

Application No: 18/4879N

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 yard (B2) (re-submission of 18/1270N)

Applicant: Mr Paul Carruthers, Pegasus Mechanical Installations Limited

Expiry Date: 01-Mar-2019

SUMMARY

This is a retrospective application on a 'brownfield' site within open countryside for a business involved in the fabrication of steel platforms.

The site is 1 hectare in area located set on a bend on Groby Road. The site has extensive hardstanding to the front and has a 1950's style single storey; single skinned industrial building with attached (brick built) office. An unauthorised extension is located to the rear of the premises, adjoining open agricultural land. There are 2 yards which are laid to hardstanding, one of which adjoins the residential boundary/ménage associated with one of the houses.

The change of use from milk depot (Class B8 Storage and Distribution) to steel fabrication (Class B2) is the subject of numerous complaints from neighbours concerning noise, and is the subject of on going 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 perspective the proposal is considered to be acceptable in terms of the impact upon parking, highway safety and traffic generation, particularly having regard to the likely levels of activity associated with the milk depot use.

The Noise Management Plan submitted relies upon the roller shutter door within the premises adjoining the residential elevation being kept shut 'except for access'. The Environmental Health Officer suggests a 12 month temporary permission to enable the recommendations within the Noise Management Plan to be implemented, it is considered that enforceable planning conditions could not be imposed that would satisfactorily safeguard the neighbouring residents' amenity.

In these circumstances, 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 in planning terms.

RECOMMENDATION:

REFUSE

PROPOSAL

This application is a 'free go' re-submission of an identical application, previously refused by this Committee in September 2018. Some additional mitigation is suggested via a Noise Management Plan is submitted. Hours of operation are being sought as 08.00 hours to 18.00 hours Monday to Saturday.

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 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 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.

It would appear that the unauthorised HMO use of part of the front office, the subject of application 18/1770N has ceased since the determination of that application. The rear extension, the subject of refusal under 18/1769N, remains in situ, but is not the subject of this application.

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

RELEVANT HISTORY

18/1270N - Change of Use from Milk Dairy Storage and Distribution (B8) to Metal Fabrication Company with associated workshops, offices and yards (B2). Refused 6 September 2018 for the following reason;

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.

18/1769N - Retrospective erection of a steel framed building to the rear of the main workshop - Refused 6 September 2018

18/1770N - Change of use of part of premises to a 9 bedroom HMO with shared kitchen and bathroom facilities - Refused 6 September 2018

Land Adjoining

15/5559N - New Stable Block Comprising 8 Stables (2 for Commercial Livery), a Storage Room, Tack Room and Ménage (40m x 20m) and Rebuild Existing Garage/Workshop for Use as Commercial Livery Yard and Own Horses - granted 2/02/2016- Implemented

NATIONAL & LOCAL POLICY

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th 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.

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development
80-82 Delivering a strong and competitive economy
83. Supporting a prosperous rural economy

CONSULTATIONS:

Crewe Town Council: Objection on grounds of the continuing noise complaints nuisance and do not consider application to be materially different from the previous application.

Highways: No objections.

Environmental Protection: No objection. A 12 months temporary permission is suggested to assess whether the mitigations within the Noise Management report are sufficient to address the adverse noise levels identified in the Noise report.

Cheshire Brine Board: No objection.

REPRESENTATIONS:

Councillor Bratherton objects to the application on the grounds that the proposals have not addressed any of the reasons for the previous refusal

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

Objections received from 4 neighbours and a commercial planning agent representing one neighbour/owner of the adjacent ménage on the following grounds -

- Previous objections maintained about noise and disturbance during unsociable hours
- The disturbances caused by the industrial levels of activity carried out by the company called Pegasus continue as before and during unsociable hours as on previous occasions.
- Revised hours of operation conflict with the hours of the commercial livery. This will place unreasonable restrictions upon a business established prior to Pegasus. This is contrary to Para 182 of the NPPF where existing businesses should not have unreasonable restriction imposed upon them as a result new development
- This resubmission application claims that there is minimal noise is not true. Much is made of the machinery noise but it is also the very loud banging noise that affects us. To claim that the workers will be asked to put down equipment and tools gently is obviously unworkable and to ask that the neighbours call the manager when it's noisy is unacceptable. The building is not insulated for sound and the noise of workers banging to manipulate steel and huge steel beams being dropped on concrete is very loud and highly obtrusive. It is easy for Pegasus to say and promise they will be quiet to try and get planning permission, but the history of them working is that they are noisy and the business by its very nature makes a lot of noise.
- The previous business was milk warehousing and distribution. The milk was distributed by electric milk floats and therefore was quiet. The site was a dairy and therefore in keeping with the countryside and farming. We NEVER had any reason to complain to the Environmental Health Dept at the council about the dairy.
- Amongst other business, Pegasus make very large platforms for the automotive industry. This means working with huge metal girders and metal fabrication is heavy industry in terms of the investment in the business and machinery and the large structures produced for the car industry.

