

Application No: 11/4242W

Location: CHESHIRE EAST COUNCIL, LONDON ROAD, LYME GREEN, SK11 0JX

Proposal: Works Associated with the Construction and Operation of a Waste Transfer Station

Applicant: Cheshire East Council

Expiry Date: 19-Jan-2012

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

- Principle of the Development
- Green Belt
- Environmental Protection
- Impacts on Local Amenity
- Heritage
- Impacts on Highway Network
- Landscape and Visual Amenity
- Ecology

REASON FOR REPORT

This is a major waste development in the Green Belt and constitutes a departure from the Development Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site is situated within the existing Lyme Green Highways Depot which is located off London Road (A523) approximately 2.5km south of Macclesfield town centre. It lies on the southern boundary of the depot site, positioned to the west of the existing salt barn and to the south east of the existing Council workshops.

The highways depot lies adjacent to the southern settlement boundary of Macclesfield, separated by the Macclesfield Canal. A number of large commercial and retail units comprising the Lyme Green Business Park back onto the Macclesfield Canal and are visible from the highways depot site. To the south and west of the depot are agricultural fields contained by the railway line to the west and Gaw End Lane to the south. The small settlement of Lyme Green and the A523 London Road are located to the east. Immediately adjacent to the north eastern boundary of the site is a petrol station and small number of car related services.

The highways depot site sits on the northern edge of gently undulating agricultural landscape at an elevation of approximately 165m AOD and gently slopes down to the canal which lies at

160m AOD. In the surrounding area, land rises to the elevations of 320m AOD at Croker Hill and Tegs Nose approximately 3km east of the site, and rises to above 170m AOD approximately 1km west of the site at Danes Moss landfill.

The 2.02ha existing highways depot site comprises of an area of tarmacadam hardstanding encased by a 2.3m high wooden panelled fence which houses a number of industrial style buildings of various designs. Prominent buildings on the site include the office building and road salt storage barn. In addition, the depot is used for the storage of highway maintenance vehicles, and used by sub-contractors for a range of storage, transportation and general maintenance uses.

Access to the site is taken from the existing one way vehicular access onto the A523 which also includes a pedestrian route into the site. Public footpath 46 runs along the northern towpath of Macclesfield Canal, which is accessible from the road bridge on London Road.

The closest residential properties are those located along London Road which is approximately 150m east of the application site, whilst those further east at Lyme Green are approximately 200m from the depot boundary. Properties on Gaw End Lane to the south lie approximately 150m from the site.

The highways depot is located within the Green Belt as defined in the Macclesfield Local Plan 2004 Proposals Map, albeit lying on its northern boundary adjacent to the settlement of Macclesfield. It also lies within an Area of Special County Value (ASCV). Macclesfield Canal is a Conservation Area and Site of Nature Conservation Importance. The Danes Moss SSSI nature reserve is located approximately 1km to the south west of the site beyond the railway line.

DETAILS OF PROPOSAL

This is a partially retrospective application for the development of a new waste transfer building (WTB) together with new hardstanding and landscaping.

The WTB measures 30m by 30m, with a height of 11.8m to the highest ridge (apex) and would provide a gross floor area of 900sqm for the temporary storage of dry recycled waste. The building is a 'Rubb' structure comprising of a steel portal frame, incorporating a green coloured polyester fabric which sits on concrete foundations with an asphalt floor.

Recent ground excavation works have been undertaken which will enable the WTB to sit 1.6m below existing ground levels in the north and 3.6m in the south to reflect existing site topography. This is supported by a 3-3.75m retaining wall wrapping around the south, east and west of the building, whilst a concrete apron approximately 17m by 30m is proposed to the west of the WTB.

Four roller shutter door openings and two pedestrian doors are proposed within the building. Two external lights are proposed over the roller shutter doors to provide light in winter, whilst a ventilation system is proposed inside the building. Landscape planting is proposed on the southern boundary and south west corner to provide an element of visual screening for sensitive receptors.

The WTB would enable the temporary daily storage of dry recycled waste collected by Council Refuse Collection Vehicles (RCV) as part of the borough wide 'silver bin' collections. Recycled waste is collected from households, offices and small traders in the Macclesfield area and comprises of dry recycled waste such as newspapers, cardboard, paper, glass, can, and mixed plastics. No green waste or food waste would be received at the site. Waste delivered to the site by RCVs would be tipped within the building and then stockpiled in the relevant bays by two wheeled loaders. Bulk collection HGVs would be loaded within the building by a hydraulic handling machine for onwards transportation to the materials recycling facility at Shotton, Deeside.

The proposed hours of operation are 0700 -1900 hours Monday to Friday; 0700-1230 Saturday, with no working on Sundays or Bank holidays.

The WTB would have a maximum throughput of 75,000 tonnes per annum with refuse collection vehicles (RCVs) each undertaking up to three deliveries to the site on a daily basis. The bulked haulage, RCV and associated staff movements would generate an average of 118 movements per day to the site.

4 permanent staff will be employed at the facility, with 27 RCV drivers using the facility.

The design and access statement makes reference to the waste management services division being based at the depot site. It is worth noting that any such proposals do not form part of this application, and may need to be subject to a separate planning application.

RELEVANT HISTORY

Historically the site was originally used as a copper works in the late 1800's. More recently the site has a historical use as a highways and vehicle maintenance depot with a number of associated planning consents, the most relevant being:

- 04/0694P – New single storey office building granted August 2004
- 36376P – Erection of salt barn store granted March 1984;
- 20045P – Garage and workshop granted January 1980

POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of s38(6) the development plan comprises the Cheshire Replacement Waste Local Plan 2007, and the Macclesfield Borough Local Plan 2004.

