

Application No: 12/2095C

Location: BETCHTON COTTAGE FARM, CAPPERS LANE, BETCHTON, CW11 2TW

Proposal: Extension of site area, construction of a hard standing and storage of recycled materials in skips or secure containers.

Applicant: Mr Tom Gardiner, William Beech skip Hire

Expiry Date: 01-Aug-2012

**SUMMARY RECOMMENDATION: Approve subject to conditions.**

**MAIN ISSUES:**

**Principle of the Development**

**Impact on Open Countryside**

**Amenity**

**REASON FOR REFERRAL**

The application has been referred to Southern Planning Committee because it is a departure from the development plan.

**DESCRIPTION AND SITE CONTEXT**

The application site comprises a small, rectangular parcel of land approximately 308sqm in size, situated at the north western end of the land currently used for the storage of skips, by William Beech Skip Hire. The site is well screened from the road by trees and hedgerows and is designated as being within the open countryside in the adopted local plan.

**DETAILS OF PROPOSAL**

The proposal is to extend the area for the storage of skips by approximately 10m at the north western end of the existing skip storage area. In addition permission is sought for the storage of recycled materials in skips and secure containers in an area of the south eastern part of the site which will be sited on new hardstanding.

The extended part of the site would be used for the storage of empty skips and the south eastern part would have skips and secure containers containing inert waste, waste wood, green waste and cardboard and plastic.

**RELEVANT HISTORY**

09/0259/FUL – 2009 Refusal for the retention of hardcore area for the storage of skips. Appeal allowed 2010.

08/2061/CPE – Certificate of lawful existing use for the operation of a skip hire business. Issued 2009.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Regional Spatial Strategy**

DP1 Spatial Principles

DP4 Making the Best Use of Existing Resources and Infrastructure

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

### **Congleton Local Plan 2005**

The site is not allocated in the Local Plan but the following policies apply:

PS8 Open Countryside

GR1 New Development

GR2 Design

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

NR1 Trees and Woodlands

SPD14 Trees and Development

## **CONSIDERATIONS (External to Planning)**

### **Environmental Protection:**

None received at the time of report writing.

### **Highways:**

I have concerns over the poor visibility at the exit to the site which is on a derestricted principal road. However, as the application does not involve the intensification of the use of this access, I have no grounds for objection.

## **VIEWS OF TOWN COUNCIL**

None received at the time of report writing.

## **OTHER REPRESENTATIONS**

Five objections have been received relating to this application expressing the following concerns:

- The site is very untidy
- Mud on the road caused by skip wagons
- Not appropriate for a green field area to be changed to waste recycling
- Activities of the skip wagons on the local lanes causes nuisance and danger to other road users
- Increase in noise pollution
- 'Shock waves' caused by the use of heavy machinery
- Loss of privacy
- Applicant operates outside the hours that are stated on the application form
- Waste will be stored where it should not be
- Proposal will worsen the current situation
- White ash pollution
- Site is not landscaped as it should be
- Loss of privacy
- Operation is better suited to an industrial estate
- Proposal will lead to access to Betchton Motors site (also in applicants ownership)
- Unfair business competition

## **OTHER MATERIAL CONSIDERATIONS**

### **Written Ministerial Statement: Planning for Growth (23<sup>rd</sup> March 2011)**

The Minister of State for Decentralisation issued this statement on 23<sup>rd</sup> March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, **economic** and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (i) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (ii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iii) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (iv) Ensure that they do not impose unnecessary burdens on development.*

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where Policies PS8 states, inter-alia that development will only be permitted if it is

for employment purposes in accordance with Policy E5. Policy E5 allows for the expansion or redevelopment of an existing business in the open countryside.

In 2009 the former Congleton Borough refused an application for the retention of an area of hardstanding used for the storage of skips. Subsequently an appeal was allowed. The Inspector concluded that the development was harmful to the character of the surrounding countryside but that the Regional Spatial Strategy and the local plan allow for exceptions to restrictions in the open countryside for existing businesses.

