

Application No: 10/4373C

Location: Top Yard, Station Road, Sandbach.

Proposal: Construction of Eight, Light Industrial, Commerical and Retail Units

Applicant: Mr R Bettley

Expiry Date: 09-May-2011

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of Development;
- Current Use of the Site;
- Design;
- Amenity;
- Drainage;
- Boundary Treatment and Landscaping;
- Highways; and
- Other Matters

**REFERRAL**

This application is included on the agenda of the Southern Committee as the proposed floor area of the buildings exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is located on the western side of Station Road, within the Sandbach settlement boundary. Until recently the site was used as a haulage depot and is now vacant apart from a number of disused portacabins. The site is flanked on three sides by other industrial premises, whilst on the remaining side is Station Road and beyond that is a fairly modern housing estate.

**DETAILS OF PROPOSAL**

This is a full application for the construction of 2 industrial buildings, which will be sub divided into 8 separate units and a new access at Station Road, Sandbach. Each building will measure approximately 14.5m wide by 59m deep and 7m high and will be constructed out of facing brickwork and profiled steel cladding. In addition there will be a new access road bisecting the units.

## **RELEVANT HISTORY**

17227/1 – Formation of Commercial Vehicle Hardstanding with Office, Repair Bay and Storage Units – Approved – 3<sup>rd</sup> December 1985  
20804/3 – Office Accommodation – Approved – 29<sup>th</sup> March 1989  
24062/3 – Motor Auction Sale Room – Refused – 3<sup>rd</sup> March 1992  
27883/3 – Proposed Industrial Units Replacing Portable Building for the Purpose of Office and Workshop – Approved – 20<sup>th</sup> February 1996  
18115/3 – Change of Use to Transport Depot with Incidental Vehicle Sales, Erection of Temporary and Permanent Buildings, Offices and Access – Approved – 21<sup>st</sup> October 1996  
06/0432/FUL – Change of Use of Land for the Siting of Existing Static Caravan to be used as a Food Bar – Approved - 4<sup>th</sup> July 2006  
08/1251 – Change of Use to Run a Private Hire Business with 5 Vehicles – Approved - 3<sup>rd</sup> October 2008

## **POLICIES**

### **National Policy**

Planning Policy Statement 1 (Delivering Sustainable Development)  
Planning Policy Statement 4 (Planning for Sustainable Economic Growth)  
Planning Policy Guidance 13 (Transport)

### **Local Policy**

PS4 (Towns)  
E3 (Employment Development in Towns)  
GR1 (General Criteria for Development)  
GR2 (Design)  
GR9 (Accessibility, Servicing and Parking Provision)  
GR6 (Amenity and Health)

## **CONSIDERATIONS (External to Planning)**

**Environmental Health:** No objections subject to conditions relating to hours of operation, noise assessment, hours of construction and details of any pile driving.

**Highways:** No objections subject to a condition relating to the access and an informative

## **VIEWS OF THE PARISH / TOWN COUNCIL**

No objections

## **OTHER REPRESENTATIONS**

Letters of objection have been received from the occupiers of 12, 14 and 16 Angelina Close. The salient points raised in the objection letters are:

- The area is now semi domestic with houses only a roads width from the site. It is most important that noise by both access and egress from the site is kept at a minimum at all times and that there is no activity, either access or egress or on site activity outside of the proposed 'opening times'. I would request that the Saturday opening time is changed to close at 1pm. As a resident there is nothing worse than the occasional sunny weekend being spoiled by industrial or commercial noise;
- The Design and Access Statement states that the site 'lies in the heart of an existing industrial site'. I contend that the site is bordered on one side by residential units so this is an incorrect evaluation which will be misleading in the assessment of this planning request;
- Also within the same statement there is no proposal of height restriction on access. I propose that there should be restriction to remove the possibility of use by significantly sized commercial vehicles;
- I note that the title of the application includes retail units, whereas within the application form section 18 it states that 'shops' are not applicable. Please clarify this. I am strongly opposed to the provision of retail units which represent a significant change of use to this site;
- I strongly object to the positioning of bin stores on the side of the land that borders the road. These will be clearly visible from the residential properties with the possibility of foul odours drifting into the residential gardens;
- Adjacent to my house is a block of four apartment flats, as they are occupied by tenants I doubt that they will take the trouble to consider this proposal, however the upper floor apartments will have this site as their view out of their lounge window so I am sure they would share these concerns;
- I am also most concerned that considerable work has already commenced this week, involving high level cranes and units being lifted into place. Why is this? Work has commenced before the deadline date of noon on the 18th March and before any planning permission has been granted;
- The proposed units are too far forward and will have a detrimental impact on the streetscene;
- The proposed entrance is directly opposite and we are concerned with the amount of traffic being generated and use of the units.

