices and Pub/Restaurant together with Access, Car Parking and Landscaping – Approved 3<sup>rd</sup> September 2003

**P00/1130** - Manufacturing Building and Associated External Works (Class B2) – Approved 16<sup>th</sup> May 2001

**P00/1133** - Screening Opinion In Respect Of New Manufacturing Building – EIA not required 21<sup>st</sup> February 2001

**P96/0766** - Outline application for multiplex cinema bingo club, bowling alley, public house, restaurants and offices with associated car parking.

P94/0471 – Withdrawn 29<sup>th</sup> January 1997

**7/19179** - O/a for business development (class B1) and a hotel (class C1) – Approved 10<sup>th</sup> January 1991

**7/18607** - Outline clearance for an hotel – Approved 21<sup>st</sup> June 1990

**7/16315** - Extension to Crewe Business Park – Approved 7<sup>th</sup> December 1988

**7/13981** - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987

**7/11951** - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development

17 – Core planning principles

18-22 Building a strong, competitive economy

23-27 – Ensuring the vitality of town centres

56-68 – Requiring good design

### **Development Plan:**

For the erection of a car showroom in this location, the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011 would apply; E.1 (Existing Employment Allocations)

E.1.1 (Crewe Business Park/Crewe Green)  
E4 (Development on Existing Employment Areas)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on potentially contaminated land)  
TRAN.9 (Car Parking Standards)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy;

PG2 (Settlement Hierarchy)  
PG6 (Spatial Distribution of Development)  
EG3 (Existing and Allocated Employment Sites)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)  
SE2 (Efficient use of Land)  
SE3 (Biodiversity and Geodiversity)  
SE4 (The Landscape)  
SE5 (Trees, Hedgerows and Woodland)  
SE6 (Infrastructure)  
SE8 (Renewable and Low Carbon energy)  
SE9 (Energy Efficient Development)  
IN1 (Infrastructure)  
IN2 (Developer Contributions)

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory

## **CONSULTATIONS:**

**United Utilities** – No objections, subject to a condition requiring the prior approval of a foul and surface water disposal scheme.

**Head of Strategic Infrastructure (HSI)** - No objections

**Environmental Protection** – No objections, subject to the following conditions; a restriction on the hours of piling; the prior submission of a piling method statement; the prior submission of an Environmental Management Plan; the prior submission of lighting details; the prior submission of electric vehicle charging point details; the prior submission of a dust mitigation scheme, the prior submission of a Phase 1 and Phase II contaminated land report and informatives relating to hours of construction and contaminated land.

**Environment Agency** – No objections, subject to a number of conditions including; that the fixed fuel storage tanks and delivery lines of the filling station must have dual containment systems with interstitial leak detection and automatic alarm systems to identify any leakage of the primary containment system and the prior submission / approval of a drainage scheme.

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to the prior submission of a surface water on-site storage and discharge condition

**Crewe Green Parish Council** – Have concerns over;

- The 'scattered' layout of the original scheme on this 'gateway' site
- Highway safety – Impact upon traffic volume and movements
- Noise concerns
- Would like to see further pedestrian access points

**Haslington Parish Council** - Have concerns over;

- The loss of the employment site
- Highway safety – more specifically, the impact upon the Crewe Green Roundabout

## **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

No letters of correspondence have been received.

## **APPRAISAL:**

The key issues are:

- Principle of the development
- Sustainability (Environmental, Social and Economic). More specifically, the acceptability of the impact upon;
  - Landscape
  - Ecology
  - Design

- Highways
- Drainage and Flooding
- Amenity
- Planning balance

## Principle of Development

### Local Plan

The application site lies within the Crewe Business Park / Crewe Green employment allocation site as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable. Policy E.1.1 states that for the avoidance of doubt, such uses include; classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities.

