

Application No: 13/3046N

Location: 271, NEWCASTLE ROAD, WYBUNBURY, NANTWICH, CHESHIRE, CW5 7ET

Proposal: Change of Use from Shot-blasting Heavy Goods Vehicles to Car Repairs, Dismantling and Salvage of Parts.

Applicant: Victor Pickering

Expiry Date: 16-Sep-2013

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Key Issues;
- Local Plan Policy/Government Guidance;
- Character and Appearance;
- Change of Use;
- Pollution;
- Amenity;
- Highways; and
- Other Matters

REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Brickhill has requested that it be referred to Committee for the following reason:-

"I call in this application to Southern Planning in order to ask the committee to consider the objections of Mr Scragg shown below and the occupier of 269 Mr Tomlinson next door. I would draw attention to the proposed operating hours and recommend the committee consider restricting them to normal office hours as this is a residential area and noise making operations such as these should be kept to normal working hours. I think because of the noise, neighbours would like to ensure that all operations are conducted within insulated walls/roof. The committee might also like to note that vehicles using the drive at the back and side of the property at night shine their headlights directly into the female neighbours bedroom".

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the north of the existing Blakelow Industrial Park, the proposal comprises a single storey building with associated hardstanding. The application

building is utilitarian in form and is currently being used for the dismantling of vehicles. It was noted that there were several other buildings and offices, which make up remainder of the complex. Located to the south of application are a number of residential properties, which front on to Newcastle Road. The application site is located wholly within the Open Countryside and the Green Gap.

DETAILS OF PROPOSAL

This is a retrospective application for the change of use of a building from shot blasting heavy goods vehicles to car repairs, vehicle dismantling and salvage of parts at 271 Newcastle Road, Wybunbury, Nantwich.

RELEVANT HISTORY

10/2091N - Proposal for One Small 11Kw Gaia Wind Turbine where The Wind Turbine is Located at 27m AGL Mounted on a Free Standing Tower on a Concrete Base. The Proposed Dual-Blade Rotor has a Diameter of 13m – Refused – 2nd September 2010 – Appeal – Dismissed – 28th February 2011
P04/1169 - Change of Use from Hay Barn to Maintenance Depot for Racing Cars – Approved – 4th July 2005 – Appeal Allowed – 4th July 2005
P02/0618 - Change of use from Haybarn to Retailing – Refused – 15th October 2002
P00/0870 - Change of Use from Parking Used in Connection with Stables to Car Park Used in Connection with the Adjoining Commercial Premises – Approved – 2nd July 2004
P00/0869 - Erection of Hay Barn (Retrospective) – Approved – 29th July 2004
P99/0197 - Use of land for keeping of horses, erection of stables, tack room and implements building – Approved – 24th June 1999
P92/0166 - Maintenance building for servicing of commercial vehicles – Approved – 16th April 1992
P98/0222 - Replacement portal frame building – Approved – 5th May 1998
P93/0597 - Double garage – Approved – 20th September 1993
7/18460 - COU of land to form additional parking and turning area for commercial vehicles – Approved – 24th October 1990
7/08649 - Extension of area to rear of workshop of parking and storing vehicles – Refused – 25th February 1982

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.2 (Open Countryside)
NE.4 (Green Gaps)
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)
TRAN.9 (Car Parking Standards)
E.4 (Development on Existing Employment Sites)
E.6 (Employment Development within the Open Countryside)

CONSIDERATIONS (External to Planning)

Environment Agency: No objections subject to the following being conditioned

Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.

Surface water from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer. The formal consent of United Utilities will be required. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse.

Environmental Health: No objection subject to conditions relating to external lighting and hours of operation.

Highways: No comments received at the time of writing this report

VIEWS OF THE PARISH / TOWN COUNCIL

The Parish Council understands that the application is retrospective because the current actual use is already for car repairs, dismantling and salvage of parts; and also that these activities are continuing until very late every day, sometimes up to 11.30pm at night, causing noise and light pollution nuisance in what is primarily a residential area.

The Parish Council feels that the operating hours should be regulated to reasonable hours of work (ie 9.00am to 6.00pm Monday to Friday; and Saturday morning only)

The Parish Council is also concerned about the potential for contamination of a water course running to the rear of the site, from any run off from the site, and would urge that the Environment Agency be also consulted for its views on this issue.

