

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 5th September, 2018  
**Time:** 10.00 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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**Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.**

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 3 - 10)

To approve the minutes of the meeting held on 8 August 2018.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information

[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **18/2343N Top End Farm, Barthomley Road, Crewe, Cheshire CW2 5NT: Change of Use of 2 no. buildings from agricultural use to a mixed use comprised of agriculture use and use for the storage of fertiliser for sale for M Abell**  
(Pages 11 - 18)

To consider the above planning application.

6. **18/1270N Northern Dairies, Groby Road, Crewe CW1 4PE: Change of Use from Milk Dairy Storage and Distribution (B8) to Metal Fabrication Company with associated workshops, offices and yards (B2) for Mr Paul Carruthers**  
(Pages 19 - 28)

To consider the above planning application.

7. **18/1769N Northern Dairies, Groby Road, Crewe CW1 4PE: Retrospective erection of new steel framed workshop to rear of main buildings for Mr Mitchell, Pegasus Mechanical Services Ltd** (Pages 29 - 38)

To consider the above planning application.

8. **18/1770N Northern Dairies, Groby Road, Crewe, CW1 4PE: Change of use of part of premises, in to a 9 bedroomed House in Multiple occupation with shared kitchen / bathroom facilities for Mr Mitchell, Pegasus Mechanical Services Ltd** (Pages 39 - 50)

To consider the above planning application.

9. **18/2157N Dairygold, Lancaster Fields, Crewe, Cheshire CW1 6FU: Proposed extensions to the existing production facility that includes the demolition of an existing extension for Mr Keith Stokes, Dairygold Foods** (Pages 51 - 60)

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 8th August, 2018 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Wray (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, P Butterill, J Bratherton, J Clowes, W S Davies,  
S Edgar (for Cllr Bebbington), A Kolker, G Merry (for Cllr Pochin), J Rhodes  
and B Walmsley

**OFFICERS PRESENT**

Christopher Glover (Development Officer - Strategic Housing)  
Andrew Goligher (Principal Development Control Officer - Highways)  
Nick Hulland (Principal Planning Officer)  
Susan Orrell (Principal Planning Officer)  
Gareth Taylerson (Principal Planning Officer)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillors D Bebbington and S Pochin

**9 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

With regard to application number 18/2456N, Councillor S Davies declared that he had not taken part in the Licensing Act Sub-Committee meeting which had considered the applicant's application for a premises licence. He knew one of the public speakers and he had called in the application on behalf of the parish council. He would exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

With regard to application number 18/1250N, Councillor S Edgar declared that he had spoken to the applicants and that he would not take part in the debate or vote.

All Members of the Committee declared that they had received email correspondence with regard to application number 18/2344C.

With regard to application number 18/0356C, Councillor R Bailey declared that, following previous consideration of this application by the Southern Planning Committee, she had attended a parish council meeting at which

the process had been discussed but not the merits of the application, and that she had kept an open mind.

Councillor J Wray declared that he had received email correspondence with regard to application number 18/2456N.

With regard to application number 18/2344C, Councillor G Merry declared that the application site was in a neighbouring ward and that she was a member of Sandbach Town Council but did not attend the planning committee meetings. She had not discussed the application and had kept an open mind.

Councillor J Weatherill declared that she had received email correspondence with regard to application number 18/2456N but that she had not made up her mind with respect to the application.

## 10 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 4 July 2018 be approved as a correct record and signed by the Chairman.

## 11 **18/0356C CHERRY LANE FARM, CHERRY LANE, RODE HEATH, CHESHIRE ST7 3QX: DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND CONSTRUCTION OF 14 NO. RESIDENTIAL DWELLINGS WITH ACCESS, CAR PARKING AND OTHER ASSOCIATED WORKS FOR CHERRY LANE FARM LIMITED**

Note: Parish Councillor B Adams (on behalf of Church Lawton Parish Council), Mrs B Barber (objector) and Ms A Burns (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development by virtue of the increased number of houses to that previously approved, would constitute overdevelopment of the site in a location with poor access to services and facilities leading to an isolated form of development which cannot be made sustainable or accessible. It is not considered that the material considerations relevant to the proposal are sufficient to outweigh the harm. The development is therefore deemed contrary to Policy C01 (Sustainable Travel and Transport), SD1 Sustainable Development in Cheshire East) & SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy and the NPPF.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should this application be subject to an appeal, the following conditions should be included:
- The construction plan to include a condition regarding road signs to alert traffic exiting the development to the narrow canal bridge.
  - An acoustic fence to shield the kennels.
  - The financial contribution of £273,093.00 towards off-site affordable housing provision to be used in Rode Heath/Church Lawton/Alsager/Alsager Rural within 10 years.
  - Toad crossing.

12 **18/2344C LAND NORTH OF HIND HEATH ROAD, SANDBACH: OUTLINE PLANNING PERMISSION FOR UP TO 50 DWELLINGS, NEW PLANTING AND LANDSCAPING, CAR PARKING, VEHICULAR ACCESS POINT FROM HIND HEATH ROAD AND ASSOCIATED ANCILLARY WORKS. ALL MATTERS TO BE RESERVED WITH THE EXCEPTION OF THE MAIN VEHICULAR SITE ACCESS FOR KODIAK LAND**

Note: Mr J Minshull (objector) and Mr P Colclough (supporter) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be REFUSED for the following reasons:
1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside) of the CELPS, PS8 (Open Countryside) of the Congleton Borough Local Plan and PC3 (Policy Boundary for Sandbach) of the Sandbach Neighbourhood Plan and the principles of the National Planning Policy Framework. Furthermore the development is located within an Area of Separation and would result in the coalescence of Ettiley Heath and Wheelock Village. The proposed development would therefore be contrary to Policy PC1 (Areas of Separation) of the Sandbach Neighbourhood Plan.

2. The proposed development would result in the loss of a hedgerow which is classed as important under the Hedgerow Regulations. In this case there are no overriding reasons for allowing the development and as a result the proposed development is contrary to Policy SE5 of the CELPS and guidance contained within the NPPF.
    - (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
    - (c) That, should this application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
      1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
        - The numbers, type, tenure and location on the site of the affordable housing provision
        - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
        - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
        - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
        - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
      2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company
      3. Primary School Education Contribution £97,617, Secondary School Education Contribution of £130,742 and a SEN Contribution of £45,500
      4. Contribution of £54,000 towards the surfacing of the Wheelock Rail Trail, £11,827 towards lighting of the Wheelock Rail Trail and £861.37 towards maintenance
      5. Contribution of £1000 per family dwelling for the provision of outdoor sport
      6. Contribution of £9,100 towards indoor leisure provision
- 13 **18/0945N LAND NORTH OF CHOLMONDELEY ROAD, WRENBURY CW5 8GZ: CONSTRUCTION OF 68 DWELLINGS, MEANS OF ACCESS, LANDSCAPING AND ASSOCIATED WORKS FOR WAINHOMES (NORTH WEST), MR D YOUNG, MR D HATTON & MRS L K HATTON**

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

14 **18/2456N THE GRANGE FARM, HOLLYHURST ROAD, MARBURY  
SY13 4LY: CHANGE OF USE OF LAND AND AGRICULTURAL  
BUILDING FOR AN EVENTS VENUE FOR MR & MRS  
CHARLESWORTH**

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Davies withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Parish Councillor J Makin (on behalf of Marbury and District Parish Council), Mr A Wootton (objector), Mr D Evans (supporter) and Mr T Charlesworth (applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr A Muskett had registered his intention to address the Committee on behalf of the applicant but did not speak.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED – That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:

1. Time (3 years)
2. Plans
3. Materials as per application
4. Drainage scheme to be approved
5. External lighting to be approved
6. Prior to occupation the passing places shown on 'Amended Passing Bay Location Plan' should be constructed.
7. Hours of operation
8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) order 1987 (As Amended), the hereby approved wedding venue shall only be used as a wedding venue and not for any other use without the submission and approval of a separate planning application.

Informatives:

1. NPPF
2. The applicant will be required to enter into s 278 agreement for the proposed off-site works

- 15 **18/1250N LAND TO THE REAR OF OAKLEAF CLOSE, SHAVINGTON, CREWE CW2 5SF: 15 NO. NEW DWELLINGS COMPRISING 11 NO. 4/5 BEDROOMED DETACHED AND 4 NO. 3 BEDROOMED SEMI-DETACHED AFFORDABLE DWELLINGS, TOGETHER WITH ASSOCIATED GARAGES, PARKING AND ACCESS ROAD FOR MR & MRS M MCGARRY**

Note: Councillor S Edgar left the meeting prior to consideration of this application.

Note: Prior to consideration of this application, the meeting was adjourned for a short break.

Note: Mr R Hindhaugh attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:
1. The Local Planning Authority considers that the proposed development is unacceptable as the application site lies within the Open Countryside which should be protected for its own sake and where there is a presumption against inappropriate forms of new development. The proposal does not meet any of the exceptions contained with Policy PG 6 (Open Countryside). The proposed development would therefore be contrary to Policy PG 6 (Open Countryside) of the Cheshire East Local Plan Strategy and the guidance contained with the NPPF.
  2. In the opinion of the Local Planning Authority, the proposed development would contribute to the erosion of the Green Gap between the built up areas of Shavington and Crewe which would significantly and demonstrably outweigh the benefits of the scheme. The development is therefore contrary to Policy PG5 (Strategic Green Gaps) of the Cheshire East Local Plan Strategy and Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.
  3. The Local Planning Authority considers that the layout and design of the proposed development, by virtue of the relationship with the edge of the countryside and its detailed design and layout, does not make a positive contribution to the surrounding area and fails to achieve a sense of place that would enhance the distinctiveness and character of the area. This is contrary to Policy SE 1 (Design) of the Cheshire

East Local Plan, the Cheshire East Residential Design Guide and the guidance contained with the NPPF.

4. The Local Planning Authority considers that whilst 30% affordable housing is proposed, all the affordable units are 3 bedroomed. This fails to address the identified local housing need for a range of housing sizes for affordable provision. In addition, no Affordable Housing Scheme has been provided and as a result it is considered that the proposal would fail to address identified local housing need and fails to create a sustainable, inclusive, mixed and balanced community, contrary to Policy SC 5 (Affordable Homes) of the Cheshire East Local Plan and the guidance contained with the NPPF.
  5. The Local Planning Authority considers that insufficient information has been submitted to inform the impact of the proposed development on any protected species present (specifically the impact on Great Crested Newts, bats, water voles and bluebells) as well as the impact on grassland and hedgerow habitats. The development is therefore contrary to Policy SE 3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy, Policies NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should this application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
    - The numbers, type, tenure and location on the site of the affordable housing provision
    - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
    - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
    - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
    - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
  2. A contribution of £32,539.00 to Primary School Provision

3. Open Space/wildflower garden to be maintained by a private management company

**16 PLANNING APPEALS**

The Committee considered a report regarding the outcome of Planning Appeals decided between 1 January 2018 and 30 June 2018.

RESOLVED – That the report be noted.

The meeting commenced at 10.00 am and concluded at 12.45 pm

Councillor J Wray (Chairman)

Application No: 18/2343N

Location: TOP END FARM, BARTHOMLEY ROAD, CREWE, CHESHIRE, CW2 5NT

Proposal: Change of Use of 2 no. buildings from agricultural use to a mixed use comprised of agriculture use and use for the storage of fertiliser for sale

Applicant: M Abell

Expiry Date: 10-Aug-2018

**SUMMARY:**

Top End Farm currently benefits from a Certificate of Lawful use for fertiliser storage, blending and adaptation in and outside an existing building.