This application seeks to extend the hardstanding area by approximately 10m and the NPPF has now been introduced. This document, in paragraph 28 requires Local Planning Authorities to support the sustainable growth and expansion of all types of business in rural areas.

Taking in to account the issues discussed above, it is considered that the proposal is acceptable in principle.

### **Impact on the Open Countryside**

The proposal is for a small extension to the existing area used for the storage of skips and for the storage of some skips and secure containers containing recycled materials, within an area of the site currently used for the storage of empty skips.

Given that the extension to the site is a small area and is well screened from view, it is not considered that this would have a significant adverse impact on the openness or character of the open countryside.

The storage of recycled materials was not allowed by the previous appeal decision; however if it is considered that provided that it is restricted to the area indicated on the submitted plan, is restricted to being no greater than a height of 2.5m above ground level and a condition is imposed requiring a bund to be created on the southern boundary and on the boundary where the waste shed is sited, there would be no significant adverse impact on the openness or character of the open countryside.

### **Amenity**

The extension to the site would allow the storage of empty skips closer to the former Betchton Motors site and the dwelling to the rear of it; this is screened by a high leylandii hedge.

The occupiers of Betchton Manor have expressed several concerns, including a loss of privacy. However it is considered that this small extension for the storage of empty skips would not cause any significant loss of privacy to this property.

Concerns have been expressed about current issues with the site relating to noise, vibration and highway safety. The site has consent for skip storage, however the Supporting Statement has put forward the methods by which the applicant will mitigate any adverse impacts of the operation, these include noise and traffic issues. Should the application be approved, conditions should be imposed requiring compliance with the Dust Control and Mud/Debris Control methods listed in the Supporting Statement dated May 2012.

As discussed above a condition should be imposed requiring a bund to be created in order to screen the site, this will also have a positive impact on the amenity of neighbouring residential properties as it would also serve as a noise attenuation measure.

The application form states that the hours of operation would be 0800 to 1700 hours Monday to Friday, 0800 to 1500 hours on Saturday with no working on Sundays or Public Holidays. The restriction on the hours of operation would be of positive benefit to the neighbouring properties as the site currently operates outside of these hours and as such this should be imposed as a condition.

Subject to the imposition of the proposed conditions the proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

### **Highways**

The Strategic Highways Manager has expressed concerns about poor visibility at the exit to the site. However he has not put forward an objection as this already serves the existing business. A refusal on these grounds would therefore not be sustainable.

### **Landscape and Trees**

There is an existing Leylandii hedge to the west, a mature native species hedge to the north and an establishing hedge to the west on the field boundary. A post and rail fence is proposed 1m from the Leylandii hedge in order to protect it from damage. There are therefore no landscape or forestry concerns subject to retention and protection of the existing hedgerows. It is recommended that this is secured by condition.

### **CONCLUSIONS AND REASONS FOR THE DECISION**

The proposed development will enable the applicant to operate the existing business in a more efficient and safe way, which complies with the requirements of Policy E5 and paragraph 28 of the NPPF.

The development is acceptable in terms of impact on the open countryside, amenity and highway safety, subject to the recommended conditions.

The proposal is therefore recommended for approval.

**RECOMMENDATION:** Approve subject to the following conditions:

1. Time limit.
2. Compliance with the approved plans.
3. Recycled materials to be stored only in the area indicated on the approved plan.
4. Skips, both empty and those used for the storage of recycled waste, shall not exceed a height of 2.5m from ground level.
5. Green waste shall only be stored in fully enclosed containers.
6. Submission and implementation of a tree and hedgerow protection scheme.
7. Submission and implementation of details of the post and rail fence at the north western end of the site.
8. Submission and implementation of plans and details of bunding on the southern boundary and adjacent to the existing waste shed.

9. Implementation and compliance with the Dust Control measures listed in the Supporting Statement.
10. Implementation and compliance with Mud/Debris Control measures listed in the Supporting Statement.
11. Operation hours as follows:
  - 0800 to 1700 hours Monday to Friday
  - 0800 to 1500 hours Saturday
  - No working on Sundays or Public Holidays

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