National Planning Policy

PPG2	Green Belts
PPS9	Biodiversity and Geological Conservation
PPS10	Planning for Sustainable Waste Management
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk
Draft National Planning Policy Framework	

Regional Spatial Strategy

Policy DP1 Spatial Principles
Policy DP2 Promoting Sustainable Communities
Policy DP4 Making best use of existing resources and infrastructure
Policy DP7 Promote environmental quality
Policy RDF1 Spatial priorities
Policy EM1 Integrated Enhancement and Protection of Environmental Assets
Policy EM2 Remediating Contaminated Land
Policy EM10 Regional Approach to Waste Management
Policy EM11 Waste Management Principles
Policy EM12 Locational Principles

Local Plan Policy

Cheshire Replacement Waste Local Plan 2007 (CRWLP)

Policy 1 Sustainable Waste Management
Policy 2 Need for Waste Management Facilities
Policy 5 Other Sites for Waste Management Facilities
Policy 12 Impact of Development Proposals
Policy 14 Landscape
Policy 15 Green Belt
Policy 16 Historic Environment
Policy 17 Natural Environment
Policy 18 Water Resource and Flood Risk
Policy 23 Noise
Policy 24 Air Pollution
Policy 25 Litter
Policy 26 Air Pollution: Odour
Policy 28 Highways
Policy 29 Hours of Operation
Policy 36 Design

Macclesfield Borough Local Plan 2004 (MBLP)

Policy NE2 Landscape Protection
Policy NE11 Nature Conservation
Policy NE12 and NE13 Sites of Biological Importance
Policy NE17 Major developments in the countryside
Policy BE3 Conservation areas
Policy BE6 Macclesfield Canal
Policy GC1 New Buildings in the Green Belt
Policy GC3 Visual Amenity
Policy T6 Highway Improvements and Traffic Management
Policy IMP2 Environmental Appraisal
Policy DC1 New Build
Policy DC3 Amenity
Policy DC5 Reduction of Crime
Policy DC6 Circulation and Access

Policy DC8 Landscape schemes
Policy DC13 and DC14 Noise
Policies DC17, DC19, DC20 Water Resources
Policy DC63 Contaminated Land

Other Material Considerations

Government Review of Waste Policy in England 2011
Waste Strategy for England 2007
Cheshire Joint Waste Management Strategy 2007 to 2020
Cheshire East annual monitoring report 2009/10 (Minerals and Waste Technical Annex)

CONSULTATIONS

Highways

The proposed vehicle trips to and from the site are likely to be considerably lower than currently generated. Therefore, in traffic impact terms, there are no objections to the proposal. Improvements to the access arrangements are considered acceptable and no objections are raised to the scheme.

Environmental Health

Noise

In terms of noise impacts from construction works, these would be temporary and should not exceed recommended levels. Limiting the hours of operation on Saturdays with no operations on Sundays or Bank Holidays is recommended, along with approval of piling operations. Any dust emissions should be controlled by methods recommended in the assessment. Planning conditions are recommended in respect of construction hours of operation and details of any piling operations.

Potential operational noise impacts are associated from vehicle movements and operation of plant on site. Activities operating before 0730 hours are not normally recommended. Saturdays should be used for 'catch up' only. The overall traffic movements would not be significant compared to existing levels. The largest noise impacts are likely to arise from initial movements of vehicles in the morning, but these would not be significant. Conditions should be used to control the hours of vehicle movements and secure the removal of the speed ramps on the access road.

Impacts associated with management of waste on the site have the potential to cause greater impacts. The high sound power levels of the equipment and the poor acoustic properties of the building will require additional noise mitigation measures.

A 4m acoustic barrier positioned on the retaining wall should attenuate noise levels significantly to properties on London Road and Gaw End Lane, as well as further mitigation through waste management operations.

The facades of the units on the adjacent retail park facing the site are largely industrial and used for vehicle access, and the predicted noise levels for this type of use are reasonable. The more noise sensitive areas to the front of the retail park should be effectively screened by the existing units.

Planning conditions are recommended in respect of:

- operational hours,
- construction of acoustic barrier,
- implementation of mitigation for site vehicles,
- removal of speed ramps
- management of road surface,
- implementation of noise monitoring scheme;
- establishment of operational noise levels at sensitive receptors
- scheme for dealing with complaints associated with operational aspects of the site.

Odour

It is recommended that the waste categories accepted at the site are controlled by planning condition, along with the closure of doors between waste deliveries in order to control any potential for odour. Any proposals to alter the type of waste permitted would require a full odour assessment and control scheme.

Dust

Any potential dust emissions can be controlled by damping down and good site management techniques. Planning conditions are recommended in respect of management of dust on site, and scheme for details of lighting.

Contaminated land

The depot has a historic use as a copper sulphate works and infilled pond and sulphate attack on buried concrete and services could present a problem. As this appears to be limited to the northern end of the site, rather than the application site, it is considered that there are no contaminated land issues and the assessment submitted is reasonable.

Landscape

The Landscape Officer considers that, in spite of the ground engineering which would lower the building height by 3.6m, the visual impact of the proposals on visual receptors would be significant. Whilst the landscape planting would provide some mitigation, this will only partially mitigate long term visual impacts, and tree planting provides relatively little mitigation for residential properties along A523 London Road. Overall, it is considered that the scheme does not provide adequate or effective mitigation for receptors to the east or south east and further planting is required along the southern boundary and south east.

