

Application No: 12/2230N

Location: THE FORMER OLD CREAMERY, STATION ROAD, WRENBURY, CW5 8EX

Proposal: Provision of 21 x 70M Portal Framed Shed for Casting Concrete Products, Provision of 2M Diameter x 10M High Mobile Cement Silo and Three Bay Bin - 8.5M x 2.5M, Provision of 12M x 6M Framed Batching Shed

Applicant: Mr Graham Heath, Concrete Panel Systems Ltd

Expiry Date: 13-Sep-2012

MAIN ISSUES:

- Principle of Development
- Impact on Neighbouring Residential Amenity.
- Impact on Highway Safety and Surrounding Road Network.
- Pollution.
- Previous Application

SUMMARY RECOMMENDATION: Approved with Conditions

REASON FOR REFERRAL

This application has been referred to planning committee because it involves the construction of an industrial building with a floor area greater than 1000m²

DESCRIPTION AND SITE CONTEXT

The site measures approximately 0.54ha is currently a vacant brown field site within an area identified as open countryside by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site forms part of what is commonly known as Wrenbury Industrial Estate which has a common access point onto Wrenbury Road. The estate is made up of small commercial units (Mill Farm estate) which have their own access onto Station Road and the remnants of the former Wrenbury Creamery and various outbuildings.

The site also includes a residential property, Holly House. The Crewe to Shrewsbury railway line runs to the north west of the site with the River Weaver lying within 50m of the site at its closest point towards the north west.

A public footpath runs across open fields 200m to the south of the site.

DETAILS OF PROPOSAL

This application has been submitted to overcome the previous reasons for refusal. The application is therefore virtually identical to that previous scheme, albeit the applicant now also owns adjacent land to the south of the application site.

The proposal involves the construction of an industrial building (21 x 70 x 6.6m high) on a vacant plot of land within the confines of an existing industrial estate. The proposal also includes the provision of a 10m high cement silo and batching plant. The slab for the industrial building has been now been formed and the walls partially built, in line with what is deemed to be permitted development. In addition a second building (12 x 6 x 6m high), is proposed which will enclose the concrete batching plant.

The site which measures 0.54ha will be used for the manufacture and storage of concrete panels which are generally used in the construction of steel framed buildings. The manufacturing process involves the importation of the raw materials to create the concrete mix which is then poured into moulds using a conventional mobile cement mixer vehicle within the building. The moulds are then left to cure and placed outside awaiting transportation off site.

This application has been submitted by the applicants to overcome the previous reasons for refusals

RELEVANT HISTORY

The application site

- 7/9842 Warehousing and operating centre for commercial vehicles relating to road transport and haulage vehicle maintenance to company vehicles only – Approved 1983
- P07/0403 11 industrial units (restricted by condition to B1) - Approved 2007.
- 10/2076N Extension of time to P07/0403 - Approved 2010.
- 12/0447N Provision of 21 X 70m Portal Framed Shed for casting Concrete Products
Provision of 2m Diameter X 10m High Mobile Cement Silo and Three Bay Bin -
8.50 X 2.50 - Refused 23.04.12. Appeal lodged

Within the wider Wrenbury Industrial Estate

- P91/0001 Change of use to recycling of plastics - Approved 1991.
- P91/0228 7 Industrial units - Approved 1992
- P92/0340 Extension to industrial unit - Approved 1992
- P03/0406 Engineering depot, workshop & store - Approved 1993.

P95/0838	Office building - Approved 1996.
P95/0839	Use of land for outdoor storage in connection with engineering depot Approved 1996.
P95/0223	Paint booth - Approved 1995.
P95/0279	Change of use to manufacture of vending machines Approved 1995
P95/0920	Retention of hard-standing - Approved 1996.
P96/0818	Outline demolition of industrial buildings & erection of dwellings (existing units located adj to Station Road) - Refused on appeal 1997.
P97/0938	Vehicle repair shop - Approved 1998.
P02/0698	COU of warehouse to MOT & car care - Approved 2002.
P02/0571	Change of use of ground floor, to manufacture, storage and public house - Approved 2002
P02/0979	Change of use of first floor to guest accommodation in association with brewery - Approved 2002.
P04/0812	Construction of 8 light industrial units - Approved 2004.
P08/0070	COU from agricultural contractors to B2 use including an additional storage shed - Approved 2008

Adjacent site

11/1165N	16 Affordable houses - Resolution to approve subject to the completion of a Section 106 Agreement
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POLICIES

Local Plan policy

NE.2	(Open Countryside)
BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)
BE.5	(Infrastructure)
BE.6	(Development on Potentially Contaminated Land)
NE.11	(River and Canal Corridors)
NE. 17	(Pollution Control)
E.4	(Development on Existing Employment Areas)
E.6	(Employment Development within open countryside)
TRAN.5	(Provision for Cyclists)

National Policy
National Planning Policy Framework (March 2012)
Planning for Growth: Written Ministerial Statement (23rd March 2011)

CONSIDERATIONS (External to Planning)

Environmental Protection:

No objection subject to conditions relating to approved hours of construction and operation and the submission of agreed details relating to noise mitigation, lighting and the control of dust.

