

Southern Planning Committee

Supplementary Agenda

Date: Wednesday, 29th August, 2012
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

7. **Updates** (Pages 1 - 6)

Updates for applications 12/2147C and 12/2309N.

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SOUTHERN PLANNING COMMITTEE – 29th AUGUST 2012**UPDATES**

APPLICATION NO: 12/2147C

PROPOSAL: The Replacement of the Vacant Public House with a Convenience Outlet Store

ADDRESS: The Grove Inn Manchester Road, Congleton.

CONSULTATIONS**Environmental Health (Updated)**

Further to the comments previously submitted dated 19th July; in respect to noise impact as a result of the development. A Noise Impact Assessment by REC (Resource & Environmental Consultants Ltd) Report No: 90130, issued 15th August, has been submitted in support of this application in order to address the issues/concerns raised by Environmental Protection in relation to noise. It has now been possible to assess the impact of the proposed development on noise sensitive properties.

(a) Deliveries

The noise report has detailed predicted noise levels for deliveries to the proposed store for transit van and HGV vehicles and the resultant noise impact on the nearest noise sensitive premises (receptors) at Macclesfield and Manchester Road.

(b) New Plant and Equipment

It is proposed to relocate the 3 heat exchange units to the southern-most area of the roof space above the door which faces south. The plant was previously proposed to be located facing north-east facing Macclesfield Road (Proposed Floor Plans, Project 4159, Drg No.2 Revision C). Page 13 of the report, states that the roof space of the Convenience Store will be enclosed by a 2.3m high parapet wall. The wall height has been taken into account in calculating the predicted noise level at the two closest noise sensitive receptors.

(c) Waste Transfer from Store to Bin/ Trolley Area in Car Park

Page 17, section 5.3, Waste will be transferred from the store to the bin area manually by hand.

Fixed Plant and Machinery

All Plant / Equipment and machinery shall be regularly maintained and serviced in compliance with recommended service schedules to ensure its continued satisfactory operation.

The rating level ($L_{Aeq,T}$) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level ($LA_{90,T}$) by more than -10dB at any time when measured at the nearest noise sensitive premises.

Noise measurements and assessments shall be carried out in accordance to BS 4142 "Rating industrial noise affecting mixed residential and industrial areas". 'T' refers to any 1 hour period between 07.00 hrs and 23.00 hrs and any 5 minute period between 23.00 hrs and 07.00 hrs.

The rating level of the noise emitted from the site shall not exceed the existing background level. The measurement and assessment shall be made in accordance with BS4142:1997, Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. The assessment shall detail what steps are to be taken to mitigate any noise disturbance.

Hours of Operation / Trading

Monday – Friday / Saturday/ Sunday and Bank Holidays 7.00 hrs - 22.00 hrs

(Subject to Sunday Trading Laws)

In addition to prevent the use of the car park out of hours, the car park shall be closed.

Deliveries and Collections

Deliveries (HGV) to and collections of waste from the development shall be restricted to the following hours:

Monday – Saturday: 07:30 – 19:00

Sunday and Public Holidays: 10:00 – 16:00

Newspaper Deliveries by Transit Van Only shall be accepted from 5.30am onwards.

Bin Storage Area

The bins shall be located in the bin storage area secure and lockable to prevent the escape of waste.

Customer Trolleys

The use shall not commence until details of the trolley management system has been submitted to and approved by the Local Planning Authority and the approved system has been installed and is fully operational. In order to control the illegal removal of trolleys from the premises and car park; in order to prevent the abandonment of trolleys in the vicinity of the proposed development. Please refer to DEFRA, [Guidance on the management of shopping trolleys](#), March 2007.

Hours of Demolition and Construction

The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

Reason: In the interests of residential amenity

Pile Foundations

All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday 09:00 – 17:30 hrs

Saturday 09:00 – 13:00 hrs

Sunday and Public Holidays Nil

In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority.

The piling work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of piling
2. Days / hours of work
3. Duration of the pile driving operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: In the interests of residential amenity

Floor Floating (Polishing Large Surface Wet Concrete Floors)

All floor floating operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. In addition, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The floor floating work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of floor floating
2. Days / hours of work
3. Duration of the floor floating operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: In the interests of residential amenity

Major Development Construction Phase Environmental Management Plan

Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;

Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;

Waste Management: There shall be no burning of materials on site during demolition / construction

Dust generation caused by construction activities and proposed mitigation methodology.

The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

Reason: To reduce the impacts of dust disturbance from the site on the local environment

This Service has considered the above planning application and wishes to make the following comments / recommendations in relation to air quality. The air quality

concerns raised have now been addressed by the consultant and therefore the refusal on air quality grounds can be removed.

I would however recommend that a condition is attached to the application to ensure there is no adverse impact by virtue of dust generation during the demolition and construction phases of the development.

No development shall take place until a scheme to minimise dust emissions arising from demolition / construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition / construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition / construction phase.