The proposed erection of a Petrol Filling Station and Shop does not fall into any of these acceptable uses. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### NPPF

Paragraph 17 of the NPPF states that planning should;

*‘Proactively drive and support sustainable economic development to deliver the homes, **business** and industrial units, infrastructure and thriving local places that a country needs.’*

Paragraph 22 of the NPPF states that;

*‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for the different land uses to support sustainable local communities.’*

Although this statement refers to planning policies and not how planning applications should be considered, it provides a steer as to how the government want Local Planning Authorities to consider sites allocated for employment use and as such, this is a material consideration.

## Emerging Local Plan

Policy EG3 (Existing and Allocated Employment Sites) from the emerging Local Plan Strategy – Submission Version, which is a material consideration, advises that;

*‘Existing employment sites will be protected for employment use unless;*

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*
- a) There is no potential for modernisation or alternate employment uses; and*
- b) No other occupiers can be found.’*

As the site is currently vacant scrubland, point *i* (above) does not apply. However, point *ii* does apply.

In response, the applicant has submitted marketing information for the site. This information advises that the site has been marketed with Matthews & Goodman and with Lamont Commercial since 2005 for large scale office functions. However, this exercise has not been successful. Although there have been planning applications granted for office development, the last was a renewal application in 2006, which has now expired.

In addition to the above, the application proposes an alternative employment use on this site and as such, the benefits of an alternative provision need to be considered.

## Out of town centre retail use

Paragraph 24 of the NPPF states that *‘Local Planning Authorities should apply a sequential approach to planning applications for retail and leisure uses that are not in an existing centre and are not in accordance with an up to date Local Plan.’*

As the application site is located approximately 1 mile from the Crewe Town Centre, the applicant was advised to undertake a retail assessment.

This was undertaken and submitted during the application process. This statement considered that because the majority of the products sold from the shop would be from users of the Sui Generis Petrol Filling Station, the usual policy requirements contained within the NPPF in relation to sequential testing would not be of direct relevance in this case as the retail function would be ancillary.

The statement therefore concludes that the use would not undermine the vitality and viability of retail uses contained within the town centre.

This conclusion is supported by the Council’s Spatial Planning Officer.

## Conclusion

Although the proposed erection of a Petrol Filling Station and shop on this site would be contrary to Policy E.1.1 and therefore Policy E.1 of the Local Plan, the NPPF and the emerging Local Plan policy advise that alternative uses, and particular alternative employment purposes as detailed by Policy EG3 of the emerging Local Plan, need to be considered on their merits.

The benefits and dis-benefits of the proposal are considered below based on their sustainability.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Environmental Role**

### Landscape, Hedgerows and Trees

The site is located close to Crewe Green roundabout and forms a gateway to Crewe. Crewe Green Road lies to the north, the roundabout the north east, University Way to the east and Beswick Drive to the south. There is university accommodation to the south west and a pub and retail unit to the south beyond Beswick Drive. The road corridors of Crewe Green Road and University Way have landscape treatment which enhances the approach to Crewe.



The Council's Landscape Officer has advised that it is considered essential that development of this gateway site is afforded a high quality landscape setting.

The site is generally flat with some areas of low mounding to the south and is rough grassland with hedge to much of the road boundary.

The submission is supported by a Landscape Appraisal and a planting plan. However, following the receipt of a revised layout plan, this is now out of date.

Notwithstanding the above, the Council's Landscape Officer had some concerns with the original landscape plan.

It was advised that the extent of built form and hard surfacing restricted the scope for soft landscape treatment. Furthermore, proposed levels were not provided in order to inform assessment of the relationship to Crewe Green Roundabout and University Way which is at a lower level with a gabion retaining wall on the boundary.

It was also recommended that the existing boundary hedge be retained in order to maintain continuity in the street scene. No details of any proposed fencing for security were provided.

Following discussions between the applicant and the Council after receiving these comments further landscaping has been incorporated into the frontage of the site onto University Way in order to address this concern. Subject to the prior approval of a detailed landscaping scheme and its subsequent implementation, it is considered that the proposal would be acceptable in landscape terms.

