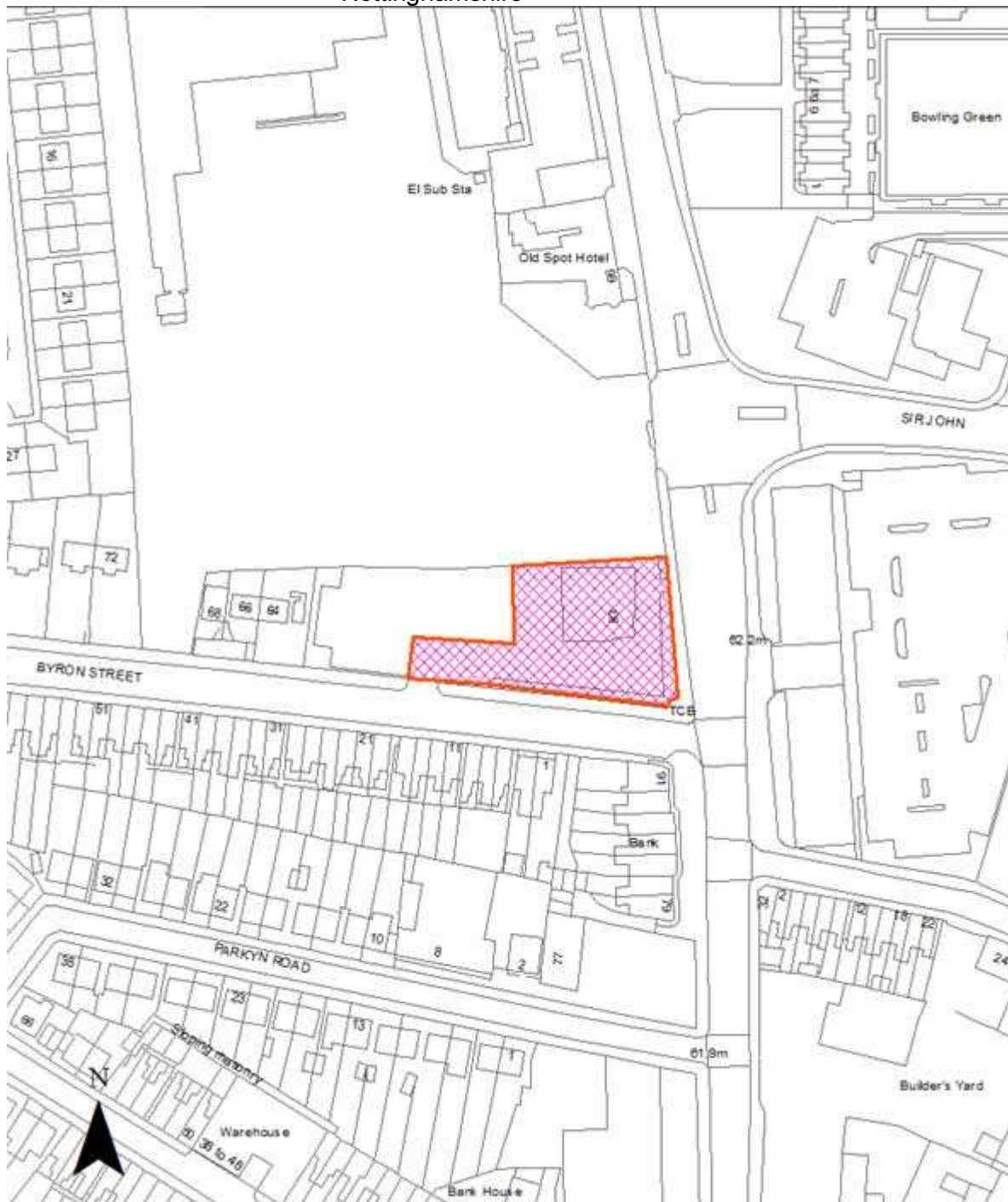




Application Number: 2013/0745

Location: Discount Tile Centre 93 Mansfield Road Daybrook Nottinghamshire



NOTE:

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Report to Planning Committee

Application Number: 2013/0745

Location: Discount Tile Centre 93 Mansfield Road Daybrook
Nottinghamshire

Proposal: Change of use of the premises from Discount Tile Warehouse to Class A1 Retail unit with associated external alteration and new car park layout

Applicant:

Agent: Jackie Ford

Site Description

This application relates to a site located at the corner of Mansfield Road and Byron Street adjacent to the former Daybrook Laundry site. To its northern southern and western boundaries are residential properties.

