

Application No: 14/1779C

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

Proposal: Demolition of existing site buildings, construction of a purpose built waste reception building, relocation of site office portacabin, installation of two new messroom/toilet portacabins and installation of a weighbridge.

Applicant: Tom Gardiner, William Beech Skip Hire Ltd

Expiry Date: 03-Jul-2014

**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 Strategic Planning Board as the proposal involves a major waste application.

**DESCRIPTION AND SITE CONTEXT**

The application site comprises an 'L' shaped parcel of land situated on the south western side of Cappers Lane, Betchton. To the north is a former petrol station, a caravan storage facility and a residential property. To the south is open countryside and to the east is Betchton Cottage Farm. The site is well screened from the road by trees and hedgerows.

The site is an existing waste transfer station and skip hire business, operated by William Beech Skip Hire.

**DETAILS OF PROPOSAL**

This proposal is for the development of an existing waste transfer and skip hire business. It comprises the following elements:

- Demolition of existing waste shed and garage
- Extension of the site into the adjacent field to accommodate the new building and to allow for better vehicle movements within the site
- Relocation of site office portacabin
- Installation of two new messroom/toilet portacabins
- Installation of a weighbridge

## **RELEVANT HISTORY**

13/5299C     2014   Prior approval for agricultural building

12/3076C   2012 Approval for extension of site area and construction of hardstanding for the storage of skips

10/2095C     2012 Withdrawn application for extension of site area, construction of a hard standing and storage of recycled materials in skips or secure containers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

### **Local Policy**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the ***Cheshire East Local Plan Strategy – Submission Version*** are:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 11 Sustainable Management of Waste  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 5 Open Countryside  
EG 1 Economic Prosperity  
EG 2 Rural Economy  
EG 3 Existing and Allocated Employment Sites

The relevant policies saved in the **Cheshire Replacement Waste Local Plan and the Congleton Borough Local Plan First Review** are:

***Cheshire Replacement Waste Local Plan (CRWLP)***

Policy 1: Sustainable Waste Management  
Policy 2: The Need for Waste Management Facilities  
Policy 5: Other Site for Waste Management Facilities  
Policy 12: Impact of Development Proposals  
Policy 14: Landscape  
Policy 17: Natural Environment  
Policy 19: Agricultural Land Quality  
Policy 23: Noise  
Policy 24: Air Pollution; Air Emissions Including Dust  
Policy 25: Litter  
Policy 26: Odour  
Policy 27: Sustainable Transport of Waste  
Policy 28: Highways  
Policy 29: Hours of Operation

Policy 32: Reclamation

Policy 36: Design

***Adopted Congleton Borough Local Plan First Review 2005 (CBCLP)***

PS8: Open Countryside

GR1: General Requirements for New Development

GR4: Landscaping

GR6: Amenity and Health

GR7: Pollution

GR9: Accessibility, Servicing and Parking Provision

NR1: Trees and Woodlands

**Other Material Considerations**

The Revised EU Waste Framework Directive 2008 (rWFD)

Government Review of Waste Policy in England 2011 (WPR)

Waste Management Plan for England 2013 (WMP)

Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020

Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report ('Needs Assessment')

Consultation on Updated Planning Policy Statement 10

**CONSIDERATIONS (External to Planning)**

**Environmental Protection:**

Recommend conditions/informatives relating to pile foundations, noise generative works, dust control, hours of use and noise mitigation.

**Highways:**

No objection.

**VIEWS OF TOWN COUNCIL**

None received at the time of report writing.

**OTHER REPRESENTATIONS**

Representations have been received from the occupiers of Betchton Manor, the residential property to the north of the site. These express concerns about the following issues:

- Continuous high levels of noise due to not complying with hours of operation
- Industrialisation of the site which should be located in an industrial area
- Expansion of the business
- Indifferent attitude of the applicant to planning conditions
- Suitability of the applicant to operate any waste site
- Expansion and development on to green fields
- Unsuitability of the site for an industrial business

- Inadequacy of the noise assessment

## **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.

Policies PG 5 and EG 2 of the Cheshire East Development Strategy – Submission Version largely reflect the requirements of the policies in the Congleton Borough Local Plan.

This application includes an extension of the site to accommodate the larger building and to allow safer vehicle movements within the site. Cheshire Replacement Waste Local Plan Policy 5, stipulates that new development including extensions to existing sites that are not located on 'Preferred Sites' should demonstrate that the preferred sites are no longer available or are less suitable; would meet a specific requirement not provided for in the Preferred Sites; and is sequentially located. In this case however, whilst the applicant has not satisfied the requirements of this policy, the extension will form an integrated part of an existing waste transfer facility which contributes to a sustainable network of waste management facilities, and given the benefits to amenity brought about by more effective site management as a result of this scheme, this outweighs the policy conflict in this instance.