### Design

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

This site lies at a key gateway point on entry to Crewe from the motorway via junction 17. It is also a busy location with through traffic using University Way and traffic coming to and from the town and toward the hospital. It is one of the points where first impressions of Crewe as a place are defined. It is one of perhaps 4 or 5 key gateways into the town.

The proposals are for a petrol filling station and shop. This application needs to be read in conjunction with the adjacent application, 15/2007N (The erection of a Car Dealership and Showroom (sui generis) with associated landscaping (to be secured by condition), car parking and access arrangements) as both proposal share the one larger gateway site.

The buildings are separated from one another with the car dealership occupying the western site, with the remaining development of application 15/2008N in the eastern plot. Access would be via Beswick Drive, off University Way.

The petrol station and store is tucked into the southern part of the site, inward looking.

A modest landscape edge is proposed around the main frontage. Large areas of access road, manoeuvring space and hard surface bisect and divide up the site.

It is advised within the application that the proposed building facades would be finished in silver grey rain screen cladding, high quality facing brickwork with some relief rendered panels to create variety in the façade. All doors and windows would be powder coated aluminium. The overall appearance of the buildings would be functional, with the retail areas having punched windows.

The Council's Urban Design Officer has reviewed the revised proposal and advised that despite the revisions to the scheme, he still cannot support the proposal on design grounds. This is because this is a key site for Crewe and he considers that the proposal does not capitalise on the strategic value of this site in urban design and regeneration terms. The degree of improvement to the design is not sufficient to overcome those concerns.

However, given that the layout has been amended to ensure further landscaping has been incorporated into the frontage, it is not considered that a refusal on design grounds would be sustained at appeal.

As such, it is considered that the revised design of the scheme would be acceptable and would adhere with Policy BE.2 of the Local Plan.

#### Highways Implications

A Transport Assessment (TA) has been produced by David Tucker Associates (DTA) to support the development proposal.

Access will be via an existing roundabout also giving access to the Manchester Metropolitan University Cheshire student accommodation; a stub access is already in place.

The Council's Head of Strategic Infrastructure (HSI) has advised that the proposed development site is reasonably well located to take advantage of sustainable transport options; although the proposed usage is typically accessed by car-borne visitors, as the Petrol Filling Station would be.

The HSI has confirmed that the car parking provision is considered sufficient for the proposed development.

The HSI has advised that traffic generation associated with the proposed car showroom would be less than that of office development, as allocated in the Local Plan, in peak hours by a considerable margin.

The HSI considers that development proposals taken as a whole (including the Car dealership ref: 15/2007N), would generate a peak hour traffic envelope that would lie inside that of office development in this location.

To conclude, the HSI has advised that the development proposal would not result in severe harm on to the transport network, particularly when considered against office development on the site and therefore raises no objections.

## Ecology

The application is supported by a Preliminary Ecological Appraisal Report. In response to this, the Council's Nature Conservation Officer has advised that sufficient information has been gathered to assess the quality of the habitats on site and that the grassland habitats on site are unlikely to be of significant nature conservation value.

It has been advised that should the application be approved, a condition to safeguard breeding birds and a condition seeking the prior submission of features suitable for breeding birds should be incorporated into the decision.

## Flood Risk/Drainage

The application site lies within a Flood Risk Zone 1 and as such, does not require the submission of a Flood Risk Assessment (FRA).

The Council's Flood Risk Officer has reviewed the proposal and advised that she has no objections in principle on flood risk grounds; however it is advised that should the application be approved, a condition requiring the prior submission of a surface water storage and discharge scheme be submitted to the LPA for prior approval.

United Utilities have advised that they raise no objections, subject to a condition requiring the prior approval of a foul and surface water drainage scheme.