This proposal seeks to use two other buildings for storage of fertiliser (Buildings B & C) and to use Building A for processing and packing with no external storage.

Subject to conditions restricting tonnages of fertiliser being exported from the site and strict record keeping, no intensification of the use at the site would take place.

A condition to improve the access lane from Barthomley Road will provide positive benefits from the scheme.

**RECOMMENDATION:**

**Approve subject to conditions.**

**CALL IN**

The application was called in by Cllr David Marren for the following reasons:

*“Top End Farm is a contentious site and has been brought to the attention of Planning Enforcement Officers, Planning Officers and Highway Officers on a number of occasions. Please check! Residents have repeatedly raised concerns regarding the frequency of vehicle movements and the size of vehicles accessing and exiting Barthomley Road, a road which is so narrow that in a number of places cars travelling in opposite directions are forced to stop to allow the other to pass. Clearly HGVs associated with the business activity at Top End Farm seriously exaggerate that problem and are, allegedly, the primary cause of significant verge erosion, indeed at the point just before the track leading to Top End Farm, Barthomley Road is merely 9 feet wide and is unsuitable for HGV.*

*I have attended this site with a Highways Officer very recently who has witnessed the resulting damage to road surfaces and verges which it is suggested as a result of vehicles that are too large accessing and leaving the site. I also understand that Cheshire East Highways regularly attend outside Top End Farm to remove materials deposited on the highway. I know there is regular flooding due to HGVs eroding the verges of the highway causing the gullies to block. Neighbours complain that dry weather then results in dust pollution creating vast dust clouds in excess of 20 foot, they say from vehicles using the eroded track to Top End Farm. There are also signs that the boundary to Bridgehouse Farm is also being eroded, again allegedly due to the lack of width of Barthomley Road when vehicles maneuver into Top End Farm.*

*Whilst the application suggests that there will be no increase in vehicle movements that claim is received with a great deal of scepticism by neighbours as a result of historical discrepancies between claim and actuality and because the claim of no additional movements is illogical. The Applicant is wanting to the change of use for 2 further buildings which in effect appears to be a 200% increase in the size of this business. It is simply illogical to claim that there will be no additional HGV movements. Neighbours worry about even more damage to road surfaces and verges.*

*Lastly this application should be heard by committee to show transparency of process and so that justice “can be seen to be done”. As I have said, this is a contentious site with lots of history and the reluctant involvement of the Council. Unfortunately, the Applicant’s Supporting Planning Statement is redacted on pages 3, 4, 5, 6 & 7 dealing with the “Proposal Background” and the “Proposed Development”. Failure to disclose the entirety of this crucial document prevents neighbours applying proper scrutiny and the lodging of detailed objections that might result. The public and residents affected as such are unable to see what points the applicant is putting forward and therefore are unable to fully lawfully challenge what points the Applicant is submitting to the Planning Authority. Dealing with this application as a delegated matter, builds on this injustice. “*

## **PROPOSAL**

The application is for a change of use of two buildings from agricultural use to a mixed use comprising agriculture and the storage of fertiliser for sale. The buildings in question are edged in red on the site plan and annotated as Building B and Building C.

## **SITE DESCRIPTION**

The application site comprises two buildings that form part of a farm complex located within the Green Belt as defined by the Local Plan Proposals Map. The site is accessed via a track from Barthomley Road which is also the route of a Public Right of Way along its length (Crewe Green Footpath 3). To the north of the farm complex is a railway line.

## **RELEVANT HISTORY**

**17/1975N** - Construction of a roof and sides to enclose an existing silage clamp – not determined

**16/3183N** - Certificate of Lawful Existing Use in respect of the mixed use of agriculture and for the storage, blending and adaptation for fertilisers for sale. – Positive Certificate 20<sup>th</sup> September 2017

**13/2277N** - Lawful Development Certificate for use of the land and building for the storage, blending and adaptation of fertilisers for sale – Appeal dismissed 15<sup>th</sup> December 2015

**12/1073N** – Retention of extensions to agricultural buildings – Refused 16<sup>th</sup> October 2012

**11/2209N** – Certificate of Lawfulness Approved for Use of Farm for the Storage, Blending and Adaption of Fertilisers for Sale 13<sup>th</sup> January 2012.

**10/4960N** – Retrospective planning application withdrawn for a Change of Use from Agricultural Use (Beef Farming) to a Concrete Panel Business on 23<sup>rd</sup> December 2010.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

## **POLICIES**

### **Development Plan**

#### **Cheshire East Local Plan Strategy (CELPS)**

The following are considered relevant material considerations:

PG1 – Overall Development Strategy

PG3 – Green Belt

PG7 – Spatial Distribution of Development

PG2 – Settlement Hierarchy

EG1 – Economic Prosperity

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE12 – Pollution, Land Stability and Land Contamination

**It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.**

The Development Plan for this area is the **Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)**, which identifies that the site is within the Open Countryside

The relevant Saved Policies are:

BE.1 - Amenity

BE.3 - Access & Parking

E.6 - Employment in Open Countryside

NE.13 -Rural Diversification

NE.15 -Re-Use & Adaptation of a Rural Building for a Commercial, Industrial or Recreational Use.

NE.17 - Pollution Control

There is no Neighbourhood Plan for this area.

## **CONSULTATIONS:**

### **Environmental Protection:**

No objection.

### **Cheshire Constabulary:**

No objection.

### **Crewe Green Parish Council:**

*“Crewe Green Parish Council considered application ref 18/2343N at its meeting held Monday 21 March 2018. Members considered the Application and raised no objection to the proposals based on the evidence submitted as the Applicant has confirmed that there will no intensification of the existing use of the site. Members are aware that there have been traffic concerns raised with respect to this operation and would not want to see a further intensification of this use without further consideration of such details.”*

## **REPRESENTATIONS:**

At the time of report writing 7 objections have been received relating to this application. They express the following concerns:

- The road cannot sustain the large amount of HGV movements
- Damage to the highway
- Debris causing gullies to block
- Dust during dry weather
- The Land is in the Green Belt
- Industrial scale, non-farming activities taking place on the site
- Intensification of operations at the site
- Full details of use and sale of fertiliser from the site should be given
- There are no details of the size of the buildings or the volume of fertiliser to be stored
- Details of past vehicle movements in relation to the fertiliser operations at Top End Farm should be provided
- Not clear which buildings are to be used
- Redacted documents relating to the application
- The Council has been misled by the applicant in the past

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Context**

The applicant operates a commercial fertiliser business on the site which involves the storage, blending and adaptation of fertilisers for sale. He also uses fertiliser on this farm and does contract work on other land.

In 2017 a Certificate of Lawful Development was issued which allows the fertiliser operation to take place within and outside the building marked as Building A in the Key Plans. This application seeks to use the buildings marked as Building B and Building C for internal, safe, secure storage of fertiliser and outdoor storage will no longer take place. Building A will still be used for indoor processing and packing of fertiliser.

This will allow the applicant to gain accreditation for the Fertiliser Industry Assurance Scheme (FIAS). This is an independently audited certification scheme that has been developed between the Government and the UK fertiliser industry.

### **Intensity of Operations at the Site**

The application states that no intensification of the operations at the site will take place if this application is granted planning permission. To this end tonnages of fertiliser leaving the site have been submitted and should planning permission be granted, a condition would be imposed requiring that these do not exceed 16,000 tonnes. This is the largest amount that has been exported from the site between 2013 and 2017.

In addition to limiting the tonnages leaving the site, another condition would be imposed requiring records of monthly output to be maintained and available to the Local Planning Authority on request. This would also be a requirement for accreditation as a FIAS member. It will also be possible to differentiate between fertiliser for use on the farm and that for commercial use.

It is considered that subject to these conditions, intensification of the fertiliser business would be controlled and if the applicant wished to increase the use at the site, a further planning permission would be required.

### **Highways**

The use of the site for the fertiliser business was established under the Certificate of Lawful Development and this application does not seek to intensify the operations of the existing business. However there is a history of problems with detritus materials from the site being deposited on the highway and this could not be controlled under the auspices of the certificate.

This application provides the opportunity to try to address this issue. To this end it is recommended that a condition be imposed requiring the submission and implementation of a scheme for re-surfacing the last 15 metres of the access lane to the farm, up to where it joins with Barthomley Road.

### **Amenity**

Several of the objectors have made reference to issues of dust and disturbance emanating from the site and vehicle movements from it. Firstly it should be noted that this is a working

farm and large vehicles would be entering and leaving even if there was no fertiliser business in operation. The application proposes no intensification of the use at the site and materials will no longer be stored outside the building that was subject of the certificate. As such a reason for refusal on amenity grounds could not be sustained.

### **Conclusion**

There would be no intensification of the use at the site and this would be controlled by conditions. The storage of fertiliser within safe, secure buildings would allow the applicant to obtain FIAS accreditation, which would in itself apply further controls on the operations at Top End Farm. Benefits would be gained from improvements to the existing access to the farm.

### **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Use to begin within 3 years of the date of the decision.**
- 2. Accordance with approved plans.**
- 3. No more than 16,000 tonnes of fertiliser shall be exported from the site in any one calendar year.**
- 4. From the date of the implementation of the use hereby permitted, the operator shall maintain records (including weighbridge records, of monthly output of fertiliser from the site and shall make them available to the Local Planning Authority within 14 days of the last day of any month, when requested.**
- 5. No external storage of raw materials or finished fertiliser product shall take on the site.**
- 6. Within 3 months of the date of this permission, detailed plans for the improvement/re-surfacing of 15 metres of the access road to Top End Farm from Barthomley Road, including an implementation time scale, and public footpath mitigation scheme shall be submitted to and approved in writing. The works to the road shall be carried out in accordance with the approved details.**

**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 Head of Planning (Regulation) 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.**



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Application No: 18/1270N

Location: Northern Dairies, Groby Road, Crewe, CW1 4PE

Proposal: Change of Use from Milk Dairy Storage and Distribution (B8) to Metal Fabrication Company with associated workshops, offices and yards (B2).

Applicant: Mr Paul Carruthers

Expiry Date: 06-Sep-2018

**SUMMARY**

This is a retrospective application on a 'brownfield' site within open countryside, for a business involved in the fabrication of steel platforms. Previously the premises were a milk depot.

The site is sizeable, set on a bend on Groby Road, with extensive hardstanding to the front, has a single storey single skinned former depot 1950's style industrial building with attached (brick built) office. A yard is located to the rear adjoining the residential neighbours

The change of use from milk depot to steel fabrication (Class B2) is the subject of numerous complaints from neighbours concerning noise, and is the subject of on going enforcement investigation. This application, together with its 2 sister applications concerning different parts of the same site, is submitted as a result of those investigations

From an economic sustainability perspective, the scheme will provide employment opportunities in the local area and other economic spending benefits in the economy that would derive from that employment provision.

From an environmental and social perspective the proposal is considered to be acceptable in terms of the impact upon parking, highway safety and traffic generation.

However, the noise assessments submitted clearly demonstrate that the adverse impact upon the amenity of adjacent residents in terms of noise that is not capable of adequate mitigation. As such the noise generated by the use of the site for the fabrication of steel platforms or similar use within Class B2 (General Industrial) causes harm to interests of acknowledged importance

Accordingly, the benefits of the development in terms of employment and economic activity do not outweigh the harm to the amenity of neighbouring residents by virtue of the increased noise and disturbance.