The site falls within a protected employment land as identified in Policy E3 of the Gedling Borough Council Replacement Local Plan (Certain Policies saved) 2008.

The site contains a large modern building currently occupied by a Tile Warehouse and Trade Centre.

Vehicular and pedestrian access to the site is via Byron Street. Car parking is provided to the Byron Street frontage with hard surfacing to the external storage and turning areas to the west of the building.

Protected trees are located to the Byron Street and Mansfield Road frontages of the site.

Planning History

Planning permission was granted in February 1986 to form a car park to be used in connection with the Home Brewery – application ref. 85/1432.

An appeal was lodged in 1999 against a refusal of permission (application ref. 98/1478) for the use of the land and erect building for the storage, hire and sale of specialist construction equipment. This appeal was allowed by the Planning Inspectorate in September 1999 and conditional permission was granted.

Conditional planning permission was granted in February 2009' (application

reference 2008/1066) for the change of use property from equipment store and hire plus centre to tile warehouse and trade centre. Condition 4 of this permission required that 'the ancillary trade element of the business shall remain ancillary and shall be operated at a ratio of 75% for trade customers and 25% for public customers at all times.

Proposed Development

Full planning permission is now sought for:-

- the change of use of the premises from the Discount Tile Warehouse to Class A1(Retail);
- associated external alterations to the building which include:-
 - 3 no. high level air conditioning units to the north elevation with security cages. Each has maximum dimensions of 0.95m width, 0.95m depth and 0.258m in height;
 - infilling 2 no. existing window openings to the south elevation; and
 - infilling of 1 no. window, replacement of existing central glazed windows and entrance doors, 2 no. replacement single doors and 1 pair new fire exit doors to the west elevation;-
- new formal car park layout providing 12 additional parking spaces and 1 no. disabled space at the main entrance.

A Planning Statement has been deposited with the application which outlines the site and the surroundings, the proposal, includes a trading statement, assesses planning policy and the planning issues and also includes a sequential assessment.

Details and specifications of the proposed air conditioning units have also been deposited with the application.

Written confirmation was received on the 2nd August and 23rd September 2013 stating that no works are proposed to the protected trees on site.

Additional correspondence has been received on the 21st August 2013 which outlines the extent of the marketing of the unit, the extent of the catchment area and further supporting information in relation to the operation of the wine merchants business.

Additional correspondence was also been received on the 23rd September 2013 to confirm the proposed opening hours of 09.00 hours to 21.00 hours Monday to Saturday and 10.00 hours to 18.00 hours Sundays and Bank Holidays.

Consultations

Nottinghamshire County Council (Highway Authority) – Appropriate levels of parking

are proposed. Therefore no objections are raised subject to a condition being attached should permission be granted requiring the parking, turning and servicing areas to be surfaced and maintained in a bound material, parking bays clearly marked and the parking etc. areas shall not be used for any other purpose for parking, turning, loading and unloading.

Planning Policy – Outlined the national and local planning policies in relation to the proposal. It was considered that the supporting statement only partially addressed the sequential search and concluded that the applicant had not demonstrated that the site had been extensively marketed and advertised without success.

Following re-consultation in relation to the additional information submitted by the agent Policy concerns were still raised on the basis that the site is an employment site and should be retained in employment use unless it can be demonstrated that it has been fully explored by extensive marketing and advertising without success. Planning Policy have however, advised that other material considerations may need to be considered in relation to this application and to determine where the planning balance lies.

Public Protection – No objections are raised to the proposal.

Nottinghamshire County Council (Senior Forestry Manager) – It is noted that no tree survey has been deposited with the application. A full tree survey is requested together with full details of how trees within the site are to be protected during development.

Adjoining neighbours have been notified of the proposal and a site and press notice
– No comments have been received.

Planning Considerations

In my opinion the main planning considerations in the determination of this application are:-

1. The appropriateness of the proposal in this location;
2. Employment policy issues and whether there are any other material considerations that need to be considered in relation to local planning policy; and
3. Whether the proposal would have any undue impact upon the amenity of neighbouring properties or highway safety.

The following sections of the National Planning Policy Framework are particularly relevant in considering this proposal:-

- NPPF Section 1 - Building a strong economy; and
- NPPF Section 2 paragraphs 23-27 – Ensuring the vitality of town centres;
- NPPF Section 7 paragraph 64 – Requiring good design.

At the local level the following policies of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 are relevant:

- RLP Policy ENV1: Development Criteria;
- RLP Policy E3: Retention of Employment; and
- RLP Policy T10: Highway Design and Parking Guidelines

On 13 February 2013, Gedling Borough Council approved the Gedling Borough Aligned Core Strategy Submission Documents which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are relevant:-

- ACS Policy 4: (Employment Provision and Economic Development); and
- ACS Policy 6 (Role of Town and Local Centres).