Highways:

The Strategic Highways Manager has reviewed the proposed development for this site and the comments below reflect this review and discussions subsequent to the original consideration of this application. Minor amendments to the original comments have been made with regard to the identification of the approved route for traffic generation from the site.

This is a proposal for the casting of concrete products served from an unmade track off Station Road Wrenbury. The access track serves several small businesses and is in the control of a management company, of which the applicant is a full member. Adjacent to this site is Mill Farm Estate, (Wrenbury Industrial Estate) which comprises of several small industrial units with its own separate access.

The developer has confirmed as part of supplementary highways information, that they have full access to this site and currently contribute (along with other members of the management team), to the up keep and maintenance of the access track.

It is evident that the access track is in need of some repair and that it would be advantageous to provide a passing place to allow improved internal traffic movements for larger vehicles entering the site from Wrenbury Road. The applicant fully supports the requirement for a passing place and has offered to construct one alongside the track adjacent to the business park boundary at the junction with Wrenbury Road. This will need to be a private third party agreement within the site and whilst the S.H.M. supports this provision, it is understood that in planning terms the Planning Authority will determine whether it is reasonable to condition this provision.

The access track junction with Wrenbury Road has good visibility in both directions and the applicant has offered to improve this junction to accommodate the largest of vehicles using this site.

The applicant states that in year one, a total of 6 vehicles in and out per day shall be required, with an increase to a maximum of 12 in and out from year two thereafter. The applicant fully supports the request by the highways authority to condition vehicular numbers at this location for a maximum of 12 in 12 out (identified as 24 vehicle trips).

An inspection of the surrounding highway network (by the Highway Authority) concluded that the most appropriate route to this site would be from the A530 along Wrenbury Road to the site entrance. There are two short narrow sections along Wrenbury Road where it would be

appropriate to provide road narrowing signs to for warn all road users of potential oncoming vehicles in the centre of the carriageway.

A routing plan will be required to gain access to this site and the developer has agreed that vehicles serving the site travel from Middlewich Road (A530) to the short straight length of Wrenbury Road and turn right into the site before the railway line, and the reverse movement when exiting the site. This route will prevent site traffic heading towards Wrenbury village on Station Road where the narrow sections of the carriageway could be at risk of large vehicles trying to pass each other, with potential damage to carriageway haunch and verge areas. The applicant will ensure delivery drivers adhere to the route specified.

No objection subject to conditions.

United Utilities: No objections.

Environment Agency: No objection subject to conditions to prevent pollution by contaminated surface water run-off.

Network Rail:

Although not directly next to Network Rail we would request that where vibro-compaction machinery / piling machinery is to be used in the development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail Asset Protection Engineer to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

VIEWS OF PARISH COUNCIL

Wrenbury Cum Frith Parish Council

At a meeting held on 21 February 2012 the Parish Council heard representations from approximately 100 members of the public from Wrenbury and Aston regarding the above application. Following an extensive discussion of the issues the Parish Council resolved to object to the development on the following grounds.

The site is adjacent to Holly House, a residential property. The proposed development will cause demonstrable harm to the amenities enjoyed by the occupiers of this dwelling. The operation will create noise levels of in excess of 100 decibels compared to the background levels of 37 / 37 decibels. It will also create lime dust and due to the proposed operating hours it will cause disturbance to the occupiers early in the morning and at weekends. The development will therefore be contrary to Policy BE1 of the Adopted Local Plan which states that “

PROPOSALS FOR NEW DEVELOPMENT WILL BE PERMITTED *PROVIDED THAT THE FOLLOWING CRITERIA ARE MET:*

- THEY ARE COMPATIBLE WITH SURROUNDING LAND USES;
- DO NOT PREJUDICE THE AMENITY OF FUTURE OCCUPIERS OR THE OCCUPIERS OF ADJACENT PROPERTY BY REASON OF OVERSHADOWING, OVERLOOKING, VISUAL INTRUSION, NOISE AND DISTURBANCE, ODOUR OR IN ANY OTHER WAY;

- DO NOT GENERATE SUCH LEVELS OF TRAFFIC THAT THE DEVELOPMENT WOULD PREJUDICE THE SAFE MOVEMENT OF TRAFFIC ON SURROUNDING ROADS, OR HAVE AN ADVERSE IMPACT ON NEIGHBOURING USES; AND
- DO NOT LEAD TO AN INCREASE IN AIR, NOISE OR WATER POLLUTION INSOFAR AS THIS MIGHT HAVE AN ADVERSE EFFECT ON THE OTHER USE OF LAND.

Clearly this development will not be compatible with adjacent uses and will prejudice the amenity of the occupiers of adjacent property by reason of noise and disturbance. It will also generate levels of traffic that will prejudice the safe movement of traffic on surrounding roads and have an adverse effect on neighbouring uses. It will also lead to an increase in air and pollution.