**RECOMMENDATION:**

**REFUSE**

## **PROPOSAL**

The proposal is for a retrospective change of use from the former Northern Diaries milk depot (Class B8), to a steel fabrication premises within Class B2 (general industrial) and B8 (storage and distribution) use. The storage use is ancillary to the primary purpose of the use being the industrial activity of the fabrication of steel platforms/ products for use in the car industry

The building within which the steel fabrication occurs is a single skinned steel framed building with commercial sized openings of both end elevations. Large steel platforms to be used in the automotive industry are welded and fabricated within the building.

The unauthorised change of use commenced in March 2015.

## **SITE DESCRIPTION**

The application site is approximately 10,000sq.m compound located on Groby Road on the outskirts of Crewe. The site is secured by 2m high security fencing and contains numerous buildings including the depot building, front office, various outbuildings that were originally cold stores associated with the former Dairy depot and now used for storage.

Adjoining the site to the north is a small complex of dwellings/barn conversions in separate residential occupations. A manege also adjoins this boundary, which is operated on a mixed commercial/ancillary residential basis by an adjoining resident of one of the barns. The wider area is open countryside.

## **RELEVANT HISTORY**

There are 2 applications submitted by the same applicant related to this application to be determined (elsewhere on this Agenda);

18/1769N - Retrospective erection of a steel framed building to the rear of the main workshop - to be determined

18/1770N - Change of use of part of premises to a 9 bedroom HMO with shared kitchen and bathroom facilities - to be determined

No other relevant planning history

## **NATIONAL & LOCAL POLICY**

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

**Cheshire East Local Plan Strategy 2010-2030 July 2017**  
PG 2 Settlement Hierarchy

PG6 Open Countryside  
SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 2 Efficient Use of Land  
SE 12 Pollution, Land Contamination and Land Instability  
SE 13 Flood Risk and Water Management  
PG 1 Overall Development Strategy  
PG6 Open Countryside  
EG 1 Economic Prosperity  
EG 2 Rural Economy  
EG 3 Existing and Allocated Employment Sites

**Borough of Crewe and Nantwich Adopted Local Plan 2011 (Saved Policies)**

BE.1: Amenity  
BE.4: Drainage, Utilities and Resources  
NE15 : Re-use and Adaptation of a Rural Building for a commercial, Industrial or recreational Use  
NE.17: Pollution Control

**National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

**CONSULTATIONS:**

**Parish/Town Council:** .No Comments received

**Highways:** No objection.

**Environmental Protection:** Objection on noise grounds. Advises that the Noise surveys undertaken are not the worse case scenario, and as measured have been determined by the noise survey as causing 'adverse impact' on neighbours in noise terms.

**Cheshire Brine Board:** No comment to make

**REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing representations have been received from a Planning Consultant representing various neighbouring properties. 3 representations from neighbours have also been received.

The following objections are raised;

- Adverse impact upon residential amenity (stress anxiety, loss of sleep) due to noise disturbance from the industrial processes going on in the unit, particularly early in morning.
- Adverse impact upon the activity of the manege due to sudden noise spooking horses. One client requires hospital treatment as result of sudden noise distressing horse. Less ability to ride horses for pleasure

- The residential use, given that the workers live on site (subject to separate application on this Agenda), results in late night activities/bonfires and noisy social gatherings
- The proposal, together with the other applications submitted for the same use / supporting the same use is contrary to adopted Open Countryside policy.
- Adverse impact upon air quality as a result of the activities undertaken on site by Pegasus.

Additionally, Councillor Brookfield objects on the following grounds

- Noise
- Pollution
- Anti-social behaviour in terms of social activity including lighting of bonfires
- Highways issues
- Over development
- Working 7-days a week - starting early and finishing late
- Affect on horses

One representation of support has been received from a neighbour which states that neighbour has no issue with the proposal

### **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

#### **Principle of Development**

The site is the former Express Diaries Milk Depot site which is an existing brownfield site, with a substantial industrial premises set in a sizeable yard on Groby Road. The site is within Open Countryside in the Crewe and Nantwich Replacement Local Plan. The Building is of substantial construction.

The former use was as a milk depot involved milk storage and distribution (considered to be Class B8 use). There is no permitted change of use from Class B8 to Class B2 (General Industrial) without planning permission.

Policy EG2 of the Local Plan Strategy supports developments in rural areas that support the vitality of rural areas and encourage the retention of existing rural based businesses provided that the proposals comply with various criteria including not detracting from the amenity of adjacent residents and other Policies.

The Environmental Health Officer has reached the conclusion that the activities on the site as a whole are causing a loss of amenity in noise terms for neighbouring residents.

Accordingly, given the harm caused to residential amenity, the proposal is contrary to Policy EG2 in principle. Accordingly, the issue is now whether there are matters which would outweigh the harm caused.

#### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'*

There are three dimensions to sustainable development: 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. Any assessment should look at sustainable development as a whole.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Highways**

The Head of Strategic Infrastructure (HSI) has assessed the application and raises no objection to it. This is due to the fact that the site was previously a milk depot and therefore the change of use would be unlikely to lead to an increase in vehicle movements.

The HSI considers that the visibility at the access is acceptable and does not cause detriment to highway safety. There is adequate parking provision within the site to ensure that on-street parking is not generated from the site.

#### **Noise**

A noise report was not initially submitted in support of the application. The first assessment which was submitted was not deemed a realistic assessment, e.g. each piece of equipment was surveyed in isolation, not cumulatively. A further assessment was then required which assessed the use in realistic operation (i.e. with equipment operating at the same time). This report has been undertaken with the garage doors on the side of the premises in the down position

The main results can be seen in the following table -

### 3.2 BS4142 (From Source Levels – workshop equipment and fork lift truck)

**Table 8 – Plant and Activities (dBA) – Daytime – Levels at Houses**

BS4142 (1-hour reference period) dBA	Range of levels from Individual Equipment	Simultaneous Level – All Equipment (1 <sup>st</sup> )	Fork Lift Truck Only (Rear Yard)	Shot Blasting (New Building)	Simultaneous Level – All Equipment (Revisit)
L <sub>Aeq,T</sub> dB Levels	19-34	42	36	22-24	38-39
Tonal Character Correction	2	2	0	2	2
Impulsive Sound Characteristics	3	0	3	3	0
Other Sound Characteristics	0	0	0	0	0
Intermittency Correction	0	0	0	3	0
Rating Level	24-39	44	39	32	41-42
Background Noise Level LA90 dB (Weekday)	40	40	40	40	40
Background Noise Level LA90 dB (Saturday morning)	35	35	35	35	35
Excess over Background [Rating – Background] dB (Weekday)	-16 to -1	+4	-1	-8	+1 to +2
Excess over Background [Rating – Background] dB (Saturday morning)	-11 to +4	+9	+4	-3	+6 to +7
Weekday	"Low Impact"	"Adverse Impact"	"Low Impact"	"Low Impact"	"Adverse Impact"
Saturday Morning	"Low Impact" to "Adverse Impact"	"Adverse Impact"	"Adverse Impact"	"Low Impact"	"Adverse Impact"

Additions for characteristics applied for internal plant but as noted are not likely to be audible at the receptors. General addition made of +3dB for fork lift trucks to cover any impact noise. Addition for tone, impulsive sound and intermittency added for the shot blaster. For other equipment, working continuously for the worst case calculation, an addition has been added for tone.

The Noise Consultant retained by the Applicant suggests mitigation to seek to mitigate for the identified 'adverse impact'. This is suggested as being

1. Filling gaps/holes in the fabric of the building
2. Plastic internal curtain walling
3. Having the existing openings shut when the premises are operational

The Environmental Health Officer has considered the 2 noise reports and advises that whilst 1 and 2 may be of limited benefit, 3 is an unrealistic suggestion from the Applicants retained Noise Consultant given the detailed design and age of the premises, the likely operating practises of the Applicant and the nature of the activity. This is together with the fact that ventilation and air flow can only be achieved by opening the roller shutters on both ends of the premises, given the absence of any heat exchange system in the building.

Additionally the roller shutters are the access and egress to the building and would be constantly up and down during the work day as plant and equipment/ completed platforms are moved/stored around the site as part of normal working practises of this engineering/steel platform fabrication firm.

In addition, it is considered that no planning condition which passes the tests set down in National Planning Guidance could be enforced or would be reasonable which would require the roller shutters to be kept shut permanently when the use is in operation.

As the harm is identified by the submitted survey is 'adverse' with the roller shutters in the 'down' closed position, it is reasonable to assume that the noise levels audible at the nearest residential facade would be even greater if the roller shutter was in the 'open' position.

It is also considered that the doors within the premises, if in the closed position, are likely to be opened and closed regularly in terms of normal activity.

Accordingly, the adverse harm in noise terms identified can not be adequately mitigated. A condition that requires the doors to be permanently closed when machinery is in operation is not enforceable in planning terms and therefore it is not considered that any planning condition to this effect would pass the tests in National Planning Guidance. The Environmental Health Officer recommends the application be refused.

### **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support a prosperous rural economy.

Paragraph 83 requires that planning decisions should enable;

- a. the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;
- b. the development and diversification of agricultural and other land based rural businesses;
- c. sustainable rural tourism....

The applicants occupied the site without the benefit of planning permission. It is clear that the Government requires the planning system to do everything it can to support sustainable economic growth and to encourage not impede sustainable growth in rural areas.

This is a business that is providing some employment for workers who are imported for the duration of a limited contract. These workers are living in HMO accommodation provided by the Applicant as part of the employment package (subject to a separate application reported elsewhere on this Agenda). Undoubtedly the economic activity is of benefit to the Applicant, given the fact that he currently employs over seas workers on limited contracts and there will be some economic benefits to the local manufacturing economy/ local shops used by the workers in Crewe for the duration of their stay.

However, who is employed is not controllable in planning terms and this assessment should consider whether the benefits in terms of economic activity in an existing building are sufficient to outweigh the environmental already identified.

### **SOCIAL SUSTAINABILITY**

Paragraph 92 of the Framework, which concerns the promotion of healthy and safe community, requires that amongst other things planning decisions should ensure an integrated approach to considering the location of housing and economic uses.

The approval for the use of the site would retain existing employment to the benefit of the employees. This would have some limited social benefit.

### **Residential Amenity**

Objections have been received from local residents expressing concerns about the impact on their amenity, by virtue of the noise created by the use and the activity at weekends, early mornings and late evenings.

The application form gives no hours of operation and despite being asked the Agent has also failed to disclose the operating hours sought. However the occupier of a nearby residential property has supplied a noise diary stating that the site has been operating before 7 am and after 8pm on occasions, with the noise event being referred to a loud metal banging and the sound of metal being dragged on a hard surface. The neighbours also refer to noise events on weekends which they refer to as being noisy. This level of noise would concur with noise levels as detailed in the noise survey submitted.

Accordingly, the proposal, by virtue of the noise environment created for the adjoining residential occupiers which has been demonstrated to be already being causing an 'adverse' noise environment when the roller shutters are in the 'down' position, is detrimental to the amenity of neighbours.

Saved Policies BE1, NE15 and NE17 of the Crewe and Nantwich Replacement Local Plan requires developments to be compatible with surrounding land uses, not to result in a loss of amenity for neighbours/sensitive occupiers of adjacent or lead to an increase in noise pollution which can not be mitigated by planning condition.

Accordingly, the dis-benefits are considered to outweigh the benefits of the proposal to the economy and no conditions could reasonably be imposed that would adequately mitigate the harm to interests of acknowledged importance identified in this report.

### **Conclusion – The Planning Balance**

This is a retrospective application on a 'brownfield' site, for a business providing employment. Whilst it is within the open countryside, it is ideally situated for access to the M6 making it locationally sustainable.

