

Application No: 12/4391N

Location: 416, NEWCASTLE ROAD, SHAVINGTON, CHESHIRE, CW2 5EB

Proposal: Construction of two single-storey buildings to be used for B1 (office/light industrial) and B8 (storage and distribution) purposes together with car parking (Amendments to approved applications 10/0714N and 10/4539N)

Applicant: Mr John Parton

Expiry Date: 10-Jan-2013

### **SUMMARY RECOMMENDATION**

**Approve with Conditions**

### **MAIN ISSUES**

- Principle of development
- The impact upon neighbouring amenity
- The impact upon the character and appearance of the site and the wider Open Countryside
- Trade counters
- Highway safety/parking provision

### **REASON FOR REFERRAL**

This application has been referred to the Southern Planning Committee by Cllr Brickhill for the following reason;

*'I have called in the application for detailed planning permission for the new warehouses behind the Esso Garage on Newcastle Road Shavington. Outline permission was as you know given on appeal after we had refused it.*

*This is not a vexatious call in of an application which has already got outline planning permission. I do expect you to give full permission for the building, as there is little else that can be done as far as that is concerned, as long as it matches the existing development.*

*I hoped that you would consider carefully two detailed aspects of the development:-*

*1. Hours of working and the hours when building should take place. The nearby nursery is very busy at weekends.*

## *2. The access onto Newcastle Rd both during the building work and thereafter.*

*I am particularly concerned with the access to Newcastle Road. There is a blind corner on the Hough side of the garage and this entrance is currently and badly marked for ingoing traffic only. Outgoing traffic is supposed to go under the garage canopy and out onto the road at the Shavington end of the garage. Not all drivers observe the signs. If vehicles emerge using the entry route, then traffic approaching from Hough – legally doing 40 mph – often cannot see them in time to stop.*

*During building works it is possible that vehicles will be employed which are too high to go under the canopy of the garage and therefore must leave the site via the dangerous entry route. I hope the committee will consider what conditions to impose in these circumstances. I do not think local people will tolerate a semi permanent set of traffic lights which would cause unnecessary delays to the vast majority of road users. So some other safety precautions need to be employed or a complete ban put on high vehicles. In any case the signage banning exit through the entry way needs to be improved.*

*Perhaps Highways can advise on this. In the unlikely event they say there is no need, then I suggest you draw that to the attention of the director.*

*There may be some doubt as which ward this application belongs to. However as ward councillor of one and parish councillor of the other, I have taken it upon myself to bring these matters to your attention. Unless you wish me to attend your meeting, I do not think I have anything more to add'*

## **1. DESCRIPTION OF SITE AND CONTEXT**

The application site is located on the southern side of Newcastle Road just outside the Shavington Settlement Boundary and within the Open Countryside. The site is currently occupied by a parking area and a strip of landscaping. To the north-west of the site is an ESSO petrol filling station, to the west of the site is a car garage (ABP) and a children play centre (Playworld). To the north-east of the site is 418 Newcastle Road which is a detached dwelling and an area of gravelled land which has planning permission for 2 units of B1/B8 use.

## **2. DETAILS OF PROPOSAL**

The proposal is for the erection of two single storey buildings that would be used for B1 and B8 purposes.

Building 1 would form two units and would be sited to the front of the site. Building 1 would have a length of 20 metres, a width of 13.3 metres and a ridge height of 5.6 metres. This building is as approved as part of application 10/0714N.

Building 2 would be located to the rear of the site and would have an L shaped footprint with a footprint of 282.8sq.m.

## **3. RELEVANT HISTORY**

10/4539N - Construction of a Single Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage and Distribution) Purposes – Refused 14<sup>th</sup> February 2011 – Appeal Lodged – Appeal Allowed 5<sup>th</sup> July 2011

10/0714N - Construction of Single-Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage & Distribution) Purposes – Approved 22<sup>nd</sup> April 2010

P08/1158 - Construction of Car Show Room and Display Area (Amendment to Approval P07/1028) – Approved 2<sup>nd</sup> December 2008

P07/1028 - Renewal of P02/1157 Construction of Car Showroom and Display Area – Approved 11<sup>th</sup> September 2007

