

Application No: 16/4636C

Location: LAND ADJACENT TO, Unit 1, HOPKINS CLOSE, CONGLETON

Proposal: Proposed erection of 2no. industrial units (suitable for Use Classes B1, B2 and B8) with associated car parking

Applicant: Mr Clarkson, Westerby Trustee Services Limited as Trustees of the P & D Clarkson Group SIPP

Expiry Date: 17-Nov-2016

### **Summary**

The presumption in favour of sustainable development is a significant material consideration in the determination of this application and therefore taking into consideration the merits demonstrated below and the compliance with local and national planning policy, the proposed development meets all aspects of sustainable development and is recommended for approval.

The NPPF, at para 14, requires development proposals that accord with the development plan to be permitted without delay and thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

The application raises no issues relating to design, highway safety or any adverse impact in respect of environmental issues.

### **RECOMMENDATION**

**APPROVE subject to conditions**

### **REASON FOR REPORT**

This application has been called in by the Ward Councillor, Cllr Hayes, for the following reasons:

*This application is unsuitable on the following grounds;*  
*- Highway Safety- the existing area surrounding Hopkins Close is already unsuitable with regards to highways access for such large and articulated vehicles. This development would only enable more traffic on an already overburdened highways network. Existing local businesses have shared evidence of dangerous situations which are currently hazardous in this area. To add to this would be irresponsible without remedial highways works such as the*

widening of the initial junction which is unfeasible as a result of the existing footprint of the business park.

- Overdevelopment- linked to the above. The Highways Network and other associated infrastructure are only equipped to cope with the pressures of the current footprint of the business park. Many would suggest, and I would agree, that the existing infrastructure is already overburdened without the further development of an additional two units.

- Premature - it is widely recognised that there is a need for sustainable employment land in the Congleton area. It is important to highlight that given the infrastructure problems this development would create - this would not constitute sustainable development. Furthermore, in line with the emerging local plan, this area as a whole is part of wider considerations for further developments and associated infrastructure with regard to the creation of better highways and an increase in employment land. I would therefore consider it that this application is premature - given that such demand is likely to be met through the deliver of the local plan in this area.

I have had conversations with the officer regarding this and raised these concerns. Unfortunately, the Highways Officer only seemed to consider parking problems when looking at the Highways concerns which I had raised. Quite simply- this is unsatisfactory when considering the wider highways and infrastructure impact which this application will add to.

## PROPOSAL

This application seeks planning permission for the erection of two industrial units within an empty plot/area of hardstanding to a corner of an industrial site accessed off Hopkins Close, Congleton.

The units would provide storage space (B1, B2 and B8) at ground/1<sup>st</sup> floor, an entrance lobby and WC at ground floor, and a small 1<sup>st</sup> floor office. The buildings are to be set back within the plots, fronted by an area of car parking. The two units would be attached, with respective staggers to the front and back, and a pitched roof running between the two. Large shutters are indicated to the front as well as small fenestration, and space for advertisements. The rear would support a small external staircase.

Brickwork is indicated to the ground floor, cladding to the 1<sup>st</sup> floor panels and cladding panels to the roof. Windows would be upvc framed, and the doors constructed in steel.

Following discussion with the architect, amended plans have been sought and received which involve the following reductions in scale and further parking provision:

	<i>Originally Proposed</i>	<i>Currently Proposed</i>	<i>Difference</i>
Width (across 2 units)	15.8m	14.3m	-1.5m
Depth (unit 1)	12.1m	10.3m	-1.8m
Depth (unit 2)	10.1m	8.5m	-1.6m
Height	6.1m	6.1m	None
No. of disabled parking bays	2	1	-1
No. of parking bays	2	4	+2

B1, B2 & B8 Floor space (GF)	N/A	115sqm	+115sqm
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Full consultation has been carried out on the plans submitted with the application.

## **SITE DESCRIPTION**

The application site comprises a vacant plot set within an established industrial site. The area is bordered by a palisade fence and gate (locked shut). Land levels are consistent within the industrial site, but do noticeably fall to the West.

In the wider context, this industrial site is accessed via a narrow road off Hopkins Close which follows a left hand corner past unit 10 on the estate. There are no clear vantage points of the site outside of the immediate area.