From an economic sustainability perspective, the scheme will provide employment opportunities in the local area and other economic benefits that would derive from that employment provision.

From an environmental and social perspective the proposal is considered to be unacceptable. The adverse impacts upon the amenity of neighbours by virtue of the increased noise disturbance, often early in the morning and late evening outweighs the benefits to the economy generated by the proposal

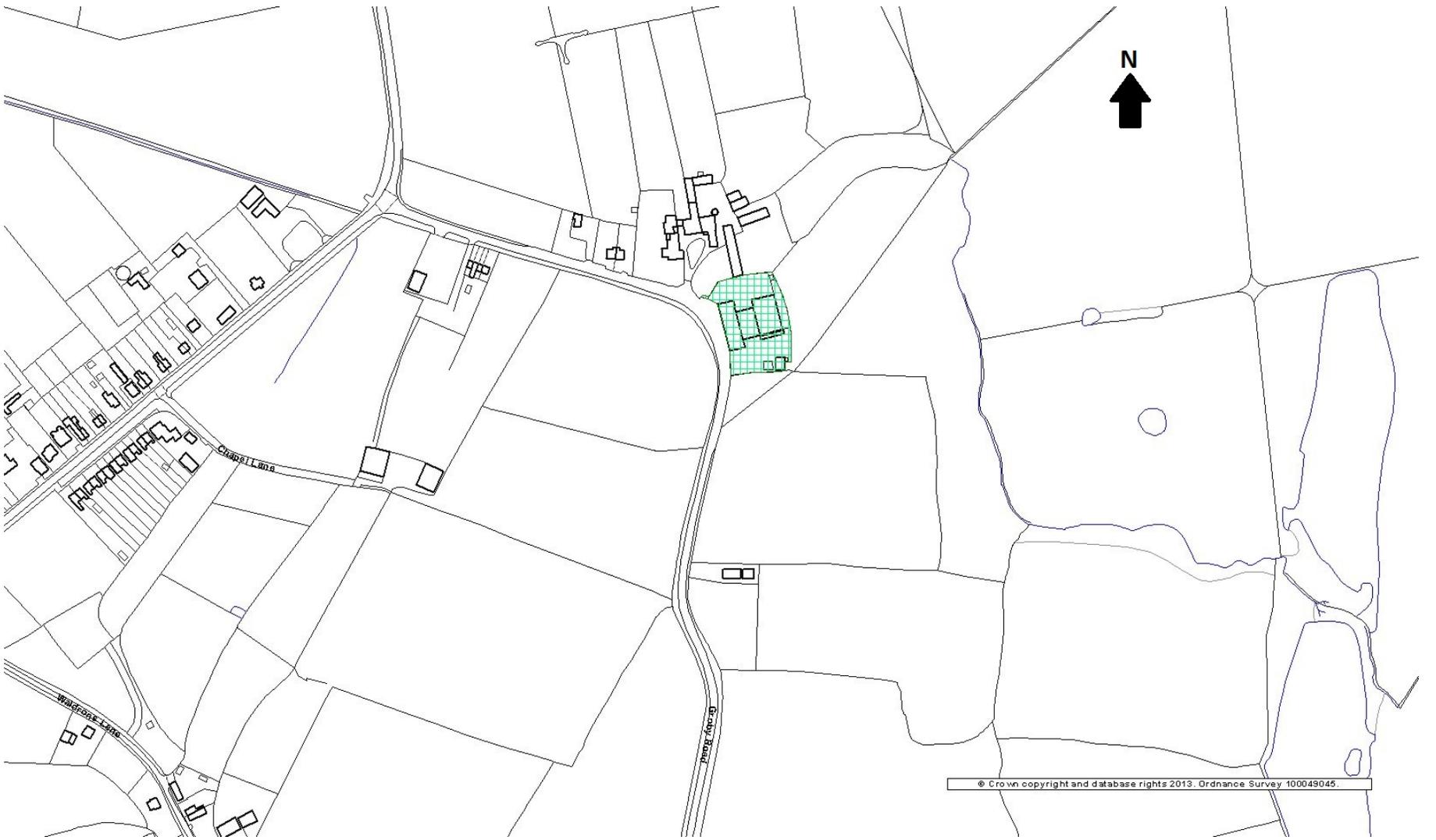
The proposal is therefore considered to be an unsustainable form of development which is contrary to local planning policy and national planning guidance which seeks to locate development in the right place.

### **RECOMMENDATION**

**REFUSE for the following reason:**

1. The retention of the use of the premises as a steel fabrication premises (Class B2), by virtue of the unacceptable increased noise levels and disturbance would be detrimental to the amenity of the area and neighbours contrary to Policy EG2 of the Cheshire East Local Plan Strategy and saved policies BE.1 Amenity, NE15 Re-use and Adaptation of a Rural Building for a commercial, Industrial or recreational Use and NE.17 Pollution of the Crewe and Nantwich Replacement Borough Local Plan 2011.

In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice



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Application No: 18/1769N

Location: Northern Dairies, Groby Road, Crewe, CW1 4PE

Proposal: Retrospective erection of new steel framed workshop to rear of main buildings

Applicant: Mr Mitchell, Pegasus Mechanical Services Ltd

Expiry Date: 06-Sep-2018

### Summary

This is a retrospective application for the retention of a workshop extension to the rear of the existing depot building. The extension is of simple, single skinned steel profiled and framed design approximately 27m long x 4.5m wide with 4.5m mono pitched roof. The extension is almost on the site boundary to the east which is secured by palisade security fence beyond which is agricultural land.

The extension is accessible from within the existing commercial premises and is used currently for sand blasting and storage. Double doors are located to the southern elevation. The end elevation to the north, closest to the residential neighbours has no openings.

The site is sizeable, set on a bend on Groby Road, with extensive hardstanding to the front, has a single storey single skinned former depot 1950's style industrial building with attached (brick built) office. A yard is located to the rear adjoining the residential neighbours

Within the extension, which is linked to the main building, sand blasting and storage presently occurs. Given the internal access to the main building it is considered to be capable of being utilised for any process that also occurs within the main depot building.

This application, together with its 2 sister applications concerning different parts of the same site, is submitted as a result of enforcement investigation.

From an economic sustainability perspective, the scheme will provide employment opportunities in the local area and other economic spending benefits in the economy that would derive from that employment provision.

From an environmental and social perspective the proposal is considered to be acceptable in terms of the impact upon design, parking, highway safety and traffic generation.

However, the noise assessments submitted clearly demonstrate that the adverse impact upon the amenity of adjacent residents in terms of noise that takes place within the premises is not capable of adequate mitigation that is either realistically achievable or adequately enforceable. The extension to which this application relates is entirely

accessible from the existing premises and is part of the existing industrial use of the site. As such the noise generated by the use of the premises for the fabrication of steel platforms or similar use within Class B2 (General Industrial) cannot be disaggregated and the noise generated causes harm to the residential amenity of neighbours.

Accordingly, the benefits of the development in terms of employment and economic activity do not outweigh the harm caused to the amenity of neighbouring residents by virtue of the increased noise and disturbance.

**Recommendation**

**REFUSE**

**PROPOSAL**

The proposal is for the retention of a single storey extension to the rear of the depot building. The building is a single skinned steel framed building with a commercial sized opening on the southern end elevation. The elevation closest to the residential boundary has no openings

**SITE DESCRIPTION**

The application site is approximately 10,000sq.m compound located on Groby Road on the outskirts of Crewe. The site is secured by 2m high security fencing and contains numerous buildings including the depot building, front office, various outbuildings that were originally cold stores associated with the former Dairy depot and now used for storage.

Adjoining the site to the north is a small complex of dwellings/barn conversions in separate residential occupations. A manege also adjoins this boundary, which is operated on a mixed commercial/ancillary residential basis by an adjoining resident of one of the barns. The wider area is open countryside.

**RELEVANT HISTORY**

There are 2 applications submitted by the same applicant related to this application to be determined (elsewhere on this Agenda);

18/1270N - Change of Use from Milk Dairy Storage and Distribution (B8) to Metal Fabrication Company with associated workshops, offices and yards (B2) - to be determined

18/1770N - Change of use of part of premises to a 9 bedroom HMO with shared kitchen and bathroom facilities - to be determined

No other relevant planning history

**NATIONAL & LOCAL POLICY**

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

**Cheshire East Local Plan Strategy 2010-2030 July 2017**

PG 2 Settlement Hierarchy  
PG6 Open Countryside  
SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
SE 13 Flood Risk and Water Management  
PG 1 Overall Development Strategy  
PG6 Open Countryside  
EG 1 Economic Prosperity  
EG 2 Rural Economy  
EG 3 Existing and Allocated Employment Sites

**Borough of Crewe and Nantwich Adopted Local Plan 2011 (Saved Policies)**

BE.1: Amenity  
BE.4: Drainage, Utilities and Resources  
NE15: Re and Adaptation of a Rural Building for a commercial, Industrial or recreational Use  
NE.17: Pollution Control

**National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

**CONSULTATIONS:**

**Parish/Town Council:** .No Comments received

**Highways:** No objection.

**Environmental Protection:** Objection on noise grounds. Advises that the Noise surveys undertaken are not the worse case scenario, and as measured have been determined by the noise survey as causing 'adverse impact' on neighbours in noise terms.

**Cheshire Brine Board:** Suggest raft foundations

**REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties.

Objection has been received from a Planning Consultant representing various neighbouring properties. 5 objections from neighbours have also been received.

The following objections are raised

- Noise and disturbance
- Lack of information
- Extension already built - demonstrates the rapid extension of the use of the site/ use inappropriate in a rural area
- Loss of parking
- No Soundproofing
- No extraction for the paints and chemicals used in extension causes smell nuisance
- The residential use, given that the workers live on site (subject to separate application on this Agenda), results in late night activities/bonfires and noisy social gatherings

The proposal, together with the other applications submitted for the same use / supporting the same use is contrary to adopted Open Countryside policy.

Additionally, Councillor Brookfield objects on the following grounds

- Noise
- Pollution
- Highways issues
- Over development
- Working 7-days a week - starting early and finishing late

One representation of support has been received from a neighbour which states that neighbour has no issue with the proposal

### **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

#### **Principle of Development**

The site is the former Northern Diaries Milk Depot site which is an existing brownfield site, with substantial industrial premises set in a sizeable yard on Groby Road. The site is within Open Countryside in the Crewe and Nantwich Replacement Local Plan. The Building is of substantial construction. Policy EG2 of the Local Plan Strategy supports developments in rural areas that support the vitality of rural areas and encourage the retention of existing rural based businesses provided that the proposals comply with various criteria including not detracting from the amenity of adjacent residents and other Policies.

This extension, whilst small and located to the rear of the existing substantial building, is discreetly sited and of a functional design in keeping with the site and existing built form, has also been determined by the noise report submitted as part of the whole use of the site to be causing 'adverse' noise conditions. This extension is a part of the overall use of the site for an industrial process involving the fabrication of steel products (Class B2 General Industrial Use). The Environmental Health Officer has reached the conclusion that the activities on the site as a whole are causing a loss of amenity in noise terms for neighbouring residents. The extension cannot be divorced from the overall use of the site by the Applicant and therefore must be determined on the same basis.

Accordingly, given the harm caused to residential amenity, the proposal is contrary to Policy EG2. Accordingly, the issue is now whether there are matters which would outweigh the harm caused.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*‘The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs’*

There are three dimensions to sustainable development: 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. Any assessment should look at sustainable development as a whole.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Detailed Design**

This is a functionally designed profile steel extension which is located to the rear of the existing industrial building, adjacent to a 2.4 m high palisade security fence. It is of a form and detailed design which is entirely in keeping with the commercial nature of the premises and site. There is therefore no objection to the siting or design of the extension.