## **APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

**Transport Statement** (produced by LANDFORM Highway Planning Consultants dated 14<sup>th</sup> April 2011)

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is an existing employment site within the Sandbach Settlement Boundary; the site is not allocated for any purpose in the Local Plan. However, Policy E3 allows for the redevelopment of sites for employment purposes providing they meet a number of criteria including that it is appropriate to the local character in terms of its use, intensity, scale and appearance and complies with all other relevant local plan policies including GR1.

According to Planning Policy Statement 4 – Planning for Sustainable Economic Development. Policy EC10.1 requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Paragraph 4 of the document states that ‘economic development’ includes not only Class B employment uses but all uses which provide employment and generate wealth. Planning applications that encourage sustainable economic development should be treated favourably. Furthermore, recent Government guidance in the ‘Plan for Growth’ document states that there should be a presumption in favour of sustainable development and LPA’s should take a positive approach to development.

### **Current Use of the Site**

The site has a long and varied planning history and the most recent use was as a truck haulage yard. At the time of the site visit the application site was vacant and comprised an open yard with a number of portacabins, which were in a fairly poor state of repair.

### **Design**

PPS1 (Delivering Sustainable Development) outlines in Paragraph 34 that design must be appropriate in its context and should improve the character and quality of an area, and that if a development fails to achieve this, it should not be accepted. Guidance advocated in PPS 4 reflects policy in PPS 1, and states that local planning authorities should seek to ensure that economic development, regardless of location, is of high quality and inclusive design which improves the character and quality of an area and the way it functions. It goes on to state that ‘design of new commercial development addresses the challenges posed by climate change’. Policy GR2 (Design) is fairly flexible on what constitutes acceptable design. However, it vehemently states that proposals should not adversely affect the streetscene, and where possible, should enhance the environment.

The design, scale and layout of the buildings are typical of modern industrial units with shallow pitched roofs. The proposed development will comprise of two large units, each measuring approximately 14.5m wide by 59m deep and 7m high. The total floorspace of the proposed units will amount to 1711msq (approx). According to submitted plans each building will be subdivided up into 4 separate units. It is considered due to the size of the units will serve to naturally restrict their occupation to small scale uses. The proposed buildings are located perpendicular to Station Road and a new access will be formed. The proposed layout is based upon a simple road system which bi-sects the industrial units and terminates in an area of car parking. The proposed buildings will both front onto the new access road. Internally the units will be identical and each unit will comprise of a canteen and a male and female toilet.

According to the submitted plans/forms the external walls facing Station Road and the access area are to comprise of facing brickwork up to 2.4m high with steel profile cladding above. The rear and side elevations will clad to the floor. Located on the front of each unit would be a roller shutter door, personnel door and window. In addition, there will be a personnel door on rear elevations of the units and on the side elevation facing Station Road. The buildings would be set off the boundary by approximately 2.5m tapering down to 1.5m. The buildings would be set well back from the internal access road and would not as a result appear prominent and set back from Station Road by approximately 9.5m. The buildings are uniform and utilitarian in form and are designed for functionality rather than form. The buildings are similar in design and size to other units within the Borough and it is considered that they will not appear as alien or incongruous features within the streetscene and the proposal complies with policy GR2 (Design).

## **Amenity**

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The nearest residential properties are approximately 16 metres to the east on the opposite side of Station Road. However, this side of Station Road (to which the application relates) is predominantly industrial in nature and given that the proposed use is similar to that to the plots to the north, south and west it is not considered that the proposal would have such a detrimental impact upon residential amenity as to warrant the refusal of this application. The objectors are concerned about the hours of operation and the use of the buildings.