As can be further viewed through the planning history below, the plot was previously used as a parking area associated with the industrial units to this part of Hopkins Close (21092/3). A subsequent application (37863/3) involved the erection of a fence and storage of some containers to rear of this plot, subject to a condition that the parking area remained open during operational hours. A further application (04/0432/FULL), however, allowed the removal of the above condition. As outlined by the Case Officer for that application, the Highways Engineer considered the level of parking *outside* the units to be of an acceptable level when considered against modern parking standards (dated January 2005).

## **CONSTRAINTS**

Local Plan Settlement Zone  
Congleton Neighbourhood Plan

## **RELEVANT SITE HISTORY**

21092/3 – Light Industrial Units 9 No and Warehouse 1 No for Light Industrial Use. Approved with conditions (11<sup>th</sup> July 1989)

37863/3 – Steel palisade fence and container for storage in car park. Approved with conditions (20<sup>th</sup> October 2004)

04/0432/FUL - Removal of condition 3 of planning permission 37863/3 dated 20/10/2004, requiring the access gates to be kept open between the hours of 8.00am and 7.00pm Mondays to Saturdays. Approved with conditions (7<sup>th</sup> February 2005).

## **LOCAL AND NATIONAL POLICY**

### **Congleton Borough Local Plan (2005)**

E3 (Employment Development in Towns)  
E10 (Re-use or Redevelopment of Existing Employment Sites)  
E12 (Distribution and Storage Facilities)  
E15 (Heavy Goods Vehicle Parking)

GR1 (New Development)  
GR2 (Design)  
GR5 (Landscape Character)  
GR6 (Amenity and Health)  
GR7 (Pollution)  
GR9 (Accessibility, Servicing and Parking Provision)  
GR17 (Car Parking)  
GR18 (Traffic Generation)

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

Policy CO1 (Sustainable Travel and Transport)  
Policy EG1 (Economic Prosperity)  
Policy IN1 (Infrastructure)  
Policy PG1 (Overall Development Strategy)  
Policy PG2 (Settlement Hierarchy)  
Policy SD1 (Sustainable Development in Cheshire East)  
Policy SC2 (Sustainable Development Principles)  
Policy SE1 (Design)  
Policy SE2 (Efficient Use of Land)  
Policy SE4 (The Landscape)  
Policy SE9 (Energy Efficient Development)  
Policy SE12 (Pollution, Land Contamination and Land Instability)  
Policy PG1 (Overall Development Strategy)  
Policy PG2 (Settlement Hierarchy)  
Appendix C (Parking Standards)

## **National Policy**

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 (Achieving Sustainable Development)  
14 (Presumption in Favour of Sustainable Development)  
17 (Core Planning Principles)  
18-22 (Delivering a strong, competitive economy)  
32 (Promoting Sustainable Transport)  
56-68 (Requiring Good Design)  
109-11 (Conserving and Enhancing the Natural Environment)

The National Planning Practice Guidance (NPPG)

## **CONSULTATIONS**

### **CEC Highways (21/11/16):**

This is a small application for a B2 use for, following amendments to accommodate vehicle parking, just under 120sqm of GFA with on-site parking.

The parking provision will ensure that staff or visitors to the site will not be required to park outside of the site boundary.

The objections on the planning portal are noted, including those of the Town Council, but a development of such a small size will not generate more than a few vehicle trips in any given hour.

There have also been no recorded PIAs (Personal Injury Accident) in the area over the last 5 years.

No objection is raised.

*Noted, and agreed. See appraisal.*

### **CEC Highways (20/12/16) – Further Comments:**

Large vehicles: large vehicles will be able to safely enter/exit the industrial site as is currently the case with the other uses. Large vehicles will not be able to turn within the application site but could use the industrial site to turn. For a development of this size, it is very unlikely that it will generate trips of larger HGVs (artics for example). It may generate smaller HGVs (small rigids for example) trips but even these will be small in numbers, maybe 1 or 2 a day. The majority of trips will be cars/LGVs but the number of these will also be low as previously stated.