Please note that the local plan does not state that this policy will be overridden by the former use of the site. In fact the introduction to this section states

“It is important to ensure that new development does not have an adverse impact on the surrounding environment. It is therefore proposed to adopt certain basic criteria relating to amenity, design, access, infrastructure and resources which must be met before development takes place.”

The development will also have an impact on nearby property in Station Road and on the proposed affordable housing site at the Station yard.

It will no doubt be argued that the existing use of the site is industrial due to the previous occupation of the site by Trufood, manufacturers of baby food. The development should however be judged against all policies in the local plan and the proposed use should not override the potential harm to the amenity of adjacent occupiers.

The Parish Council is also of the view that the use of the land surrounding the site has changed over time from an area of general industrial use to one of mixed use. This change has been endorsed by the local planning authority. Holly House was originally a tied dwelling related to the manufacturing unit in a similar way to the relationship between farmhouse and a farm unit. When Trufood closed the use of Holly House as a dwelling was allowed to continue and thus the planning unit changed. If the local planning authority intended that the site should remain wholly industrial it should have taken enforcement action and not allowed the use of Holly House as a separate dwelling, unrelated to a business enterprise, to become established. More recently the planning authority has engaged in discussions about the future of the Station Yard site which has resulted in a planning permission for affordable housing. If the area was to remain industrial this development should not have been granted. Having granted the permission the local planning authority has accepted that the area is one of mixed use. The introduction of a general industrial, use, and one which is more akin to a B3 use, is not compatible with a mixed use area of development where light industrial uses are more appropriate.

The Parish Council notes that an existing Wrenbury firm, BCM, a producer of similar products, was not allowed to relocate to this site in the past and was forced to move to Whitchurch.

The Parish Council is also of the view that Trufood was a less intensive use than the one now proposed. Servicing of the site was significantly different with farmers using their own vehicles to deliver milk to the site. Whilst the number of vehicles may have been similar to

those now proposed the nature and tonnage of the vehicles was significantly different. The impact of these vehicles on the highway network was therefore much less than that which will result from the HGV's that will serve this development. The volume and nature of the traffic will have a major impact on the local highway network particularly at the corners on the road to Aston. These are not "sweeping bends" but are tight corners where traffic has to give way to large vehicles and coaches.

The Parish Council therefore opposes this application as the proposed development will cause demonstrable harm to the residential amenity enjoyed by the adjacent and nearby occupiers, demonstrable harm to highway safety and will cause pollution in term of noise and dust, contrary to Policy BE1 of the Local Plan and urges refusal of the application.

The Council wishes to object to the revised application on the same grounds as outlined above.

Newhall Parish Council

At a Meeting of the above Parish Council it was unanimously agreed to object to this application for the following reasons:-

Traffic:

great concern over the increased number of HGV vehicles which will be accessing the site, this on a road already in a terrible state of repair, and with two blind bends where vehicles cannot pass each other, with a danger to other road users, pedestrians, cyclists and adjoining properties.

Noise:

the noise levels indicated in the application are very loud and will have a huge impact on local residents and surrounding open countryside

Hours of work:

means the associated problems will be unrelenting for all local residents.

Site is classed as B2 Industrial Site:

however what was classed as industry in the 1970's and associated traffic movements cannot be compared to industry in 2012 and the huge vehicles on the road today.

Environmental issues:

great concern over toxic dust from the operation and its effect on the surrounding countryside and on local residents. Also water even when filtered will be very alkaline.

Previous application:

P07/0403 for 11 industrial units for light use only – point 10 of the conditions of approval say that this site is for light industrial use only, and such an application clearly is in contradiction to this. Further the approval of such an application will drive other small industries away, and have a detrimental affect on others considering to relocate to the area.

Cycling/Walking:

Wrenbury Road is already a cycleway and is part of the South Cheshire Country Tour, and the implementation of a Walking Bus facility to Wrenbury School is not possible due to the HGV vehicles

Affordable Housing:

The permission for affordable housing on the old Railway Yard site, as deemed necessary for local needs, is now clearly in jeopardy due to the effects of this application which is immediately adjacent to this application.

NPPF:

This application brings nothing of benefit to the village but puts much of village facilities and way of life at threat

Southern Planning Committee:

The comments of the Southern Planning Committee to the previous application at this site, which they refused, still stand and as this application which is of minimal change to that refused, then their comments should be reiterated and as such they should also refuse this latest application

OTHER REPRESENTATIONS

At the time of report writing approximately 130 representations and a petition containing approximately 250 signatures, have been received relating to this application, expressing the following concerns:

