

ITEM 3

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| Application Reference | DC/068948 |
| Location: | Unit 24 Adswood Industrial Estate Adswood Road Adswood Stockport SK3 8LF |
| PROPOSAL: | Continued use of the site as a transfer station for inert and non-inert waste (change of use for a temporary period permitted by DC/011898 and timeframe for use extended by DC/028768) for a further temporary time period of 5 years (Variation of condition 1 of DC028768). |
| Type Of Application: | Variation Of Conditions |
| Registration Date: | 20.03.2018 |
| Expiry Date: | 19.06.2018 |
| Case Officer: | Pippa Brown |
| Applicant: | Cheadle Skip Hire Ltd |
| Agent: | Oaktree Environmental Ltd. |

DELEGATION/COMMITTEE STATUS

Central Stockport Area Committee - called up by Cllr Harding.

DESCRIPTION OF DEVELOPMENT

This application submitted under Section 73 seeks to vary the time limit condition (condition 1 of planning permission DC/028768) to allow for the continued use of the site as a transfer station for inert and non-inert waste for a further temporary period. The change of use for a temporary period was originally permitted under application reference DC/011898. A further permission was granted for a temporary consent in 2008, reference DC/028768.

SITE AND SURROUNDINGS

The site is located within a predominantly residential area and is identified as a housing site on the save UDP Review proposals map. The site is located within Adswood Industrial Estate, an employment complex bounded by Adswood Road to the south east and the railway line to the north east. Beyond the railway line are residential properties in Sandpiper Drive and Pintail Avenue. To the immediate north is a vacant former employment site with an extant outline permission for flats (DC060605). The application site is located to the northern end of the Industrial Estate and comprises a large semi cylindrical building with an open yard in front primarily enclosed by a 3m high fence.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan includes:-

- Policies set out in the Stockport Unitary Development Plan Review (SUDP) adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (CS) adopted 17th March 2011.

N.B. Due weight should be given to relevant SUDP and CS policies according to their degree of consistency with the National Planning Policy Framework ('NPPF') issued on 27th March 2012 (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given); and how the policies are expected to be applied is outlined within the Planning Practice Guidance ('PPG') launched on 6th March 2014.

Saved policies of the SUDP Review

HP1.1 HOUSING LAND ALLOCATIONS

CDH1.2 NON RESIDENTIAL DEVELOPMENT IN PREDOMINANTLY RESIDENTIAL AREAS

MW1.3 MINERAL AND WASTE SITES: SCHEMES OF WORKING, RESTORATION AND AFTERCARE

LDF Core Strategy/Development Management policies

SIE-1 'Quality Places'

SIE-3 'Protecting, Safeguarding and Enhancing the Environment'

T-1 'Transport and Development'

T-2 'Parking in Developments'

T-3 'Safety and Capacity on the Highway Network'

National Planning Policy Framework Conformity

The Planning Advisory Services' National Planning Policy Framework Compatibility Self-Assessment Checklist has been undertaken on Stockport's adopted Core Strategy. This document assesses the conformity of Stockport's adopted Core Strategy with the more recently published NPPF and takes account of saved policies from the Unitary Development Plan where applicable. No significant differences were identified.

Supplementary Planning Guidance

Supplementary Planning Guidance (Saved SPG's & SPD's) does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

National Planning Policy Framework

Paragraph 6 states: *"The purpose of the planning system is to contribute to the achievement of sustainable development"*.

Paragraph 7 states: *"There are three dimensions to sustainable development: economic, social and environmental"*.

Paragraph 11 states: *"Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise"*.

Paragraph 13 states: *"The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications"*

Paragraph 14 states: *"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 (unless material considerations indicate otherwise):

- *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 permission unless:*
 - i) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - ii) *specific policies in this Framework indicate development should be restricted"*.

Paragraph 17 states: *"Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

- *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*
- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*
- *contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*
- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*
- *promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*
- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*
- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”.*

Paragraph 187 states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”*.

Paragraph 196 states *“The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions”*.

Paragraph 197 states *“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development”*.

Paragraph 215 states *“.....due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”*.