Tight corner next to unit 10: I assume this is the corner circled blue on the attached. This is an existing issue that will remain whether or not this application get approved, and being such a small development it would unlikely make the situation any worse.

*Noted, and agreed. See appraisal.*

### **Environmental Health:**

Suggest Piling Condition, should piling be required.

Suggest Dust Control Condition.

Suggest Hours of Operation Condition.

Suggest Hours of Use Condition

Contaminated Land Informative

*With due respect to the five tests for applying conditions (outlined in the NPPF, 2012), none of the suggested conditions are deemed reasonable or necessary in allowing a positive decision. A contaminated land informative will, however, be added to the decision notice.*

### **United Utilities:**

Suggest Foul and Surface Water Drainage System Condition.

Suggest Surface Water Drainage Scheme Condition (Pre-Commencement)

*Noted. These will be added to any positive decision notice.*

## **Congleton Town Council:**

Recommend refusal for the following reasons:

- Highways and safety issues – for example there have been previous problems with HGV access to the area and damage to vehicles
- Traffic generation
- Vehicular access
- Adequacy of parking
- Overdevelopment of the area

Councillors Hayes, Martin, Parry and Wardlaw declared a “non pecuniary” interest in this application

*Noted. See appraisal.*

## **REPRESENTATIONS**

9 letters of objection have been received, summarised as follows:

- Issues relating to where commercial vehicles would park to gain access to the units for unloading and parking. This could cause inconvenience to adjacent companies, and pose a highway/pedestrian risk
- Subsidence on Hopkins Close is already an issue
- Proposal would destroy amenity of existing business
- Proposal would impede on manoeuvring space for HGVs and limit access for emergency vehicles
- Insufficient parking in the area, at present.
- Overdevelopment, by virtue of insufficient parking and possibility of too many vehicles parked within the area.
- Contrary to National Planning Policy
- Proposal would add to congestion
- Fire risk as flammable materials are loaded and unloaded in the yard.
- Car park still required.
- Access to Hopkins Close is very poor and restricted. Vehicles have to mount the curb on the bend into Hopkins close.
- Access to the application site is poor, when vehicles are unloaded this would block the access to the application site.

- Proposal is contrary to Congleton Borough Local Plan (specifically policies GR7, GR17 and GR18), and section 7 of the NPPF.
- Unloading at this site presently very difficult.
- Poor visibility when exiting the bays of 10 and 11 and into Hopkins Close.
- Loss of privacy from customers viewing into the factory when doors are open
- Harm to longevity, and employment of Olenon business, partly due to 'Brexit', also due to parking issues.
- Contrary to HSE guidance (Vehicles at Work)

The full content of the above objections, and submitted photographs, can be viewed on the public file. These have been noted and considered in the determination of this application. The above objections are discussed in the appraisal.

The details submitted are considered sufficient, in enabling the Local Planning Authority to satisfactorily determine this application. Two site inspections have been carried out on 10<sup>th</sup> October 2016, and 20<sup>th</sup> December 2016. Public consultation has been carried out in accordance with statutory requirements.

## **APPRAISAL**

### **Key Issues**

- Principle of development;
- Design considerations
- Character of the area
- Highway Safety Implications
- Sustainability

### **Principle of Development**

The application site resides within the defined 'Settlement Zone Boundary' as defined by the Congleton Borough Local Plan (CBLP) (2005). Within this designation, the principle of development is considered acceptable by both the Development Plan and National Planning Policy.

The NPPF (2012) strongly emphasises, at paragraph 14, there is a "presumption in favour of sustainable development" and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay, unless there are significantly adverse reasons for doing so.

Policy E5 of the CBLP states that:

“Proposals for employment development on land not allocated for such purposes within the settlement zone line of those settlements identified in Policy PS4 will be permitted where the following criteria are satisfied:

- i) The proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan;
- ii) The proposal is appropriate to the local character in terms of its use, intensity, scale and appearance;
- iii) The proposal complies with Policy GR1;
- iv) The proposal accords with other relevant Local Plan Policies.”

