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| North Planning Committee<br>(Wem) |
| 1 <sup>st</sup> June 2010         |

| <u>Item/Paper</u> |
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## Development Management Report

**Application Number:** 10/00804/COU

**Parish:** Cheswardine

**Grid Ref:** 372935 - 329133

**Proposal:** Application under Section 73a of the Town and Country Planning Act 1990 for change of use of agricultural outbuildings to B2 business use (Retrospective)

**Site Address:** The Old Nook Soudley Market Drayton Shropshire TF9 2SE

**Applicant:** Mr Charles Lowe

**Case Officer:** Andrew Gittins **email:** [planningdmne@shropshire.gov.uk](mailto:planningdmne@shropshire.gov.uk)

### 1.0 THE PROPOSAL

1.1 The application seeks approval under Section 73a of the Town and Country Planning Act 1990 for the retrospective change of use of former agricultural buildings to regularise the use of the premises for B1 Business Use purposes. The premises have been occupied by A3 Machines since January 2008, who refurbish and repair floor cleaning equipment with the domestic market supplied through internet sales. Repairs are predominantly carried out at the site of the machinery with routes planned to ensure that the engineers are off-site for the whole day. The refurbishment of the machines is carried out in a small workshop situated within one of the outbuildings with the remaining outbuilding used for the storage of parts.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The former agricultural buildings are located at The Old Nook, Soudley in an area of Open Countryside as defined by Policy G1: Settlement Strategy in the Adopted North Shropshire Local Plan 2000-11. The buildings are traditional in design and are constructed in red / orange imperial facing brick, clay small roof tiles and painted timber windows and doors. The visual appearance of the buildings appears to suggest that the buildings are of permanent and substantial construction.

### 3.0 RECOMMENDATIONS

3.1 Grant permission subject to conditions.

### 4.0 REASON FOR COMMITTEE DECISION

4.1 Six letters of public representation objecting to the scheme have been received.

**5.0 RELEVANT PLANNING HISTORY**

5.1 No relevant planning history

**6.0 CONSULTEE RESPONSES**

6.1 Cheswardine Parish Council: No objection with the following comments:

- Access to the site should be via the entrance to the west of the property.
- The business provides employment for family and non-family personnel.

6.2 Shropshire Council Highways Development Control:

6.3 Shropshire Council Environmental Health (Pollution Control):

**7.0 PUBLIC REPRESENTATIONS**

7.1 Six letters of objection received at time of writing report. Principal material planning objections relates to:

- Impact on rural road network and highway safety
- Availability of rentable units in surrounding Market Towns
- Noise nuisance
- Concerns over disposal of waste and drainage
- Use of site as industrial estate

Other objections relate to:

- Impact on electricity supply

7.2 One letter received from the applicant in response to the comments submitted by the Parish Council and the letters of public representation. The applicant would like to highlight the following issues:

- National and Local planning policies actively encourages the reuse of farm buildings for employment purposes to maintain the level of rural employment.
- A3 Machines currently provides employment for 5 workers, only two of which are family members.
- The proposal is not anticipated to create excessive traffic and no more than would be generated by the former agricultural use.
- Arrangements for alternative access have been made with a temporary sign erected to direct traffic accordingly.
- The 'No Lorries' sign which had been placed on the gate following the surfacing of the courtyard has been removed.
- The business is in the process of changing skip provider; the new service will be fortnightly and will involve a smaller collection vehicle.
- Professional advice is being sought with regard to the drainage of the site.
- In the area there are a number of small businesses operating.
- It is not intended to open an industrial estate, the premises has been allocated a unit number for the company's corporate impression.
- The local electricity problem is long standing and predates the of the business from The Old Nook.