RELEVANT PLANNING HISTORY

DC/011898

Address: Unit 24 Adswood Road Industrial Estate Adswood Road Stockport

Application Type: FUL

Proposal: Change of use for waste management site to be used as a transfer station for inert and non-inert waste.

Decision: GTD

Decision Date: 2003-09-16

DC/028768

Address: Unit 24 Adswood Industrial Estate Adswood Road Adswood Stockport SK3 8LF

Application Type: FUL

Proposal: Continued use of site as a transfer station for inert and non-inert waste in contravention of condition 1 of planning permission DC011898.

Decision: GTD

Decision Date: 2008-04-08

NEIGHBOUR'S VIEWS

The owner/occupiers of 2 neighbouring properties have been notified by letter and the proposal has been advertised by way of site and press notices as it is a waste development.

To date 1 letter of objection has been received, the key issues raised include:

- Contribution to dust and dirt issues in the area.
- The company appears to have extended into unit 22 of the estate without planning consent.

CONSULTEE RESPONSES

GM Waste

The applicant is seeking to further extend the temporary planning permission for an additional period of 10 years. As you will be aware, the original consent, ref. DC/011898, was granted in 2003 for a temporary period of 3 years, the reason given for the temporary nature of the permission being; *“so the use can be reviewed at the expiration of the period of permission in the light of experience of its operation and also on the basis that the use may be incompatible with the Council's long term objective to seek residential development on adjacent land.”* A further temporary period of 10 years was granted in 2008, the reason for the temporary permission being *“In order that the continuation of the use can be reviewed at the expiration of the period of the permission, having regard to the amenities of the locality and having regard to the allocation of this land within policy H1.1 of the Stockport Unitary Development Plan Review.”*

Given that the application site is allocated for housing, another temporary permission for the waste use on the site would seem to be appropriate. It is worth noting that sites with planning permission for waste management purposes are protected to continue in the same use, by Policy 12 of the Waste Plan (2012) which states:

“Applications for non-waste uses on sites with a permitted waste use will be permitted where it is demonstrated (by the applicant) that there is no longer a need for the facility, that the capacity will be met elsewhere in Greater Manchester, or that there is an overriding need for the non-waste development in that location.”

Should this site therefore gain a further permission for waste management, should it be needed for a non-waste uses during the period of the permission, the applicant for the non-waste use would need to meet the requirements of Policy 12.

Environment Agency

Awaited - to be reported verbally.

Planning Policy

This site is currently allocated for housing on the adopted UDP Proposals Map. The Council is in the process of preparing a new Local Plan which will replace the UDP Proposals Map, saved policies, and Core Strategy. Given the need for housing land in Stockport, a longer term temporary permission may unreasonably prevent the redevelopment of the wider allocation, including this site, for housing during the proposed plan period. A 5 year permission would allow flexibility for the site to continue its current use and to be considered as a housing allocation in the emerging

Local Plan. Therefore the approval of a temporary permission is support, but it is requested that a 5 year, rather than 10 year limitation is sought.

Highways

The site was granted temporary permission for use as a Waste Transfer Station in 2003, subsequently extended for a further 10 years in 2008.

I see no highway based reason to oppose an extension of the time limit for the continued use of this site.

I do however note that an access to the land was formed off Adswold Road about four year ago (sometime between Aug12 and Oct14) and as far as I am aware permission for such does not exist. Whether it would be expedient to pursue this I am open to advice but as far as I am aware they have been no adverse safety factors arising from its use in recent years.

Recommendation: No objections.

Environmental Health (Noise)

Verbal – no objection.

Environmental Health (Air)

Awaited - to be reported verbally.

ANALYSIS

Planning permission DC028768 (the parent permission) granted consent for:

Continued use of the site as a waste transfer station for inert and non-inert waste in contravention of condition 1 of planning permission DC011898.

Condition 1 of the parent consent related to the timescale the use could remain operational on the site. The wording of the condition and reason follows:

Condition

This permission is for a limited period only and the use hereby permitted shall be discontinued on or before 27th March 2018 and the site restored in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the expiration of this period.