P07/0615 - Change of Use to Childrens' Playcentre and Mezzanine Floor – Approved 10<sup>th</sup> July 2007

P06/0399 - Outline Application for Two Dwellings – Refused 7<sup>th</sup> June 2006

P02/1157 - Renewal of Permission for Showroom and Car Display Area – Approved 18<sup>th</sup> December 2002

P97/1018 - Renewal of permission for car showroom and display area – Approved 5<sup>th</sup> February 1998

P96/0694 - Installation of storage boxes – Approved 1<sup>st</sup> October 1996

P93/0064 - Car showroom and display area – Approved 11<sup>th</sup> March 1993

7/19701 - Various illuminated advertisements – Approved 26<sup>th</sup> July 1991

7/19112 - Internally illuminated gantry sign – Approved 9<sup>th</sup> January 1991

7/19057 - Re-development of Shavington Service Station – Approved 29<sup>th</sup> November 1990

7/17204 - Re-development of existing service garage to replace canopy and buildings and alterations to vehicular accesses – Approved 12<sup>th</sup> October 1989

7/16083 - New workshop premises including showroom – Approved 3<sup>rd</sup> November 1988

7/11265 - 8 dwellings – Refused 27<sup>th</sup> September 1984

7/04952 - Extension to showroom, new pump island new canopy and valeting bay – Approved 29<sup>th</sup> March 1979

7/04724 - C.O.U. part of garage premises to display area for the sale of vehicles – Withdrawn 17<sup>th</sup> November 1978

#### **4. POLICIES**

##### **National policy**

The National Planning Policy Framework

##### **Local Plan policy**

NE.2 – Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

E.6 – Employment Development in the Open Countryside

TRAN.9 - Car Parking Standards

##### **Regional Spatial Strategy**

DP1 (Spatial Principles)

DP3 (Promote Sustainable Economic Development)

DP7 (Promote Environmental Quality)

RDF1 (Spatial Priorities)

MCR4 (South Cheshire)  
EM18 (Decentralised Energy Supply)

## **5. CONSULTATIONS (External to Planning)**

**Environmental Health:** Request conditions in relation to contaminated land, construction hours, pile driving, external lighting, acoustic enclosures for fans and no external working.

**United Utilities:** No objection. The site must be drained on a separate system with only foul drainage connecting into the foul sewer.

**Cheshire Fire Service:** Access and facilities for the fire service should be in accordance with Building Regulations. The applicant is advised to submit details of the water main installations. Consideration should be given to the design of refuse storage to prevent arson incidents. The fitting of sprinklers is recommended.

**Strategic Highways Manager:** The two proposed buildings are for B1 or B8 usage. The parking requirement is more stringent for the B1 category, and would require 8 spaces for Building 1 and 9 for Building 2. The proposals show 9 spaces for Building 1 (including 2 disabled spaces) and about 50 adjacent to Building 2, though this car park will presumably cater in part for any overspill from the existing uses on the remainder of the site.

Overall, there are no concerns over any shortage of parking or objections in principle. However, to ensure adequate HGV servicing of Building 2, the two northernmost parking bays in front of the building should be replaced by a single HGV bay.

It is noted that there is no convenient crossing point for pedestrians wishing to walk to Hough, who need to cross the main road to gain the footway on the opposite side. There also appears to be encroachment of existing signing onto the highway verge which will impair visibility for exiting vehicles.

I therefore request that this strip be replaced by a hardened verge (in effect a footway) along the site frontage to provide a visibility splay and standing point for pedestrians. All signing within this visibility splay should be removed. These works will require the applicant to enter into an Agreement under S278 of the Highways Act.

## **6. OTHER REPRESENTATIONS**

No representations received.

## **7. PARISH COUNCIL**

**Shavington Parish Council:** The Parish Council has concerns of the amount of new traffic accessing and egressing the site, and alongside the children's play nursery. The Parish Council would also request that any approval should stipulate that any deliveries to the site both during construction and beyond should be made during normal business hours (9am till 5pm).

**Hough & Chorlton Parish Council:** Hough & Chorlton Parish Council would like to make the following comments:

1. Soften landscaping bearing in mind the open countryside vista
2. Safer road access and exit
3. Grave concerns regarding car parking in the area.

