

Application Number 17/01053/FUL

Proposal Change of use to trailer rental, with associated offices, from storage and distribution - retrospective.

Site G O C Surfacing, 67 Lumb Lane, Audenshaw

Applicant AA and T Rentals Ltd

Recommendation Approve, subject to conditions

Reason for report A Speakers Panel decision is required because, in accordance with the council's constitution Councillor Oliver Ryan has objected on the grounds of disruption to residents and the inappropriate nature of the plans with regards to the local area, namely noise, traffic activity and pollution, and requested that the application be determined by Members of the Speakers Panel (Planning).

REPORT

1. APPLICATION DESCRIPTION

1.1 The application seeks full, retrospective planning permission for the change of use of the premises to a trailer rental business (sui generis use), with associated offices, from storage and distribution (use Class B8). Included in the application is the retention of a number of pre-fabricated buildings and storage trailers. The proposed hours of operation are from between 07.30 until 18.30, Monday to Friday, and 07.30 until 13.00 on Saturdays. No operation is proposed on Sundays and Bank Holidays.

2. SITE & SURROUNDINGS

2.1 The approximately 0.3ha site is generally level and for the most part surrounded by an approximately 2m high, close-barded timber fence. The site is located between the railway to the north and M60 motorway to the south at the southern end of Lumb Lane. Areas of woodland separate the site from both the railway and the motorway. Beyond the site Lumb Lane is severed by the motorway with a pedestrian subway underneath. On the opposite side of Lumb Lane there is a sliver of open land which narrows before the motorway bridges the railway. There are residential properties in Trafalgar Avenue, separated by a wooded area, more than 30m to the west of the site.

2.2 The only vehicular access to the site is from the north via Lumb Lane, which is a residential street. The nearest residential properties in this direction are in Slate Lane, off Lumb Lane, on the opposite side of the railway. Having relatively long back gardens, the houses in Slate Lane are more than 70m to the north.

3. RELEVANT PLANNING HISTORY

3.1 96/00287/FUL – redevelopment of land to provide storage facilities – approved 31.10.1996

4. RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated

4.2 Part 1 Policies

policy 1.1: Capturing Quality Jobs for Tameside People.
policy 1.3: Creating a Cleaner and Greener Environment.
policy 1.5: Following the Principles of Sustainable Development
policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.3 Part 2 Policies

E5: Local Employment Opportunities and Mixed Uses
E6: Detailed Design of Employment Developments.
T1: Highway Improvement and Traffic Management

4.4 Other Policies

Employment Land Supplementary Planning Document.

It is not considered there are any local finance considerations that are material to the application.

4.5 National Planning Policy Framework (NPPF)

Achieving sustainable development;
Section 1. Building a strong, competitive economy
Section 4. Promoting sustainable transport
Section 7. Requiring good design

4.6 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5. PUBLICITY CARRIED OUT

- 5.1 The application has been advertised by means of neighbour notification letters dispatched on 25 April 2018 to 21 addresses in Aldwyn Park Road and Lumb Lane.

6. RESPONSES FROM CONSULTEES

- 6.1 The Head of Environmental Services (Public Protection) has no objection to the proposal and suggested that condition a restricting the hours of operation be attached to any permission.
- 6.2 The Head of Environmental Services (Highways) has raised no objections to the proposal.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 42 objections have been received:

- 12 provided no address and 2 of these are anonymous
- 18 are from addresses in Lumb Lane; 2 of these being anonymous; 3 are from one household and 2 are from another;
- 7 are from addresses in Slate Lane and 2 were from the same household.
- 4 are from addresses in Aldwyn Park Road
- 1 is from an address in Elmfield Road.

7.2 The reasons given for objecting are:

- that the company are operating without the benefit of planning permission;
- illumination of the site in the evening causes disturbance to residents;
- the use is inappropriate in a residential area and has a negative impact on property values;
- being a residential area, the site is inappropriate for industrial or commercial use;
- the use of residential streets by HGVs causes a road safety hazard, including damage to parked cars, and causing congestion;
- that there are other, more suitable sites available to accommodate the use;
- the wear and tear to local roads caused by vibration and possible structural damage being caused to the canal bridge;
- disturbance to nature conservation with the canal used as a wildlife corridor;
- drivers of wagons are often speeding and seen using mobile phones;
- dirt and fumes from heavy vehicles polluting homes;
- the use is operating outside normal business hours causing disturbance in to the evening;
- and,
- the application submission is unsatisfactory and includes neither an environmental survey or a traffic survey.