Paragraph 19 of the NPPF states that “significant weight should be placed on the need to support economic growth through the planning system”.

Paragraphs 23-27 of the NPPF specifically address town centres and seek to protect the vitality and viability of town centres. It adopts a sequential approach with sites within town centre boundaries being preferred to those on the edge of or outside town centres.

ACS Policy 4 seeks to retain good quality employment sites that are an important source of local jobs. RLP Policy E3 is consistent with this strategic policy by seeking to retain important employment sites subject to certain criteria including the retention of the site or premises for its specified employment use has been fully explored by extensive marketing and advertising without success and that the proposed use would cause no traffic, amenity or conservation problems.

ACS Policy 6 requires that development of retail uses in out of and edge of centre location will need to demonstrate suitability through a sequential site approach and impact upon nearby centres.

Appropriateness of the proposal in this location

The current use of the building as the Discount Tile Warehouse falls within a B8 (Storage and Distribution) use with an ancillary A1 (Retail) use. I am mindful that the proposed use of the unit as A1 (Retail) is a main town centre use and that the site is not located within an identified centre. Paragraph 24 of the NPPF and paragraph 6 of ACS Policy 6 requires that a sequential test should be applied to main town centre uses that are not within an existing town centre and do not accord with an up to date local plan.

The applicants have submitted a sequential assessment as part of the planning application. The assessment outlines the proposed catchment area and that 4 alternative sites have been identified within the area which have been assessed against the operator's requirements and have been subsequently considered unsuitable by virtue of their size or that they were unable to meet the operator's needs.

I note that Planning Policy have raised no objections to the sequential assessment that has been carried out and have concluded that the applicant has adequately demonstrated that there are no sequentially better sites in this instance in line with the requirements of the NPPF and ACS.

Given that the floor area of the proposed retail unit falls below the threshold identified within the NPPF and RLP policy S1, the applicant has not been required to carry out an assessment in relation to the proposals impact upon the vitality and viability of Arnold Town Centre.

Notwithstanding this I consider that the proposed retail use, by virtue of the nature of the operation of the business as a wine merchants selling beers, wines and spirits in bulk, is a very specific and unique business. There are no other commercial or retail units within Arnold Town Centre which provide a similar wholesale retail service. I therefore do not consider that such a use as that proposed would have any significant impact upon the small retail units or supermarkets within the town centre which sell alcohol and am of the view that the proposal would not have a detrimental impact upon the vitality or viability of Arnold Town Centre to justify refusal on these grounds.

Employment Policy Implications

I note the comments of Planning Policy and am mindful that the application site falls within a protected employment site as identified within the RLP Proposals Map.

I note that the existing Discount Tile Centre currently employs 2 members of staff. Supporting evidence deposited with the application confirms that the proposed A1 use would provide employment opportunities for 3-4 people. Although this would not significantly change levels of employment within the protected employment zone, it would slightly increase the existing number of staff working at the site. I consider that this would reflect para 3.42 of the ACS which recognises that jobs created outside traditional B Use Classes would assist in sustaining a strong flexible economy.

I also note that the applicant has confirmed that the site has not been extensively marketed for any length of time prior to the application being deposited with the Borough Council, contrary to the requirements of paragraph b (i) of Policy E3 of the RLP.

However, notwithstanding the above I am mindful that consideration should be given to the Government's drive for sustainable development and economic growth (as set out in paragraph 19 of the NPPF). The supporting information deposited with the application states that the proposed wholesale wine, beer and spirits merchants would contribute to and support the wider local economy by virtue of supplying local

businesses and stocking local products.

I am also of the view that, although the marketing of the property has not been significantly extensive, given its footprint, scale and internal layout, the building may be likely to only meet the operational needs of a fairly limited variety of prospective clients, which could result in this large site potentially becoming vacant in the long term. This would, in my opinion, be to the detriment of the surrounding area and the local economy.

Notwithstanding the above I am of the view that, given the site's location within an allocated employment area and given the range of activities that could operate under a A1 (Retail) Use Class, it would be reasonable to attach a condition should planning permission be granted requiring that should the specified A1 use (wholesale sales of beers wine and spirits) be implemented and then later cease to operate, the use of the building would revert back to a B8 use.

Impact upon residential amenity and highway safety.