Reason

In order that the continuation of the use can be reviewed at the expiration of the period of the permission, having regard to the amenities of the locality and having regard to the allocation of this land within policy H1.1 of the Stockport Unitary Development Plan Review.

The current application was submitted prior to the expiration of this period.

The application site is located on an industrial estate, within a predominantly residential area. The key change within the immediate area in the time period since the parent permission (DC028768) was granted is that outline permission has been granted for flats on the adjacent site to the north – DC060605, and from a policy perspective the Core Strategy DPD was adopted in 2011.

One objection has been received from a local resident citing issues regarding the site's contribution to dust and dirt issues in the area, and also indicating that the company appears to have extended into unit 22 of the estate without the benefit of planning permission. The latter matter is not relevant to the current application, however the matter has been referred on to Planning Enforcement to investigate.

In respect amenity, Environmental Health have been consulted and raise no objection to the continued temporary use of the site as a waste transfer station from a noise perspective. It should be noted that the waste use was taken into account in the assessment of the residential outline permission DC060605 on the neighbouring site. Regarding air quality, comments from EHO are awaited. It should be noted that details were agreed by condition following the granting of the parent permission DC028768, and a condition referencing these approved details could be appended to the decision, should it be granted. Comments are also awaited from the Environment Agency, and it should be noted that the EA raised no objection in relation to the granting of the parent permission, DC028768.

The Highways Engineer also raises no objection to the continued use, but has noted that there is now an unauthorised access from Adswold Rd into the site which appears to have been constructed between 2012 and 2014. This is a matter outside this application, and will also be referred to Planning Enforcement for investigation.

The site remains part of a wider allocation for housing development (saved UDP Review policy HP1.1). The Council is in the process of preparing a new Local Plan which will replace the UDP Proposals Map, saved policies, and Core Strategy DPD. Given the need for housing land in Stockport, a permanent or long term temporary permission for the waste facility may prejudice potential redevelopment of the wider allocation, including this site, for housing during the proposed plan period. This is particularly pertinent given the GM Waste comments, which support the use but note that sites with planning permission for waste management purposes are protected to continue in the same use, by Policy 12 of the Waste Plan (2012), which states:

“Applications for non-waste uses on sites with a permitted waste use will be permitted where it is demonstrated (by the applicant) that there is no longer a need for the facility, that the capacity will be met elsewhere in Greater Manchester, or that there is an overriding need for the non-waste development in that location.”

So should this site therefore gain a further permission for waste management, should it be needed for a non-waste uses during the period of the permission, the applicant for the non-waste use would need to meet the requirements of Policy 12.

Taking into account the current housing allocation, the current industrial nature of the immediate area, the early stage that the Council is at in respect of the preparation of the Local Plan, and policy 12 of the GM Waste Plan; it is considered that a variation to extend the use could be supported, but that this would need to be temporary and for a short to medium term timescale i.e. 5 years rather than the 10 years applied for.

This would allow the applicant to continue the use whilst not prejudicing future plans for the site/ area in the longer term. This would not prohibit the applicant applying for a further variation at a later date, but would allow the continued use to be reviewed at expiration, taking into account the current policy position as well as amenity.

Summary - 'Sustainable Development'

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. Paragraph 7 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 indicates that these should be sought jointly and simultaneously through the planning system.

Overall this Section 73 application accords with the prevailing policies of the Development Plan and satisfies the requirements of the NPPF including the six tests for conditions identified by paragraph 206. Given there are no material considerations to suggest otherwise, it is recommended that the condition is varied as follows:

Condition 1

This permission is for a limited period only and the use hereby permitted shall be discontinued on or before 27th March 2023 and the site restored in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the expiration of this period.

Reason

In order that the continuation of the use can be reviewed at the expiration of the period of the permission, having regard to the amenities of the locality and having regard to the allocation of this land within saved policy H1.1 of the Stockport Unitary Development Plan Review.

Conclusion/Reasons

In considering the planning merits against the NPPF as a whole the proposal represents sustainable development; Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application be granted subject to conditional control.

RECOMMENDATION

It is recommended that Central Stockport Area Committee are minded to approve the application, subject to the Environment Agency and Environmental Health (Air) raising no objection.