

Application No: 14/5111C

Location: VACANT SITE FORMERLY OCCUPIED BY BOALLOY , THIRD AVENUE, RADNOR PARK INDUSTRIAL ESTATE, CONGLETON, CW12 4XE

Proposal: Construction of two industrial buildings, hardstanding, external bunkers, and car parking, on vacant industrial land:
1) Processing Building approx. 2,000m²
2) Storage Building approx 900m²

Applicant: Mr M Dines, Xafinity Pension Trustees Ltd

Expiry Date: 10-Apr-2015

SUMMARY:

The development site lies within the Settlement Zone Line of Congleton, where there is a presumption in favour of development

The development would comprise a form of environmental, economic and socially sustainable development in accordance with the requirements of the NPPF.

The design and scale of the buildings are considered to be acceptable.

The impact on residential amenity and highway safety is acceptable subject to conditions.

The economic benefits of the scheme comply with the guidance set out in the National Planning Policy Framework.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

This application proposes the erection of 2 buildings, one processing building of 2,000sqm with office and welfare facilities and one storage building of 900sqm. Access for heavy goods vehicles will be taken from 3rd Avenue with visitors and staff using the access from 1st Avenue.

The development is for a business that takes delivery of scrap metals which are then tipped into bunkers in the processing building, where they would be sorted manually and then taken off site - as such it would create a waste transfer station.

SITE DESCRIPTION

The application site comprises vacant land within an existing industrial estate to the east of Back Lane, Congleton. The surrounding development is industrial, with residential dwellings to the west. There is existing access to the site from 3rd Avenue and 1st Avenue. The site forms part of a larger site that was formerly used for storage and the parking of heavy goods vehicle trailers.

The site is designated as being within the settlement zone line of Congleton.

RELEVANT HISTORY

No relevant planning history relating to this site.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance is paragraph 17.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the Settlement Zone Line of Congleton.

The relevant Saved Policies in the adopted Congleton Borough Local Plan First Review 2005 are:

PS4 Towns
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR7 Pollution
GR9 Parking and Access
GR10 Highways
E3 Employment Development in Towns

The relevant policies in the Cheshire Replacement Waste Local Plan are:

Policy 1: Sustainable Waste Management
Policy 2: The Need for Waste Management Facilities
Policy 4: Preferred Sites for Waste Management Facilities
Policy 5: Other Sites for Waste Management Facilities

Policy 12:	Impact of Development Proposals
Policy 14:	Landscape
Policy 17:	Natural Environment
Policy 18:	Water Resource Protection and Flood Risk
Policy 23:	Noise
Policy 24:	Air Pollution; Air Emissions Including Dust
Policy 25:	Litter
Policy 26:	Odour
Policy 27:	Sustainable Transportation of Waste
Policy 28:	Highways
Policy 29:	Hours of Operation
Policy 32:	Reclamation
Policy 36:	Design

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

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 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

CONSULTATIONS:

Highways:

No objection.

Environmental Protection:

No objection subject to conditions/informatives relating to noise, lighting, hours of operation and construction and contaminated land.

Environment Agency:

No objection subject to a condition relating to foul and surface water disposal.

Flood Risk Manager:

No objection.

United Utilities:

No objection subject to a condition relating to foul and surface water disposal.

Congleton Town Council:

No objections.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice was posted outside the site.

At the time of report writing three representations have been received expressing concerns over debris on the road, vehicle movements, and noise and pollution. These can be viewed on the Council website.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The National Planning Policy Framework states the following:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking.*

For **decision taking** this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole; or*
 - *specific policies in this framework indicate development should be restricted*

The site is designated as being within Settlement Zone Line of Congleton and as such there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies of the local plan.

This proposal is for industrial development on an existing industrial estate and paragraph 19 of the NPPF states the following:

“The Government is committed to ensuring that the planning system does everything it can to support economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

The development would create 20 jobs in the local area and therefore would contribute to economic growth.

The proposal is therefore considered to be acceptable in principle.

