

Application No: 12/4544M

Location: UNIT 8, STAR BUSINESS PARK, CONGLETON ROAD, NORTH RODE, SK11 9JA

Proposal: Retrospective change of use of existing building from B8 to provide a combined B2 & B8 use.

Applicant: Mrs Nikki Taylor, John Taylor Engineering Services Ltd

Expiry Date: 26-Feb-2012

Date Report Prepared: 4th February 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Impact on: open countryside, residential amenity & highway safety

REASON FOR REPORT

This Small Scale Major Development exceeds 1,000 square metres and in line with the Council's constitution is referred to the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The proposal site is located off Congleton Road. The site is located in countryside beyond the Green Belt with open fields to the North, South and East of the site. Forward of the site to the west is the A536 Congleton Road, the Chain and Gate public house, Cheekies Nursery and New Pastures Farm. The site is situated in a large area of hard standing with car parking, ample turning space, access is gained from the A536.

DETAILS OF PROPOSAL

This application is for partially change of use of the existing building from a purely B8 use to a combined B2 & B8 use. No external alterations are proposed.

RELEVANT HISTORY

10/4491M	Proposed COU of part of existing ancillary offices, canteen & toilet facilities, with incidental external alterations. Approved.
99/1798P	Warehouse and Extension and Revised Car and Lorry Parking. Approved.
99/1180P	Warehouse Extension. Approved.

POLICIES

Regional Spatial Strategy

DP1 (Spatial principles applicable to development management)
DP2 (Promote Sustainable Communities)
DP3 (Promote Sustainable Economic Development)
DP6 (Marry Opportunity and Need)
DP7 (Criteria to promote environmental quality)

Local Plan Policy

E1 (Employment Land Policies)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Circulation & Access)
DC13 (Cumulative Noise)
DC38 (Guidelines for space, light and privacy for housing development)
H13 (Protecting residential areas)
GC5 (Countryside Beyond the Greenbelt)
GC8 (Re-use of Buildings)
GC14 (Jodrell Bank)

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environmental Health: express concern

VIEWS OF THE PARISH / TOWN COUNCIL

North Rode PC: The meeting discussed the possibility of noise nuisance and on site parking. The Parish Council wishes the Planning Department to consult with the near neighbours and investigate the potential noise nuisance further.

OTHER REPRESENTATIONS

A petition (including 20 names) objecting to the application has been also been received in addition to eight sets of objections. The main points raised in objection were:

- Increased pollution/ pollution to stream
- Unsightly works already taken place on site
- site could become an industrial estate/unacceptable use in this rural area
- unacceptable noise and light intrusion
- Danger to wildlife
- Damage to trees and shrubbery
- Pollution of farmland
- Devaluation of properties in the vicinity.
- there are many empty units available in nearby industrial estates such as Back Lane and Eaton Bank/inappropriate location for this use
- The access via the Chain and Gate cannot sustain an increase in traffic movements, and the proximity of a day nursery makes any intensification of use hazardous and unsuitable
- Application site is unsustainable
- Concerns over hours of operation 24 hours 7 days a week
- Applicant hasn't consulted with neighbouring properties prior to submission

APPLICANT'S SUPPORTING INFORMATION

Assessment of Environmental Noise Emissions & a Planning Statement accompany the application, the full details of which can be viewed on the application file/online.

Further to discussions with the LPA, in light of the comments from the Environmental Protection team, additional comments in relation to noise have been submitted by the applicant's agent.

OFFICER APPRAISAL

Policy

As highlighted above. Furthermore, section 3 of the NPPD seeks to support prosperous rural economy. Para. 28 states that: support the sustainable growth and expansion of all types of business and enterprise in rural area, both through conversion of existing buildings and well designed new buildings. The supporting information states that JTEs Ltd are a successful local business, employing several local people, which has grown over the last ten years from a "man with a van", to currently employing 7 full time members of staff. The combined use of the building, whilst not the core of the company, would assist in supporting the business during these difficult economic times.

Highways

The site contains a large area of hard standing with car parking for vehicles. The supporting information notes that there would be a reduction in the number of larger, HGV vehicles using the site.

