

Application No: 23/1366N

Location: Land at Station Yard, Station Yard, Wrenbury Road,, Aston, CW5 8HA

Proposal: Full planning application for a change of use from mixed storage and retail to Class B2 along with the provision of replacement concrete plant. (resubmission of 20/4181N)

Applicant: Mr Graham Heath, Graham Heath Group Limited

Expiry Date: 01-Jun-2023

SUMMARY

Whilst in the open countryside, the development would allow for the better operation of an existing business

Highway safety and parking implications are considered to be acceptable subject to a restriction on HGV movements.

In terms of noise, Environmental Protection are satisfied that this can be controlled by conditions

The impact on residential amenity is considered to be acceptable.

The application is therefore recommended for approval.

RECOMMENDATION

Approve with conditions

CALL IN

The application is referred to Southern Planning Committee at the request of former Cllr Stan Davies on the following grounds:

The Application Form states "Full planning application for a change of use from mixed storage and retail to Class B2 along with the provision of replacement concrete plant. (re-submission of 20/4181N)" i.e. as a re submission of 20/4181N with only adjustments to HGV access for the LPA to reconsider and suggesting no other review is necessary for any negative impacts on residents' amenity or the environment. This is fundamentally wrong. Upon our detailed review of the content of the submission this is clearly not the case and is a misrepresentation of the facts as this Application has material changes, confirms amalgamation of different businesses and is an intensification of industrial activity in a rural residential location, namely:

- The Application site boundary has changed significantly moving the site approximately 40 metres northeast and the area under review for planning has been greatly enlarged by over*

50%. Using the Applicant's figures: Application 20/4181N - 4000m² - Application 23/1366N - 6031m²

- All previous impact assessments and reviews carried out by Cheshire East Planning must be reassessed for this new enlarged and moved site, the old ones are no longer relevant, as is suggested by the Applicant. By way of example, the internal movements of HGVs are completely different to the original Application and have not been assessed for noise or dust implications within the documentation supporting this latest application.
- The Application site boundary now includes a large area of the adjacent Creamery Industrial Estate that is the subject of a separate previously Approved application for Graham Heath Construction (17/1573N) through which the new access to Station Yard is now proposed.
- There has never been any historical connection in legal or planning terms nor access between Station Yard and the land on the Creamery Estate, referred to above. The applicant intends creating a completely new and unapproved access and is seeking now to formalise in planning terms the operational and physical link between Graham Heath Construction and Concrete Panel Systems.
- The Applicant has a condition restricting HGV movements in time and number from the Concrete Panel System sites, which they suggest will be maintained for the current application site; conversely unrestricted HGV movements, in time and number, are currently permitted for Graham Heath Construction sites to be physically linked to this Application site. The Applicant has recently admitted to Planning Enforcement that product from Concrete Panel Systems operations is being moved to Graham Heath Construction sites for transportation 24/7, i.e. circumvention of the planning condition for Concrete Panel Systems. C E Planning Enforcement advises this is a permissible workaround (Complaint 23/00257E). The Planning Committee should ensure specific conditions are enacted to prevent this abuse/malpractice and maintain the intent of the original conditions such that community amenity is not compromised by HGV movements at weekends and all hours of day and night.
- These are material & significant changes potentially creating a substantial 2.50Ha consolidated Industrial facility wholly unsuited to this rural location which is contrary to Wrenbury Neighbourhood Plan and Cheshire East Policies on Rural Development.
- The Application requires a full review by the Planning Committee of all aspects of the planned development not just a review of proposed new HGV access to the site.

DESCRIPTION OF SITE AND CONTEXT

The application site has been previously used for storage and retail uses. Approval was granted in 2013 for affordable housing, but this was never implemented.

The whole site has been surfaced in concrete and concrete walls have been installed on the boundaries. The concrete batching plant has been installed on the site, but at the time of report writing is not operational.

The site is designated as being within open countryside in the adopted local plan.

A previous application (20/4181N) was refused by the Council on 10th March 2022 for the following reason:

The proposed development would allow access for heavy goods vehicles between, and in close proximity to, the two residential properties adjacent to the access, namely Station House and 1 Station Cottages. This would have an unacceptable impact on the residential amenity of these properties in

terms of noise and vibration. The proposal is therefore contrary to Policy SE 12 of the Cheshire East Local Plan Strategy and Policy BE.1 of the Crewe and Nantwich Replacement Local Plan.