This type of business should be operated on business parks and away from residential properties. This is a rural area not suited to a large loud steel fabrication business

- Adverse impact upon residential amenity (stress anxiety, loss of sleep) due to noise disturbance from the industrial processes going on in the unit.
- The level of industry at the site to be excessive for this rural location. The impact on the residential properties next door is widespread. The level of noise generated by heavy machinery is disruptive. I have suffered sleep deprivation and regular disturbance from the operations at Pegasus. The workers on site have not been considerate or co operative in regards to the noise. In fact they have been the opposite, the threatening behaviour displayed towards my wife had been reported to authorities several times.
- In addition to this the level of traffic is in my opinion unsafe and has not been assessed or investigated, no highways reports are included in the submitted plans. I do not believe the parking is adequate for workers or deliveries often resulting in cars being blocked in by each other, then car horns are beeped and engines are revved like boy racers.
- The character and design of the site does not reflect its countryside setting. No design statements are submitted. The addition of more buildings and large metal fences is an intrusion on the landscape. The buildings are overcrowded and squashed onto a very small footprint showing that the operations have outgrown the plot. Pegasus already have other premises in Crewe and perhaps the operations on Groby road would be better suited to an industrial park or similar location.
- The outlook by neighbouring properties is impacted by the developments and storage on site. We have also lost privacy by having such a business operating in front of our home. The level of deliveries and visitors has tarnished the once quiet location.
- The application does not give detail about the level and nature of work currently being undertaken by Pegasus. I can assure you that the activity on site is constant. The relentless noise is draining, we are forced to keep windows closed in the summer and can still hear the banging and clanging.
- The operations involve the cutting and spraying of steel, no mention of soundproofing or prevention of air pollution are made? I would also like to raise concerns over where the spray paint is being drained to?

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 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 (Rural Economy) of the CELPS states that outside Key and Local Service Centres developments that (amongst other things) provide opportunities for local rural employment development that supports the vitality of rural settlements will be supported where;

- i. Meets sustainable development objectives as set out in policies MP1,SD1 and SD2 of the Local Plan Strategy
- ii. Supports the rural economy and could not reasonably be expected to locate within a designated centre by reason of the products sold. The majority of goods sold should be produced on site....
- iii Would not undermine the delivery of strategic employment allocations
- iv Is supported by adequate infrastructure
- v. Is consistent in scale with its location and does not adversely effect nearby buildings and the surrounding area or detract from residential amenity.
- vi Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape
- vii Does not conflict with Policies PG3,PG4,PG5,PG6, SE3,SE4,SE5,SE6 and SE7 of the Local Plan Strategy

Policy EG2 seeks to ensure that economic activity in such areas is not undertaken at the cost to the amenity of neighbouring residents or area.

Accordingly, in terms of this application, the issue is whether the proposed mitigation put forward in the Noise Mitigation Plan would safeguard the amenity of the residential neighbours/adjoining uses to address the previous reason for refusal in planning terms. This is addressed in the amenity section of this report.

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 economic objective – to help build 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 improved productivity; and by identifying and co-ordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using

natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent. Any assessment should look at sustainable development as a whole.

Economic Sustainability

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.

There are 8 employees at the premises; the building is 1100 sq. metre in floorspace within the site of 1 hectare. The use contributes to the economic objective of sustainability by virtue of the employment generated within the site and the supply chain as a result of the metal products fabricated into steel platforms.

ENVIRONMENTAL SUSTAINABILITY

Highways

The Head of Strategic Infrastructure (HSI) has assessed the application previously and raised 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. This is considered unlikely to change in the case of this re-submitted application.

The HSI previously considered 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.

On this basis, it is considered that the proposal does not create any highways harm and the parking of HGV's and other vehicles associated with the use can be adequately stored within the site itself.

Noise

The main issue in this case is noise and disturbance for adjoining residents.

