

Application No: 19/0819N

Location: Basford Old Creamery, Newcastle Road, Chorlton, CW2 5NQ

Proposal: Amendments to site layout and building designs covered under approvals 15/4224N AND 16/1987N. Proposals include provision of new office space and sub-division within approved industrial units and creation of additional B1,B2 and B8 floor space to area formally used as external work area.

Applicant: Mr J Beeson, Total Concrete Products Ltd/Pioneer Design & Build Ltd

Expiry Date: 16-May-2019

SUMMARY:

The site is an existing employment site with B1, B2 and B8 Use Classes allowed. Granting planning permission would have a positive benefit in terms of employment provision and support of a local business.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions; there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, highway safety and impact on the Listed Building within the complex.

There is policy compliant parking provision and the access and turning areas are acceptable in highway safety terms.

On this basis the application is recommended for approval.

RECOMMENDATION:

Approve subject to conditions.

CALL IN

This application was called in by Cllr Janet Clowes for the following reasons:

"The Parish Council has considerable reservations about this proposal, (which are compounded by the fact that this site has a long history of noncompliance of conditions) in order to protect the amenity of residents living in the vicinity and disturbance to the surrounding area.

Whilst it is acknowledged that this site has an established industrial use the current proposal is far too intensive and is presented with a degree of ambiguity. Whilst the Old Creamery had permissions for B1, B8 and B2 use, (as appropriate for a rural dairy business), over the past 4 years, there has been an inappropriate intensification of B2 use resulting in severe loss of amenity for residents, non-compliance with conditions and enforcement actions. All are contrary to CELP Policy EG2 and EG3

- The Parish Council considers that the current proposal represents a gross overdevelopment and the proposed circulation within the site to serve the various units is unsatisfactory. The proposed provision of 93 car parking spaces, excluding an unspecified number of long HGVs, feeding out onto a single blind access at the bottom of the humped West Coast Main Line Railway Bridge over Newcastle Road is in our view extremely dangerous.*
- It is considered that the implications of HS2 is a critical factor which will compound the problem. The additional construction traffic and disruption associated with this operation which abuts the application site will make the operation of the proposed use a nightmare affecting nearby residents and the area in general.*
- The applicant's statement that the proposed acoustic screen along the NW boundary to protect Weston Village could be up for discussion, is NON-NEGOTIABLE in so far as Weston & Basford Parish Council is concerned. Should any planning permission eventually be granted this screen is absolutely essential. This is especially important as a further 100 houses are due to be built in fields to the north-west of the site and Weston Village.*
- Despite the submitted noise calculations, given the previous history, the Parish Council cannot accept that roller shutter doors on units 6 and 7 remain open or any of the doors on other units within the site. All operations within the site must be carried out behind closed doors.*
- In addition, the proposed hours of operation are excessive on both weekdays and Saturdays. This once again impacts significantly on residents' amenity. There must be no increase in the operating hours from this site.*
- There are no proposals regarding external lighting which if not handled sensitively can be extremely detrimental to nearby residents and the surrounding rural area in general.*
- All unauthorised uses and structures currently on site must be removed prior to any further development should this application be approved. (This includes the cement mix silos, portacabins on the Network Rail access road and concrete bunkers on site). In this context the two circles shown to the east of Units 6 and 7 are undefined – what they are and their purpose must be clarified before this application is determined.*
- There appear to be no proposals regarding types of surfacing and dust attenuation. The dust and mud generated from the current site extends out onto the highway and surrounding countryside which is totally unacceptable.*
- In summary, the Parish Council is extremely concerned about the Health and Safety aspects of the proposal and compliance therewith – there doesn't appear to be any reference to this in the submission.*
- Finally, the Parish Council is disappointed that the 'listed' cottage prominently located on the site frontage has been excluded from the proposal. This could be renovated and converted into worthwhile office accommodation.*

The Ward Councillor has been asked to call-in this application and the Parish Council request that a site visit is arranged prior to the Planning Committee meeting.

The application as submitted is considered to be totally unacceptable and should be refused."

PROPOSAL

This application is for amendments to the site layout and building designs covered under approvals 15/4224N AND 16/1987N.

Application 15/4224N approved a B1/B2/B8 unit with a large external work area surrounded by an acoustic screen (western part of the site). The changes include creating a fully enclosed building, split into 2 units, where the external work area was, creating office space in the south west corner of the building and splitting the building which formerly housed the concrete operations into 3 units, with the shutter doors to the south being blocked up.

Application 16/1987N approved a new industrial building replacing existing buildings, retaining B1, B2 and B8 classifications (eastern part of the site). The changes include two floors of office accommodation (mezzanine) at the southern end of the building, splitting the building into 2 units and the reduction in the number of roller shutter doors in the west elevation.

This application would allow the whole site to be controlled by one planning permission and would include acoustic screens at the northern end of the site. The application also seeks changes to the hours of operation and keeping doors closed while work takes place.