The Strategic Highways Manager has been consulted and his comments are awaited. It is not envisaged that an objection would be raised as the existing hardstanding area is considered to be sufficient room for turning, manoeuvring and parking.

Design

The building is a large warehouse which is not in a prominent position; no external alterations to the structural form of the building are proposed and this is controllable by condition.

Amenity

Between them the amenity policies outlined above, aim to protect the living conditions of adjoining residential properties from harmful loss of amenity e.g. unacceptable noise that would significantly injure the amenities of adjoining or nearby residential property.

A large number of the objections relate to amenity concerns, in particular noise. The Environmental Protection team, note that the B8 use has operated without complaint, however, a complaint was received and investigated in 2012 from the residents of a nearby dwelling to the site and related to a relatively new source of noise which had been heard during both day time and night time hours and which was stated to be materially affecting the enjoyment of their property.

The Officer is concerned that problems of noise and loss of residential amenity may be caused to nearby residents in the event that a B2 General Industrial use is granted approval and would question whether the rural site is appropriate for a 'heavy' industrial use. Noise can travel across open fields without any barrier and, in conjunction with the point that high levels

of industrial machinery noise (93dB) are produced from large machines - such noise can be difficult to effectively control unless the building is purpose designed to mitigate high levels of industrial type noise. In addition to the actual level of the noise - such factors as the noise frequency, character and intermittency of the noise produced are important considerations.

Any noise which is out of character with the ambient background noise level – whilst not being loud – would still constitute a loss of residential amenity to the occupiers of the nearest residencies. It is therefore essential, that in the event of an approval of this application, then appropriate and effective steps are taken to ensure that activities / machinery noise within the premises is sufficiently controlled that it is inaudible at the nearest residential properties (the nearest residential property is circa 150m away).

Whilst an Assessment of Environmental Noise Emissions & a Planning Statement accompany the application, the Environment Protection Team note that this information does not take into account the difference between 'statutory noise nuisance' and that of 'residential amenity' - the latter being of a much lesser standard.

Conditions are recommended by the Environmental Health department should members be minded to approve the application; however, concern is raised in terms of Circular 11/95: The Use of Conditions, in relation to the wording of proposed condition no 1: *Noise from the premises should not be audible beyond the boundary of the Star Business Park site*. This wording is not considered enforceable. The wording of condition no. 2 has been altered (more specific and therefore enforceable.) restricting the hours of operation of the B2 use. Following further consultation with the Environment Protection Team, they would raise an objection to the application as they cannot be assured from the acoustic report or information supplied with the application that noise would be adequately controlled from the premises such that a loss of residential amenity would not be caused by virtue of intrusive noise at residencies within the locality.

Countryside

The change of use proposed is of a scale that is unlikely to lead to large scale industrial development and is considered to be an appropriate commercial business in the countryside in compliance with GC6.

As no external alterations are proposed, the scheme is not considered to have any further impact on the countryside than the current use. The openness of the countryside will not be detrimentally affected by this change of use in compliance with GC8.

Other matters

Whilst comments have been received about this application setting a precedent for the business park to become an industrial estate/encourage further such applications, as per any planning application any other applications would have to be considered on their individual merits at the time of submission.

Comments have been received concerning a lack of notification, in addition to notification letters a site notice was erected at the entrance to the business park.

Furthermore, comments received relating to the devaluation of property are not material planning consideration and can be given no weight in the assessment of this application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

There is high potential for noise generative activity to result in a material change to the currently quiet rural character / noise climate of the area and for noise from the operations to be noticeable at residential properties - such that a loss of the degree of residential amenity presently being enjoyed by local residents could be caused. Whilst the importance of sustainable development and supporting the rural economy weighs in favour of the application, the significantly adverse impact on residential amenity weighs against the B2 use of the building, which would be contrary to paragraphs 14 and 17 of the NPPF, as well as policies DC3, DC6 & DC13 of the MBLP.

In the absence of a suitable scheme of sound insulation/mitigation measures, the application is duly recommended for refusal on insufficient information to fully assess the noise impact and loss of residential amenity.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R04MS - Insufficient information