I note that Public Protection have raised no objections to the proposal. I am mindful of the opening hours proposed within the application. Given the previous and existing commercial/warehousing use of the site, its proximity to Mansfield Road and that the nearest residential properties are on the opposite side of Byron Street I am satisfied that the proposed development would not result in any undue impact upon the amenity of the occupiers of these dwellings in terms of any increased levels of activity or noise above that associated with the previous or current uses of the site. I therefore consider that the proposed opening hours would be acceptable for this location.

I also note that the Highway Authority have raised no objections to the proposal. I consider it reasonable should permission be granted that a condition be attached requiring the parking bays being clearly delineated in accordance with the approved plan and that the parking bays, turning and servicing areas shall be retained for such purposes at all times. Being mindful that the access drive and parking areas are currently hard surfaced I do not think it reasonable to attach a condition requiring the resurfacing of these areas in a hard bound material in this instance.

I am therefore satisfied that the proposal would not raise any highway safety issues.

Other Matters

I am satisfied that the proposed external alterations to the building are visually acceptable and that they would not detract from the commercial character and appearance of the building or the wider setting.

I note the comments of the Senior Forestry Manager in relation to the protected trees along the Byron Street and Mansfield Road boundaries. However, written confirmation has been received which states that no works are proposed to any trees within the site and that the proposed landscaping works to land adjacent to the access would purely involve the removal of dead plants and shrubs to ensure that there would be clear site lines when accessing and leaving the site. Given the nature

of the proposed landscaping works and that the works to the car park and alterations to the building are not within the vicinity of the protected trees I do not consider it reasonable to request a full tree survey in this instance. However, I do consider that it would be reasonable to attach a condition should permission be granted requiring the trees within the site to be protected in accordance with BS5837 (Trees in Relation to Construction) and that no materials, vehicles, plant, soil or other ancillary items should be stored within the areas of protection.

Conclusion

Given the above considerations and the specific circumstances for this proposal, I am satisfied that the proposed change of use is acceptable in this instance.

Whilst being mindful that the unit has not been extensively marketed, I consider that the requirement to support economic growth as set out in the NPPF is a material consideration and in this instance outweighs the provisions of local policy set out in Policy E3 of the Local Plan. In reaching this conclusion I have also taken into account the findings of the sequential assessment and also the nature of the business proposed and that there would be no impact on the vitality and viability of Arnold Town Centre.

Recommendation:

GRANT PLANNING PERMISSION subject to the following conditions:-

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plan (drawing no 102.).
3. This permission relates to the planning statements deposited on the 17th July and 21st August 2013 and correspondence in relation to trees within the site deposited on the 2nd August and 23rd September 2013.
4. The use hereby permitted shall only operate between the hours of 09.00 hours to 21.00 hours Monday to Saturday and 10.00 hours to 18.00 hours Sundays and Bank Holidays.
5. No machinery shall be operated, processes carried out and no deliveries taken to or despatched from the site outside of the following times 09.00 hours to 21.00 hours Monday to Saturday and 10.00 hours to 18.00 hours Sundays or Bank Holidays..
6. No diesel forklift truck shall be used outside of the building and no audible reversing alarms shall be used by any electric forklift truck operating outside of the building at any time.

7. The existing acoustic fencing and boundary treatments shall be permanently retained at all times unless otherwise agreed in writing by the Borough Council.
8. Before development is commenced the existing trees on the site shall be protected in accordance with BS5837 (Trees in Relation to Construction). The means of protection shall be retained until the layout of the car park and landscaping as shown on drawing no. 102 is completed.
9. There shall be no storage of materials, vehicles, fuel, plant, soil or other ancillary items beneath the canopies of the protected trees on the site.
10. The use hereby approved shall not be commenced until the parking bays have been clearly delineated in accordance with drg. no. 102.
11. The parking, turning and servicing areas shall be retained for the life of the development and shall not be used for any other purpose other than parking, turning and loading and unloading of vehicles.
12. This permission relates to use of the premises by Majestic Wine Warehouse for the purposes specified in this application. Should Majestic Wine cease be operation, the use of the building shall revert back to a B8 (Storage and Distribution) Use Class and for no other purpose under the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in equivalent provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.
4. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
5. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
6. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
7. To ensure a satisfactory development, in accordance with the aims of policy

ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

8. To safeguard protected trees within the site.
9. To safeguard protected trees within the site.
10. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
11. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
12. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council there are material economic considerations which outweigh the criteria under Policy E3 b.(i) of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008. The proposed use will result in no undue impact on the vitality and viability of Arnold Town Centre or on the amenities of neighbouring properties, the character or appearance of the area or highway safety. The proposal therefore accords with the National Planning Policy Framework (2012) and policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.