Highways

- Increased levels of heavy goods vehicle movements would be extremely detrimental to highway safety
- Damage to roads and verges already being caused by HGV movements
- Danger to children at the nearby school from the heavy traffic generated from the site
- Danger to children and older people as there are no pavements
- Inadequate access to the site causing HGVs to reverse on to the carriageway
- Cars having to reverse on local roads to let HGVs to pass
- The inclusion of a passing bay on the access road would only help the situation there and not on the surrounding lanes
- An additional 24 HGV movements would be unacceptable on the poor local roads
- Risks because of mud being transferred on to the roads in wet weather
- One of the nearby roads passes over a canal bridge that is not suitable for use by HGVs
- Adverse impact on the Cheshire Cycle Route
- Adverse impact on the South Cheshire Walk that was recently diverted along the narrow section of Wrenbury Road
- Risk to cyclists
- Consideration should be given to using the rail network rather than HGVs
- Misleading and incorrect information submitted by the applicant in the Highways Statement
- Appeal decision in 1990 concluded that the local roads were unsuitable for use by HGVs

Amenity

- Noise associated with the production of concrete
- Noise created by large vehicles
- Danger to children at local school from pollutants contained in dust generated from the site
- Proposed operating hours are unacceptable due to the noise generated
- A noise level of 104db has the potential to cause hearing damage
- There are already problems with noise and light pollution from the applicant's neighbouring steel fabrication business
- The toxic nature of cement
- Overshadowing, overlooking and overbearing impact on Holly House

- Misleading information contained in the noise report
- Light pollution

Land Use

- The site is not suitable for this heavy industrial use
- The site has not been in B2 use for some time
- The development is unlikely to create employment in the local area and employees commuting to the site would not help the overall carbon footprint of the business
- The development would mean that the area was blighted forever
- The development could lead to families not wanting to live in the area leading to the possible closure of the school
- Adverse impact on the other businesses operating from the industrial estate
- Loss of local employment opportunities if the development leads to existing businesses leaving the area
- Adverse impact on the approved affordable housing
- There are many more suitable sites elsewhere in more suitable and sustainable locations
- Incorrect assertion that the site benefits from B2 use
- Adverse impact on tourism in the local area

Design/Appearance

- Adverse impact on the visual amenity of the area
- Inappropriate design of the building
- Visual impact on the open countryside

Environment/Ecology

- Risk to wildlife
- Potential for pollution of the River Weaver
- The application should have been accompanied by an Environmental Impact Assessment
- No provision for extra surface water run off
- Adverse impact on local livestock caused by dust pollution
- Lack of ecological surveys
- Impact on known Great Crested Newt colonies in the area
- Contamination of gardens growing vegetables from dust

Heritage

- Adverse impact on the nearby Aston Conservation Area due to the increase in HGV movements
- Damage to buildings in the Conservation Area caused by vibrations from the HGVs
- If the passing bay were allowed it would result in the destruction of the avenue of Lime trees that line the access road
- Delays in placing Tree Preservation Orders on the Lime trees

Other Matters

- The nearby school was not given proper consideration in the report on the previous application

- The application is identical to the one previously refused
- False statements and misleading reports submitted with the application
- The development has already begun without the benefit of planning permission
- Adverse impact of dust on the smooth operation of the railway
- Conflict with the NPPF and local planning policy
- Development is contrary to the Human Rights Act, Article 1 '*every individual is entitled to the peaceful enjoyment of his possessions*'
- The applicant already operates from another site where he does not have planning permission, therefore has no respect for the planning laws
- Concerns that the Council requested that the applicant re-submit the application
- Concerns that politicians were involved in search for alternative sites
- Inappropriate support for the applicant by planning officers
- Hearing the application before the appeal is decided could put pressure on members to reconsider their previous decision
- The Council does not appear to challenge the contents of the submitted reports
- Poor consultation on the application
- Problems with the website makes it difficult to submit objections

OFFICER APPRAISAL

Previous Application

Members will be aware that the previous application 12/0447N was refused by Southern Committee for the following reasons:

1. The proposal would, due to the increase in heavy goods vehicle movements and noise and dust nuisance associated with the manufacturing process, have a prejudicial impact on the residential amenity of the occupiers of Holly House, properties on Station Road and the future occupiers of the proposed affordable housing on land off Station Road, Wrenbury contrary Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. The proposal would, due to the increase in heavy goods vehicle movements and sub-standard access arrangements, prejudice the safe movement of traffic on surrounding roads without providing a safe arrangement for vehicular access and egress contrary to Policy BE.1 (Amenity) and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011

3. It is considered that the proposal would not represent sustainable development as defined by the National Planning Policy Framework due to the adverse impact on the delivery of the approved affordable housing on land off Station Road, Wrenbury (LPA Reference: 11/1165N) contrary to paragraphs 7 and 8 of the National Planning Policy Framework.

That application is now at appeal with a Public Inquiry scheduled for late September 2012. The applicants have re-submitted the application to address the reasons for refusal, and also to enable Members to re-consider the decision.

In preparation for the impending appeal Council Officers also sought legal advice on the prospects at appeal having regard to the specific reasons for refusal. That advice raised

concerns about the reasons for refusal, and that Members needed to be made fully aware of the appropriate fall-back position should a refusal of permission be maintained. This report therefore provides updated information in respect of existing uses on the site so that Members can make a sound judgement such that any reasons for refusal are not considered to be unreasonable.