OTHER REPRESENTATIONS

1 letter of support from the occupier of Unit 1, 271 Newcastle Road stating that 'the change of use will not affect my business and I have no objection whatsoever to the change of use'.

3 Letters of objection have been received from the occupiers of 277A Newcastle Road, 7 Main Road and Puseydale Farm, which raise the following points:

- The dismantling of cars at this site has apparently been going on for some time already which explains the noise late at night. As no planning application for change of use had been sought we thought the additional noise was due to increased activity at the shot blasting site. Any increase in noise late in the evening or at weekends would be detrimental to the peace and quiet of the residents in the vicinity;
- The application states that the opening times for the site are 7.00 till 22.00 every day including Sundays and Bank Holidays. This means that there would be no respite from the noise on any day of the year;
- Heavy vehicles entering or leaving late in the evening would also constitute a nuisance in what is a predominantly residential area. This is confirmed by the new houses to be built on the 'Shavington Triangle' just along Newcastle Road.
- We are concerned that any run-off of liquids such as engine oil, fuel, anti-freeze or refrigerant might cause contamination of the surrounding land, in particular the open land drain which runs at the back of our property. The application states that Brake Fluid and Anti-freeze are to be stored and collected twice yearly but no mention is made of fuel or engine oil.
- The proposal represents a fire hazard;
- Deliveries to the site are at unsocialable hours;
- The application is retrospective and as such is unlawful;
- The activities take place in the open air; and
- This is not an appropriate location for this type of use

1 letter of objection received from Richard Ellison (Agent) acting on behalf of the occupiers no. 269 Newcastle Road, the salient points raised are as follows

- There is no indication of the level of through put of vehicles proposed for dismantling or car repairs and so CEC would not know the of what it is being asked to approve. Uncontrolled, the level of activity could increase and then there would be pressure to extend the activity across other parts of the site with increased considerable harm to the amenity of local residents;
- It is claimed that " most activity takes place within the building and involves the uses of hand tools normally associated with car repairs. A fork lift truck is used to transport car bodies and heavy parts. The yard is used for parking staff cars and for open storage of cars and parts. There is no stacking of car bodies and parts and no burning of tyres or other inflammable materials."
- No noise assessment has been submitted with the application. There is considerable noise caused by the proposal and all its comings and goings;
- The submitted forms propose 07.00-22.00, 7 days a week including Sundays and Bank Holidays.

- Local residents are to endure this level of activity for 15 hours out of every 24 hours 365 days a year. This level of proposed uses is clearly intolerable and if the activity continues to operate as it does at present it will continue to cause major harm to the amenity of local residents.
- According to the Planning Statement, waste materials are to be disposed of in accordance with Environment agency requirements. Further details are however provided in the application forms:
- Waste brake fluid is stored in 25 litre drum with a maximum stored quantity of 20 litres. Waste engine coolant is stored in plastic 25 litre drums with a maximum stored quantity of 100 litres. Both brake fluid and engine coolant are removed twice yearly by Enviro Care North West. However, not all the waste produce is accounted for in the supporting statement and this requires further explanation;
- The application forms indicate a 100% increase in employees from 5 to 10 which suggest a considerable expansion in the level of activities and throughput on the site. The increase in staff numbers will exacerbate parking and the amount of turnover of vehicles being dismantled.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

1 Letter of support from the Rex Brockway (Agent) acting on behalf of the applicant. The salient points raised are as follows:

- Vehicles have all possible contaminants removed within the building where a concrete slab enables any spillage to be contained and cleaned. All possible contaminants are to be disposed of in an approved manner by Enviro Care North West;
- There is no existing external lighting on this site and none is proposed;
- Dismantling of vehicles takes place with the use of hand tools, a small compressor and a tyre extractor. A fork lift truck is used to transport car bodies and heavy parts. No heavy industrial machinery or 'Stihl' petrol cutter is involved. Cars are not cut up nor crushed;
- The small size of the site and no stacking of car bodies, limits the volume of activity. The cars are usually transported to and from the site by employees of the business. No "passing trade" retailing of spare parts takes place on the site, parts are sold over the internet and shipped. Occasionally cars may be repaired or have tyres changed. Staff numbers are equivalent to 5 full time employees and it is not proposed to increase this number;
- The site adjoins fields to the west and north where an existing substantial hedge provides appropriate boundary enclosure.
- The consultation reply from Public Protection and Health recommends restricting hours of operation to 08.00 to 18.00 on weekdays, 08.00 to 14.00 on Saturday, with no Sunday or Bank Holiday working. These hours are acceptable to control outside working but in view of the lack of control over the use of nearby industrial buildings and the much more generous hours of operation permitted on appeal for the use of the nearby barn for maintenance of racing cars, such a restriction on hours of operation within the building would be unreasonable. It is also noteworthy that the building on the application site is insulated to an approved level for shot blasting, a noisier activity than