SITE DESCRIPTION

The site contains a large industrial building and partially demolished old industrial building that has permission for replacement and offices contained within portacabins. There is also a batching plant on site and this will ultimately be incorporated into the new building.

To the front of the site, adjacent to the access and Newcastle Road is Basford Bridge Cottage a Grade II Listed Building in a very poor state of repair, this does not form part of the application site. A main railway line runs alongside the western boundary of the site.

The site is designated as being within the Open Countryside in the adopted local plan.

RELEVANT HISTORY

P03/0367	2003	Conversion to Office/Light Industrial Use and General Storage / Distribution
P08/0782	2008	Renewal of Previous Consent (P03/0367) for Conversion to Office / Light Industrial Use and General Storage / Distribution.
11/2911N	2011	Extension to Time Limit of Application P08/0782 for Renewal of Previous Consent (P03/0367) for Conversion to Office/Light Industrial Use and General Storage/Distribution
15/0556N	2015	Approval for modular building and change of use of existing B8 unit to B2
15/4224N	2016	Approval for demolition of existing buildings and erection of replacement detached single storey industrial unit for B1, B2 and B8 classifications. Erection of acoustic walling to boundaries.

- 16/1987N 2016 Approval for new industrial building replacing existing buildings, retaining B1, B2 and B8 classifications.
- 17/3850N 2018 Withdrawn application for variation of conditions 4 & 5 on 16/1987N
- 17/3850N 2018 Withdrawn application for variation of condition 9 on 16/1987N

NATIONAL & LOCAL POLICY

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

The following are considered relevant material considerations:

PG1 – Overall Development Strategy
PG6 – Open Countryside
PG7 – Spatial Distribution of Development
PG2 – Settlement Hierarchy
EG1 – Economic Prosperity
EG3 – Rural Economy
EG3 – Existing and Allocated Employment Sites
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE12 – Pollution, Land Stability and Land Contamination

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

Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)

BE.1 – Amenity
BE.3 - Highways and Parking
NE.17 – Pollution Control

Material Considerations

The National Planning Policy Framework

CONSULTATIONS:

Environmental Protection:

No objection, subject to conditions/informatives relating to noise and disturbance, lighting, hours of operation, air quality and contaminated land.

Weston & Basford Parish Council

Object to the application on the grounds of noise, dust, parking, highway safety, lack of works to the listed cottage and unauthorised development on the site. This objection can be viewed in full on the website.

Hough & Chorlton Parish Council:

Object on the grounds of inappropriate use, noise, dust, highway safety and unauthorised development on the site. This objection can be viewed in full on the website.

REPRESENTATIONS:

At the time of report writing 1 objection has been received relating to this application. This expresses the following concerns:

- Noise pollution if adequate 'screening' is not provided
- Hours of operation
- External Lighting
- Site surface and possible dust implications
- The impact on local residents if the doors to be open whilst work is in operation
- Overall Health and Safety concerns for the residents of the local area

APPRAISAL

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

Background

The site has an extensive history, originally as a dairy/creamery operation followed by approval in 2003 for industrial, storage and office use. This was renewed in 2008 and the time limit for commencement extended in 2011.

In August 2015 Southern Planning Committee approved an application is for the provision of a new modular building (temporary) B1 (Business) and change of use of the existing B8 (Storage or distribution) unit to B2 (General Industrial) (15/0556N). This was followed by the approval of replacement building and acoustic walls to the boundaries in January 2016 (15/4224N). This is the building that is adjacent to the railway line.

In December 2016 Southern Planning Committee approved a new industrial building replacing existing buildings, retaining B1, B2 and B8 classifications on the eastern side of the site (16/1987N).

There have been complaints to enforcement about concrete cutting in the open and non-compliance with approved hours of operation; this is being monitored and dealt with on an ongoing basis. Cutting no longer takes place externally due to the re-configuration of operations at the site. A separate complaint relating to a portacabin and storage on the network rail access was also submitted to enforcement. It was considered not expedient to take enforcement action as the area must be left clear to allow access to the railway compound therefore its use for storage is limited. Batching plant and silos have been installed on the site and form part of this application, being incorporated within the eastern building.

Principle of Development

The NPPF includes a strong presumption in favour of economic growth and in paragraph 80 states that *'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

Paragraph 83 states that:

'Planning policies and 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 businesses;*
- c) The sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

The site provides purpose built employment units and would thereby feed into the local and national economy. Policy EG2 of the CELPS supports development that gives the opportunity for rural employment and the retention and expansion of existing businesses.

This is an existing industrial site that has an established industrial use and as such the proposal is considered to be acceptable in principle subject to the issues set out below.

Design

Planning permission was granted in 2015 and 2016 for the redevelopment of the site; however development was not carried out in complete accordance with the approved plans. In particular the external cutting area has been removed and now forms part of what is described as Unit 1 and a batching plant and silos have been installed on the site.