History and Lawful Uses

The last known lawful use of the site was previously thought to be that of the 'Trufoods' who were involved with food production. This would give the site a general industrial use – Class B2 (General Industry) in accordance with the Town and Country (Use Classes) Order 1987, as amended. However, after further investigation of the site history (assisted by local residents) there was a subsequent application in 1983 which now appears to be the last known lawful use of this part of the site. That use was for warehousing and an operating centre for commercial vehicles, including vehicle maintenance.

It is not known which was the primary use of the site and therefore it is difficult to identify a specific use but warehousing would fall within a different use class B8, the haulage centre falls within a *sui generis* use (i.e. no grouping) and vehicle maintenance would fall under B2 (General Industrial).

Both these above uses covered the entire area known as Wrenbury Industrial Estate, however in the early 1990s the site was sub-divided which has resulted in the individual plots that exist today.

Therefore the actual use class of the plots that this application relates to is not considered to be wholly that of a B2 General Industrial use. However what is clearly evident is that there are a number of other lawful B2 industrial uses on adjacent plots to the application site.

It is also material to the consideration of the application that there is an extant permission for 11 Industrial Units, albeit limited to use class B1 (Office / Light Industrial uses).

The applicant has indicated that they will be bringing a mobile batching plant on to the site. Irrespective of the use of the land, provided the plant remains mobile it is not something that constitutes development and therefore does not require planning permission.

The final consideration that Members should be aware of is that certain works can take place on the site by virtue of Permitted Development. Boundary treatment up to 2m in height and the provision of some hardstanding within the site would be permitted development.

The Council have previously indicated that some additional hardstanding and plant/machinery to form the moulds for the concrete panels would be permitted development under Part 8 of the Use Classes Order. However, that assessment depends on the actual use of the site being that of an 'industrial' use and not that of 'warehousing'. There remains contention between the applicants and Officers about the works that have taken place in the light of the above lawful uses and what would be considered to be permitted development. The only real way to conclude these particular matters would be via a Lawful Development Certificate.

General Principle

The NPPF supports the objectives set out in the Plan for Growth and states that authorities should approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

The NPPF and the “Plan for Growth” introduces a presumption in favour of sustainable development and that Authorities should ensure that they give appropriate weight to the need to support economic recovery, and that applications that secure sustainable growth are treated favourably and that the Secretary of State for Communities will attach weight to the need to secure economic growth and employment when determining applications that come before him for decision.

One of the core principles of the NPPF is to “proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places the country needs”.

Local Plan Policy NE.2 seeks, for the most part, to limit development to that which is essential to agriculture, outdoor recreation or other uses appropriate to a rural area. Policy E.4 and E.6 support employment development.

The extensive planning history relating to this plot of land and the wider industrial site indicate that the Authority has approved numerous industrial uses both general industrial and light industrial. It is clear that the site as a whole is made up of various industrial and commercial uses which is often the case on industrial estates of this nature.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that all applications be determined in accordance with the development plan unless material considerations dictate otherwise.

Local Plan Policy E.4 supports the re-development or intensification of land within existing employment areas subject to compliance with Policies BE.1 – BE.5. This Policy is considered to conform with the aims and objectives of the NPPF.

The aforementioned policies and guidance require the Authority to give considerable favourable weight to proposals for sustainably located economic development. The extensive planning history relating to this plot of land and the wider industrial site indicate that the Authority has approved numerous industrial uses both general industrial and light industrial. It is clear that the site as a whole is made up of various industrial and commercial uses which is often the case on industrial estates of this nature.

Previous proposals for the use of the site for 11 Industrial Units (P07/0403) and renewed (10/2076N) considered the site to be sustainable in principle. The criteria and circumstances remain the same today however, Government guidance in the intervening period has strengthened the weight attached to proposals for sustainable economic development.

It is therefore considered that there is national and local policy support for the principle of the redevelopment of existing commercial land which aids the economic recovery. Nevertheless, this support must be measured against any negative impacts the development would have on other environmental or social interests, as discussed within the rest of the report.

Design

The design of the two buildings is typical of modern industrial utility buildings with a steel frame clad with profiled steel cladding. The main manufacturing building would be Juniper Green in colour, with similar materials employed for the construction of the roof, which also includes the installation of 88 roof-lights. The main access is via 3 roller shutter doors on the north elevation, in addition 4 personnel/fire doors are indicated, 3 on the western and 1 on the southern elevation. The building would be located longitudinally north to south adjacent to the eastern boundary which is defined by a 1.8m high native hedge. Whilst the building has a large footprint the height is relatively modest at 6.6m therefore it will not be unduly prominent against the back-drop of the railway station and surrounding commercial buildings. Due to the confines of the site there is limited opportunity for the introduction of additional landscaping however, additional hedge planting is recommended along the southern boundary. There is currently no boundary treatment on the boundary of the site with the residential garden to Holly House. The introduction of boundary treatment will have to be considered in the light of any noise mitigation scheme required to limit the impact of the development. Indications from Environmental Health are that a 3m high boundary will be required on certain elevations of the site. However, given the back drop of existing industrial uses and buildings it is not considered that this would be significantly harmful to the area.