Nature Conservation

No significant ecological are anticipated with this development.

Environment Agency

Consider a potential risk may be posed to controlled waters from land contamination at the site. They suggest that any development should only continue once planning conditions in respect of contamination of the site have been satisfied.

Natural England

None received

Cheshire Wildlife Trust

Notes an inaccuracy in the Planning, Design and Access Statement with regards to reference to Macclesfield Canal SBI designation and would have expected the application to include an assessment of potential impacts (in particular of increased drainage from the site) and proposals for mitigation, if required. Also note that no biodiversity enhancement is proposed in the scheme.

British Waterways

No objections are raised to the scheme but it is noted that the discharge of surface water to the adjacent Macclesfield Canal will require the full assessment and formal agreement of British Waterways. The submitted Geotechnical and Ground Contamination Assessment report does not fully acknowledge the risk of contamination to the canal as a result of surface water run-off from this site. It is essential that appropriate interceptors and other mitigation measures are installed and maintained in order to ensure there is no risk of pollution of the canal which is a Site of Biological Importance. British Waterways request the imposition of planning condition in respect of full details of the disposal of surface water to be agreed in consultation with British Waterways.

Heritage (Archaeology and Conservation)

None received.

United Utilities

No objection.

VIEWS OF THE PARISH / TOWN COUNCIL:

Sutton Parish Council raise strong object to the scheme and recommends the application is refused on the following grounds.

The scheme does not comply with planning policy and is contrary to Green Belt policies as new buildings constitute inappropriate development which would have an adverse impact on the openness of the Green Belt and no very special circumstances have been demonstrated to justify the scheme.

Aside from being in the Green Belt, the site is not suitable due to contamination on the site particularly with arsenic and gas which would present a hazard to human health. It is not considered that the building proposed would provide necessary protection to nearby residents and workers from issues of noise, dust, odour and gas emissions.

Concern is raised that contaminated soils have been excavated from the site as a result of work that has already taken place which could be hazardous to human health. Overall, it is considered that risk to human health of local residents and workers means the site is unfit for the development proposed.

The impact of noise pollution, especially when the site is operational, is considered to be significant.

The noise impacts of heavy goods vehicles using the site within vicinity of residential properties is considered unacceptable.

Likewise the likely level of air pollution and odour is considered to be unacceptable.

Concerns are raised that the scheme will attract vermin to the site.

The Parish Council are of the opinion that the present highway arrangements are inadequate to accommodate the proposed traffic movements which could create issues with highway safety and congestion.

The Parish Council consider that Cheshire East Council have, in undertaking retrospective works on site, disregarded the planning process.

They raise procedural concerns regarding the consultation timescales of this application and consider that the application should be referred to Secretary of State under the Town and Country Planning (consultation) (England) Direction 2009.

OTHER REPRESENTATIONS

15 objections have been received from local residents plus on behalf of Lyme Green Business Park and local organisations.

These raise issues of impacts of noise, dust and odour emissions, especially associated with vehicle movements and tipping of waste.

Concern is also raised in respect of:

- potential to attract vermin;
- potential for contamination of waste streams;
- visual impact of the scheme
- potential for light pollution.

The contamination of the site and how this is mitigated is cited as a cause for concern, especially in relation to development which has already taken place.

The impact of the scheme on users of the canal and retail park along with general amenity of local residents is raised as an issue.

The adequacy of the access road, road network and highway safety, particularly with regards to the impact on London Road and nearby junctions as well as the canal bridge are raised as issues, as well as the impacts on pedestrians using London Road and the change in the type of vehicle using the site are all cited as issues for concern.

Representations also comment that the scheme is contrary to policies of the MBLP and Green Belt policies and would have an impact on the character of the Conservation Area and open countryside.

The need for the scheme is questioned, as well as the case for justification of development in the Green Belt. Concern is also raised over the robustness of the alternative site assessment

and potential contradictory information in the submission. Representations consider there are more suitable allocated sites in CRWLP and MBLP, Danes Moss Tip being cited as one potential alternative. There is also concern that the scheme could attract other bad neighbour uses to the site and could in future accept other waste streams.

Specific concerns have been raised in relation to the impact of the scheme on Lyme Green Business Park, particularly with regards to the adequacy of the acoustic assessment, potential noise impacts generated by the scheme on the retail park, and need for acoustic and visual mitigation for the retail park.

The impact of the scheme on property values was cited as an issue. However, this is not considered to be a material planning consideration.

Procedural concerns have been raised in respect of:

- undertaking work without planning permission,
- timescales for determination,
- lack of pre-application consultation
- strategic decisions by Cheshire East Council Cabinet on waste management matters.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement
Transport Assessment
Geo-Technical and Ground Contamination Assessment
Noise Assessment
Drainage Report
Topographical Survey
Landscape and Visual Appraisal

OFFICER APPRAISAL

Principle of Development

The implications of development on land in the North Cheshire Green Belt, and implications of development on an unallocated site in the CRWLP are key considerations.

Green Belt

The scheme proposes a WTB for the storage of dry recycled waste on land that lies within, but on the edge of the Green Belt boundary with Macclesfield.

The management of waste in the Green Belt is inappropriate development unless it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt (CRWLP Policy 15). In respect of waste facilities in the Green Belt, PPS10 advises that the locational needs of some types of waste facilities, together with the wider environmental and economic benefits of sustainable waste management are material considerations that should be given significant weight. Applications should therefore demonstrate whether such material considerations amount to the very special circumstances

necessary to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused.