This decision was subject to an appeal that was dismissed on 1st March 2023.

DETAILS OF PROPOSAL

This is an application for full planning permission, for a change of use from mixed storage and retail to Class B2 along with the provision of replacement concrete plant. It is described as a re-submission of 20/4181N, although there is a different site edged red.

The application seeks to address the previous reason for refusal by excluding the access close to the railway crossing and using the access road to the east.

RELEVANT HISTORY

20/4181N - This application is for a change of use from mixed storage and retail to B2 along with the provision of replacement concrete plant – Refused 10th March 2022 – Appeal dismissed 1st March 2023

12/0447N - Provision of 21 X 70m Portal Framed Shed for casting Concrete Products Provision of 2m Diameter X 10m High Mobile Cement Silo and Three Bay Bin - 8.50 X 2.50 – Refused 23rd April 2012 – Appeal allowed 4th December 2012

11/1165 – Outline application for 16 affordable homes – Approved 25th February 2013

POLICIES

Cheshire East Local Plan Strategy (CELPS)

PG 6 Open Countryside
PG 7 Spatial Distribution of development
SD 1 Sustainable Development
SD 2 Sustainable Development Principles
EG 1 Economic Prosperity
EG 2 Rural Economy
EG 3 Existing and Allocated Employment Sited
SE1 Design
SE 2 Efficient Use of Land
SE 12 Pollution, Land Contamination and Land Instability
CO 1 Sustainable Travel and Transport

Site Allocations and Development Policies Document (SADPD)

GEN 1 Design Principles
ENV 5 Landscaping
ENV 6 Trees, Hedgerows and Woodland Implementation
ENV 12 Air Quality
ENV 14 Light Pollution

ENV 15 New Development and Existing Uses
ENV 16 Surface Water Management and Flood Risk
RUR 10 Employment Development in the Open Countryside
HOU 12 Amenity
INF 3 Highway Safety and Access

Wrenbury cum Frith Neighbourhood Plan (WCFNP)

LC1 Character and Design
LC2 Landscape Character
TR1 Footpaths, Cycleways and Towpath
TR2 Sustainable Transport
TR3 Vehicular Access to and Through the Parish
LEC1 Local Economy

Other Considerations

National Planning Policy Framework
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Flood Risk: None received at the time of report writing, however flood risk issues were addressed as part of the previous application.

Highways: No objection subject to conditions relating to HGV movements and cycle parking.

Environmental Health: No objection subject to conditions/informatives relating to noise, hours of operation and contaminated land.

Network Rail: No objection subject to a condition relating to HGV movements adjacent to the railway.

Wrenbury Parish Council: The Parish Council objects to the proposal on many grounds, these are summarised below and can be viewed in full on the Council website:

- It cannot be a re-submission as the site is larger and uses a different access
- Proposal is not compliant with adopted and made plan policies
- Visual intrusion
- Inappropriate industrial use in open countryside
- Noise, dust and disturbance
- Traffic generation and highway safety
- HGVs passing along country lanes and through conservation areas
- Errors and lack of clarity in the submitted documentation
- Applicant not complying with existing conditions
- No traffic impact assessment

Further objected to the amended site edged red and blue and the consultation response from Environmental Protection.

Newhall Parish Council

The Parish Council also objects to the proposal on several grounds, again, these are summarised below and can be viewed in full on the Council website:

- No protection from an uncontrolled increase in HGVs
- Noise and vibration
- Danger to children
- Highway safety
- No traffic impact assessment
- Conditions not being complied with

OTHER REPRESENTATIONS

At the time of report writing, 51 objections have been received expressing the following concerns:

- Increase in HGV movements
- Damage to road surface
- Vibration caused by HGVs
- Anti-social operating hours
- Noise
- Dust
- Concrete dust is dangerous
- Application is not a re-submission and is larger
- Noise mitigation has not been put in place
- Operations are not compatible with neighbouring uses
- Acoustic report is flawed
- Non-compliance with existing conditions
- Hours of operation
- Unsuitable use for a rural area
- Local infrastructure not suitable for this business
- Poor condition of the roads
- Concerns about future expansion of the business
- Misleading information in the submitted documents
- Non-compliance with planning policy
- Retrospective nature of the application
- Danger to cyclists
- There is no connection between Station Yard and Th Creamery
- Impact on the railway
- Structure is unsightly and too large
- Inconsistencies in submitted documentation
- Destruction of railway heritage
- Business should re-locate elsewhere on a more suitable site
- Majority of workers are not local

All representations and consultation responses can be viewed in full on the Council website.