The application site does fall within the zone line outlined at Policy PS4, and the site is not allocated for any other purpose. The proposal would add two industrial units within an established industrial site. The scale of the buildings is harmonious with the scale of neighbouring buildings (including units 10 and 11) and materials are sympathetic to those in the surrounding area. The design of the buildings is discussed in the following section, but generally speaking, the proposal would comply with the aims of Policy E5 in terms of providing employment use within Congleton.

This Policy is echoed through Policy EG1 of the Cheshire East Local Plan (Strategy Submission Version) which, inter alia, emphasises the need to support employment development in Key Service Centres and to support the wider strategy, role and function of the town (Congleton).

### **Design assessment and effect on the character of the area**

The two units are suitably designed in the context of the site. A large space would be retained to the front (for vehicle parking), which also helps to lessen their prominence within Hopkins Close. Spaces would also be retained to the sides and rear which would prevent a cramped appearance and allow access to the rear.

The pitch of the roof is fairly shallow, which is harmonious with the roofscapes of the surrounding units. The scale, and height, is also similar to units 10 and 11 which are the two larger units on Hopkins Close. A symmetrical design would be adopted between the two proposed units helping to ensure a reasonably aesthetic appearance.

Details have been provided regarding the finish of the buildings (namely, brickwork, upvc fenestration and insulated cladding), which are largely in keeping with the surrounding units. Exact details of these materials can be requested via condition to ensure a satisfactory appearance to the development.

As assessed on site, the units would not be prominent in the wider public realm, or countryside to the east, and would therefore have a largely neutral impact on the character-appearance of the area. The proposal would comply with Policy GC2 in this regard.

Statements relating to overdevelopment are noted, but in this case, not agreed with. The development would occupy a vacant plot to the corner of Hopkins Close which would continue the built form between the two sides. The density of buildings is comparable to that of other layouts within the wider industrial site. The commercial building could take advantage of the existing infrastructure, and is an appropriate commercial use in the context of the area.

### **Residential amenity**

As estimated using GIS applications, the nearest residential properties are located approximately 100m to the west. This distance, coupled with the scale of the development, would result in no significant harm to the residential amenity of the area.

Some letters of objection have argued that the intensification of the industrial site could lead to losses of privacy within the industrial units. The building, however, would support an acceptable relationship with the other units on the site. Any perspectives within the buildings from vehicles or pedestrians are likely to be fleeting, and non significant given the industrial/commercial nature of Hopkins Close.

### **Highway safety and Parking**

Objectors have raised particular concern that the car park (now closed) is still needed to satisfy parking demand for Hopkins Close. However, the current site layout is acceptable in respect of modern parking standards and the site is in a sustainable location with reasonably good access to public transport links (namely the bus network). The LPA acknowledges that upon completion of the original industrial site, it was deemed reasonable to allow additional vehicle parking to the corner. The thrust of planning policy, has, however, changed fairly significantly since 1989, with an increased emphasis on reducing the reliance on cars and encouraging a shift towards more sustainable modes of transport.

The proposal would provide 4 parking spaces (2 per unit) and 1 disabled bay. This is sufficient for the two units, and is not expected to cause long-term parking issues within Hopkins Close (due to the provision within the application site) which could inconvenience other users of the industrial site. Paragraph 39 of the NPPF encourages LPAs to reduce the use of high-emission vehicles and at paragraph 33 to maximise the use of sustainable transport modes. The number of employees has not been provided, but should the number exceed 4, by not creating an excessive number of parking bays, there is a motive for employees, and visitors, to take advantage of car-sharing, bicycles, and public transport. All of which, would help to lower Carbon Dioxide emissions and encourage more sustainable movement of people.

Appendix C: Parking Standards of the CELP states that for B1, B2 and B8 use there should be a minimum of 1 space per 30m<sup>2</sup> (B1 and B2 standard). The proposal provides 115m<sup>2</sup> floor space. This would mean that the proposed development (in accordance with Appendix C) should provide just fewer than 4 parking spaces. In addition to the reasons outlined above, the proposal, which provides 4 spaces (+1 disabled) would satisfy the criteria of the CELP.