The colour of the building enclosing the batching plant has not been specified however, this can be dealt with by condition. The building contains only one opening on the northern elevation. This opening extends across the full elevation of the gable presumably to allow machinery access.

The design and layout of the buildings is considered to be acceptable within the context of the industrial estate without detrimental impact to the character of the surrounding countryside

Impact on Amenity

From a visual sense the proposal will have limited impact on neighbouring residential amenity with the exception of Holly House which adjoins the site. The rear elevation of the property is approximately 35m from the main building and whilst the building will be visible, due to this distance in relation to the ridge height of 6.6m, it is considered that it would not have an overshadowing or intrusive impact. Any 3m high boundary treatment (required for noise attenuation) would be sufficiently far away not to cause detriment to occupiers. It is also noted that the rear garden area between the existing house and the proposed building contains two 10m high (approx.) trees which will help to screen the development.

The impact of the development on potential future occupiers must also be considered. The Authority has recently granted consent for 16 affordable units on land to the west of the site ref 11/1165N. This application was approved in outline with all other matters reserved for subsequent approval therefore, it is considered that the design of the dwellings can be assessed when an application for reserved matters is submitted for consideration and if necessary, additional sound proofing measures within the dwellings would be required.

Noise generation has been a concern both of the officers and residents as is borne out in the submitted comments. The noise assessment plan submitted in support of the proposal

indicates that the impact of noise from the site can be made acceptable by mitigating measures. The independent report submitted on behalf of local residents included an additional noise assessment which questions the methodology and findings of the assessment submitted in support of the proposal. Nevertheless, they do provide indication of the level and type of noise that will be generated and whether it can be controlled to acceptable levels by mitigating measures.

The Applicant has submitted proposes to enclose the batching plant, which is considered to be the main noise and dust generator, within a building. Whilst the building will have an open elevation it will considerably improve noise containment from the plant, it will also include a sprinkler system to help prevent dust contamination.

The independent report by Rex Brockway suggests that the previous approvals on the industrial estate have sought to control noise generation in order to protect neighbouring residential amenity including maximum db level at the boundary. This particular proposal has also been considered with regard to noise generation however, a boundary noise level condition is not considered appropriate because experience as shown that such conditions are extremely difficult to monitor and enforce.

The findings of all reports have been considered by the Authority's Environmental Health Department and subject to the introduction of controlling conditions requiring the submission of a noise mitigation scheme for approval, no objection in principle is raised. It must also be noted that neighbouring residential amenity will be continually protected by the Environmental Protection Act should the operation of the site generate noise which is adjudged to be a statutory nuisance.

Highway Implications

The applicant has stated that 22 car parking spaces will be provided within the site. The amount of car parking proposed is consistent with the standards set out in Appendix 8.1 of the Replacement Local Plan industrial uses. The proposal for 22 spaces is below the maximum standard of 28 as set out in Appendix 8.1.

The application also indicates that 3 spaces will be provided for other light goods vehicles and 12 cycle spaces. Therefore, off-street cycle provision is acceptable in principle subject to a controlling condition requiring details to be agreed and thereafter retained.

The HGV movements associated with manufacturing operation has raised considerable comments from members of the public who are concerned that the 24 vehicle movements per day (12 in / 12 out) will lead to road safety issues along Station Road which leads to the Village of Wrenbury and Wrenbury Road which leads from the site towards Aston and the A530 Whitchurch Road.

The supporting traffic statement includes existing traffic flow data which indicates that during the two peak hours of the survey of the 253 vehicles using Station Road only 5 were HGV, this represented 2% of the vehicles. If the number of proposed vehicles were averaged out over a 10 hour working 2.4/hr and factored in it would represent an increase of 2% however, a figure of 4% in relation to the overall number of vehicles using the road is considered to be

relatively small. It also has to be stated that the data was only collected over a period of one day therefore any conclusions made on it can only be afforded limited weight.

The statement also refers to the traffic demand which was generated when the site was last used for manufacturing. It is accepted that the previous use would have generated some HGV movements however, given the length of time since the factory closed any assumptions and claims are difficult to verify. Nevertheless the permitted lawful uses of the site and the fall back position are relevant.

Similarly, the extant permission for the 11 industrial units which included a full traffic impact assessment is also material. The traffic statement supporting that application made reference to the predicted traffic flow generation associated with the 11 industrial units. The supporting statement to this proposal concludes that the proposed traffic flows from the applications proposal will be 25% lower than that predicted for the 11 industrial units. It is accepted that this proposal will almost certainly generate fewer vehicle movements than those predicted for the 11 industrial units. The nature of the proposal will increase the number of HGVs over those which would be associated with the development of the 11 industrial units.