The Environment Agency have reviewed that application and advised that they have no objections, subject to a number of conditions including; that the fixed fuel storage tanks and delivery lines of the filling station must have dual containment systems with interstitial leak detection and automatic alarm systems to identify any leakage of the primary containment system and the prior submission / approval of a drainage scheme.

Subject to the above conditions, it is not considered that the proposed development would create drainage concerns.

## Conclusion

The application would have a limited impact upon the landscape in this industrial part of Crewe located within the Crewe Settlement Boundary.

The scheme would be of an acceptable design that would not create any issues with regards to highway safety, ecology, drainage and flooding, subject to conditions where appropriate.

As a result, it is considered that the development would be environmentally neutral.

## **Social Role**

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Given the location of the application site in an industrial / university area of Crewe, the number of neighbouring dwellings are limited.

The closest dwellings would be 15A, 15B and 12 Renaissance Way which would be located over approximately 150 metres away from the application site at their closest point.

The closest aspect of an MMU University accommodation block would be approximately 24 metres away from the closest built form proposed (jet wash bays).

As a result of these large separation distances, it is not considered that the proposal would create any issues for these neighbouring properties with regards to loss of privacy, light or visual intrusion.

In relation to environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to the following conditions; a restriction on the hours of piling; the prior submission of a piling method statement; the prior submission of an Environmental Management Plan; the prior submission of lighting details; the prior submission of electric vehicle charging point details; the prior submission of a dust mitigation scheme, the prior submission of a Phase 1 and Phase II contaminated land report and informatives relating to hours of construction and contaminated land.

It is therefore considered that subject to the above conditions, the development would be socially neutral.

## **Economic Role**

It is advised within paragraph 6.6 of the submitted Planning Statement that *'The proposed petrol filling station would generate around 32 jobs directly, and...indirect jobs would be created in delivery drivers, fuel tanker drivers etc.'*

As a result of the above, it is considered that the development would provide strong economic benefits and would therefore be economically sustainable.

## **Planning Balance**

The application site lies entirely within the Crewe Settlement boundary as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The application site also lies within the Crewe Business Park / Crewe Green employment allocation site.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

The proposed erection of a Petrol Filling Station and ancillary shop does not fall into any of these acceptable uses. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

Policy EG.3 of the emerging Cheshire East Local Plan - submission version, a material consideration, specifically refers to allocated employment sites. It is advised that existing allocation shall be protected unless the site is no longer viable for employment uses and there is no potential for alternative employment uses.

Given that the NPPF encourages sustainable economic development and given that the application site has remained vacant for a number of years and the proposed development would create an alternative employment use on this site, this principle of development is accepted.

The development would bring positive planning benefits such as; the creation of new employment opportunities. Balanced against this benefit must be the dis-benefits, which in this case relate to the loss of the land for specific employment allocation purposes (Economic). It is considered that the environmental and social roles of the scheme are neutral.

In this instance, it is considered that economic benefit via the creation of jobs on a site which has been vacant for a number of years, outweighs the economic dis-benefit.

On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.

## **RECOMMENDATIONS**

### **APPROVE subject to the following conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscape – Prior approval of details**
- 5. Landscape – Implementation**
- 6. Protection of breeding birds**
- 7. Nesting features for birds – Prior approval of details**
- 8. Surface water storage and drainage scheme – Prior approval of details**
- 9. Drainage scheme – Prior approval**
- 10. The fixed fuel storage tanks and delivery lines of the filling station must have dual containment systems with interstitial leak detection and automatic alarm systems to identify any leakage of the primary containment system**
- 11. Hours of piling**
- 12. Piling method statement – Prior approval of details**

- 13. Environmental Management Plan – Prior submission of details**
- 14. Lighting details - Prior approval of details**
- 15. Electric vehicle charging infrastructure - Prior approval of details**
- 16. Dust mitigation scheme - Prior approval of details**
- 17. Phase 1 and Phase 2 Contaminated Land Report - Prior approval of details**

**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in there absence the Vice Chair) of the Strategic Planning Board and Ward Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