The application site sits on an area of hardstanding historically formed to create the current highways depot site. All buildings and equipment associated with highway authority functions are adequately contained within this hardstanding, the boundary of which is clearly defined by permanent close boarded fence which also provides a degree of visual screening. A total of 5% of the current footprint of the highways depot is taken up by the proposed building and the building is sited directly adjacent to the existing salt barn. As this is a self contained depot within which the WTB and associated plant can adequately fit with no amendment to the existing footprint of the highways depot, it is not considered that the development would conflict with the purposes of including land in the Green Belt in this location. It is also noted that consent was granted for a temporary waste transfer station on the Danes Moss Landfill in 2008, which proposed a similar scale of development in the Green Belt.

Openness

In determining the 'harm' of the scheme in terms of PPG2 policy tests, it is important to consider the degree to which the visual amenity of the Green Belt is harmed by the proposal, by reason of its siting, material or design.

The principle of developing this site has already been established by virtue of the long planning history on the site which has seen a number of planning consents for various built development of different scale and condition, all of which have to a degree changed the intensity and visual appearance of the site.

The Green Belt in this location lies adjacent to the settlement boundary of Macclesfield and is characterised by a mixture of open agricultural land, pockets of woodland and built development. It is accepted that openness of the Green Belt in this location is already compromised to a degree by existing built development which includes the Highways Depot site, settlement of Lyme Green, road infrastructure, Danes Moss landfill, along with isolated residential properties and a small industrial estate along Gaw End Lane.

It is necessary to consider the extent to which the impact on the openness of the Green Belt would be altered further by the WTB. From the south, the WTB would be viewed in the context of the adjacent salt barn which is of similar scale and height. Likewise, from the west, the WTB would be viewed against a backdrop of other buildings in the site including the office block which create an urbanising influence on the depot site. Equally, it is recognised that the WTB:

- would only cover 5% of the total site footprint,
- would not result in a substantial increase in the developed portion of the site
- proposes a built form that mirrors other development on the site.

Despite this, the Green Belt in this location, whilst not particularly distinguished in terms of visual or landscape quality, has an important role in maintaining openness given the close proximity of Macclesfield. The scheme would introduce a building on the southern boundary of the site which currently has no built development on it and which would be 30m in length and which would project 6m above the 2m high existing fenceline. Even with landscape

mitigation it is likely that this will present an easily recognisable built feature in the Green Belt, especially from views to the south and west.

The Landscape and Visual Appraisal acknowledges that the WTB would break the skyline from views to the south, whereas the existing salt barn sits at similar height to the backdrop of Macclesfield. Overall, it is considered that the siting, scale and design of the WTB, combined with the lack of existing natural vegetation in the surrounding area and on the site boundary will present a degree of significant impact on the openness and visual amenity of the Green Belt which is unlikely to be reduced substantially by mitigation planting and boundary treatment.

It is therefore necessary to consider whether the harm created by the impact on the openness of the Green Belt is outweighed by other very special circumstances.

Need for Future Waste Management Provision in relation to the source of waste

In terms of relevant waste policy, PPS10 identifies that some waste management facilities may have particular locational needs and may provide wider environmental and economic benefits related to sustainable waste management. These are material considerations that should be given significant weight when determining whether planning permission should be granted. It is the applicant's responsibility to demonstrate whether such material considerations amount to very special circumstances necessary to overcome the policy presumption and any harm caused.

Developments in waste management policy and legislation at European and national level have placed an ever increasing pressure on Local Authorities to prevent a growth in waste arising and minimise resource use, whilst seeking solutions that do not compromise environmental improvement and economic growth. Targets for waste minimisation have been established as a consequence of EU Landfill Directive and subsequent Government Waste Strategy for England 2007. Specifically they seek to reduce the percentage of waste sent to landfill, including a target to reduce the amount of household waste which is not re-used, recycled or composted from over 22.2 million tonnes in 2000 by 29% to 12.2 million tonnes in 2020, and a target of recycling and composting 45% household waste by 2015 and 50% by 2020.

These targets are incorporated in the Cheshire Consolidated Joint Municipal Waste Management Strategy (CJWMS) 2007 – 2020 which is used to determine the need for and location of future waste management facilities in Cheshire East over the plan period. Achievement of the higher recycling and composting targets set in CJWMS, will reduce the amount of residual biodegradable waste being generated and will ensure that Cheshire meets EU targets and aims of national waste policy. Central to this is the need to move waste up the waste hierarchy, encourage recycling and provide sufficient facilities to meet the needs of communities, a key aim which is supported in PPS10.

The Cheshire Replacement Waste Local Plan (CRWLP) identifies an indicative annual capacity for the management of 488,000 tonnes of municipal solid waste (MSW) up to 2015. The estimated recycling/composting rate for MSW over the same period is set at 46% (equating to 224,480 tonnes). The Annual Monitoring Report 2009/10 (AMR) identifies the actual recycling/composting rate for MSW at 52.6% which already surpasses the targets set

in the Governments Waste Strategy 2007 and shows the authority is clearly meeting targets adopted in CJWMS. The volume and treatment of waste arisings in the authority is likely to be influenced by the announced landfill tax increases (£80 per tonne in 2014/15) which has the potential to drive changes in waste management practice. Further developments in legislation arising from the Waste (England and Wales) Regulations 2011 mean that after 2014, waste operations must ensure that all waste paper, metal, plastic or glass must be collected separately and remain separated. This puts increased pressure on the local authority to provide sufficient facilities to cater for the level of recycling anticipated within the authority.