In terms of design, the buildings and other structures within the site are of a typically industrial nature, which is considered to be appropriate in the context of this existing industrial site. The existing portacabins containing office space are to be removed and replaced within the new buildings. This is considered to be an improvement to the appearance of the site and should be secured by condition.

The proposal involves the creation of an acoustic screen, 3 metres in height on the northern boundary of the site and alongside a section of the Network Rail access road. The screen would consist of concrete panels and whilst not an attractive structure, when seen in the context of the new buildings on the site, it would not appear incongruous if painted a suitable colour, to help it blend into the landscape. This should be controlled by condition.

Subject to the proposed conditions, the development is considered to be in compliance with Policies SD2 and SE1 of the CELPS.

Amenity

The site is located in Open Countryside, with the nearest residential property being on the opposite side of Newcastle Road and other residential properties approximately 270 metres to the west.

Environmental Protection has assessed the submitted Noise Report and is satisfied that the conclusions of the report and methodology used are acceptable. The mitigation measures include:

- Enclosure of the external cutting area
- Roller shutter door to the south elevation of the building adjacent to the railway being closed up
- Reduction in the number of roller shutter doors on the west elevation of the building to occupy the eastern part of the site
- Creation of acoustic screen walls at the northern end of the site

The application states that concrete panel manufacturing and steel fabrication has been removed from the site, but given that there is permission in place for B2 use, this could return without the need for a further planning permission. As such the acoustic screen walls must be provided.

The changes to the approved hours of operation are not considered to be acceptable by Environmental Protection Officers. Therefore the hours of operation of the site (other than office based activities) should be conditioned as follows:

Monday-Friday	08:00 to 18:00 hours
Saturday	09:00 to 14:00 hours
Sunday and Public Holidays	Nil

It is therefore considered that the impact of noise has been addressed, providing a condition is imposed requiring compliance with and maintenance of the recommended mitigation measures.

Having regard to the issue of contaminated land, conditions are required relating to this matter.

Dust and resultant mud on the road has been raised as an issue. Officers have witnessed water bowsers being used within the site to control dust; however there is no information submitted with this application on this matter. As such a scheme for the suppression of dust should be required by condition, this should have a specific timescale for submission, approval and implementation.

Highways

The site currently serves B1/B2/B8 uses and the proposal is to divide the existing buildings to serve smaller businesses. The existing access will remain and the parking arrangement is to be formalised within the site.

The site access width is adequate and visibility of over 200m is achievable to the east and approximately 150m to the west, and there have also been no recorded accidents within the vicinity of the access over the last 5 years.

Compared to what is already approved on the site, there would be a limited increase in the floor area created. Any uplift in traffic volume would be minimal and there is no reason to believe that the access will not continue to operate safely as it has done so whilst serving existing industrial uses over the last number of years.

The car parking provision is to Cheshire East Council requirements but there doesn't appear to be cycle parking provision. Covered and secure cycle parking provision should be secured by condition.

Subject to the cycle provision condition, the Head of Strategic Infrastructure has no objection to the proposal.

HS2

HS2 had submitted a holding objection to the proposal as some of the parking provision shown was within a Safeguarding Area for HS2. Subsequently this has been removed from the proposal and that objection has now been withdrawn and there is no conflict with HS2.

Listed Building

It is noted that the Listed Building is not within the application site and it was not previously either. The proposed works would have no significant additional impact on the setting of the Listed Building given the existing approved development on the site.

Other Matters

Concerns have been expressed about health and safety issues on the site. These are not something to be dealt with under the Planning Acts and fall under other legislation.

Conclusion

The site is an existing employment site with B1, B2 and B8 Use Classes allowed. Granting planning permission would have a positive benefit in terms of employment provision and support of a local business.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions; there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, highway safety and impact on the Listed Building within the complex.

There is policy compliant parking provision and the access and turning areas are acceptable in highway safety terms.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Approved plans**
- 2. Materials in accordance with the details submitted with the application**
- 3. The acoustic screen, as shown on plan No. PL116 shall be installed within 3 months of the date of this permission**
- 4. Restriction on operational/delivery hours (other than office based operations) to 8am to 6pm Monday to Friday, 8am to 2pm Saturday and no working on Sundays or public holidays**
- 5. Submission of details of any external lighting**
- 6. No cutting operations to take place outside the buildings**
- 7. Submission of a scheme of dust suppression methods within one month, implementation of the measures within one month of approval**
- 8. Provision of an electrical vehicle charging point**
- 9. Submission, approval and implementation of secure, covered cycle parking**
- 10. Contaminated Land Phase II Report**
- 11. Verification Report (contamination)**
- 12. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.**
- 13. Within 3 months of first occupation of the new office accommodation, the existing office portacabins shall be removed from the site**
- 14. Protection for breeding birds**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