#### **Highways**

The Head of Strategic Infrastructure (HSI) has assessed the application and raises no objection to it. This extension does not result in the loss of parking. Parking is incorporated adequately within the yard.

#### **Noise**

Given the rural environment ambient noise levels to the rear of the depot building are likely to be relatively low due to the screening afforded by the depot building from road noise from Groby Road.

A noise report was not initially submitted in support of the application. Officers sought a further assessment as the assessment submitted was not deemed a realistic assessment, e.g. each piece of equipment was surveyed in isolation, not cumulatively. A further assessment was then required which assessed the use in realistic operation (i.e. with equipment operating at the same time). This report has considered the extension below which refers to 'Shot Blasting (New Building) to have low impact

The mains results can be seen in the following table -

### 3.2 BS4142 (From Source Levels – workshop equipment and fork lift truck)

**Table 8 – Plant and Activities (dBA) – Daytime – Levels at Houses**

BS4142 (1-hour reference period) dBA	Range of levels from Individual Equipment	Simultaneous Level – All Equipment (1 <sup>st</sup> )	Fork Lift Truck Only (Rear Yard)	Shot Blasting (New Building)	Simultaneous Level – All Equipment (Revisit)
LAeq, T dB Levels	19-34	42	36	22-24	38-39
Tonal Character Correction	2	2	0	2	2
Impulsive Sound Characteristics	3	0	3	3	0
Other Sound Characteristics	0	0	0	0	0
Intermittency Correction	0	0	0	3	0
Rating Level	24-39	44	39	32	41-42
Background Noise Level LA90 dB (Weekday)	40	40	40	40	40
Background Noise Level LA90 dB (Saturday morning)	35	35	35	35	35
Excess over Background [Rating – Background] dB (Weekday)	-16 to -1	+4	-1	-8	+1 to +2
Excess over Background [Rating – Background] dB (Saturday morning)	-11 to +4	+9	+4	-3	+6 to +7
Weekday	"Low Impact"	"Adverse Impact"	"Low Impact"	"Low Impact"	"Adverse Impact"
Saturday Morning	"Low Impact" to "Adverse Impact"	"Adverse Impact"	"Adverse Impact"	"Low Impact"	"Adverse Impact"

Additions for characteristics applied for internal plant but as noted are not likely to be audible at the receptors. General addition made of +3dB for fork lift trucks to cover any impact noise. Addition for tone, impulsive sound and intermittency added for the shot blaster. For other equipment, working continuously for the worst case calculation, an addition has been added for tone.

In noise terms, whilst the current activity inside this relatively recently constructed extension building has been indicated as having 'low impact' this cannot be guaranteed since the extension is internally linked to the main depot building and there is no control over what would happen internally or any ability to ensure that the internal linking doorway is kept closed. Accordingly, in terms of the noise environment that is audible at the residential neighbours this extension is not capable of being divorced from the use of the site (18/1270N refers)

The Noise Consultant retained by the Applicant suggests mitigation to seek to mitigate for the identified 'adverse impact'. This is suggested as being

1. Filling gaps/holes in the fabric of the main building
2. Plastic internal curtain walling
3. Having the existing openings shut when the premises are operational

The Environmental Health Officer has considered the 2 noise reports and advises that whilst 1 and 2 may be of limited benefit, 3 is an unrealistic suggestion from the Applicants retained Noise Consultant. This is a result of the;

- Detailed design and age of the premises
- The relationship with the extension subject of this application
- The likely operating practises of the Applicant and the nature of the activity. Together with the fact that ventilation and air flow can only be achieved by opening the doorway and the shot blasting activity being undertaken, given the absence of any heat or air flow exchange system in the extension the subject of this application.

In addition, it is considered that no planning condition which passes the tests set down in National Planning Guidance could be enforced or would be reasonable which would require the doorway to be kept shut permanently when the extension is being used for storage/shot blasting or any other activity within the larger depot building to which it is linked and open to internally.

It is also considered that the door within the premises, if in the closed position, is likely to be opened and closed regularly in terms of normal activity. Whilst a ventilation system could be installed this may also have implications for the noise environment

Accordingly, it is considered that the adverse harm in noise terms identified can not be adequately mitigated. A condition that requires the doors to be permanently closed when machinery is in operation is not enforceable in planning terms and therefore it is not considered that any planning condition to this effect would pass the tests in National Planning Guidance. The Environmental Health Officer recommends the application be refused.

### **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support a prosperous rural economy.

Paragraph 83 requires that planning decisions should enable;

- a. the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;
- b. the development and diversification of agricultural and other land based rural businesses;
- c. sustainable rural tourism....

No permitted development rights exist for this relatively small extension given its proximity to the boundary and this extension has been built without the benefit of planning permission. It is clear that the Government requires the planning system to do everything it can to support sustainable economic growth and to encourage not impede sustainable growth in rural areas.

This is a business that is providing some employment and generating economic activity by virtue of the unauthorised activity undertaken to date.

The workers employed were originally living in the (unlicensed) HMO accommodation provided by the Applicant as part of the employment package (subject to a separate application reported elsewhere on this Agenda). Clearly the extension has been built because of the rapid expansion needs of the Applicant who is using the entire site and all buildings in connection with the fabrication of steel platforms. It is presumed that the extension has been built to house the sand blasting and storage of plant and equipment as seen on the site visit. However, there would be no control over the activities within Class B2 and no ability to ensure the either internal or external doors are permanently shut. Undoubtedly the economic activity is of benefit to the Applicant and the businesses locally that he supplies with the platforms produced on this site. Some limited benefit is also generated for the employees, who are being employed on limited term temporary contracts to fill orders, for the duration of their employment.

However, who is employed is not controllable in planning terms and this assessment should consider whether the benefits in terms of economic activity in this extension building are sufficient to outweigh the environmental harm by virtue of the activities being undertaken in terms of noise already identified.

## **SOCIAL SUSTAINABILITY**

Paragraph 92 of the Framework, which concerns the promotion of healthy and safe community, requires that amongst other things planning decisions should ensure an integrated approach to considering the location of housing and economic uses.

The approval for the retention of the extension would support the current use of the whole depot premises for the manufacture of steel platforms, this would retain existing employment to the benefit of the employees. This would have some limited social benefit for those workers, however, the anti-social elements of the use of the extension ancillary to the main use of the site is unlikely to encourage their well being. This is considered to outweigh the limited benefits of the proposal

### **Residential Amenity**

Objections have been received from local residents expressing concerns about the impact upon their amenity, by virtue of the noise created by the use and the activity at weekends, early mornings and late evenings.

The extension sought for is in use for ancillary purposes to the main depot building. No hours of operation have been disclosed and despite being asked the Agent has also failed to disclose the operating hours sought. However the occupier of a nearby residential property has supplied a noise diary, in connection with another application, stating that the site has been operating before 7 am and after 8pm on occasions, with the noise event being referred to a loud metal banging and the sound of metal being dragged on a hard surface. The neighbours also refer to noise events on weekends which they refer to as being noisy. This level of noise would concur with noise levels as detailed in the noise survey submitted.

Accordingly, the proposal, which is ancillary to, and cannot be divorced from the main use of the site, which by virtue of the noise environment created for the adjoining residential occupiers which has been demonstrated to be already being causing an 'adverse' noise environment when the roller shutters are in the 'down' position, is detrimental to the amenity of neighbours.

Policy EG2 of the Cheshire East Local Plan Strategy and saved Policies BE1 and NE17 of the Crewe and Nantwich Replacement Local Plan require developments to be compatible with surrounding land uses, not to result in a loss of amenity for neighbours/sensitive occupiers of adjacent or lead to an increase in noise pollution which can not be mitigated by planning condition.

Accordingly, the dis-benefits are considered to outweigh the benefits of the proposal to the economy and no conditions could reasonably be imposed that would adequately mitigate the harm to interests of acknowledged importance identified in this report.

### **Conclusion – The Planning Balance**

This is a retrospective application to retain an relatively small scale extension which in terms of its design and siting is considered to be acceptable and to comply with planning policy. There is no objection to the extension in these terms.

From an economic sustainability perspective, the scheme will provide employment opportunities and other economic benefits that would derive from that employment provision.

From an environmental and social perspective the proposal is considered to be unacceptable. The use of this extension is entirely reliant upon the main use of the depot building and can not be divorced from that use. It allows an intensification of activity which includes heavy engineering processes within Class B2 that could not be controlled by planning condition. The adverse impacts upon the amenity of neighbours by virtue of the increased noise disturbance, often early in the morning and late evening outweighs the benefits generated by the proposal.

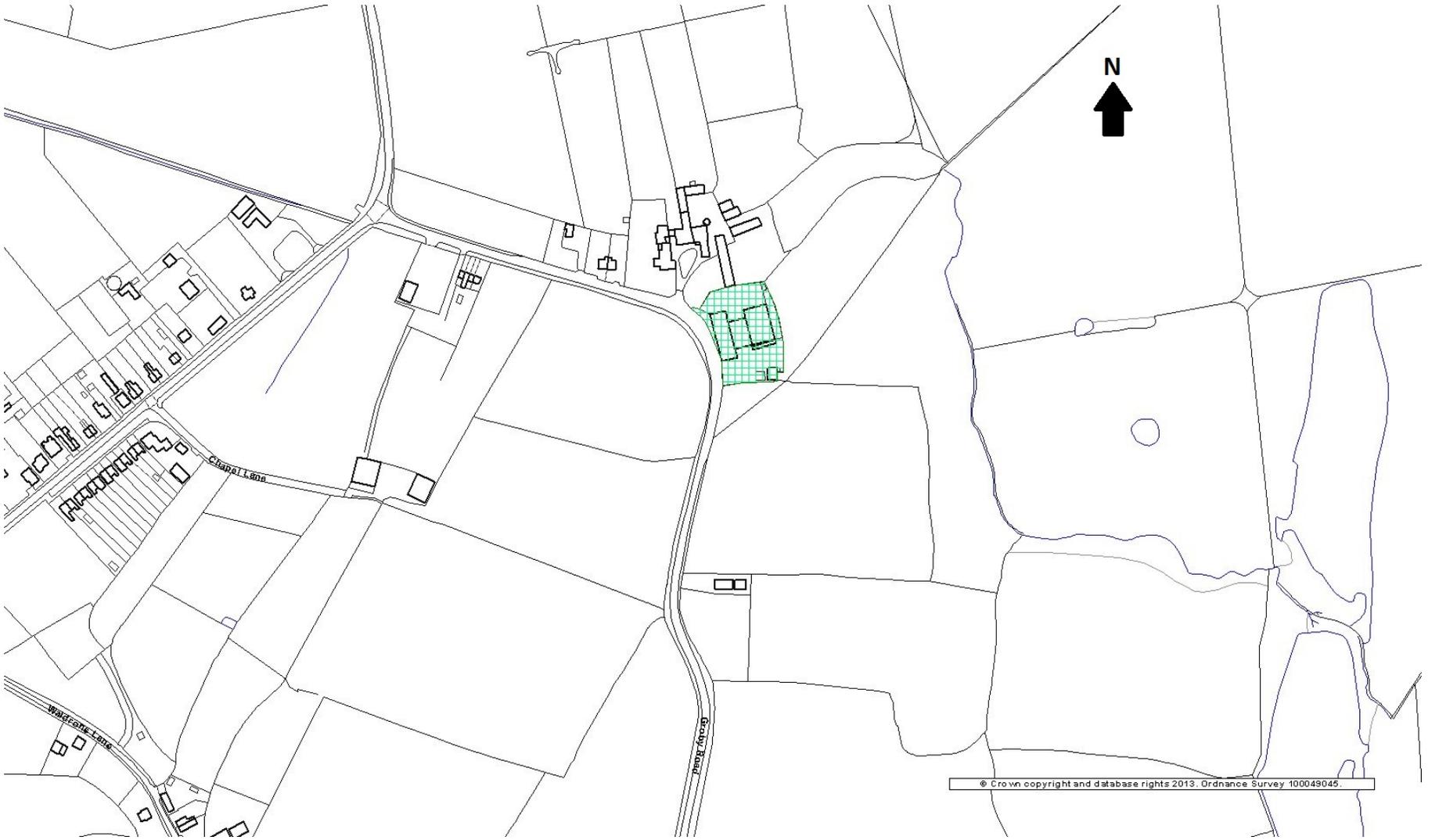
The use of the extension is therefore considered to be an unsustainable form of development which is contrary to local planning policy and national planning guidance which seeks to locate development in the right place .