There is a need to carefully balance the European and National waste policy and legislative requirements against the policy requirements of PPG2. In particular, there is a need to ensure that any very special circumstances to justify the scheme clearly outweigh any harm caused by such inappropriate development.

The applicant has highlighted an imbalance of waste management facilities in the north of the authority; with reliance for the management of dry recycled waste (silver bin collections) in Macclesfield solely given to a private facility on Moss Lane. This facility has a short term contract scheduled to cease in spring 2012. Without a substitute facility in the north of the authority, the majority of waste would need to be transported to other appropriate sites in the authority, the closest of which is likely to be Pym's Lane in Crewe. Daily collections to this facility by RCVs would generate a 70km round trip. The applicant considers this to be an unsustainable and uneconomic solution to managing Macclesfield's household waste recycling and considers the WTB would significantly reduce vehicle emissions and reduce the Council's carbon footprint. The WTB would enable the authority to meet the aims of the CJWMS by helping to increase the level and quality of public participation in kerbside recycling schemes, and mitigating the negative environmental impacts associated with the transport of materials for recycling and composting. It would also help to deliver more cost effective and efficient service and move towards a consistent level of service across the authority. A new WTB is identified as a key priority in the report which was presented to Cabinet on 14th March 2011.

PPS10 and CRWLP requires a network of waste management facilities to be established to enable communities to take responsibility for their own waste and reduce the distance that waste is transported, with facilities located as close to the sources of waste as possible. The needs assessment prepared to accompany the Waste Local Plan 2007 demonstrated a need for a WTS in Macclesfield as part of the overall plan strategy in order to meet current and future waste arisings during the plan period. This was then translated into Preferred Site allocations, specifically WM13 and WM10, and Preferred Site WM13 specifically identifies a waste transfer station as one of the potential uses appropriate in this location. It is therefore accepted that there is a need for a WTB in Macclesfield to accommodate the recycled waste from this major centre of population.

It is noted that due to the proposed hours of operation and the proposed nature of waste to be received at the site, the new facility at Lyme Green will not accommodate all waste management requirements for the silver bin collections in Macclesfield. Green waste and silver bin collections outside of normal hours would need to be taken to a suitable facility in the area or transported to other appropriate facilities in the authority.

A careful balance needs to be achieved between the protection of the Green Belt, and the wider strategic waste priorities and corresponding aims of PPS10 and CRWLP. There is an overriding need in this instance to facilitate the long term objectives of national waste policy and accord with European objectives for waste minimisation, which are significant material considerations as clearly identified in PPS10. Given the strategic function the WTB would have in contributing to a network of sustainable waste management facilities across the authority, it is considered that this amounts to the very special circumstances necessary to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused.

Assessment of Alternative Sites

Pursuant to Policy 5 of CRWLP, an alternative site assessment has been undertaken which assessed, in land use terms, potential sites in the surrounding area for the development of a WTB to serve the north of the authority. This seeks to demonstrate the preferred sites are either no longer available or are less suitable than the proposed development. Following an initial review of preferred sites in the CRWLP, two alternative sites were assessed for their suitability, availability and deliverability at Hurdsfield Industrial Estate (Preferred Site WM10) and Lyme Green Business Park (Preferred Site WM13).

Preferred Site WM10 was discounted on the basis of constraints in availability and letting arrangements, size constraints and close proximity of sensitive receptors including residential properties within 20m of the site.

Land within Preferred Site WM13 was discounted on the basis that this would conflict with long term policy objectives for the South Macclesfield Development Area (SMDA) which seeks to deliver commercial, residential and stadium uses. The applicant considers that locating a waste transfer station on this site would be inappropriate and could prejudice the commercial attractiveness of such an important economic development for this part of the town. They consider that utilising an existing brownfield site would be more favourable than potentially compromising the objectives for the SMDA. Equally, the applicant considers that the existing site access is inadequate, the suitability of the site for a waste transfer facility is subject to the delivery of a new distributor road and the site is not available at present.

The Council waste management team also considered utilising the existing site at Commercial Road, Macclesfield for the WTB. The 0.78 ha site is currently used for the parking of RCVs and is considered too small and constrained to accommodate both the new waste transfer station and parking of RCVs within the site boundary.

The Inspector's Report into CWRLP on Preferred Site WM13 discounted concerns over potential detrimental impacts of a waste management facility on the successful development of the SMDA, advising that a well designed waste management facility could contribute positively to the area and stimulate investment. Therefore, the applicant's case that Preferred Site WM13 should be discounted on the basis of potential harm to the SMDA is not accepted. That said:

- the allocation is not available at present
- has access constraints;

- is not deliverable until such time as the distributor road is constructed, which is not identified as a future scheme in the LTP.

It is therefore considered acceptable to discount Preferred Sites WM10 and WM13, and the existing Commercial Road site.

A representation has noted that Danes Moss Landfill site would be a preferable site for the WTB. Danes Moss is not considered a sequentially preferable as this is also located on Green Belt land outside the development boundaries and is not previously developed land. As such, no further consideration has been given to this suggestion, as it does not meet PPS10 or CRWLP policy requirements.

