

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
15th July 2014

Agenda item 15

Application ref: 13/00056/207C2

Land at Doddlespool, Main Road, Betley

Since the preparation of the agenda report a meeting has been held between officers and the owner. The applicant has detailed the following:-

- The amount of hardcore that has been imported onto the site to date is likely to be approximately 5000 tonnes which amounts to 250 lorry loads.
- A further 1000/ 2000 tonnes (approximately 100 lorry loads) is required to complete a hardstanding required as part of the irrigation pumping system for the agricultural business.
- The constructed pool has resulted in approximately 9000 tonnes of material being excavated.
- 4000 tonnes of soil has been exported off the site to date with a further 5000 tonnes remaining (250 lorry loads).

The applicant has suggested that the following restrictions could be imposed to minimise the impact on residential amenity levels;

- Hours of operation – 8am to 4pm weekdays only
- Appropriate surfacing for the start of the track next to neighbouring dwellings
- Road sweeping already being undertaken weekly
- Number of vehicles restricted daily (but this is not ideal).

The applicant still maintains that he wishes and is prepared to submit a planning application to regularise the breach of planning control. However, this will not be received by the 15th July 2014.

Your officers' comments

The owner has demonstrated a willingness to submit a planning application to regularise the unauthorised development and to accept controls over the development. The recommendation in the main agenda report was challenging (with respect to the date of submission) and following the meeting it is considered that a new date (for submission of the application) of the 31st July 2014 is now appropriate (to allow time for the preparation of the required plans and volume and vehicle movement calculations).

The applicant details that all hardcore importation onto the site will be completed by the end of August 2014. As indicated in the main report your officers are satisfied that this importation is necessary for the agricultural use of the site.

It is considered that the restriction on the hours of operation would be appropriate and would meet the guidance for conditions as detailed in paragraph 206 of the NPPF. Similarly the requirement to undertake the sweeping of Main Road is also considered an appropriate matter to address through condition. Limiting the number of vehicles per day in that it simply extends the period of time over which the operation will take place is accordingly not recommended.

The surfacing of the section of the trackway close to the residential properties may be appropriate but by addressing the existing issue of noise and vibration from lorries hitting pot holes an issue of speeding vehicles could however be created if the trackway is surfaced more appropriately.

It has been agreed by the owner that the industrial skips, portacabin and fuel tank will be removed by the 11th July 2014. The owner has detailed that the machinery is not permanently left on the site due to security issues.

RECOMMENDATION (A), as set out within the main agenda report requires amendment and now reads as follows

(A) Subject to

- 1) the industrial skips, portacabin and fuel tank having been removed (and not brought back)**
- 2) the owner submitting a full planning application by the 31st July 2014 for the engineering works in the form of the construction of a pool, the formation of an access track and the depositing and removal of soil, and**
- 3) appropriate restrictions as detailed above (relating to hours of operation, road sweeping) being complied with from now on up to the determination of the application,**

the Council should take no formal action at this time.

Recommendation B as set out within the main agenda report requires amendment and now reads as follows

Should

- 1) either a full planning application not be received by 31st July 2014**
- 2) or the industrial skips, portacabin and fuel tank either not have been removed or be brought back onto the site, or**
- 3) the interim restrictions detailed in 3) above not be complied with**

having regard to the provisions of the development plan and to all other material considerations, the Head of Central Services be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the following;

- a. Removal of the industrial skips, fuel tank, machinery and a portacabin within one month from the date of the notice, and**
- b. Appropriate restrictions on the vehicle movements to and from the site to limit the impact on highway safety and residential amenity levels.**
- c. All activity associated with the engineering works, i.e. the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas shall cease after a period of no more than 3 years.**
- d. No soil shall be imported onto the site**