

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.

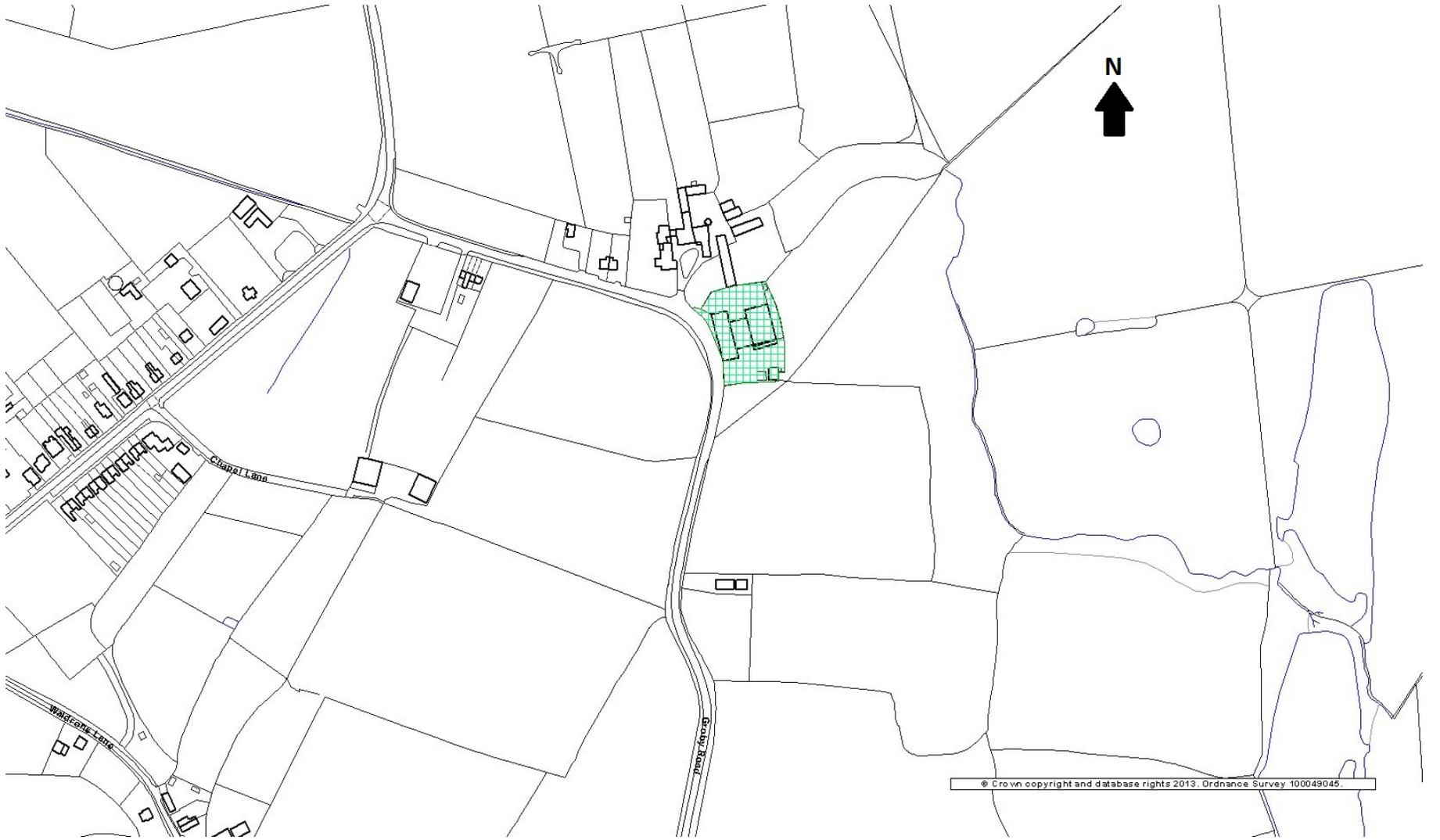
The use of the extension is therefore considered to be an unsustainable form of development which is contrary to local planning policy and national planning guidance which seeks to locate development in the right place .

## **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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