**8.0 PLANNING POLICY**

**8.1 Central Government Guidance:**

PPS1 – Delivering Sustainable Communities  
PPS1 – Supplement – Planning and Climate Change  
PPS4 – Planning for Sustainable Economic Growth  
PPS7 – Sustainable Development in Rural Areas

**8.2 West Midlands Regional Spatial Strategy Policies:**

PA14: Economic Development and the Rural Economy

**8.3 Local Plan:**

G1 – Settlement Strategy  
D1 – General Development Control Criteria  
D2 – General Design Principles  
D7 – Parking Standards  
E7 – Conversions to Employment Use

**9.0 THE MAIN PLANNING ISSUES**

- Principle of Development
- Access
- Drainage
- Noise nuisance and impact on neighbours/residential amenity

**10.0 OFFICER APPRAISAL**

**10.1 Principle of Development**

10.1.1 The application will principally be assessed against Policies D1, D2 and E7 of the Adopted North Shropshire Local Plan 2000-11. Policy E7: Conversions to Employment Uses requires buildings to be of permanent and substantial construction, for the site to be conveniently located in relation to the surrounding road network and for the applicant to demonstrate that the proposal will not be detrimental to local amenities.

10.1.2 From a visual inspection, the buildings are of a permanent and substantial construction in accordance with the requirements of Policy E7 (a) of the Local Plan. An assessment of the impact on highway safety and residential amenity will be carried out within the subsequent sections.

10.1.3 Several objectors have commented on the number of vacant commercial properties in the wider surrounding area, which would be more appropriate to accommodate the business. Policy E7 actively supports the reuse of existing buildings in the countryside to create a spread of employment across the whole of the District. Moreover, in rural areas the reuse of farm buildings can provide an opportunity for diversification of the local economy as they can provide employment other than just in agriculture. The principle of the development is therefore considered to accord with Policies E7 and PPS4.

**10.2 Access**

10.2.1 Policy D1 (c) of the Local Plan states that the road network must be capable of safely accommodating the type and scale of traffic to be generated with adequate visibility available from and for vehicles turning into the site. Furthermore Policy D1 (i) states that proposals should make arrangements for adequate vehicular access and parking together with commensurate manoeuvring space should be made available.

10.2.2 The application has been referred to the Highways Development Control Department for consultation, who subject to the attachment of conditions have no objection to the continued use of the site. Upon request the applicant submitted the following information relating to vehicular movements:

- Three staff cars arrive in the morning.
- Two vans (One Renault Master and One Small Transit Connect). These vehicles go out to repairs at the site of the machines and often these vans do not return to The Old Nook with the engineers going straight home and going straight to the site of the machinery the following morning.
- One 7.5 tonne lorry approximately 3 times a week.
- One 7.5 pallet lorry approximately twice a week for collections.
- One skip lorry collects waste once a fortnight.
- Two courier vans (Transit type) make deliveries once a week.

10.2.3 Whilst it is not possible to obtain specific details relating to the type and scale of traffic previously generated by the former agricultural use of the site, the traffic generated by A3 machines, listed above, is not considered to be excessive in comparison. Indeed it is reasonable to expect that the former agricultural use of the site would have generated more frequent traffic movements by larger vehicles with the additional implications of depositing mud on the highway. Therefore with regard to the former traffic movements likely to have been generated by the previous agricultural use it is considered that the type and scale of traffic generated by A3 machines could be safely accommodated on the existing road network. Moreover, subject to the submission and implementation of further details the site is capable of providing adequate visibility and the proposal is considered to comply with the requirements of Policy D1 (c) of the Local Plan.

10.2.4 In accordance with the request from Cheswardine Parish Council and the Highways Department vehicular access to the site will be restricted to the access to the west which serves the residential dwelling of The Old Nook. Due to the reliance of the business on this access, should permission be granted, a condition has been proposed linking the operation of the business to the occupants of The Old Nook.