The same noise report which formed the basis of the previous refusal has been re-submitted with this application. This formally submitted assessment has been undertaken with the roller shutter doors on the side of the premises on the residential elevation of the premises in the closed 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 (1st)	Fork Lift Truck Only (Rear Yard)	Shot Blasting (New Building)	Simultaneous Level – All Equipment (Revisit)
L _{Aeq,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 Noise Consultant suggests mitigation to seek to mitigate for the identified 'adverse impact' which his report identifies. 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 Applicant, for the purposes of this current application, has put forward the following recommendations in a Noise Management Plan;

The following general noise control measures have been identified:

Equipment/process	General noise control measures
Roller doors and pedestrian doors	We will keep doors well-sealed and free from gaps and closed at all times when the site is in operation - except for access
Vertical cladding on façade facing the sensitive receptors	In the interim we will seal any gaps and holes and in the long-term we will consider improving the sound insulation on this façade with absorbent material / secondary cladding
Powered hand tools e.g. grinders	We will use acoustic screens close to these activities to reduce the level of noise propagating from work benches to the façade of the building facing the sensitive receptors
Mobile and fixed plant	We will only use the required power and size of equipment
	We will fit engine exhausts with silencers
	We will operate equipment in a quiet and efficient manner
	We will not leave equipment idling unnecessarily
	We will regularly inspect and maintain equipment
	We will endeavor to sequence work to provide respite periods
	We will schedule particularly noisy activities as late as possible in the morning and during hours when residents who work can be expected to be at work. We will identify any particularly sensitive times for residents during consultation.
	We will use quiet reversing alarms/methods. "White Noise" reversing alarms will be used – "Shh-shhh" instead of "beep-beep" type.
	We will prevent shouting and raised voices in external areas – we will fix signs inside and outside reminding staff to keep noise levels to a minimum and to consider our neighbours.
	We will train our staff in regard to environmental noise and the importance of considering our neighbours.

On the basis of this Noise Management Plan (NMP), the Environmental Health Officer is of the view that a 12 month temporary permission is now acceptable to that Division to allow the recommendations within Noise Management Plan to be implemented.

As a result of concerns about the vagueness in planning terms of these measures a further Noise Statement has been requested and submitted which puts forward the noise reductions that could be achieved if the actions within the NMP are implemented.

This additional report puts forward the following reductions which are based on the authors experience rather than any on site measurement of noise;

	Simultaneous Level – All Equipment	Simultaneous Level – All Equipment ex. Fork Lift
L _{Aeq,T} Levels	39	36
Tonal Character	2	2
Impulsive Character	0	0
Other Character	0	0
Intermittency	0	0
Rating Level	41	38
Background Weekday	40	40
Background Sat	35	35
Excess over Background - Weekday	+1	-2
Excess over Background - Saturday	+6	+3
BS4142:2014 Impact Assessment – Depending on Context		
Weekday	Less than “Adverse”	“Low Impact”
Saturday	“Adverse” but not “Significant Adverse”	Less than “Adverse”

Table 1: Reworked version of SBM Table 8 with Noise Control

The Noise Consultant employed to undertake the review of the NMP considers that the roller shutter door to the elevation facing the residential properties can be shut and that with other items such as filling gaps/no longer using very noisy machinery/ noise screens can reduce the noise levels as detailed in the table above.

No assessment has been provided of the noise generated by the loading of 44 tonnes steel platforms which according to information submitted is the maximum size of platforms fabricated. This is unlikely to be placed on the trailer via fork lift truck without noise. In this regard neighbours have complained about the sudden, unexpected sharp noise of banging metal.

The information submitted is that the loading will occur on 2 occasions in the week. The Noise Management Plan refers to the doors being shut 'except for access'. In this respect, it is considered likely that the noise of banging metal will not be controlled adequately. Notwithstanding that the business could easily expand from present levels of employment and activity. It is considered that it would be very difficult to enforce any planning condition to limit the numbers of times the door is opened.

In addition, the information submitted also indicates that the use of the fork lift truck will have an adverse in technical noise terms on Saturdays. Again it is not considered that an enforceable planning condition could be imposed to not permit the use of the fork lift truck on Saturdays

No noise measurement has ever been received of the noise levels within the adjoining residential gardens/premises or ménage with the roller shutter in the open position and the forklift truck entering/egressing through the door to load/unload metal products/materials off the trailer.

The updated Noise Impacts Report of the NMP also does not make any comment about the likely impacts on the noise environment of the roller shutter door when open.