OFFICER APPRAISAL

Planning History

The north-eastern part of the appeal site includes a portal framed shed for casting concrete products, a batching shed, a mobile cement silo, and a three-bay bin. This was approved at appeal following the refusal of application 12/0447N, and this permission has been implemented and is operating from the site. This permission is the subject to restrictive conditions, including the following;

- The storage of materials within the site shall not exceed 2m in height
- The batching plant shall operate between the following hours; 08:00-18:00 Monday to Friday and 08:00-14:00 on Saturday with no operation on Sundays or Bank Holidays. No other machinery shall be operated, no other process carried out and no deliveries shall be taken or dispatched outside the hours of 08:00-18:00 Monday-Saturday and at no time on Sunday or Bank Holidays.
- Other when in use for access to the building, the doors of the portal frame shed for casting concrete products shall remain closed during the manufacture process.
- No development authorised by this permission shall take place until a scheme of noise mitigation, including measures addressing reversing alarms, the tamping process, and the boundary wall, together with a programme for its implementation has been submitted to and approved in writing by the local planning authority.
- No more than 24 heavy goods vehicle movements shall be made to and from the site in any one day. A register of all heavy goods vehicle movements shall be maintained and made available for inspection by the local planning authority on request. (This relates to the existing access to the south of 4 Station Cottages)

This current application also follows an earlier application which was recently dismissed at appeal (20/4181N). Application 20/4181N was refused due to the impact upon the dwellings to either side of the access between Station House and 1 Station Cottages due to noise and vibration.

This current application relates to a different and larger area edged red than application 20/4181N (in that it shifts the red-edge north-east away from the residential properties and includes the land edged red as part of application 12/0447N). This application also proposes the use of an alternative access point to the south of 4 Station Cottages (as per 12/0447N). The location and design of the concrete plant would be the same as that which was refused and dismissed at appeal as part of application 20/4181N.

The Inspector who dismissed the appeal as part of application 20/4181N did so on the basis of the impact upon the amenities of the dwellings at either side of the access (Station House and 1 Station Cottages) only, and she concluded that;

'the proposal would be significantly harmful to the living conditions of the neighbouring occupiers of Station House and 1 Station Cottages, having particular regard to noise and vibration. The conditions suggested by the appellant would not make the development acceptable for the reasons given above. The proposal would therefore be contrary to Policies HOU 12 and RUR 10 of the SADPD, Policy SE 12 of the Cheshire East Local Plan Strategy 2010 - 2030 (2017) and Policy LEC1 of the Wrenbury Cum Frith Neighbourhood Plan 2010 - 2030. Amongst other things, these policies seek to ensure that development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, including in terms of noise, disturbance and vibration. The proposal would also conflict with paragraphs 130 and 174 of the Framework, which seek to ensure a high standard of amenity for existing and future users and prevent new and existing development from being adversely affected by unacceptable levels of noise pollution'

This application seeks to address the Inspectors decision by using the access to the south adjacent to 4 Station Cottages (this is the same access which was approved as part of application 12/0447N).

Principle of Development

The site lies within the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. This policy however also lists some exceptions, the most relevant here being:

- For development that is essential for the expansion or redevelopment of an existing business.

Policy EG2 (Rural Economy) states that opportunities for local rural employment development that supports the vitality of rural settlements will be supported. This is subject to it meeting sustainable development objectives, impact on nearby buildings and residential amenity and impact on the quality of the landscape. Those issues are discussed in other sections of this report.

Policy RUR10 (Employment Development in the Open Countryside) of the SADPD states that employment development in the open countryside should be appropriate to its location and setting, the nature of the business means that a countryside location is essential and provides local employment opportunities that support the vitality of rural settlements.

Policy LEC1 of the Wrenbury Neighbourhood Plan also encourages the retention and expansion of existing businesses, including through the sympathetic conversion of existing buildings.