## **8. APPLICANT'S SUPPORTING INFORMATION**

Planning, Design and Access Statement (Produced by Emery Planning Partnership and dated November 2012)

This document is available to view on the application file.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application site stands on the south side of Newcastle Road, located to the South East of Shavington. The application site is located within the open countryside just outside of the Shavington Settlement Boundary. Policy E.6 of the Crewe and Nantwich Replacement Local Plan 2011 encourages appropriate employment development in the Open Countryside and restricts it to small industries, commercial business enterprises within or adjacent to existing groups of buildings, in accordance with policies BE.1 – BE.5.

In this case a previous application (10/4539N) was refused by the Southern Planning Committee against officer advice for the following reason:

*'The Local Planning Authority considers that the proposed development is not an essential form of development within the Open Countryside. As a result the proposed development would have a detrimental to the character and appearance of the open countryside and would be contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'*

An appeal was lodged and the development was allowed with an award of costs against the Council for unreasonable behaviour. As part of his decision the Inspector made the following comment:

*'In this case, whilst the appeal site falls within the definition of open countryside, the proposed development would be sited within an established commercial site of modest size on land already benefiting from a permission associated with the recently approved B1/B8 use within the appeal site. The proposed use has been identified as likely to experience a growing demand in the future and the proposal would not result in an unacceptable encroachment into the open countryside beyond the curtilage of the appeal site.'*

Since this appeal the National Planning Policy Framework has been published. The NPPF includes a strong presumption in favour of economic growth in support of this application with Paragraph 19 stating that:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*

One of the 12 core principles for planning contained within the NPPF states that:

*'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'*

Given the planning history on this site and the emphasis towards economic development within the NPPF the principle of development is considered to be acceptable.

### **Amenity**

The main residential property affected by the proposed development would be 418 Newcastle Road which is located to the north-east of the site. Given that there would be a distance of approximately 24 metres from the nearest point of 418 Newcastle Road to Building 2 and that the area immediately adjacent to the boundary is a small yard area with ancillary domestic outbuildings (the private garden area of 418 Newcastle Road located to the side of the dwelling) it is considered that the proposed development would not have such a significant overbearing impact or cause significant loss of light as to warrant the refusal of this planning application.

Building 1 has been approved under a separate planning application and this unit would not cause any significant harm to residential amenity.

The B1 use class is a use that can be carried out without detriment to the amenity of any residential area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. As a result it is considered that the use of the site for a B1 use is acceptable.

The B8 use class relates to storage and distribution and this could potentially impact upon residential amenity. However the units are relatively small with a maximum size of 282.8sq.m. The imposition of conditions relating to hours of operation, loading, no external storage and no external activities would address any concerns over the impact of a B8 use upon residential amenity.

Given the size of the proposed units and the level of existing vehicular movement at the site it is not considered that the proposed development would cause such a significant increase in vehicular movements that would cause such a detrimental level of disturbance to local residents as to warrant the refusal of this application.

### **Trade Counters**

A genuine trade counter could, depending on the circumstances, be considered ancillary to a warehouse (B8) use and therefore even if omitted from a development description could be introduced later without the need for planning permission. But to qualify as a B8 use as applied for, the trade counter must be minor and ancillary to the main use.

In this instance and in order to ensure that the retail element (trade counter) of the proposal is maintained as ancillary and as a subsidiary element in the overall "B8 Use Class" of the site, appropriate conditions should be established to include the following provisions:

- Ensure that no mezzanine floors are provided without the express prior approval of the Local Planning Authority
- When an end user is established and before any sales commence there shall be submitted for the prior written approval of the Local Planning Authority an internal floor plan indicating the extent and location of the trade counter (also indicating the customer access and the relationship of the sales counter with the remaining floor area). The trade counter will only be implemented in accordance with the approved internal floor plan referred to above indicating the extent and location of the trade counter. This condition is to ensure that the trade counter is kept as an ancillary element to protect the vitality and viability of the town centre
- Restriction on the sale of goods to non - food goods.
- Prevent sub-division of the unit

The reasoning behind the use of such conditions would be to ensure that the trade counter element of the proposal is subsidiary and does not impact upon the vitality and viability of Crewe town centre or Shavington Village.