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 allowed 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. In 2012 a small extension to hardstanding on the site was allowed.

This application seeks to extend the south western end of the site where the existing building is situated and to demolish this building and replace it with a larger, purpose built building for the sorting of waste. In addition there will be a site office portacabin, 2 portacabins for messroom/toilets and the installation of a weighbridge. The NPPF 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 includes an extension to the site in order to accommodate a new purpose built building for the sorting of waste at this existing waste transfer station. The new building would be larger than the existing ones and would therefore have some impact on the openness of

the countryside. The existing open sided building is 5m wide to the rear, 10m wide at the front and is 11m deep and the barn style building is 11m wide and 16m deep. The new building would measure 18.288m x 26.m which represents an increase in the amount of space occupied by built form but it is considered not so large an increase as to have a significant adverse impact on the openness of the countryside.

It is acknowledged that the extension to the site and the erection of the new building would have some adverse impact on the open countryside. However this adverse impact is limited and Officers consider that the benefit that would be gained by having a purpose built building such as better noise insulation and limit dust generation, would outweigh the limited adverse impact identified.

The proposal includes the erection of an acoustic fence on the boundary to the south west of the site. This would be between 2m and 3m in height. Whilst this would have a limited adverse impact on the openness of the countryside, again, the benefits of reducing noise pollution would outweigh this limited impact. However, a condition should be imposed requiring full details of the fencing to be submitted and planting of a native species hedgerow adjacent to the fencing in order to screen it. The fence and hedgerow would also screen the site which is used for the storage of skips and that would be of benefit to the character and appearance of this rural area. The land is in the ownership of the applicant, therefore this condition would be enforceable.

## **Amenity**

This site has a history of problems, in particular noise generation to the detriment of the neighbouring residential property. The application is accompanied by a Noise Assessment and an additional supplement to that Noise Assessment that makes recommendations in relation to noise generation from the site. The erection of the new building and acoustic fencing, would serve to reduce noise from the site to the benefit of local residents. This is due to one of the current buildings being open sided and the new building would be of a more solid construction and having a roller shutter door which would provide better noise insulation. In addition a condition requiring tipping of waste to take place within the building.

The application also puts forward hours of operation as follows:

Monday to Friday    8am to 5pm  
Saturday                8am to 3pm  
No working on Sundays and Public Holidays

A condition should be imposed to restrict the applicant to these hours of operation. In doing this the Local Planning Authority will have greater control over operations at the site.

In addition, conditions should be imposed relating to any piling operations, dust control, provision of the acoustic fence and requiring all tipping of waste to be undertaken within the new building.

It is considered that with the imposition of the conditions detailed above, the proposal would be acceptable in terms of amenity and in compliance with Policy GR6 of the adopted local plan, Policy 23 of the waste local plan and Policy SE 12 of the emerging local plan.

## Highways

The Strategic Highways Manager (SHM) has assessed the application and concludes that the proposal would not increase traffic generation from the site and uses an access that has operated safely for many years. In addition the site has a policy to manage the cleanliness of the site which would protect the public highway from dust and debris.

This is an existing waste transfer and skip hire business operating from the site, therefore a refusal on highway safety grounds could not be sustained. The proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan and Policy 28 of the waste local plan.

## Landscape and Trees

There is a mature Oak tree on the site frontage. Due to existing hard standing it is not anticipated that there would be any conflict with this tree. To accommodate the new building, the development would require the removal of some Leylandii and immature Pine trees, together with a length of hedge. It is not considered that these losses would so great as to provide a barrier to development and replacement hedge planting is proposed. This should be 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 of the adopted local plan, Policy EG 2 of the emerging local plan and paragraph 28 of the NPPF.

The development would have some limited adverse impact on the openness of the countryside. However this is outweighed by the benefits that would be gained in terms of the residential amenity of the neighbouring property.

The proposal is acceptable in terms of design, highway safety, trees and landscape and ecology.

The development is not considered to be a significant departure due to the issues 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 of full details of the acoustic fencing. Installation and maintenance of the acoustic fencing.
5. Submission of a landscaping scheme including hedgerow details adjacent to the acoustic fencing.

6. Implementation of the landscaping scheme.
7. All piling operations shall take place between 9am and 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or Public Holidays. In addition, submission of a piling method statement
8. Submission of a scheme to minimise dust emissions during the demolition/construction stage of the works.
9. Hours of operation of the site restricted to 8am to 5pm Monday to Friday, 8am to 2pm Saturday and no working on Sundays or Public Holidays.
10. All tipping of waste shall take place within the new building.
11. Implementation of the Noise Action Plan contained within the noise assessment and supplement.



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