The alternative site assessment does not consider the other allocated sites in the CRWLP which are located in the north of the authority, nor does it consider any MBLP B1, B2 and B8 employment allocations that have not been previously considered as part of the CRWLP preparation. Policy 5 of CRWLP does not clearly stipulate the need for a review of employment sites, however it does require applicants to demonstrate the proposed site is located according to the sequential approach advocated in RSS, the relevant policies of which include DP4 and RDF1. Policy DP4 steers development towards first using existing buildings and previously developed land within settlements; then other suitable infill opportunities within settlements; and then other land which is well located in relation to housing, other services and infrastructure. The spatial priority for growth and development set out in Policy RDF1 includes key town within the 3 city regions; and Macclesfield is identified as falling within this category. The proposed site goes partway to meeting the sequential approach in that it is located adjacent to the settlement boundary of Macclesfield, and is situated on a previously developed site which is well located in relation to infrastructure and other services.

The applicant has justified the scope of the assessment on the basis that a location in Macclesfield meets the geographical and operational requirements of the RCV collections. The facility would serve 85-90,000 properties covering a geographical area stretching from the northern extent of Congleton stretching north up to the authority boundary in the north, east and west, taking in all major towns and rural areas including Wilmslow, Poynton and Knutsford. This facility requires a central location as close to the main source of waste as possible, whilst having good access to transport network, bearing in mind the end destination of waste at Shotton, Deeside.

Whilst it is accepted that there are other preferred sites in CRWLP which are situated within this catchment area, these are not situated within major urban areas, whereas the proposed site is located close to the largest centre of population within the RCV catchment area, and thus the town generating the largest waste arisings of all towns in the catchment. PPS10 and CRWLP Policy 27 seek to minimise the distance that waste is transported on the road network by enabling waste to be managed as close to its source as possible. Given the largest waste arisings would be generated by Macclesfield, the alternative Preferred Sites within the catchment area would not provide a more sustainable waste management option and would conflict with national waste policy guidance.

Equally, PPS10 recommends consideration of a broad range of locations for new waste management sites, including industrial estates and sites where there are opportunities for co-location of complimentary facilities. A co-location on this site with the existing highway

maintenance services is considered to generate similar operational impacts on the local amenity and similar type of transport movements and could offer efficiencies in service provision and more sustainable resource use. The site also has good access to the A classified road network which will be required for the onward transportation of bulked up waste from this site.

It is therefore considered that the applicant has demonstrated there are no other preferred sites in the CRWLP which would offer a central geographical location required for the RCV collections in Macclesfield area and meets the sequential priorities of RSS, and as such, the proposal meets the tests set out in Policy 5 of CRWLP.

Environmental protection

Applications for waste management sites which are not allocated in the development plan should be considered favourably when consistent with policies and criteria in PPS10. This includes the physical and environmental constraints on development, including existing and proposed neighbouring land uses and capacity of existing and potential transport infrastructure. Priority should be given to the re-use of previously-developed land (paragraph 21 PPS10). Annex E of PPS10 provides a range of locational criteria which should be considered in assessing the suitability of sites for waste management facilities. These include a range of environmental and amenity issues likely to be of particular relevance with a waste facility. These are considered further below.

Noise, Dust and Odour

Potential air quality impacts are anticipated at the construction stage and with the delivery, receipt and movement of waste. The proposed development is located approximately 150m from closest residential properties as well as being approximately 90m from the Macclesfield Canal footpath.

The acoustic assessment identifies that the construction activities are not shown to exceed recommended noise limits and would be temporary in nature. With the control of construction hours and implementation of mitigation as identified in the acoustic assessment, the EHO considers that the construction noise impacts would not give rise to unacceptable level of noise pollution in accordance with Policy 23 of the CRWLP.

Operational impacts are associated with the delivery, receipt and handling of waste. The high sound power levels at the site and poor acoustic properties of the building are likely to give rise to the potential for significant noise impacts for sensitive receptors. Whilst the application proposes operational hours of Mondays to Fridays 0700 to 1900 and Saturdays 0700 to 1230, the EHO recommends the hours of operation be limited to 0730 Monday to Friday with only occasional use on Saturdays in order to reduce the noise impacts to sensitive receptors. A 4m noise barrier is proposed on the retaining wall which would attenuate noise levels significantly to properties on London Road and Gaw End Lane. A planning condition requiring details of the occasional hours of operation to be agreed with the planning authority would be imposed on any consent to ensure an acceptable level of operational use.

The noise assessment indicates there will be no significant noise impacts associated with traffic movements to the site given there is an overall net reduction from current traffic levels.

In addition, all RCV collections will continue to originate from Commercial Road in the mornings, thus removing any potential noise impacts caused by all vehicles leaving at the same time on their morning collection round. The EHO recommends controlling the hours of vehicle movements to restrict movements before 0800 hours and the removal of speed ramps on the access road to further reduce any noise impacts.

Concern has been raised regarding the impact on the adjacent retail park. The facades of the structures in the retail park that are facing the proposed development are largely industrial and used for vehicle access. They are therefore not considered to be noise sensitive. The noise assessment indicates that neither the absolute level nor the calculated level of increase is considered present an unacceptable detrimental impact. Furthermore, the EHO considers that the more sensitive areas to the front of the retail park should be screened by the structures themselves.

In order to secure an appropriate level of mitigation and ensure noise levels can be controlled to an acceptable level, planning conditions are recommended in respect of:

- operational hours for the receipt of waste and vehicle movements;
- construction of acoustic barrier;
- details of piling activities;
- implementation of noise monitoring scheme
- establishment of operational noise levels at sensitive receptors.