that which is now proposed. The applicant would accept a condition which restricts working within the building to the same hours as the Planning Inspector considered acceptable for the maintenance of racing cars in the nearby barn

OFFICER APPRAISAL

Key Issues

The main issues in the consideration of this application are the acceptability of the development in principle having regard to its impact on residential amenity, drainage, highway safety.

Local Plan Policy/Government Guidance

As previously stated, the application site is located outside of the settlement boundary, as defined on the Crewe and Nantwich Replacement Local Plan Proposals Map, and is therefore situated in Open Countryside and within the Green Gap.

Policy NE.2 (Open Countryside) of the Crewe and Nantwich Replacement Local Plan restricts development other than that required for agriculture, forestry, outdoor recreation or other uses appropriate to the rural area. Policy NE.4 (Green Gaps) states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would result in the erosion of the physical gaps between built up areas or adversely affect the visual character of the landscape. It is considered given that proposal is located wholly within an existing industrial complex and as such will not adversely affect the visual character of the landscape neither will it result in the creation of any new buildings and as such the proposal is broadly in accord with policy NE.4. The change of use would not result in the erosion of the physical gaps between built up areas.

According to Policy E.4 states that proposals for new employment development, for the re-use, re-development or intensification of the use of land within existing employment areas will be permitted. Whilst Policy E.6 of the Local Plan (Employment Development within the Open Countryside) restricts employment development to 'small scale' employment development in rural areas in order to diversify the rural economy. Small scale development should be adjacent to existing buildings or other existing employment areas. All new development should also meet the requirements of policies BE.1 – BE.5 as contained within the Local Plan.

According to the NPPF 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system' (para 19). The guidance goes on to state that 'To help achieve economic growth, local planning should plan proactively to meet the development needs of business and support an economy fit for the 21st Century'.

In relation to supporting a prosperous rural economy 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'.

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *"the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."*

Character and appearance

The application site is located towards the north of Blakelow Business Park, which is a relatively small estate comprising several other buildings and workshops located on the western edge of Shavington. Located towards the south of the estate are a number of residential properties which front onto Newcastle Road. The industrial park boundaries are demarcated by mature native hedgerows on the northern and western boundaries. The site is accessed directly off Newcastle Road to the south.

The application building is utilitarian in form measures approximately 5.7m high with a rectangular footprint, with a floor area of approximately 108 square metres. Large entrance doors are located on southern elevation of the building. The remainder of the site provides parking for staff vehicles and open storage for vehicles and parts.

The building is not clearly visible from Newcastle Road as there is another building located closer to Newcastle Road, which helps to screen the application building.

Change of Use

As previously stated this is a retrospective application. The unit was previously used for shot blasting of heavy goods vehicles and the applicant is now using the site for dismantling vehicles. Once the vehicles have been dismantled the parts are then sold over the internet. The applicant stresses that there is no on site retail element and as such there are no visiting members of public to the site. The applicant also contends that the vast majority of the work takes place within the unit and no vehicles are stacked upon top of each other.

The applicant goes on to state that the vehicles are dismantled by hand, using hand tools only which are normally associated with car repairs. The car bodies and other heavy parts are then removed from the unit by a fork lift and loaded onto transporters and taken away. The applicant infers that the use is relatively low key with only one or two cars being dismantled at a time and this is mainly done within the building. The proposal will involve no burning of tyres or other flammable materials. The agent acting on behalf of the objectors states that the number of staff working at the premises is 10. However, the applicants agent states that the number of staff at the site is the equivalent to 5 full time employees and there are no plans to increase this number.