### 10.3 **Drainage and pollution control**

10.3.1 Policies D1 (f) and (g) of the Local Plan state that applications should demonstrate that the development can be adequately drained and should not cause unacceptable levels of environmental pollution. The issue of cleaning products entering the drainage system and discharging onto land outside the ownership of the applicant has been raised by a number of the objectors. The applicant has responded by confirming that they are seeking professional advice with regard to the issue of drainage.

10.3.2 The application has been referred to the Pollution Control Team within the Environmental Health Department. A condition has been proposed, should permission be forthcoming, requiring the submission of a scheme for the treatment of surface water to intercept any cleaning products prior to it soaking away into the surrounding agricultural land.

10.4 **Noise nuisance and impact on neighbours/residential amenity**  
10.4.1 Policy D1 (m) which states that changes of use should not adversely affect the amenities of adjoining occupiers or the neighbourhood to an unacceptable extent. One letter of representation has been received objecting to the scheme on issues of noise nuisance with particular reference to a phone with a bell. However, the Environmental Health Department have no records of any complaints of noise nuisance. Therefore subject to the attachment of conditions restricting operations to within the buildings then it is not anticipated that the proposal will cause any undue loss of amenity to the occupants of neighbouring properties.

11.0 **CONCLUSION**  
11.1 The conversion of the existing buildings to form premises for employment purposes is considered to satisfy the development control criteria of Policies D1 and D2. The buildings are considered to be of permanent and substantial construction, the site is conveniently located in relation to the surrounding road network and the change of use is not considered to be detrimental to the local amenities and use of the neighbouring land. Accordingly the development is considered to comply with Policies D1, D2 and E7 of the Adopted North Shropshire Local Plan 2000-11 and PPS 4 Policy EC 12.

## **LIST OF BACKGROUND PAPERS**

### **HUMAN RIGHTS**

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedom of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desire of landowners must be balanced against the impact of development upon nationally important features and the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### **Environmental Appraisal**

Addressed within report.

### **Risk Management Appraisal**

N/A

### **Community / Consultations Appraisal**

Addressed within report.

### **Member Champion**

Councillor Martin Taylor-Smith

### **Local Member**

Councillor Andrew Davies

### **Appendices**

N/A

## **Reason for Approval**

The conversion of the existing buildings to form premises for employment purposes is considered to satisfy the development control criteria of Policies D1 and D2. The buildings are considered to be of permanent and substantial construction, the site is conveniently located in relation to the surrounding road network and the change of use is not considered to be detrimental to the local amenities and use of the neighbouring land. Accordingly the development is considered to comply with Policies D1, D2 and E7 of the Adopted North Shropshire Local Plan 2000-11 and PPS 4 Policy EC 12.

## **Conditions**

1. The premises shall be used for the refurbishment, repair, storage and supply of new and reconditioned floorcare machines, not including sales to the general public, and for no other purpose including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to restrict the use of the premises in the interest of the amenities of the area.

2. This permission shall inure for the benefit of the occupants of the residential property of 'The Old Nook' only and shall not inure for the benefit of the land. Upon the applicant ceasing to occupy the site it shall not be used for any purpose other than the lawful use that existed prior to the determination of this application.

Reason: This permission is only granted in view of the exceptional circumstances of the applicant.

3. The use hereby permitted shall only be conducted between 0830 and 1700 hours on weekdays and between 1000 and 1600 hours on Saturdays with no working or activities on Sundays or Public Holidays.

Reason: In order to maintain the amenities of the area.

4. The means of vehicular access to the development site shall be from the access to the west which serves the residential property referred to as 'The Old Nook'. There shall be no means of vehicular access from the bifurcated access identified on the proposed plans.

Reason: In the interests of highway safety.

5. Within one month of the date of this approval details for the access, parking, turning, loading and unloading of vehicles shall be submitted to and approved in writing by the Local Planning. The approved scheme shall be laid out and surfaced within 3 months of the approval the details and shall be thereafter be kept clear and maintained at all times for that purpose.