OFFICER COMMENTS

As stated in the report, the use of the existing building could be changed to retail without the need for planning permission and if this was the case no conditions on its operation could be imposed.

The noise generated from a public house could be considered to be quite considerable in terms of the delivery of barrels and customers leaving after closing time.

The requested conditions are dealt with below:

Hours of Operation: The report has outlined why it is considered acceptable to allow opening from 6.30am, including the nature of the site and the existing noise levels on this busy part of the road network.

Deliveries: For the same reasons given above it is considered acceptable to allow deliveries from 6.30am. Restricting newspaper delivery to a 'Transit Van' would not be reasonable or enforceable.

Trolley Management System: This condition would not be reasonable or enforceable.

Hours of Demolition: The demolition already has consent under application number 12/0381C.

Major Development Phase Environmental Management Plan: This is a minor development that does not warrant a condition of this nature and these issues are dealt with under other legislation.

Air Quality/Dust Emissions: This is dealt with under other legislation.

RECOMMENDATION

Approve subject to the conditions proposed in the report.

APPLICATION NO: 12/2309N

PROPOSAL: Outline Planning Application - residential proposal comprising 10no. Two-storey residential units in total broadly; 8no semi-detached dwellings, circa 160 square metres with integral garages and 2no. detached dwellings, circa 185 square metres with detached garages.

ADDRESS: Land adjacent to 4 Audlem Road, Hankelow, Cheshire, CW3 4AU

FURTHER INFORMATION SUBMITTED

- Noise Exposure Assessment (24th August 2012)
- Email dated 22nd August noted the applicant is willing to provide 3 affordable houses on site.

CONSULTEES

Environmental Health: No objection, subject to conditions for hours of construction and the mitigation implemented in accordance with the noise scheme.

OFFICER COMMENT

The submission of the Noise Exposure Assessment has allowed Environmental Health to assess adequately the impact the proposed development will have on the proposed occupants of the site. The report is sufficient to allay the concerns of the Environmental Health department and therefore they now have no objections subject to the proposal being carried out in accordance with the details with the report, and construction hours. It is considered that this information is therefore acceptable and reason for refusal number 3 (as noted in the main report) has been addressed and should be removed from the recommendation. If the application were to be approved it is conditions that both conditions proposed would be acceptable.

The applicant is stating a provision of three affordable homes is now possible on site. Three affordable homes from the ten dwellings proposed would meet the requirement for 30% affordable housing on a standard market housing development site. This would therefore meet the requirement of the Interim Housing Policy for Affordable Housing and therefore would address reason for refusal number 2.

Notwithstanding the increase in provision of affordable dwellings from 2 to 3, it is still considered that the site does not meet the requirements of the National Planning Policy Framework or the policies of the Crewe and Nantwich Replacement Local Plan. In the opinion of the Planning Officer the site may only be considered as an acceptable development site if the applicant could provide 100% affordable on the site, and therefore considered under the Rural Exceptions Policy RES.8 (Affordable Housing in rural areas outside settlement boundaries (rural exceptions policy)). However, as noted in the main officer's report the site is not sustainably located and therefore would not meet this part of the criteria of the Policy. Furthermore, as noted within the main officer's report, whilst the Council acknowledges that it cannot demonstrate a 5 year supply of housing all proposals should be considered in the context of sustainable development. The site conflicts with the NPPF as it is not a sustainable development site and therefore granting permission would significantly

and demonstrably outweigh the benefit of approving it. Therefore the principal of a housing development on the site is site considered to be unacceptable and the recommended reason for refusal No.1 still remains.

No further information regarding Highways has been received and therefore as outlined within the main officers report this is also a recommended reason for refusal as stated below.

RECOMMENDATION

To remove reasons for refusal no.2 and no.3, therefore the officer's recommendation is,

Recommendation: Delegate Authority to the Head of Development to REFUSE for the following reasons subject to no new material information being submitted prior to the expiry of the publicity period.

1. The proposal site is an unacceptable housing site by means of its sustainability and the adverse impact it would have on the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and does not meet the rural exception requirements of Policy RES.8 (Affordable Housing in rural areas outside settlement boundaries (rural exceptions policy)). The proposal has been considered in the context of the presumption in favour of sustainable development as required by the National Planning Policy Framework, and whilst the Council accepts that it cannot demonstrate a 5 year supply, the proposal conflicts with the policy objectives of the National Planning Policy Framework as it is not sustainable development, and the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposal is therefore considered to be contrary to Policies NE.2 (open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

2. Insufficient information has been submitted in relation to the access to the site, car parking provision and sustainable transport. The proposed junction is not shown in sufficient design detail for the Local Planning Authority to determine the suitability and note the dimensions shown for the visibility splays do not comply with highway standards. It is therefore considered that insufficient information has been submitted in relation to highway matters therefore the application does not accord with Policy BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.