Given the sensitivities of the issues around Highway matters the consultation response on behalf of the Strategic Highways and Transportation Manager is detailed in full within the consultations section. No objection is raised subject to the imposition of conditions to secure access alterations and improvements along the driveway; limits on the number of HGV movements; agreed routing plan and financial contributions for the installation of road traffic signs on Wrenbury Road to warn of road narrowing and to investigate the implementation of an environmental weight restriction area along Nantwich Road, Wrenbury.

The financial contribution will require a Section 106 agreement to secure delivery of the monies and to ensure repayment should the contribution not be spent. The applicant has agreed in principle to the contribution which amounts to £7,000.

It should be noted that the driveway to the site is not part of the application and it is understood falls outside the total control of the applicant. It cannot therefore be conditioned as part of this scheme. While it is appreciated that the proposal may generate more larger vehicles along the driveway, no such requirement was needed for the application for 11 industrial units. This use would have generated a mix of vehicles coming to and from those units, and it is also clear that the existing uses already generate a mix of traffic including HGV both into and out of the site. Officers are therefore concerned that to insist on a passing place would be unreasonable.

The previous application was refused on the grounds that HGV movements and sub standard access arrangements would impact on residential amenity and prejudice highway safety on local roads. It is accepted that the local road network does not easily accommodate HGV's and the situation is far from ideal, but consideration must be given to the possible fall back positions if a refusal is maintained.

The fall back position in terms of the planning history indicates that the last lawful use of the application site was for warehousing, and as a haulage yard with localised vehicle maintenance. Although that use has clearly not taken place for some time, the use itself would have generated a level of vehicle movements to and from the site which would impact

on the local road network. There are also other lawful uses on the adjacent plots that generate vehicle movements into and out of the site which will already have an impact on the amenity of the area. The extant permission for 11 industrial units would also generate significant volumes of vehicle movements on the local highway network. Given these circumstances it would be difficult to refuse permission on these grounds and provide substantiated evidence that the situation would be materially worse than what could be implemented on the site.

Pollution

The generation of dust by the manufacturing process has also been a major concern raised by neighbours who have concerns over the impact of cement dust on their health and the surrounding environment.

Under the Pollution Prevention and Control Act 1999, concrete block manufacturing is a prescribed process under Part B of the Environmental Permitting (England and Wales) Regulations 2012, and requires a permit to be issued by the Environmental Health Department. Therefore, the proposed manufacturing process as far as it relates to pollution will be regulated outside the Planning Act however, in principle, Environmental Health officers have indicated that the requirements for the issuing of any such permit can be met at this location. However, a condition is recommended to control dust generation on the site which falls outside the remit of the permit.

The Environmental Health Department have also advised a watching brief in relation to possible contaminated land matters during the construction process.

The impact of dust was a reason for refusal previously. Given that Environmental Health colleagues are satisfied that any matters in respect of dust nuisance can be effectively controlled via condition, and if necessary their own legislation, it is again considered very difficult to sustain the reason for refusal.

Drainage

The foul water drainage would be dealt with by means of a septic tank which is considered acceptable subject to agreement of details.

Whilst the application forms state that the surface water will be dealt with by means of a soakaway the subsequent supporting planning statement by Civitas Planning states that the surface water will be dealt with by a treatment plant which removes any contaminants for removal and recycles the water within the site. The manufacturing process including the external storage of the produce has the potential to contaminate the ground water therefore, a condition is recommended to agree details of the treatment plant and to remove any resultant contaminants from the site.

Ecology

The site is predominantly hard standing probably as a result of the demolition of the original creamery building. In the circumstances, it was not considered necessary or reasonable to

require the applicant to undertake an ecological survey. The Authority's ecologist has confirmed this course of action as being appropriate.

Other Matters

Trees

The Parish Council have raised an issue in respect of a row of trees along the access road to the site, and whether they will be impacted upon by the development. The trees have been inspected and are considered to have a high amenity value in the area as they are widely visible. The loss of any trees would only become applicable if the passing place were required along the driveway, however as indicated above Officers do not believe that this can be conditioned. If such a passing place were needed, consideration in the form of a further plan and verification over land ownership would be required – at which point the impact on the trees could be fully assessed.

Use

Comments have been received claiming that the proposal involved a use which falls with B3 (Special Industrial Group A) of the Use Classes Order 1987. The Special Industrial Classes B3 – B7 were repealed via an amendment in 1995 with all general industrial uses now being classes as B2 (General Industry). However, had the amendment not happened the proposal would have still been classified as B2 and not a Special Industrial use.

Officers Negotiation

It is part of the application process that Officers negotiate on planning applications to try and resolve issues. Pre-applications discussions are also part of the everyday planning process. It is also standard practice that they will be asked for opinions on possible sites for new businesses and whether they will be acceptable or not. Officers operate in accordance with Codes of Professional Conduct.

CONCLUSIONS

The application is virtually identical to the previous scheme that was rejected by Members earlier this year. The logical conclusion may therefore be to refuse it on the same grounds. However, legal opinion of those previous reasons for refusal expresses concern about the strength of those reasons, but also that Members were not fully aware of all the facts on the application, particularly in respect of the potential fall-back positions. The advice was that further consideration was needed. Members should also be aware that granting a permission with detailed conditions such as hours of use and operation, controls on number of vehicles, would be more effective than having unregulated operations under the lawful uses and fall-back positions indicated above.