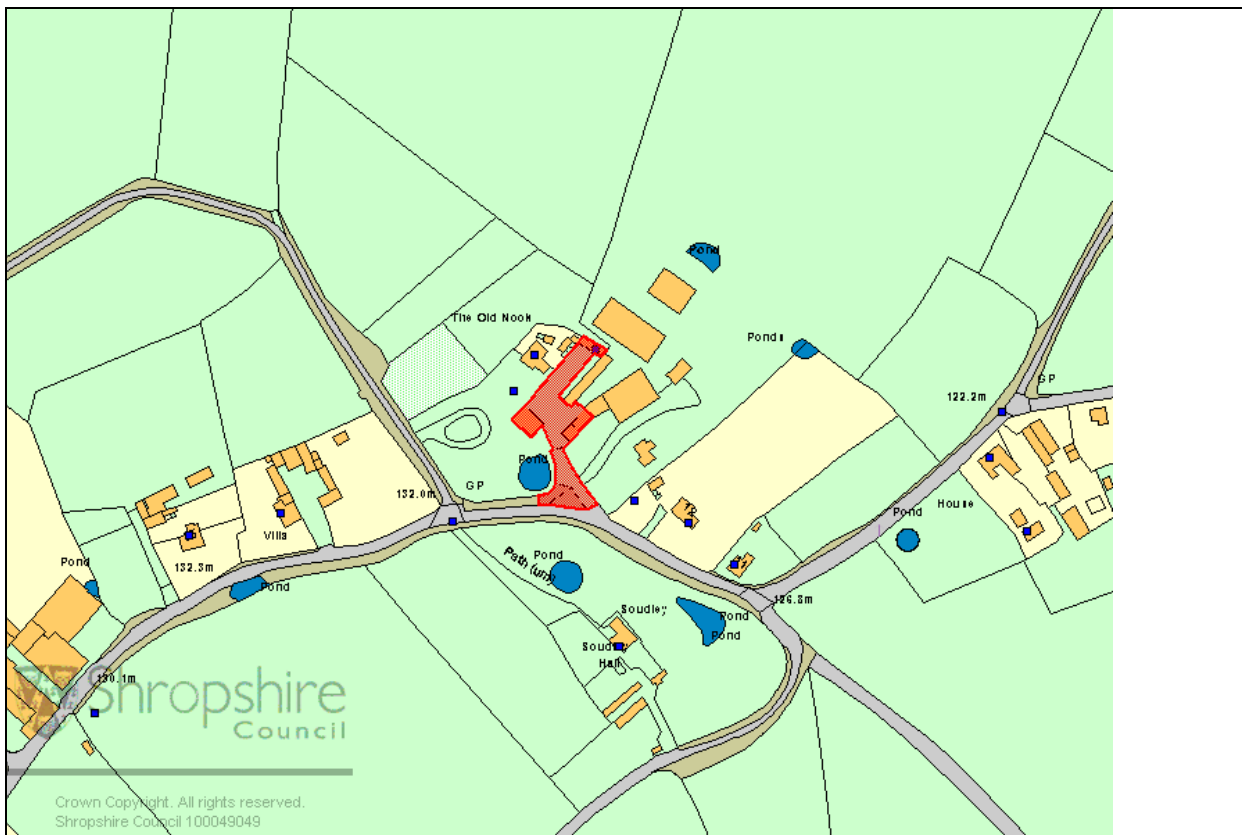
Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

6. No process or storage of materials nor the installation or storage of machinery or plant shall take place outside the building(s) hereby permitted.

Reason: To ensure that the proposed development will not prejudice either the enjoyment by neighbouring occupiers of their properties or the general appearance of the locality

7. Within one month of the date of this approval a scheme for the treatment of surface water run-off/drainage connected with cleaning operations on site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within 3 months of the approval of the details and shall be implemented in accordance with the approved details and shall be thereafter maintained at all times.

Reason: To ensure the proper drainage of the site and to minimise the risk of pollution



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