The new batching plant would support the operations on the wider site and to locate it on an alternative site, this would result in further vehicle movements to and from the site, which is not considered to be a sustainable alternative.

The retrospective nature of the proposal is noted, and the applicant has put forward the case that the new equipment and use of the land for operations in Class B2 (General Industrial) is essential for the ongoing operations of the Graham Heath Construction operations, which operates from the Wrenbury Creamery site. The batching plant was placed on the site before planning permission had been granted, apparently due to the 'lead-in' time for delivery of the equipment and the need to replace the existing batching plant with a more efficient one. Whilst the retrospective nature of the application is regrettable, it is not a reason for refusal of the application.

The proposal is therefore considered to be in compliance with Policies PG6 and EG2 of the CELPS, Policy RUR 10 of the SADPD and Policy LEC1 of the WCFNP.

Design

The batching plant is a large industrial structure reflective of its function. It is visible from some distance away, however when seen in the context of the existing industrial estate and the railway, it is not considered to be so detrimental as to warrant refusal of the application. It is also noted that the Inspector who dismissed the appeal for application 20/4181N did not do so on design grounds.

The proposal is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS and Policy GEN 1 of the SADPD.

Highways

The proposal is for a replacement batching plant at Station Yard. The site will extend the B2 use from the existing adjacent site increasing the area of the industrial use.

The previous application proposed using the access off Station Road located between residential properties (Station House and 1 Station Cottages). This is no longer proposed and instead the existing access at the southern side of the site will be used (adjacent to 4 Station Cottage). This access already serves the site including HGV movements, and this is considered acceptable.

Given that the proposal seeks to extend the B2 use over an additional area, a condition is required, as was in the previous application, to restrict the HGV movements to 24 two-way movements per day. This total number of movements relates to the application site and the existing adjacent B2 site. This is a condition imposed on the site at a previous appeal (12/0447N).

During the application process an amended location plan was submitted, including the area of land subject to appeal in 2012 (12/0447N) in the site edged red. This will enable the Council to impose the 24 vehicle movements condition to this application, thus ensuring that by allowing this application, there is no increase in vehicle movements.

Given there will be no increase in HGV movements and the existing access will be utilised, no objection is raised by the Head of Strategic Transport, subject to conditions relating to vehicle movements and cycle parking.

The proposal is therefore considered to be in compliance with Policy INF 3 of the SADPD.

Amenity

As noted above in dismissing the appeal as part of application 20/4181N, the Inspector did so on the basis of the harm caused to the dwellings at either side of the access (Station House and 1 Station Cottages) only.

This application proposes the same concrete batching plant, but now proposes the use of the southern access point (to the south of 4 Station Cottages). With the imposition of the same restrictive condition relating to HGV movements (imposed as part of application 12/0447N – no more than 24 in any one day), the proposed development would not cause any harm to residential amenity.

The Environmental Health officer has raised no objection to this application subject to the imposition of planning conditions. The proposal is therefore considered to be in compliance with Policy SE 12 of the CELPS, Policies ENV 15 and HOU 12 of the SADPD and Policy LEC1 of the WCFNP.

Drainage

This is a retrospective application and at the time of report writing Flood Risk Officers have not commented. However, the situation on site is as it was for the previous application and their comments from that are still relevant.

The applicant has submitted a drainage note, compiled by a firm of flood risk consultants and water engineers. The drainage note concludes that the existing drainage system has the capacity to convey peak flows during a 1 in 100 year plus 40% CC event. If there was a system blockage, where no flow can discharge off-site, runoff volumes can be contained within the existing rainwater storage tanks and above ground.

This drainage note was assessed by LLFA officers who were satisfied that, subject to compliance with the details set out in the drainage note, the drainage on site is acceptable.

The development is therefore in compliance with Policy SE 13 of the CELPS and Policy ENV 16 of the SADPD.

Other Matters

Many of the objectors have put forward that the application should not be considered as a resubmission because the site edged red is larger and uses a different access point for HGVs. However, the application is to be judged on its own merits, therefore the fact that 'resubmission' is referred to is not relevant.

CONCLUSIONS

Whilst in open countryside, the development would allow for the better operation of an existing business

Highway safety and parking implications are considered to be acceptable subject to a restriction on HGV movements.