The NMP states that the roller shutter will be kept closed 'except for access' to the yard. There is no definition of exactly what 'except for access' means within the context of this NMP

However, further information has been provided by the Applicant that -

1. The roller door to the north of the site is only required to be open when loading or unloading a trailer.
2. The roller door is open, on average, once every 2 days.
3. On average it takes about 30 minutes to load a trailer.
4. When loading or unloading the trailer (i.e. when the rolling shutter is open) no machinery will be operated in the building. The Applicant says they can arrange to do the loading/unloading during break times or towards the end of the day. The trailer is loaded in the yard using a forklift truck from within the premises, the structural steel platforms loaded are maximum weight of 44 tonnes.
5. The door is electronic and takes approximately 10 second to open or close. Because it is electronic there are sensors that mean that it cannot be slammed
6. There is minimal noise from the door opening and closing (and in any event the machinery will not be operated when the door is being opened/closed).
7. Pegasus intends to fit a lock to the door and the key needs to be signed out by management. This means that the door cannot be opened without management's consent and management can ensure that all machinery is switched off before it is open. They advise they are working at capacity and can not expand at this site

Whilst the Environmental Health Officer is looking at issues of statutory nuisance and her suggested temporary permission is noted, it is not binding upon the Planning Authority. A planning assessment considers matters of noise and disturbance for the neighbours in both their properties and their gardens and the ménage adjacent in respect of their amenity, rather than whether or not a nuisance is occurring.

Members may recall the application to retain the car valet use for a site in Union Street Sandbach (application 17/5999C), whereby upon the receipt of a Noise Assessment, the EHO raised no objection to that use subject to mitigation. The application was recommended positively on that basis.

Notwithstanding the recommendation of Officers in that case, Members refused the application to retain the car valeting business on the basis that the use would be detrimental to the amenities of neighbours by virtue of noise and disturbance (amongst other matters).

The Noise report submitted in that case recommended that roller shutter doors could be closed when power washers were in use. The Inspector, in dismissing the appeal on grounds of the adverse impact upon the amenity of neighbours in their gardens opined;

..'The Noise Assessment also suggests that all roller shutter doors could be kept closed when the power washers are in use, or if this proved to be impractical, automatic high speed doors could be installed. However, it is not clear how opening/closing the roller shutters after each arrival would affect the operation of the business, or how much noise this process would generate. In addition little detail has been submitted regarding the automatic high speed doors, and it is also not clear how practical a solution this would be, or how much noise these doors would generate. Moreover, it is unclear how much noise would escape when either the shutters or doors were opened/closed.....it is not clear that these measures are capable of providing a satisfactory or appropriate solution...'

Para 11 Appeal ref APP/R0660/W/18/3202283

The Applicant in this case considers that a condition could be imposed to require the roller shutter door on the elevation adjacent to the residents to be kept closed. Whilst they have clarified that the door is presently opened for 2 occasions, this cannot reasonably be enforced in planning terms, particularly if the business expands.

The NPPF requires conditions to be precise and enforceable. A condition could not be phrased to protect the amenity of neighbours when the door is opened and it would be impossible to define what constitutes access and how long that should take (ie notwithstanding the information submitted in terms of the NMP and the intention to fit a lock to the door, this can not be enforced). The Applicant has confirmed that they don't intend to remove the door because they require it for access. This is therefore contrary to National Planning Guidance.

It also has to be borne in mind that the use of the premises is essentially a non conforming use in close proximity to numerous residential uses and that the previous activities undertaken at the site were within Class B8 (Storage and Distribution) which is an entirely different use to a General Industrial and Manufacturing use within Class B2. The neighbours have already noted in their comments on this application that they had no issue with the former use/operation of milk floats and they continue to be disturbed by the sudden unexpected sound of crashing metal. Whilst the NMP may improve the situation, the suggestion to only load/unload the trailer of large steel platforms that need a minimum of 30 minutes to be loaded on to a trailer cannot be enforced in planning terms.

On this basis the proposal is considered to be detrimental to the living conditions/enjoyment of outside space of the neighbours and the adjoining ménage.

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.

Objections have been previously 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.

Previously, neighbours complained of the noisy activities occurred very early in the morning and as late as 8pm at night. The Applicant now seeks to operate from 08.00 hrs to 18.00 hours for 6 days a week. This only excludes Sunday. The further assessment of the NMP undertaken refers to adverse effects on a Saturday, a day in the week when residents could reasonably expect to use their garden/ménage.

Accordingly, the proposal, by virtue of the noise and disturbance created for the adjoining residential occupiers is considered detrimental to the amenity of the neighbours. It is further considered that conditions could not be imposed that would safeguard amenity for the 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. This use is a non compatible industrial land use with heavy steel fabrication occurring within a building which was originally utilised as a storage and distribution depot.

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 'adverse' harm to the amenity of neighbouring residents identified in the Applicant's own noise report.

Conclusion – The Planning Balance

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.