The application as originally submitted made reference to the proposed units being utilised for retail purposes. However, after negotiations with the applicants agent revised planning application forms have been submitted omitting this type of development. According to the amended forms the proposed units will only be for a B1 use and will be conditioned accordingly. The letter of representation makes reference to the hours of operation. Following discussions with the Councils Environmental Health Officer a condition restricting hours of operation to 0730 to 1800 Mondays to Fridays, 0900 to 1400 Saturdays and no working on Sundays or Bank Holidays will be attached to protect the residential amenities of the dwellings located opposite the application site. In addition to the above, colleagues in Environmental Health have requested a noise assessment to be condition, which shall include details relating to hours of operation, noise from moving and stationary vehicles, impact noise from slamming of car doors, noise from vehicles moving to and from the site in terms of volume increase and current background noise levels. The proposal is considered to be appropriate and as such the proposal is in accordance with policy GR6 (Amenity and Health).

## **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a

sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns.

### **Boundary Treatment and Landscaping**

According to the application forms the applicant is proposing on erecting industrial security fencing. However, no details of the proposed fencing have been submitted with the application. Furthermore, according to the submitted plans there is a landscaping strip proposed at the front of site, but no details have been submitted. Therefore, the case officer considers it prudent to attach a condition relating to boundary treatment and landscaping.

### **Highways**

The site fronts directly onto Station Road, which is a 30mph road and is flanked on either side by other industrial units. The application site has been operated for a number of years as a haulage depot and as such generated significant amounts of vehicle movements. According to the applicant the amount of HGV movements were in the region of 50 weekly and 40 car movements a day. According to the submitted Transport Statement the current proposal would remove all HGV movements. The current access arrangements are sub standard and result in poor visibility. The new 6m wide access which is centralised will be sufficient to accommodate all vehicles entering/leaving the site. The visibility splays will be 90m x 2.4m which is accordance with the requirements set out in the Design Manual for Roads and Bridges for a 30mph speed limited road.

The Cheshire East Council parking standard for B1 use is a maximum of 35 spaces per 100m<sup>2</sup> GFA which is (17.52 x 35) 61 spaces. However, the B1 use category covers such varied operations such as offices and technical operations, with significant numbers of staff, through to light industrial uses, where the number of staff is generally lower. It is considered that the site is located in sustainable location and can be reached by a variety of modes of transport. Therefore, it is considered that 47 car parking spaces plus 4 spaces for motor cycles and cycle parking is sufficient to cater for the demand. There is sufficient space within the site for vehicles to enter and leave in a forward gear. Furthermore, colleagues in Highways have been consulted regarding the application and have no objections in principle.

### **Other Matters**

One of the objectors is concerned that a number of bins will be located at the front of the proposed units adjacent to Station Road and the smells emitting from them will have a detrimental impact upon residential amenity and will appear unsightly. In order to help assimilate the proposal into the built environment a condition relating to the screening of the bins will be attached to the Decision Notice. Colleagues in Environmental Health have been consulted regarding the application and have no objections to the proposal subject to a number of conditions.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

To conclude the proposal is compatible with the surrounding development and the design, scale and form of the buildings would sit comfortably with those within the locality. Satisfactory access and parking provision can be provided and the development would not result in an intensification of traffic generated from the site. The proposal is therefore considered to comply with Policies PS4 (Towns), E3 (Employment Development in Towns), GR1 (General Criteria for Development), GR2 (Design), GR6 (Amenity and Health) and GR9 (Accessibility, Servicing and Parking Provision) of the adopted Congleton Borough Local Plan First Review 2005 and advice contained within PPS 1: Delivering Sustainable Development, PPS 4: Planning for Sustainable Economic Growth and PPG 13: Transport.

### **Approve subject to conditions:**

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Surfacing Materials**
- 5. No External Storage**
- 6. Landscaping Submitted**
- 7. Landscaping Implemented**
- 8. Drainage**
- 9. External Lighting**
- 10. Hours of Construction**
- 11. Use Class B1 Only**
- 12. Hours of Operation**
- 13. Noise Assessment**
- 14. Pile Driving**
- 15. Bin Storage**
- 16. Boundary Treatment**
- 17. Access**
- 18. Cycle Parking**

### **Informatives:-**

Prior to first development the developer or their contractor will enter into and sign a Section 184 agreement under the Highways Act 1980 with CEC Highways Authority.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe

development of land affected by contamination rests primarily with the developer.