During delivery times, LGVs and the occasional smaller HGV would need to park to the front of the units. However, such is the set back from the site entrance that the parking could be done without unacceptable inconvenience to the other units. Such parking would be relatively

infrequent and not for extensive periods of time. Moreover, it is noted that this arrangement is undertaken by other occupiers of the site. Whilst, yes, there would be an increase in the number of goods vehicles operating within Hopkins Close, it is considered that their manoeuvrability and temporary parking to each respective unit could be achieved without significant risk to employees, customers or to the successful operations of each business. The turning area is significant in its depth and width and would allow most goods vehicles to reverse up to the bays of both units, and then exit the site in a forward gear.

The proposal itself would not present a significant fire risk nor would any of the associated vehicles. External storage of any flammable material or fluids should be kept in such a location to not impede highway safety or cause a significant health and safety issue. This is therefore not a material planning consideration.

It is acknowledged that the site is accessed via a fairly narrow 90° corner which bypasses units 10 and 9. As shown in the submitted photographs (on file), and as observed on site, there has evidently been damage to the inside kerb, grass verge and there are tyre tracks evident over the corner and across at least two of the parking bays to the front of Unit 10. An objector has stated that on some occasions parked cars have been damaged. This impact is regrettable, however, it is judged that certainly LGVs and cars could enter the site without mounting the kerb. The occupiers of unit 10 could also erect fencing or bollards to prevent this being a significant issue and ensure that more care is taken when passing this corner. A 'tracking' diagram has been requested from the applicant to show how vehicles (to be associated with the business) will satisfactorily navigating this corner. It is expected that this plan will be received, and will be provided as an update prior to committee.

As can be viewed in the "Consultation" section of this report, the Highways Development Officer has provided no objection to the development citing the small nature of the development, provision of on-site parking, and low vehicle traffic to be associated with the units.

Overall, the highway issues identified by residents are acknowledged but these would not significant conflict with either local or national planning policy in that a refusal could be justified.

### **Flooding issues**

The site is not situated within an Environment Agency designated flood zone. A scheme for the drainage of surface water from the site will be required through a condition on the decision notice.

It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF.

### **Ecology and Nature Conservation**

There are no significant demolition works or other such works which could pose harm to any protected species or wider biodiversity.

## **Sustainability**

### ***Environmental sustainability***

Taking into account the above sections the proposal is considered to represent an appropriate form of development in the context of the area, and one which would preserve the environmental merits of the immediate and wider locality and uphold the existing residential amenities. As discussed above, a suitable design has been proposed and whilst there would be a slight intensification in the use of Hopkins Close, the impacts are not so great to warrant refusal and the parking provided within the site is in accordance with modern standards. The scheme is therefore deemed to be environmentally sustainable.

### ***Social sustainability***

The proposal would provide employment opportunities within a sustainable location, which could be reached by car, public transport and via walking/cycling.

There would be no significant harm to the residential amenities of the area (west of the site), and the units would be well contained within an established industrial/commercial site.

### ***Economic sustainability***

The proposed development would provide 115 ground sqm of commercial floor space, and would provide employment opportunities for the local workforce within Cheshire East. The development would help to ensure the attractiveness of Congleton as a place of work, and contribute to the economic growth sought throughout Cheshire East.

Jobs in construction and economic benefits to the construction industry supply chain could also be supported within the local area and wider Cheshire East environment.

The NPPF states at paragraph 20 'to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.' With this in mind, and in accordance with the emerging Cheshire East Local Plan, the proposal should be supported from an economic perspective.

## **Summary and Planning Balance**

The objections have been noted and considered, however the presumption in favour of sustainable development is a significant material consideration in the determination of this application. Taking into account the merits of the application, and compliance with both local and national planning policy, the proposal satisfies all aspects of sustainable development. In respect of the tests of Paragraph 14, the benefits of the scheme significantly and demonstrably outweigh the increased impacts on the built environment, which are not considered significantly adverse.

Paragraph 14 of the NPPF requires development proposals that accord with the development plan to be permitted without delay. Thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

*In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

## **RECOMMENDATION**

**Approved subject to conditions:**

- 1. Standard Time Limit (3 years)**
- 2. Development to be carried out in accordance with approved plans**
- 3. Materials to be submitted**
- 4. Drainage conditions**
- 5. Contamination Land informative**
- 6. Parking to be provided and retained**