## **Design**

The proposal is similar in form, style and appearance to the units approved under applications 10/0714N and 10/4539N (with glazed elements to its corners on the front elevation). Furthermore the site has a commercial appearance and given the design of the adjacent units it is not considered that the proposed development would appear out of character. As a result it is considered that the proposed development is now acceptable in terms of its design.

The proposed building would be sited within an existing employment area and the development would be viewed against the existing buildings on the site. Therefore it is considered that the proposed development would not have a detrimental impact upon the character and appearance of the wider open countryside.

## **Highway safety/parking provision**

Concern has been raised over the increased vehicular movements on the site upon highway safety. However as part of this application the Highway Authority has been consulted and raised no objection. As a result it is not considered that the proposal would have a detrimental impact upon highway safety.

As part of the proposed development of the site 60 car parking spaces would be provided. The proposed units would require a parking provision of 14 spaces (using a calculation for a B1 use which gives the higher standard), the ABP unit would require a provision of 10.5 spaces (using the B2 use class) and the Play World children's centre has a condition requiring the provision of 20 spaces. This would give a total parking requirement for the site of 44.5 spaces which is less than the 60 spaces provided.

Although there would be an oversupply of car-parking on the site, the Strategic Highways Manager has not objected in relation to this issue. It is therefore considered that the supply of parking on the site is considered to be appropriate.

The Strategic Highways Manager's request for the provision of a footway to the front of the site is unreasonable. This was not requested as part of the last application and was not secured as part of the appeal for planning application 10/4539N. This will not be secured as part of this application.

## **Trees**

In support of this application a tree survey has been produced. This survey identifies 1 Oak tree and 4 groups of trees which have been identified as Grade B (Moderate Quality and Value) and 1 group of trees which has been identified as Grade C (Low Quality and Value).

As part of this proposed development two groups of trees of Grade B quality would be lost. This is one more group than the previous approval. At the time of writing this report negotiations were continuing and an update will be provided on the scale of the tree removal.

## **10. CONCLUSIONS**

The proposed development is considered to be acceptable in principle despite the site being located within the open countryside. This follows the approval of application 10/4539N at appeal and the support contained within the NPPF for economic development. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity. Finally it is not considered that the proposed development would have a detrimental impact upon highway safety or parking provision at the site.

## **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 1. Standard time limit 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Surfacing materials to be submitted to the LPA and approved in writing**
- 4. Prior to the commencement of development a Contaminated Land Assessment shall be submitted to the Local Planning Authority and approved in writing and any remediation measures shall be implemented**
- 5. Condition to specify the approved plans**
- 6. The car parking shown on the approved plans to be provided before the unit hereby approved is first occupied**
- 7. Cycle parking facilities to be submitted to the LPA and approved in writing**
- 8. Shower facilities to be submitted to the LPA and approved in writing**
- 9. Drainage details including oil interceptors to be submitted to the LPA and approved in writing**
- 10. External lighting to be submitted to the LPA and approved in writing**
- 11. No external storage**
- 12. When an end user is established and before any sales commence there shall be submitted for the prior written approval of the Local Planning Authority an internal floor**



plan indicating the extent and location of the trade counter (also indicating the customer access and the relationship of the sales counter with the remaining floor area). The trade counter shall be implemented in accordance with the approved internal floor plan referred to above indicating the extent and location of the trade counter. This condition is to ensure that the trade counter is kept as an ancillary element to protect the vitality and viability of the town centre

13. Any ancillary trade sales within the unit shall be restricted to non-food goods and, for the avoidance of doubt, sales of food, clothing, footwear, leisure goods, freestanding domestic furniture and non-bulky electrical goods for domestic use shall not be permitted.

14. Landscaping to be submitted to the LPA and approved in writing

15. Landscaping to be completed

16. Details of any acoustic enclosures to be submitted to the LPA and approved in writing

17. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.

18. Details of any pile driving to be submitted to the LPA and approved in writing

19. The unit hereby permitted shall not operate or be open to the public outside 0800 hours to 2000 hours Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.

20. No deliveries shall be taken at or despatched from the unit hereby permitted outside 0800 hours to 1800 hours Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.

21. No external activities

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