However, a number of objectors have stated that cars are being dismantled at unsociable hours and many of them claim that works are taking place up to and beyond 23.30 at night. Also the applicant and his employees work every weekend. Furthermore, objector's state that petrol cutters and other heavy machinery are being used to dismantle the vehicles which has a significant detrimental impact on their residential amenity. Whilst the concerns of local

residents are noted, colleagues in Environmental Health have been consulted regarding the proposal and they have no objection providing a condition relating to hours of operation is attached to the decision notice.

It is considered that the proposal accords with policy E.4 in that the unit is small scale and is located in a wider industrial complex. According to the submitted plans and Design and Access Statement, the floor area of unit measures approximately 108sqm, which help to curtail any future development. The development will help to support a prosperous rural economy. The proposal is an industrial use taking place within an industrial complex and as such is not unreasonable. A condition will be attached to the decision stating that no vehicles can be stacked over 2m high and there shall be no retail or trade to members of the passing public can occur at the site.

Pollution

A number of local residents claim that when the vehicles arrive at the site they have not been de-polluted i.e. none of the oil, brake fluid anti freeze etc has been removed. The applicant states that 'Vehicles have all possible contaminants removed within the building where a concrete slab enables any spillage to be contained and cleaned. All possible contaminants are to be disposed of in an approved manner by Enviro Care North West'. The local residents are concerned that these vehicle contaminants can run off and cause significant damage to the local environ. Consequently, colleagues in the Environment Agency have been consulted and raise no objection to the proposal providing the following condition is attached to the decision notice

'Surface water from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer. The formal consent of United Utilities will be required. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse'.

Overall, it is considered that there is insufficient justification to warrant a refusal on drainage and pollution control and sustain it at any subsequent Appeal and as such the proposal complies with policies BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and NE.17 (Pollution Control)

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The application site is located wholly on an existing small industrial estate. Consequently, the ambient noise levels are higher than one would normally associate with a rural area. Furthermore, Newcastle Road is heavily trafficked with high noise levels.

According to the submitted plans there is a distance of approximately 65m separating the application site from the nearest residential properties. It is considered given the separation

distances, the intervening building, boundary treatment and the other factors cited above will all help to mitigate any negative externalities caused by the proposed development. Furthermore, it is considered providing conditions relating to hours of use, noisy works to place inside and preventing any sales to members of the public will all help to alleviate any problems associated with the proposal. In addition, no objections have been raised by colleagues in Environmental Health and as such the proposal is in accord with policy BE.1 (Amenity). Whilst it is noted that the applicants agent is requesting longer working hours, it is considered given the sensitive nature of the site and the proximity of residential dwellinghouses, the hours have colleagues in Environmental Health have suggested is reasonable and appropriate.

Highways

No comments have been received at the time of writing this report from the Highway Engineers. Members will be updated in the update report once these comments have been received.

Other Matters

A number of objectors have stated that car parts and other detritus are being tipped on the neighbouring land, which has a water course running through it. However, these claims are disputed by the applicant. In any event, fly tipping is not a material planning consideration and can be dealt with by the Environment Agency under their legislation.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The change of use of the building from shot blasting to the dismantling of vehicles is an appropriate use within the Open Countryside in this existing industrial complex. Furthermore, it is considered given the scale and nature of the proposal and its location and juxtaposition in relation to other residential properties means that the amenities of surrounding uses would not be detrimentally compromised. The proposal complies with Policies NE.2 (Open Countryside), NE.4 (Green Gaps), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and E.6 (Employment Development in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

Approve subject to conditions:

- 1. Plan References**
- 2. Hours of Operation**

Monday – Friday 08:00hrs – 18:00hrs
Saturday 08:00hrs – 14:00hrs
With no Sunday or Bank Holiday working

- 3. No Trade Counter or Sales to Members of the General Public**
- 4. Height of any vehicles stacked not to exceed 2m**
- 5. All activities that have the potential to create noise must take place within the building on site with all doors and windows closed**

- 6. Drainage**
- 7. Details of External Lighting**
- 8. Building to be used solely for the dismantling of vehicles and for no other purpose**
- 9. Management plan for the removal of waste material to and from the site**
- 10. Details of the areas for storage and staff car parking be submitted for approval**
- 11. Drainage Details**

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