In terms of noise, Environmental Protection are satisfied that this can be controlled by conditions

The impact on residential amenity is considered to be acceptable.

The application is therefore recommended for approval, subject to the following conditions:

RECOMMENDATION

Approve subject to the following conditions:

- 1. Approved plans**
- 2. No more than 24 heavy goods vehicle movements shall be made to and from the site in any one day. A register of all heavy goods vehicle movements shall be maintained and made available for inspection by the local planning authority on request.**
- 3. Submission of details and provision of covered, secure cycle parking**
- 4. The external storage of materials shall not exceed a height of 2 metres**
- 5. The batching plant shall not operate outside the following times: 08:00 hours to 18:00 hours from Monday to Friday and 08:00 hours to 14:00 hours on Saturday, nor at any time on Sundays and bank and public holidays. No other machinery shall be operated, no other process shall be carried out and no deliveries shall be taken at or despatched**

- from the site outside the following times: 08:00 hours to 18:00 hours from Monday to Saturday, nor at any time on Sundays and bank and public holidays
6. The hours of demolition, groundworks and construction shall be restricted to the following times: 08:00 hours to 18:00 hours Monday to Friday, 09:00 hours to 14:00 hours Saturday, nor at any time on Sundays and bank and public holidays
 7. Other than when in use for access to the building, the doors of the portal frame shed for casting concrete products shall remain closed during the manufacturing process
 8. The mitigation recommended in the Acoustic Report P21-080-R01 dated March 2021 shall be implemented in full prior to the batching plant becoming fully operational
 9. The mixing head enclosure shall be enhanced on the south-west and north-west elevations by the installation of an additional internal lining of 0.6mm steel with a minimum 150mm cavity partially filled with 100mm mineral wool (not rigid PIR-type insulation) in the cavity
 10. Measures shall be taken to block the line of sight of the underside of the mixer head enclosure and the concrete delivery sock from the rear garden of Station House by cladding the upper sections of the supporting framework of the mixer head with an appropriately solid dense material with a minimum surface mass of 10 kg/m² (20mm thick timber or substantial 100mm composite cladding panels).
 11. A 3m high acoustic barrier shall be installed along the north-western elevation of the mixer head supporting framework and extending sufficiently far out such that concrete trucks being filled will be located behind the barrier. This shall be constructed of an appropriately solid dense material with a minimum surface mass of 10kg/m² (20mm thick timber, substantial 100mm composite cladding panels and/or concrete panels
 12. All vehicles permanently located at the site of the batching plant, used for loading, moving concrete cleaning or any other associated activity shall be fitted with 'white noise' reversing alarms to prevent noise disturbance
 13. All vehicles visiting the site for deliveries or collection shall turn off engines to prevent noise nuisance from idling engines
 14. Cleaning of cement mixing vehicles, particularly when inside the mixing explosives are used to remove concrete build up, shall be undertaken within a 3-sided bay or using an existing building to shield residential properties from noise.
 15. When the plant is completed/commissioned. A further acoustic assessment shall be undertaken to assess whether the mitigation measures put in place are effective. Should the acoustic assessment identify adverse noise impact on residential properties, further mitigation measures shall be put in place prior to the plant becoming fully operational. These measures shall be submitted to and approved in writing by the LPA. The agreed mitigation scheme shall be retained and maintained throughout the use of the development unless any variation is agreed in writing by the LPA
 16. The weighbridge sited on Station Yard shall not be used in its current position and shall be moved to a different part of the site, details of which shall be submitted to and approved in writing by the LPA
 17. In order to minimise dust emissions arising during the development, including site preparations/demolition/construction activities, a 'site specific DMP' shall be retained at the development site; and made available for inspection upon request by Cheshire East Borough Council Officers.
 18. The site specific DMP shall identify the fugitive dust sources at the development site and describe in detail the dust mitigation measures to be employed.
The DMP shall include details:
 - of all dust suppression measures

- the methods to monitor emissions of dust arising for the duration of the project
The demolition / construction phase of the development shall be completed in full compliance with the site specific DMP.
The dust suppression measures shall be maintained and fully operational for the duration of the demolition / construction phase of the development.
19. The existing batching plant within the red edge shall be dismantled and permanently removed from the site within 6 months of the approved batching plant being brought into use.

In order to give proper effect to the Southern Planning Committee's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager 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.