### **RECOMMENDATION**

**REFUSE for the following reason:**

- 1. The retention of the use of the extension to the rear of the depot premises as a steel fabrication premises (Class B2), by virtue of the unacceptable increased noise levels and disturbance would be detrimental to the amenity of the area and neighbours contrary to Policy EG2 Rural Economy of the Cheshire East Local Plan Strategy and saved policies BE.1 Amenity and NE.17 Pollution of the Crewe and Nantwich Replacement Borough Local Plan 2011.**

**In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice**



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Application No: 18/1770N

Location: Northern Dairies, Groby Road, Crewe, CW1 4PE

Proposal: Change of use of part of premises, in to a 9 bedroomed House in Multiple occupation with shared kitchen / bathroom facilities .

Applicant: Mr Mitchell, Pegasus Mechanical Services Ltd

Expiry Date: 06-Sep-2018

### **SUMMARY**

The site is sizeable, set on a bend on Groby Road, with extensive hardstanding to the front, a single storey single skinned former depot 1950's style industrial building with attached (brick built) ancillary office to the Groby Road frontage. A yard is located to the rear adjoining the residential neighbours

This is a retrospective application for the retention of the use of part of the ancillary front office attached to the former Northern Dairies Milk Depot on the Groby Road frontage of the premises. The proposal seeks to retain the HMO use which comprises 9 bedrooms (some shared doubles) and associated communal living accommodation.

This application, together with its 2 sister applications concerning different parts of the same site, is submitted as a result of enforcement investigation.

From an economic sustainability perspective, the provision of the HMO supports the employment and economic activity associated with the use and there are some limited economic benefit and other economic spending benefits in the economy that would derive from that employment provision.

From an environmental perspective the proposal is considered to be acceptable in terms of the impact upon design parking, highway safety and traffic generation.

However, the noise assessments submitted clearly demonstrate that the adverse impact upon the amenity of adjacent residents in terms of noise that takes place within the premises is not capable of adequate mitigation that is either realistically achievable or adequately enforceable. This is equally applicable to the residential use of the front office part of this site. If permitted, there is no control over who could occupy the HMO facility and whilst currently this is stated to be for the workers on site, it could also be available to others not employed on site.

The application is recommended for refusal on the basis that the development is outside the settlement boundary, within the open countryside and would provide a poor environment for residents and it is contrary to the Development Plan.

**RECOMMENDATION:**

**REFUSE**

**PROPOSAL**

The proposal is for the retention the use of part of the brick built offices that front on to Groby Road as a 9 bedroom House in Multiple Occupation (HMO) and associated shared kitchen/ living room and bathroom accommodation. Some of the bedrooms are double rooms.

At time of site visit, 2 workers were living on premises and it is understood that the Applicant had re-housed other workers elsewhere.

The HMO accommodation is, at the present time, provided by the Applicant for workers he employs to fabricate the steel platforms in connection with his business use of the site (reported previously on the Agenda). He states that the workers employed all work at all the same times, all have the same breaks and all have the same hours of non employment.

**SITE DESCRIPTION**

The application site is approximately 10,000sq.m compound located on Groby Road on the outskirts of Crewe. The site is secured by 2m high security fencing and contains numerous buildings including the depot building, a brick built ancillary front office, various outbuildings that were originally cold stores associated with the former Dairy depot and now used for storage.

Adjoining the site to the north is a small complex of dwellings/barn conversions in separate residential occupations. A manege also adjoins this boundary, which is operated on a mixed commercial/ancillary residential basis by an adjoining resident of one of the barns. The wider area is open countryside.

**RELEVANT HISTORY**

There are 2 applications submitted by the same applicant related to this application to be determined (elsewhere on this Agenda);

18/1270N - Change of Use from Milk Dairy Storage and Distribution (B8) to Metal Fabrication Company with associated workshops, offices and yards (B2) - to be determined

18/1769N - Retrospective erection of new steel framed workshop to rear of main buildings - to be determined

No other relevant planning history

**NATIONAL & LOCAL POLICY**

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

## **Cheshire East Local Plan Strategy 2010-2030 July 2017**

PG 2 Settlement Hierarchy  
PG6 Open Countryside  
SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 2 Efficient Use of Land  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG6 Open Countryside  
EG 3 Existing and Allocated Employment Sites  
SC 3 Health and Well being  
SC4 Residential Mix

## **Borough of Crewe and Nantwich Adopted Local Plan 2011 (Saved Policies)**

BE.1: Amenity  
BE.4: Drainage, Utilities and Resources  
NE16: Re and Adaptation of a Rural Building for residential Use  
NE17: Re and Adaptation of a Rural Building for a commercial, Industrial or recreational Use  
NE.17: Pollution Control  
RES.9: Houses in Multiple Occupation

### **National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

## **CONSULTATIONS:**

**Crewe Town Council:** The Town Council strongly objects to this application because the creation of living accommodation on a site in general industrial use is prejudicial to the amenity of future residents through noise, dust and disturbance. There is insufficient detail in the application to determine the internal layout and construction of the building and so ensure the wellbeing of residents. Approval of this application would set an unacceptable precedent for the provision of accommodation within industrial premises.

**Highways:** No objection.

**Housing Standards and Advice Team:** The HMO will require a licence. Having inspected the premises has no objection to the accommodation provided.

**Environmental Protection:** Objection on noise grounds.

## **REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties.

Objection has been received from a Planning Consultant representing various neighbouring properties. 3 objections from neighbours have also been received.

The following objections are raised

- Noise and disturbance
- Lack of information
- Extension already built - demonstrates the rapid extension of the use of the site/ use inappropriate in a rural area
- Loss of parking
- The residential use, given that the migrant workers live on site, results in late night activities/bonfires and noisy social gatherings.
- This is a commercial building built as a milk distribution centre not for residential use.
- The migrant workers are not key workers as per the definition for key workers referred to in Policy SC6 of Cheshire East's Local Plan
- The nature of the business requires workers to be on site, especially if operations are to be kept within reasonable working hours. Additionally the size and location of the site would not accommodate 9 workers.
- Threatening behaviour from staff living on site
- Inadequate detail on the floorplans submitted

Additionally, Councillor Brookfield objects on the following grounds

- Workers have been living in these industrial premises which are unsuitable for such use for a significant period. Upon learning of the presence of employees living on site I contacted Housing Standards with serious concerns. I was informed the workers were moved to residential accommodation in Edleston Road immediately. I am further informed by neighbours that workers are still living in the unsuitable commercial premises.
- I have concerns about the Modern Slavery Act and accommodation being tied in with employment in this setting.
- There has already been significant and serious anti-social behaviour arising from the employees living on the site including noise, pollution, abuse to neighbours, bonfires and activity 24 hours a day in what is basically a quiet rural location. The presence of what is HMO (Home of Multiple Occupation) is completely unacceptable.
- The planning application offers little or no detail of the accommodation being proposed for employees.
- I would question the definition of "key workers" and would suggest it is not applicable.
- There is no detail on the size/dimensions of the rooms being constructed. Do they meet the statutory requirements?
- There is no detail for natural light / window openings.
- There is no detail for kitchen, bathroom or laundry facilities being considered.
- There is no detail for domestic waste and how this will be dealt with.
- There is no detail of common areas for the employees or outside space for storage, laundry, waste, cycle storage etc.
- There is no detail for fire risk and safety.

One representation of support has been received from a neighbour which states that neighbour has no issue with the proposal

## APPRAISAL

The key issues to be considered in the determination of this application are set out below.

### Principle of Development

The site is the former Northern Diaries Milk Depot site which is an existing brownfield site, with substantial industrial premises set in a sizeable yard on Groby road. The building is of substantial construction and the site lies in the Open Countryside as designated by Policies PG6 of the Cheshire East Replacement Local Plan.

Saved Policy NE16 of the Crewe and Nantwich Local Plan refers to the re-use and adaption of a rural building in open countryside for residential use is permissible subject to various criteria, one of which is that the residential conversion is a subordinate part of a scheme for business re-use and that parking and site access are appropriate. It is considered that the proposal complies with this policy.

Saved policy RES.9 concerns Houses in Multiple Occupation stating that permission will be granted for the subdivision of buildings subject to the development for the residential HMO purposes not resulting in a loss of amenity/increased overlooking for neighbours or parking/highways problems and not needing to be extended in a manner that would be contrary to existing design policy. The policy recognises that it is not the role of the Planning Acts to replicate other statutory functions such as the Fire Regulations/Building Control Regulations or the HMO Licensing regime.

In land use principle terms it is considered that this proposal complies with the explicit wording of both these policies which would normally be acceptable.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the land use policy presumption in favour of the proposal.

### Sustainability

The National Planning Policy Framework definition of sustainable development is:

*'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'*

There are three dimensions to sustainable development: 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. Any assessment should look at sustainable development as a whole.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Highways**

The Head of Strategic Infrastructure (HSI) has assessed the application and raises no objection to it. Parking is incorporated adequately within the yard.

#### **Noise implications for residents of the HMO**

A noise report was not initially submitted in support of the application. Officers sought an assessment which was not deemed a realistic assessment, eg each piece of equipment was surveyed in isolation, not cumulatively. A further assessment was then required which assessed the use in realistic operation (ie with equipment operating at the same time).

The main results can be seen in the following table -

### 3.2 BS4142 (From Source Levels – workshop equipment and fork lift truck)

**Table 8 – Plant and Activities (dBA) – Daytime – Levels at Houses**

BS4142 (1-hour reference period) dBA	Range of levels from Individual Equipment	Simultaneous Level – All Equipment (1 <sup>st</sup> )	Fork Lift Truck Only (Rear Yard)	Shot Blasting (New Building)	Simultaneous Level – All Equipment (Revisit)
LAeq,T dB Levels	19-34	42	36	22-24	38-39
Tonal Character Correction	2	2	0	2	2
Impulsive Sound Characteristics	3	0	3	3	0
Other Sound Characteristics	0	0	0	0	0
Intermittency Correction	0	0	0	3	0
Rating Level	24-39	44	39	32	41-42
Background Noise Level LA90 dB (Weekday)	40	40	40	40	40
Background Noise Level LA90 dB (Saturday morning)	35	35	35	35	35
Excess over Background [Rating – Background] dB (Weekday)	-16 to -1	+4	-1	-8	+1 to +2
Excess over Background [Rating – Background] dB (Saturday morning)	-11 to +4	+9	+4	-3	+6 to +7
Weekday	"Low Impact"	"Adverse Impact"	"Low Impact"	"Low Impact"	"Adverse Impact"
Saturday Morning	"Low Impact" to "Adverse Impact"	"Adverse Impact"	"Adverse Impact"	"Low Impact"	"Adverse Impact"

Additions for characteristics applied for internal plant but as noted are not likely to be audible at the receptors. General addition made of +3dB for fork lift trucks to cover any impact noise. Addition for tone, impulsive sound and intermittency added for the shot blaster. For other equipment, working continuously for the worst case calculation, an addition has been added for tone.