Conditions are also recommended in respect of:

- mitigation of noise from site vehicles,
- removal of speed ramps
- management of road surface,
- a scheme for dealing with noise complaints.

The EHO considers that, subject to application of mitigation, the scheme would not give rise to unacceptable levels of noise pollution and would comply with Policy 23 of CRWLP, and PPG24.

The transportation and storage of dry recycled waste is unlikely to generate significant dust emissions as all waste unloading and handling would take place within the building and shutter doors closed between deliveries. Dust associated with excavation and transportation/handling of waste should be adequately controlled by implementation of good site management practices. The implementation of appropriate planning conditions for the control of dust should ensure that any impacts are controlled to an acceptable level in accordance with Policy 24 of CRWLP and PPS23.

Odour emissions associated with the proposed development are unlikely to present any significant impacts as no liquid, wet or putrescible or odorous waste would be accepted. The waste type, and waste handling methods are matters which would be appropriately controlled by a relevant Environmental Permit, regulated and enforced by Environment Agency. PPS10 maintains that planning authorities should work on the assumption that the relevant pollution control regime will be implemented and should not seek to control aspects of the development that would be regulated by a permit from the pollution control authority. The EHO also

recommend planning conditions in respect of controlling odour which could be imposed on any planning consent.

As such, the proposals are considered to accord with policies 12 and 24 of CRWLP and policies DC3 and DC13 of MBLP.

Ground contamination and water resources

The site has an historic use as a copper sulphate works.

The ground contamination assessment identifies concentrations of arsenic in made ground in the north east of the site which exceed acceptable levels, indicating mitigation is required for protection of human health. The assessment recommends leaving the material in situ, with mitigation proposed in the form of a cover system, such as a tarmac hardstanding, to remove potential for direct contact pathway.

Elevated concentrations of arsenic were also identified in groundwater samples indicating that the site has the potential to pose a risk to Macclesfield Canal. Further work is recommended in order to establish the level of risk to the water body and identify suitable mitigation. Ground gas monitoring for methane and carbon dioxide indicates levels that were considered to present a moderate risk requiring mitigation. However, the assessment considers that due to the structure proposed, gas protection measures are not necessary. The Environment Agency has recommended further preliminary risk assessments, site investigations and development of a remediation strategy prior to any re-commencement of development, all of which could be secured by means of such an investigation. This could be secured by means of a suitable planning condition.

Concern has been raised that recent construction activities on the site could have potentially disturbed contaminated land. The contamination identified in the ground is located in the north east of the highways depot whilst construction activities are confined to the south west. The applicant has confirmed that no areas subject to potential contamination have been disturbed. Planning conditions imposed on any consent would ensure that potential contamination is adequately mitigated and remediated prior to any construction work commencing on site. This is considered to accord with Policies 12 and 18 of CRWLP and PPS23.

The scheme proposes a controlled drainage system with surface water from the yard area and building connected to the existing site drainage system. No objections were raised by the Environment Agency to the drainage system proposed. This is considered acceptable and in accordance with Policy 18 of CRWLP, PPS23 and PPS25.

Impacts on Local Amenity

The impacts associated with air quality and visual amenity has been addressed within this report. Lighting for the scheme would be restricted to 2 lights positioned above the shutter doors on the northern elevation which would function during operational hours. Full lighting specification would be agreed and secured by means of suitable planning condition to limit glare on sensitive receptors, in accordance with Policy 12 of CRWLP.

Concern has also been expressed that:

- the waste could potentially attract vermin;
- litter could be generated by the waste;
- other waste streams may unintentionally be received at the site.

The nature of waste material is highly unlikely to attract vermin as RCVs collect dry recycled waste. Issues associated with vermin, litter and the control of the waste stream are matters which are controlled by means of the waste management regulations, enforced by Environment Agency as part of a permit on the scheme. A scheme for the control of litter and vermin would be required by means of planning condition, and the waste categories would be controlled by planning condition in accordance with CRWLP, PPS10 and PPS23.

Heritage

The northern boundary of the application site is aligned with the Macclesfield Canal conservation area. Whilst new building is proposed on the site, the distance from the canal, as well as the backdrop of the highways depot site means that there would be minimal impact on the character of the conservation area. It is considered that the scheme would accord with policy 16 of CRWLP and policy BE3 of the MBLP.

Impact on Highway Network

The Transport Statement submitted to accompany the application estimates an average of 201 existing daily movements to and from the site (based on worst case winter season), the majority of which are associated with highway maintenance vehicles (177 movements). Each RCV has a daily collection round which would result in two to three deliveries to the facility each day.

118 daily movements (59 in and out) would be generated by the scheme. However a total of 354 daily movements (177 in and 177 out) would be relocated off site as a result of restructuring highway maintenance facilities. As such, there would be an overall net reduction of movements on the site associated with this proposal. The transport statement concludes that there would be no detrimental impact on the local highway network associated with this scheme and the Highways Officer considers the scheme acceptable in traffic terms.

The present access to the site is narrow and a one-way operation is in force. The scheme proposes a wider access, enabling a two-way flow of traffic to take place, along with a separate footway for pedestrians which is considered acceptable by the Highways Officer.

Concerns have been raised regarding the suitability and capacity of the road network used by vehicles transporting waste to the Shotton facility, in particular the capability of London Road canal bridge to accommodate this development. As heavy goods vehicles currently use London Road and traverse the canal bridge, the applicant considers this can sufficiently accommodate the proposal. There is a network of A classified roads connecting to the Shotton facility which the bulk heavy goods vehicles could utilise. Equally there is not anticipated to be any issue associated with parking of RCVs on London Road as the vehicles will continue to be parked at the Commercial Road site.