8. ANALYSIS

8.1 The issue to be assessed in the determination of this planning application are:

- 1) The principle of development
- 2) The impact upon the residential amenity of nearby properties
- 3) The impact on the local highway network

9. PRINCIPLE OF DEVELOPMENT

9.1 A key theme of the UDP is that attracting new, quality jobs into the Borough and securing the future of major existing employers must continue to be the priority, to offset expected further losses in mature industries and to diversify opportunities for local people. Flexibility to accommodate local employment initiatives, will contribute to this priority. To this end, according to UDP policy 1.1:

9.2 To counteract a continuing decline in the Borough's established employment base and to increase the earnings potential of work in the area, measures will be taken to create and maintain a healthy and diverse local economy and to attract quality jobs. ... This will include ... facilitating the retention of indigenous and expanding businesses.

9.3 With this aim UDP policy E5 states that:

The Council will permit developments ... which contribute to innovation, growth and diversity in the economy and generate local employment opportunities in areas of the Borough outside the "strategic employment sites" and "established employment areas" ... This is subject to the nature of the employment activities and the layout and design of any scheme not having an adverse effect on the amenities of surrounding residential areas or creating traffic problems.

9.4 The operation supports 6 full-time jobs at the site and, whilst not in itself being labour-intensive, the proposal represents diversity in the local employment base and will support other employment-generating uses, both indigenous and others outside the borough. Accordingly, the proposal, on the unallocated site, can be considered acceptable and compliant with UDP policies 1.1 and E5, subject to appraisal of the likely impact on existing residential amenities and highways issues.

9.5 In this appraisal it is noteworthy that following the severance of Lumb Lane by the construction of the M60 motorway in the late 1990s the site was used by Murphy Ltd, as contractors for United Utilities, involving the storage and distribution drums of heavy duty cables. Latterly, the site was used by GOC Surfacing Ltd when lorries travelled to and from the site to collect ducts, bricks and other construction materials in connection with streetworks. In both cases, the collection or depositing of materials was restricted by a condition of the planning permission (see 3. RELEVANT PLANNING HISTORY) to between the hours of 06.00 and 19.00 any day.

10. RESIDENTIAL AMENITY

10.1 The nearest residential properties to the site are more than 30m to the west in Trafalgar Avenue and are separated by an area of woodland approximately 20m wide. Having been consulted on the application the Head of Environmental Services (Public Protection) has raised no objection to the proposal, subject to a condition restricting the hours of use, whereas there was none on the previous use, and so it is considered that the operations, including any illumination, within the site would not impact unduly on any existing residential amenities and the proposal is compliant with UDP policy E6 (d) and the core principles of the NPPF.

11. THE IMPACT ON THE LOCAL HIGHWAY NETWORK

11.1 The proposed use shares the characteristic of the use already authorised in that it involves large vehicles travelling to and from the site. Although previously the vehicles leaving the site would be fully laden and the hours of operation were less restricted than would now be the case.

11.2 According to the NPPF:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this instance the impact can be considered less severe than if the site were to revert to the less restricted, authorised use, and in the absence of any objection by the Head of Environmental Services (Highways), it is considered that the cumulative impact of the development would be less than severe and so acceptable and compliant with Section 4 of the NPPF and policies E6 (d) and T1 of the UDP.

12. OTHER ISSUES

- 12.1 The issue raised by objectors about a possible impact on property prices, is not a material consideration in determining the application and no evidence has been presented to indicate that the use is causing undue damage to the highway or compromising the structure of the canal bridge, nor has any objection been raised by the Head of Environmental Services (Highways) in this respect. Similarly, whether drivers of vehicles associated with the site are speeding and using mobile phones is not a material planning consideration.
- 12.2 Vehicles associated with the proposed use of the site passing over the canal bridge would have no more impact on any ecological value of the canal than would vehicles associated with any other use, and no evidence has been presented to indicate that this issue is a problem.
- 12.3 Whilst there may be other, more suitable sites available within the borough to accommodate the proposed use in consideration of the relevant issues the proposed use is found to be acceptable on the site.
- 12.4 It is recommended that any approval is conditional upon the hours of operation being restricted to within appropriate bounds. If the use is operated outside these limitations there will be provisions available to the council to take any action deemed necessary.

13. CONCLUSION

- 13.1 In conclusion, the proposal would support and facilitate the retention of an existing business within the borough without impinging unduly on any existing residential amenities or having any unduly detrimental impact on the highway and so, being considered compliant with Section 1 of the NPPF and policy 1.1 of the UDP, as well as other relevant policies, the recommendation is for approval.

14. RECOMMENDATION

Grant planning permission subject to the following condition:

1. The use hereby permitted shall not be operated on Sundays and Bank Holidays or outside the following times:

07.30am to 06.30pm, Mondays to Fridays; and
07.30am to 01.00pm on Saturdays.