The Applicant advises that he provides the HMO accommodation as part of an employment package for workers he employs on a short term basis. If there are no orders to be fulfilled, the workers contracts are not extended. These workers are presently coming from Eastern Europe.

The Noise Report assumes that all workers all work and all have breaks at the same time. The Environmental Health Officer considers this to be unrealistic. The report makes no allowance for any resident who may be ill and unable to work.

It is accepted that the Building Control regime require extensive works to the internal parts of the depot and the office parts of this building, which would provide noise and vibration insulation that could ensure that a statutory nuisance was prevented. However, a planning assessment of noise implications for future residents is more concerned with the amenity levels for future residents.

The Noise Consultant retained by the Applicant suggests mitigation to seek to mitigate for the identified 'adverse impact'. This is suggested as being

1. Filling gaps/holes in the fabric of the main building
2. Plastic internal curtain walling
3. Having the existing openings shut when the premises are operational

The Environmental Health Officer has considered the 2 noise reports and advises that whilst 1. and 2. may be of limited benefit, 3 is an unrealistic suggestion from the Applicants retained Noise Consultant given the detailed design and age of the premises and the relationship with the extension the subject of this application, the likely operating practises of the Applicant and the nature of the activity.

In addition, it is considered that no planning condition which passes the tests set down in National Planning Guidance could be enforced or would be reasonable which would be able to

control who was living in the HMO premises. Whilst the applicant would wish to presently offer the HMO as part of an employment package offered to overseas workers he employs on site, there is no enforceable future control of this. The HMO could easily be occupied entirely separately.

Accordingly, it is considered that the adverse harm in noise terms identified in the noise report for residents in the HMO by virtue of the noise environment on site can not be adequately mitigated. A condition detailing who can live in the HMO premises is not enforceable in planning terms and therefore it is not considered that any planning condition to this effect would pass the tests in National Planning Guidance. The Environmental Health Officer recommends the application be refused.

### **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support a prosperous rural economy.

Paragraph 83 requires that planning decisions should enable;

- a. the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;
- b. the development and diversification of agricultural and other land based rural businesses;
- c. sustainable rural tourism....

It is clear that the Government requires the planning system to do everything it can to support sustainable economic growth and to encourage not impede sustainable growth in rural areas.

This is a business that is providing some employment and generating economic activity by virtue of the unauthorised activity undertaken to date.

The workers employed were originally living in the (unlicensed) HMO accommodation provided by the Applicant as part of the employment package (subject to a separate application reported elsewhere on this Agenda). The workers are from Eastern Europe. Clearly the extension has been built because of the rapid expansion needs of the Applicant who is using the entire site and all buildings in connection with the fabrication of steel platforms. It is presumed that the extension has been built to house the sand blasting and storage of plant and equipment as seen on the site visit, however, there would be no control over the activities within Class B2 and no ability to ensure the either internal or external doors are permanently shut. Undoubtedly the economic activity is of benefit to the Applicant and the businesses locally that he supplies with the platforms produced on this site. Some limited benefit is also generated for the employees, who are being employed on limited term temporary contracts to fill orders, for the duration of their employment.

### **Housing Standards**

The Housing Standards and Adaptions Team have been consulted and have confirmed that they have no objections to the proposal in terms of their statutory framework. Double rooms would need to measure at least 10.23sqm and single rooms at least 6.52sqm to receive a Licence. This is a matter for the licencing regime

Actual room sizes are shown in the tale below (based on the submitted floor plans):

Floor level	Room size
Bedroom 1	7.3sqm
Bedroom 2	8.3sqm
Bedroom 3	6.2sqm
Bedroom 4	7.1sqm
Bedroom 5	8.3sqm
Bedroom 6	8.6sqm
Bedroom 7	11.18sqm
Bedroom 8	17.11sqm
Bedroom 9	12.2sqm

## **SOCIAL SUSTAINABILITY**

Paragraph 92 of the Framework, which concerns the promotion of healthy and safe community, requires that amongst other things planning decisions should ensure an integrated approach to considering the location of housing and economic uses.

The approval for the retention of the Proposed HMO would support the current use of the whole depot premises for the manufacture of steel platforms; this would retain existing living accommodation to the benefit of the employees. This would have some limited social benefit for those workers, however, the anti-social elements of the proximity of proposed residential use appended to an existing commercial depot, regardless of whether the current use is continued or the lawful Class B8 (Storage and Distribution) is re-established . This is considered to outweigh the limited benefits of the proposal in terms of the provision of HMO accommodation.

Accordingly, the dis-benefits are considered to outweigh the benefits of the proposal to the economy and no conditions could reasonably be imposed that would adequately mitigate the harm to interests of acknowledged importance identified in this report.

## **Conclusion – The Planning Balance**

From an economic sustainability perspective, the proposal would provide for the re-use of parts of a building in a rural area. From an environmental and social perspective the proposal is considered to be unacceptable. The adverse impacts upon the amenity of future residents, which can not limited to those employed on site, by virtue of the noise environment in the depot building, would create poor living conditions that would be detrimental to the amenity of future residents of the HMO.

Saved Policy BE1 of the Crewe and Nantwich Adopted Replacement Local Plan requires developments to be compatible with surrounding land uses, and not to prejudice the amenity of the future occupiers

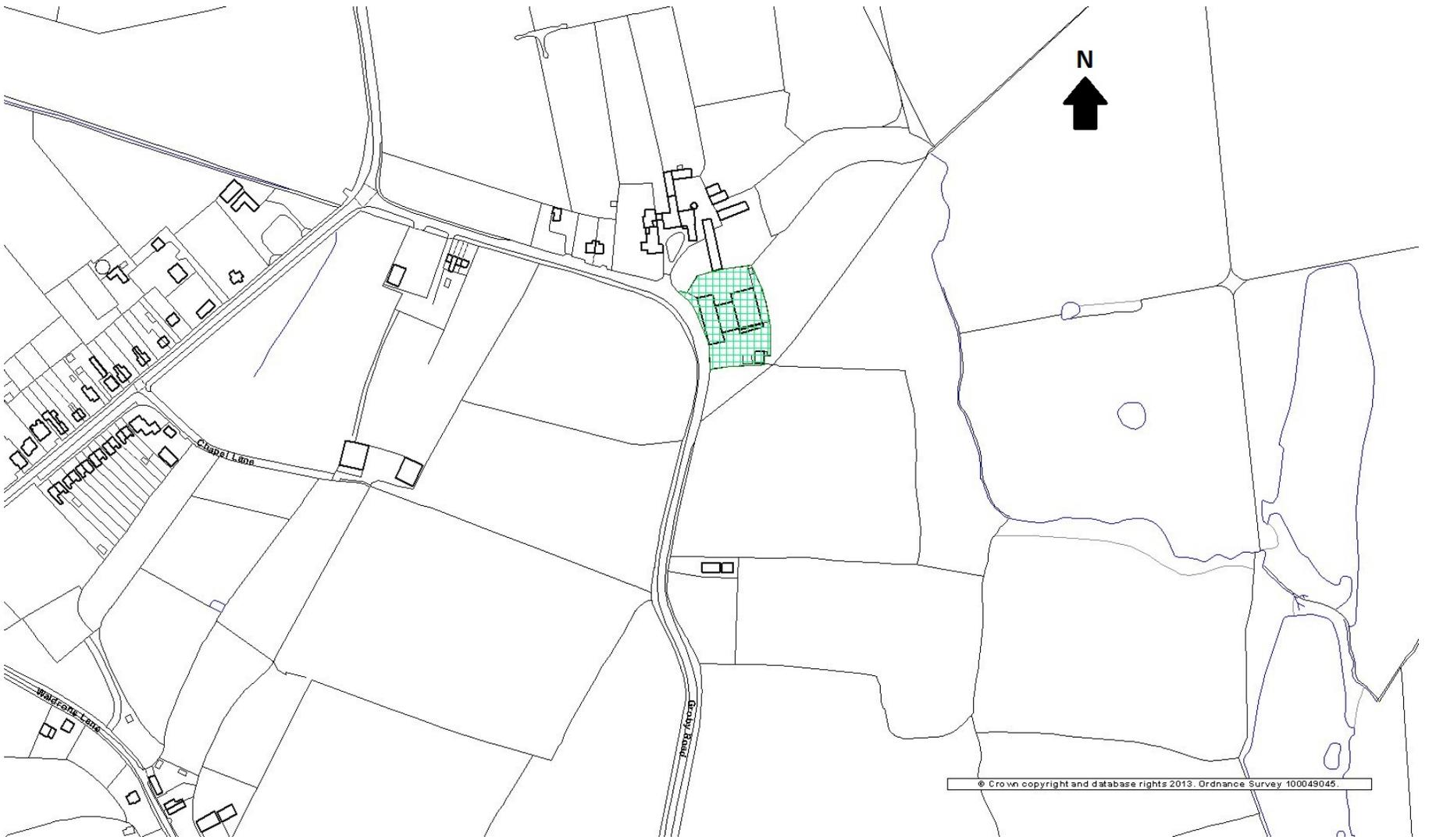
The use of the premises for HMO purposes is therefore considered to be an unsustainable form of development which is contrary to local planning policy and national planning guidance which seeks to protect amenity of those residents.

### **RECOMMENDATION**

**REFUSE** for the following reasons:

- 1. The retention of the HMO, by virtue of the proximity of the residential use to the adjoining commercial use of the depot building and the noise levels generated, would be detrimental to the amenity of the future residents of the HMO premises contrary to saved policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Borough Local Plan 2011 .**

**In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice**



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Application No: 18/2157N

Location: Dairygold, LANCASTER FIELDS, CREWE, CHESHIRE, CW1 6FU

Proposal: Proposed extensions to the existing production facility that includes the demolition of an existing extension.

Applicant: Mr Keith Stokes, Dairygold Foods

Expiry Date: 07-Sep-2018

**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 an existing industrial estate. Policy PG 2 (Settlement Hierarchy) of the CELPS designates Crewe as a 'Principal Town' where there is a presumption in favour of sustainable development.

Saved policy E.4 (Development on Existing Employment Areas) of the Borough of Crewe and Nantwich Local Plan advises that within such locations proposals for new employment development for the intensification of the use of land within existing employment areas will be permitted.

The design is acceptable and the impact on the surrounding amenity, trees, ecology and the highway network will not be significant.

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**

**REASON FOR REFERRAL**

This application is referred to Southern Planning Committee as the development relates to a small scale major planning application. The application site is 1.07 hectares.

**PROPOSAL**

This is a full planning application for proposed extensions to the existing production facility (that includes the demolition of an existing extension). The development would incorporate new build extensions to facilitate the installation of new ground floor process areas, goods in and out and new first floor offices.

**SITE DESCRIPTION**

The application site comprises an existing industrial unit located within an industrial estate on the western side of Lancaster Fields. The application site is characterised by buildings of varying heights and designs, all of a functional/industrial appearance.