This is a retrospective application on a 'brownfield' site, for a business providing employment. Further to the previous refusal, the Applicant has provided a Noise Management Plan and further clarification of the use to address the previous reason for refusal. The recommendations of this Noise Management Plan are not considered to be enforceable in planning terms. It is considered that the use of the premises sought is incompatible with the sensitive nature of the residential uses adjoining and on this basis the proposal comprises harm to interests of acknowledged importance.

From an environmental and social perspective the proposal is considered to be unacceptable. The increased noise disturbance will have an adverse impact upon the amenity of neighbours. This is considered to outweigh the benefits to the economy/employment 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.

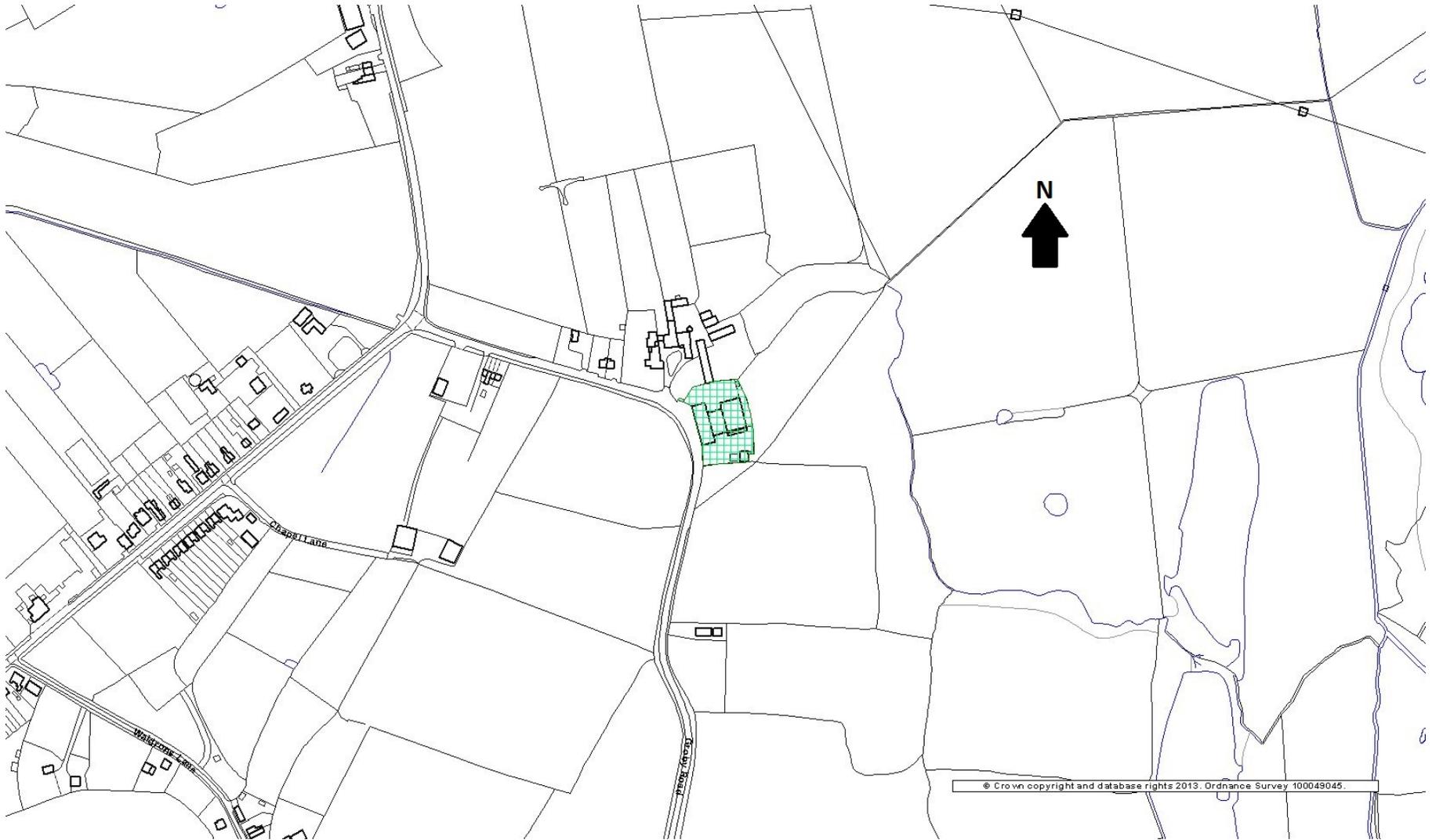
RECOMMENDATION

REFUSE for the following reason:

1. The retention of the use of the premises as a steel fabrication premises (Class B2), by virtue of unacceptable noise 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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