Sustainability

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

***an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*

***an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

***a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL ROLE

Ecology

The development is proposed on an existing industrial site where there would be no ecological implications.

Layout and Scale

The proposal is for two buildings on the site. The processing building would be 26m x 80m with an eaves height of 11.5m and a ridge height of 13.5m. The storage building would be 26m x 35m with an eaves height of 7.5m and a ridge height of 9.5m. These are large buildings, especially the height of the processing building; however this is required in order to allow HGV's to reverse in and tip their loads within the building.

In terms of layout the proposed buildings would be sited in such a way as to facilitate safe access and to minimise the impact of operation on nearby properties. External bunkers would be sited adjacent to existing industrial buildings.

Given the nature of the surrounding development and the fact that the site is within an existing industrial estate, it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

Appearance

The buildings would be typical portal framed industrial units with profiled metal sheet wall cladding and pitched roof sheeting, with a masonry base wall. This would be in keeping with industrial buildings on the site.

The proposal is therefore considered to be acceptable in design terms and in accordance with Policy GR2 (Design) of the adopted local plan.

Highways

The application is accompanied by a Traffic Statement. The Traffic Statement concludes that the access is from an existing industrial estate and that the number of vehicle movements generated from the site would have a negligible impact on the operating capacity of local roads and junctions and on road safety in the area.

The Head of Strategic Infrastructure has assessed the Traffic Statement and is satisfied with its conclusions and therefore raises no objections to the application.

The proposal is therefore considered to be in compliance with Policy GR9 (Access & Parking) of the adopted local plan.

ECONOMIC ROLE

The Framework includes a strong presumption in favour of economic growth.

The proposal would generate economic benefits by virtue of employment created by operations on the site and during construction.

SOCIAL ROLE

Amenity

The site is within an existing industrial estate but there are residential properties to the west of the site. As part of the supporting documentation a Noise Impact Assessment has been submitted and this has been assessed by Environmental Protection Officers who are satisfied that noise can be controlled subject to conditions that should be imposed if planning permission is granted. These include compliance with the mitigation measures proposed in the Noise Impact Assessment, a Post Completion Noise Validation Test, restricted hours of operation, unloading of HGV's only within the processing building and restricted hours for any piling or floor floating.

In addition conditions should be imposed relating to contaminated land and external lighting.

Subject to the recommended conditions, the proposal is therefore considered to be in compliance with Policies GR6 (Amenity & Health) and GR7 (Pollution) of the adopted local plan and acceptable in terms of amenity.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. These issues are summarised in the representations relate to vehicle movements and noise generation. In particular one objection puts forward the argument that there should be no further development on the site until the proposed link road has been constructed. However, given the number of vehicles using an existing access road, this would not be reasonable. Noise generation is to be controlled by condition.

Conclusion – The Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The development site is within the Settlement Zone Line of Congleton on an existing industrial estate where there is a presumption in favour of development.

The proposal would have economic benefits in terms of jobs on the site and in construction and spending within the construction industry supply chain.

The development is considered to represent environmental, economic and social sustainable development in accordance with the requirements of the NPPF.

The impact of any potential noise is capable of being mitigated subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials to be as detailed in the application**
- 4. Submission of details of foul and surface water drainage**
- 5. Unloading of heavy goods vehicles only within the processing building**
- 6. Hours of operation, including loading and unloading of vehicles restricted to 7am to 7pm Monday to Friday, 8am to 2pm Saturday with no working on Sundays or Public Holidays.**
- 7. Compliance with the mitigation measures in the Noise Impact Assessment**
- 8. Within 1 month of the development coming into use the submission of a Sound Attenuation Validation Test being completed and the results submitted to the LPA. Should specified noise levels have not been achieved a further scheme of works shall be submitted**
- 9. An Operational Noise Management Plan/Scheme shall be available on site for inspection upon request by the LPA.**
- 10. Submission of details of external lighting**

11. **Submission of details of any piling**
12. **Submission of details of floor floating**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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