## **RELEVANT HISTORY ON SITE**

Various relating to the existing and established use, the most relevant/recent outlined below:

11/1580N - Present HGV entrance to loading bay is 9.5m. Propose to widen gateway to 13m for safe access to site. We will replace barrier with galvanised gates on the entrance for security. This will involve curving the public footpath – approved 21<sup>st</sup> September 2011

P07/0816 - Side extension to industrial building and alterations to access – approved with conditions 2008

## **LOCAL & NATIONAL POLICY**

### **Development Plan:**

#### **Cheshire East Local Plan Strategy (CELPS)**

PG 2 – Settlement Hierarchy  
SD 1 - Sustainable Development in Cheshire East  
SD 2 - Sustainable Development Principles  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 5 - Trees, Hedgerows and Woodland  
SE 9 - Energy Efficient Development  
SE 12 - Pollution, Land Contamination and Land Instability  
EG 1 - Economic Prosperity

#### **Borough of Crewe and Nantwich Replacement Local Plan 2011 (Saved Policies)**

BE.1 - Amenity  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
E.4 - Development on Existing Employment Areas  
NE.17 - Pollution Control  
NE.20 - Flood Prevention

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

### **CONSULTATIONS:**

**Head of Strategic Infrastructure (HSI)** – No objection subject to S106 contribution.

**Environmental Protection** – No objection subject to conditions and Informative.

**Cadet Gas** – No objection.

**Flood Risk and Drainage** – No objection subject to a condition relating to a detailed drainage strategy.

**VIEWS OF THE TOWN COUNCIL:**

**Crewe Town Council** – No comments received at the time of writing the report.

**REPRESENTATIONS:**

None received

**APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

**Principle of Development**

The site lies in the Crewe Settlement Zone Line and within an established industrial estate, where there is the presumption in favour of sustainable development. Policy PG 2 (Settlement Hierarchy) of the CELPS designates Crewe as a ‘Principal Town’ where;

*“significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.”*

Policy EG1 (Economic Prosperity) of the CELPS states that;

*‘Proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan’*

Saved policy E.4 (Development on Existing Employment Areas) of the Borough of Crewe and Nantwich Local Plan states that:

*“proposals for new employment development, for the re-use, re-development or intensification of the use of land within existing employment areas will be permitted, (in accordance with policies BE.1 - BE.5).”*

The proposal is for the extension/alteration of an existing employment use and the development is considered acceptable in principle subject to compliance with the other relevant planning policies.

**Design and Context**

Policy SE1 (Design) of the CELPS advises that development proposals should make a positive contribution to their surroundings.

The proposed extensions have been designed to be similar in form and appearance to the existing building, with a maximum height of 11.8 m. This is comparative to the existing height of the building

(11.0 m). The extensions are of a standard, commercial design that are considered acceptable and suitable for the use that the development will serve. Given the setting of the application site it is not considered that the extensions will have a significant impact on the character of the area.

It is advised within the application that the walls of the buildings would be clad in vertical profile cladding in a colour to match the existing building and that the roof will be profiled cladding in a colour to match the existing building.

As a result of the above, it is considered that the layout, form, scale and appearance of the proposal would be acceptable and would adhere with Policy SE1 of the CELPS.

### **Landscape**

The Council's Landscape Officer does not consider that the proposals would result in any adverse landscape or visual impacts and raises no objection to the proposed development.

### **Trees**

The submitted Arboricultural Impact Assessment identifies 4 individual low (C) category trees (Silver/Himalayan Birch and Italian Alder) and two groups; G1 a linear group of Leyland Cypress of low arboricultural merit located close to an existing building and Group G2, a group of mixed species comprising of Oak, Willow, Red Oak, Ash, Cherry, Field Maple, Poplar and Scots Pine of moderate (B) category adjacent the north west and eastern edge of the site.

Group G2 provides a substantial landscaped buffer between the site and Tatton House to the North West and presents a significant visual backdrop to the existing development when viewed from Lancaster Fields. The trees are not protected by a TPO or lie within a designated Conservation Area.

The proposed demolition of the existing building to the south of the site and erection of three new extensions, new site entrance and alteration of two existing site entrances will not require the removal of any existing trees. The AIA has identified (para 5.1) that access facilitation pruning will be required along the south eastern aspect of Group G2 (incorrectly identified in the text and on the Tree Protection Plan as G1). The pruning proposals will comprise of reductions of overhanging branches by 2 metres to avoid encroachment onto the proposed structure. The report also proposes the removal of young self set trees within 2 metres of the fence line to avoid future damage, however it is unclear as to whether these trees are within the applicant's ownership for this to be effectively carried out.

The proposals present no significant impact on existing tree cover; should planning permission be granted and in the light of the irregularities in the submitted AIA a revised Tree Protection Scheme/ Method Statement shall be submitted by condition.

### **Ecology**

There are some habitats around the industrial park including mature tree lines and ponds that could be attractive to bats and Quaker's coppice is located close to the application site. However none of the buildings on site are likely to have any potential for roosting bats due to their design and the materials used in their construction. There is one building that may have some low potential, but this is not affected by the proposed alterations/extensions.

The Council's Ecologist has confirmed that no protected species surveys are required to inform the determination of this application.

### **Drainage and Flood Risk**

The Flood Risk and Drainage team have no objection to the principle of the development. The applicant has not submitted any information in relation to flood risk management on the site. Should the application be approved it is requested that a condition be imposed relating to a detailed drainage strategy. If the applicant is proposing to retain any of the existing drainage then a condition survey must be conducted to ensure effective drainage of the site.

### **Amenity**

Policy BE.1 (Amenity) of the Local Plan requires that new development will be permitted provided that they are compatible with surrounding land uses, do not prejudice the amenity of future occupiers, do not generate such levels of traffic that they would prejudice the safe movement of traffic on surrounding roads and do not lead to an increase in air, noise or water pollution.

Given the location of the application site in an industrial / commercial area of Crewe, there are no nearby neighbouring dwellings that could be impacted. As such it is not envisaged that the development would create any amenity issues 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 a conditions and informatives. It is not considered that the development would cause any significant harm to the amenity of any surrounding land use over and above the existing use.

### **Highways**

The submitted drawings show the proposed site access arrangements; using a combination of new accesses and reconfigurations of existing accesses.

### Access

The existing and proposed access arrangements are summarised below:

- In the north-eastern end of the site, there would be a new 32-space car park (including 2 no. disabled bays) located on existing areas of hardstanding (which appear to be already in use for car parking). This area is served from a turning head at the northern end of Lancaster Fields, where dropped kerbs are already in place.
- Immediately south-west of this, an existing car park would be decommissioned, and a new loading/turning area would be provided, served from a reconfiguration of the existing car park access.
- Immediately south-west of this, a new 25-space staff car park would be provided, served from a new access. This area also provides 3 no. motorcycle parking spaces and 16 no. covered cycle spaces.
- Buildings in the most south-westerly end of the site would be demolished and an existing car park decommissioned, these areas providing a new loading/turning area, served from a reconfiguration of the existing car park access.

The existing layout provides zebra crossings within the site, and while there does not appear to be any proposal to retain these, it is considered that the new layout would provide an overall preferable layout for pedestrians given that the applicant has indicated dropped kerbs and tactile paving at appropriate points.

The applicant has provided Swept Path Analysis for a 16.5m articulated vehicle, which indicates that such a vehicle would be able to enter and egress the site in a forward gear, manoeuvring within both of the loading areas.

Subject to a Section 278 agreement for works to the public highway relating to the proposed access amendments, the proposed layout and access arrangements are acceptable.

### Parking

There are currently 38 marked parking bays at the site, in addition to unmarked parking in the northern part of the site, providing circa 20 additional spaces. The applicant proposes a total 57 marked parking bays (some of which would be located on the existing unmarked parking area). The proposed 57 bays includes 2 no. disabled bays.

As noted within the applicant's Transport Statement (TS), this is significantly within CEC's recommended parking standards, which would indicate circa 118 bays in total.

The applicant's Design and Access Statement (DAS) and TS are inconsistent on existing staff numbers. Both documents state that the development would not increase staff numbers at the site.

The DAS states that the site currently employs 25 office staff, working 08:00 to 17:00 weekdays, and a further 15 operational staff working shifts 06.00 – 14.00 and 14.00 – 20.00, and a night shift working from Sunday – Thursday from 22.00 – 06.00.

The TS states that the site employs a total of 116 staff, with a total of 61 staff on site at any given time. The breakdown of staff shift patterns are given as follows:

- 30 no. Night Shift: Sunday-Thursday (22:00 > 06:00)
- 25 no. A Shift: Mon-Fri (06:00 > 14:00/14:00 > 20:00)
- 25 no. B Shift: Mon-Fri (06:00 > 14:00/14:00 > 20:00)
- 36 no. Days (Monday - Friday 08:00-17:00)

The applicant's TS contains details of observations which indicate a peak parking demand of 57 vehicles, this occurs during a 10-minute period preceding the 14:00 shift change, after which it is stated that parking reduces to 44 vehicles. The TS goes on to state that, "*during the site visit no vehicles were observed parking on-street in contravention of the no waiting restrictions*".

A Travel Plan (TP) has also been submitted alongside the application. This provides travel survey results which suggest that 56% of staff travel to work as a car driver. Based on 116 staff, this would equate to an average of 65 staff, depending on the shift (for example, it might be expected that staff working night shifts are more likely to drive). This is in the same order of magnitude as the results of the site observations described in the TS, although nonetheless slightly higher than the proposed parking provision at the site.

The applicant's TP contains a commitment to undertake a travel survey within 3 months of occupation of the proposed development, with the results to be submitted to Cheshire East Council. The TP

further commits to undertaking such a survey and reporting on its results on an annual basis. The TP sets out an overarching target of to increasing the percentage of staff regularly travelling by sustainable modes (car sharing, walking, cycling or by public transport) by 10% over a three-year period (from existing baseline of 43.6% up to 53.6%).

In light of the potential for off-site parking generated by the development, and in order to minimise the operational and environment impacts associated with car travel, it is recommended that a S.106 agreement relating to the annual monitoring and reporting of Travel Plan survey should be included within any planning permission granted. A sum for monitoring by Cheshire East Council should be secured by Section 106 agreement.

### Traffic Generation

Notwithstanding the additional floor space proposed, the development is unlikely to have a significant impact on traffic generated by the site. While there may be some additional delivery movements associated with the expansion, these are likely to be of a negligible volume, particularly given the industrial nature of surrounding land uses.

The Head of Strategic Infrastructure raises no objection to the proposed development, subject to the agreement of a S.106 sum for the monitoring of Travel Plan implementation.

### **Energy Efficient Development**

Policy SE 9 (Energy Efficient Development) of the CELPS sets out that;

*“non-residential development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.”*

The net additional floorspace proposed is 1,228 m<sup>2</sup>. It is considered reasonable to impose a condition on any planning approval for the submission of energy saving requirements in line with the above.

### **CIL Compliance**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As stated within the report the development would incur a contribution of money for the ongoing monitoring and review of the travel plans and this contribution is necessary, directly related to the development and fair and reasonable.

### **Conclusion**

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 an existing industrial estate.

Policy E.4 advises that within such locations proposals for new employment development for the intensification of the use of land within existing employment areas will be permitted. As such, the principle of the development is considered to be acceptable.

The design is acceptable and the impact on the surrounding amenity, trees, ecology and the highway network will not be significant.

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. Prior approval of detailed design, management and maintenance of surface water drainage
5. Land contamination
6. Unidentified land contamination
7. Tree retention
8. Tree protection scheme
9. Submission of energy saving requirements

In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

Should the application be approved, the following Heads of Terms should be secured as part of any S106 Agreement or Unilateral Undertaking:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Highways Contribution</b>	£5,000 (ongoing monitoring and review of travel plans)	Prior to the occupation of any part of the development hereby approved



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