It is therefore considered that the proposal is acceptable in terms of highway safety and capacity, and access arrangements are considered to be adequate. As such, the scheme complies with Policy 28 of the CRWLP.

Landscape and Visual Amenity

The site is located within the boundary of the Peak Park Fringe Area of Special County Value (ASCV) which seeks to protect it from development which would have an adverse effect on its character and appearance (Policy NE1 of MBLP).

The landscape and visual appraisal identifies the area to be largely rural in character to the south with small pockets of woodland. Industrial buildings feature on the landscape, including on the existing depot, business park and small industrial area on Gaw End Lane which restricts the zone of visibility in the north. The railway and woodland on Gaw End Lane restrict visibility to the west and south. Visual receptors include residential properties on Gaw End Lane, London Road, users of the canal and A523. The appraisal identifies that properties at Lyme Green would have restricted views of the building as it would be set behind the existing salt barn and boundary fence. Properties further south on London Road and Gaw End Lane would have more prominent views as the building will break the skyline, whereas the salt barn sits at similar height to the backdrop of Macclesfield. Likewise from the canal, the building would be a prominent feature on the landscape although mitigation planting would provide some limited screening and softening of the building.

The Landscape Officer considers that, in spite of the ground engineering which would lower the building height by 3.6m, the visual impact of the proposals on visual receptors would be significant.

The detailed landscape proposals submitted indicate tree planting along the southern boundary and south west corner of the site. Whilst this would provide some mitigation, the Landscape Officer considers this to only partially mitigate visual impact in longer term and tree planting provides relatively little mitigation for the residential properties along A523 London Road. Overall, it is considered that the scheme does not provide mitigation for receptors to the east or south east and, as such, further planting is required along the southern boundary and south east to soften the effects of the development on the open countryside.

A landscape strategy is proposed which could be secured by planning condition and developed to incorporate additional planting to help provide longer term amelioration of the scheme in the landscape. However, it is likely that there would still remain some visual impact which would conflict with Policy 14 of CRWLP.

Ecology

The application site is located on the footprint of an existing area of hardstanding. No demolition of buildings are proposed and no features of ecological importance on the site which would be affected by the scheme.

Macclesfield Canal is a Grade C Site of Biological Importance (SBI) designated for its bankside vegetation. The application site does not project into the SBI and the Nature Conservation Officer is satisfied that there would be no adverse effects on the integrity of the

SBI or any nature conservation interests. As such, this accords with Policy 17 of CRWLP and Policies NE11 and NE13 of MBLP.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application is for a waste transfer building on the existing Lyme Green Highways Depot. The site lies in the Green Belt and constitutes inappropriate development. As such, very special circumstances should be demonstrated to justify any harm to the Green Belt by reason of its inappropriateness. The scheme, due to its size and location, is likely to present a degree of impact on the visual amenity and openness of the Green Belt.

The applicant has undertaken an alternative site assessment which demonstrates that there are no other potentially acceptable sites which would offer a centralised location in Macclesfield in order to facilitate the RCV collections provided by the waste management service. Equally the site offers a co-location of complimentary activities which accords with the aims of PPS10.

PPS10 is clear that the locational needs of some types of waste facilities, together with the wider environmental and economic benefits of sustainable waste management are material considerations that should be significant weight in consideration of an application. There is a demonstrated need for a WTB to serve the Macclesfield population, help to improve recycling rates and drive waste up the waste hierarchy. Equally, the scheme will help to meet waste minimisation and recycling targets set in European and national waste policy, and applied through the authorities own waste management strategy. It is considered that the strategic function of the WTB in this location and importance of meeting European and national waste targets, present very special circumstances to justify the development in the Green Belt.

Whilst the scheme is likely to generate some important environmental issues which would require careful mitigation, these can be managed through appropriate planning conditions, to ensure residual impacts are minimal. Some landscape and visual impact will remain, despite the implementation of mitigation measures. However, these will reduce in the long term as mitigation planting becomes established.

A careful balance needs to be achieved between the protection of the Green Belt, environmental considerations and the wider strategic waste priorities and corresponding aims of PPS10 and CRWLP. There is an overriding need in this instance to facilitate the long term objectives of national waste policy and accord with European objectives for waste minimisation which takes precedent over other planning policies. As such, it is considered that the scheme meets the objectives of PPS10 and CRWLP, along with CJWMS and Government Review of Waste 2007. Therefore, the application is recommended for approval.

12. RECOMMENDATION:

That the application be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 [as Green Belt Development] with a recommendation that the application be approved subject to the following:

- 1. Hours of working**
- 1. Landscape mitigation**

- 2. Scheme to deal with contamination**
- 3. Control of waste categories**
- 4. Noise**
- 5. Lighting**
- 6. Traffic movements and protection of local highway network**
- 7. Access**
- 8. Dust management plan**
- 9. Scheme for odour control**
- 10. Management plan for control of litter and vermin**
- 11. Surface water drainage, pollution control**

Procedural Matters

[The Town and Country Planning \(Consultation\) \(England\) Direction 2009](#) requires resolutions to grant permission for inappropriate development to be referred to the Secretary of State where it involves the provision of a building or buildings with a floorspace of 1000 square metres or development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

In view of the potential significant impacts of the scheme on the openness of the Green Belt, should planning permission be approved on this scheme, the application would be referred to the Secretary of State to provide them with an opportunity call the application in for their own determination.

