

Application No: 12/3076C

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

Proposal: Extension of site area and construction of a hard standing for storage of skips.

Applicant: Tom Gardiner, William Beech Skip Hire Ltd

Expiry Date: 29-Nov-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.

**RELEVANT HISTORY**

10/2095C – 2012 Withdrawn application for extension of site area, construction of a hard standing and storage of recycled materials in skips or secure containers

10/0061C – Certificate of lawful existing use for skip hire business comprising the garaging of vehicles, storage of waste disposal skips and sorting of waste materials, Issued 2010

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 (March 2012)

### **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:**

This Division would like to see the hours of operation detailed within the application conditioned.

Concern is raised with regards to this application due to the extension of the site causing operations to come closer to residential properties where complaints have already been received. Discussions have been held with the operator that such actions would be advantageous to reduce any further complaints from local residents.

This Division therefore requires a noise mitigation scheme that will neighbouring occupants of the development do not suffer a substantial loss of amenity due to noise.

**Highways:**

The site access is on a fast section of the A533 and is not obvious to traffic or wide enough for a vehicle to leave the highway if another vehicle is approaching to exit from the site. However, in light of the application not giving rise to any intensification of usage, I have no reason to raise an objection.

**VIEWS OF TOWN COUNCIL**

None received at the time of report writing.

**OTHER REPRESENTATIONS**

One letter of objection has been received relating to this application expressing concerns regarding noise generation, loss of privacy, mud on the roads and the hours of operation at the site, they also state that the use is more suited to an industrial estate and is operating a waste transfer station without the required consent.

**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;*
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) 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);*
- (iv) 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;*
- (v) 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.

An application for the retention of an area of hardstanding used for the storage of skips was refused in 2009. An appeal was subsequently 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. In 2010 a Certificate of Lawful Existing Use was issued for the garaging of vehicles, storage of waste disposal skips and sorting of waste materials.

This application seeks to extend the hardstanding area by approximately 10m. The NPPF has now been introduced 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.

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.

### **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 noise generation and loss of privacy. However it is considered that this small extension for the storage of empty skips would not cause any significant loss of amenity to this property.

Concerns have been expressed about current issues with the site relating to noise, vibration and highway safety. Given that the site is already operating and this proposal is for a small extension to the storage area, it is not considered that there would be a significant increase in noise and vibration that would justify refusal of the application.

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 therefore acceptable in terms of impact on the open countryside, amenity and highway safety, subject to the recommended conditions. Although a departure from normal policy, it is not considered to be a significant departure due to the circumstances identified

The proposal is therefore recommended for approval.

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

1. Time limit.
2. Compliance with the approved plans.
3. Skips stored on the site shall not exceed a height of 2.5m from ground level.
4. Submission and implementation of a tree and hedgerow protection scheme.
5. Submission and implementation of details of the post and rail fence at the north western end of the site.

Application for Full Planning

**RECOMMENDATION:**



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