The previous history of the site, the lawful uses of the site, the nature of any mobile operations, the characteristics of the surrounding uses, the use of other legislative controls are all matters that have been reviewed and should now be weighed up in the balancing exercise of the decision making process.

A review of the previous reasons for refusal taking account of this information is given below:

Impact on amenity

HGV movements: The lawful use of the site (warehousing/haulage) could generate significant HGV movements; the extant permission for 11 industrial units would generate more vehicle movements – albeit probably less HGVs; the existing Industrial Estate generates various levels of vehicle movements. It would be very difficult to sustain a reason for refusal that the increase in HGV vehicle movements from this proposal would significantly harm.

Noise: There is differing advice from the various submitted noise reports. It could be reasonable to favour the report that says that there will be a detrimental increase in noise. Environmental Health colleagues, taking an overview, do not however raise such an objection on noise grounds. Lawful uses including vehicle maintenance would have generated noise. Surrounding uses to this site generate noise. The mobile batching plant, that does not need planning permission, will generate noise. All of these factors need to be considered before reaching a verdict on a refusal on noise grounds.

Dust: Environmental Health colleagues are satisfied that any matters in respect of dust nuisance can be effectively controlled via condition. A refusal on amenity through dust emissions would therefore be very difficult to sustain.

HGV Movements

It is accepted that the proposal will lead to an increase of heavy goods vehicles movements from the industrial estate along a road which has narrow points and a tight 90 degree bend. There are also issues relating to safety at the junction of Wrenbury Road, Aston with the A530 Whitchurch Road which has been the subject of accidents in the past.

However, the increase in vehicle movements must be assessed against the fallback position in respect of existing lawful uses of the site (warehousing/haulage), and also balanced against the extant permission for the 11 light industrial units on the same site. While it may be contended that such use will never now take place in planning terms the fall back position is a material consideration.

The Authority's Highway Engineers have also not raised an objection in principle to the proposal subject to controlling conditions which have been discussed and accepted by the applicant. It is therefore considered that the second reason for refusal on highway safety would be difficult to sustain at appeal.

Not Sustainable due to Impact on Affordable Housing scheme

To an extent this reason for refusal is dependent on the above factors. If it is concluded that the above reasons are not able to be sustained in their own right then this is no longer reasonable.

Given the nature of the existing site, lawful uses and previous consents granted for similar general industrial uses on the estate, it is considered that the application accords with NPPF and adopted Local Plan Policy. A recommendation of approval is therefore made.

RECOMMENDATION: APPROVE

Subject to a Section 106 Agreement to secure payment of £7,000 for delivery of additional road signage and to investigate the provision of an environmental weight restriction area along Nantwich Road, Wrenbury.

and

The following conditions

1. Standard time limits
2. Materials to be used on the external built form to be submitted for approval, prior to commencement.
3. Landscaping (hedgerow planting) to be submitted for approval prior to commencement
4. Landscaping implemented within the first planting season and thereafter protected for 5 years.
5. Surfacing materials to be used on the open areas to be submitted for approval prior to commencement.
6. Drainage scheme to be agreed and thereafter implemented and maintained in accordance with the agreed scheme.
7. Details of external lighting to be submitted and agreed prior to installation.
8. Details of boundary treatment to be submitted for approval prior to commencement and thereafter implemented and retained.
9. Details of covered cycle parking to be submitted and agreed and available for uses prior to commencement for the use.
10. Details of parking to be submitted for agreement and available for use prior to commencement of the use and thereafter retained.
11. Retention of parking
12. No open storage within the site above 2m in height.
13. Hours of operation Monday – Friday 06-00 – 18.00 Saturday 06.00 – 18.00 and not at all on Sundays and Bank Holidays
14. Notwithstanding the limitations set out in Condition 13 the batching plant and any associated equipment shall only be operated between the hours of 08.00 – 18.00 Monday to Friday and 09.00 – 14.00 on a Saturday and not at all on Sundays and Bank Holidays.
15. Hours of construction Monday – Friday 08.00 – 18.00 Saturday 09.00 – 14.00 and not at all on Sundays and Bank Holidays.
16. Details of access and track improvement, including access track surface improvements to be submitted and agreed prior to implementation and available prior to commencement of the use.
17. Maximum of 24 heavy goods vehicle movements within approved hours in any one day. Operator must keep a log of HGV movements which shall be available for inspection at any time.
18. Adherence to travel route
19. Details of noise mitigation scheme including vehicle reversing alarm measures.
20. Personnel and fire doors to remain closed when not being used.
21. Site to be used for concrete panel manufacturing only and no other use within Class B2 without prior consent of the LPA.

- 22. No off-site sale of the un-cured concrete product or raw materials.
- 23. Implementation of dust monitoring measures.
- 24. Contaminated land, watching brief during construction phase.
- 25. Schedule of approved plans

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