

Application No: 13/2776W

Location: HENSHAWS WASTE MANAGEMENT, 150, MOSS LANE,  
MACCLESFIELD, CHESHIRE, SK11 7XF

Proposal: Relocation of materials recycling plant with additional enclosed picking line shed (in retrospect) and delivery & storage of household & commercial wastes outside the hours of operation of adjacent waste management facility via alternative access

Applicant: C.F.M Henshaw

Expiry Date: 26-Sep-2013

### **SUMMARY RECOMMENDATION: Refuse**

#### **MAIN ISSUES**

Development on Unallocated Site  
Impact on Employment Site  
Sustainable Waste Management  
Impact on Residential Amenity  
Impact on Highway Network  
Landscape and Visual Impact

#### **REASON FOR REPORT**

This application has been referred to the Strategic Planning Board under the Council's scheme of delegation as this constitutes a Major Waste application.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an area of hardstanding directly to the rear of the existing Henshaws waste transfer station building, together with an access route linking to the current entrance onto 140 Moss Lane, Macclesfield. The applicant owns both the waste transfer station site (at 150 Moss Lane) and the application site. Both parcels of land are connected by a vehicular ramp which is also included within the planning application boundary.

Land use in the surrounding area is predominantly residential to the north/north east and east along Moss Lane. Land to the south is a mixture of small industrial and waste management uses, along with smaller residential estates. Open fields used for informal recreation edged with broken hedges and trees lie to the west/southwest of the application site.

Immediately surrounding the application site on 140 Moss Lane is an area of hardstanding to the south, which was once part of a woodland coppice, but has since been cleared. It is used for the storage of vehicles and plant, and a mobile phone mast enclosure. Beyond this to the south, east and west are open fields used for informal recreation. To the north east, the land is used for a mixture of uses including vehicle repair garage, a national grid storage

compound, the storage of caravans and an office all of which share the same access point via 140 Moss Lane. Directly to the north is the existing waste transfer business. A small section of the planning application boundary extends onto 150 Moss Lane and overlaps with the planning application boundary of 13/2772W in respect of the rear of the waste transfer building.

Access to the site is taken via a shared access point off 140 Moss Lane. Moss Lane is a busy road cutting through a housing estate which connects A536 Congleton Road with A523 London Road. The road is used by a mixture of residential and commercial traffic including HGVs and skip vehicles accessing the adjacent waste transfer station at 150 Moss Lane.

## **RELEVANT HISTORY**

The site has a long and complicated planning history. Temporary planning permission was first granted at the site for use of the land as a commercial garage and office in 1967. Numerous subsequent temporary permissions were then granted until 1982 when planning permission was granted for the use of the site as a haulage depot.

In 1992, Cheshire County Council granted planning permission for the use of the northern part of the site as a waste transfer station (5/71028). The waste transfer activities have grown incrementally over many years. Specifically:

- Planning permission was granted in 1996 to alter and extend the waste transfer station (5/96/1339).
- A further planning permission was subsequently granted by the County Council in 2003 (5/03/3227) for the relocation and extension of existing waste transfer buildings and waste recycling facilities.
- In 2007 a planning application for the extension of the site incorporating new buildings and a new site layout was granted consent (5/06/2496P).
- Two applications were submitted in 2011 for the variation of conditions on consent 5/06/2496P, and an extension to the site and relocation of the Material Recycling Facility (11/2765W and 11/2766W) which were subsequently withdrawn;
- Two similar applications were submitted in 2012 again for the same proposals (12/3496W and 12/3445W) and were also subsequently withdrawn.

In addition to this, an application for a Lawful Development Certificate for 7 day skip hire deliveries was refused in May 2008 and the subsequent appeal was withdrawn.

Enforcement action has been taken on the site on a number of occasions. Breach of condition notices have been served on the operator and upheld for:

- Operating screening plant within an unauthorised part of the site, causing noise nuisance. The plant has since been relocated.
- Failing to provide vehicle numbers when requested.
- Failing to submit a noise monitoring scheme

An Enforcement Notice was also served (September 2005) in relation to unauthorised use outside the permission boundary. Planning permission 5/06/2496P regularised this unauthorised use.

A separate parallel planning application reference 13/2772W has been submitted for the variation of conditions of consent which is also being considered by Strategic Planning Board.

## **DETAILS OF PROPOSAL**

This is a partly retrospective application for an extension of the existing waste transfer site at 150 Moss Lane onto a parcel of land to the rear of 140 Moss Lane. This would allow for the relocation of the existing material recycling facility (MRF) from within the waste transfer building on 150 Moss Lane, to a position behind the rear of this building on land of 140 Moss Lane; and provide an area for the storage of full skips during Saturday afternoons, Sundays and Bank/Public Holidays. A hardcore ramped access for vehicles between 140 Moss Lane and 150 Moss Lane is also proposed in retrospect.

- *Relocation of material recycling facility (MRF) with additional enclosed picking line shed*

The existing material recycling facility (MRF) comprising of the 5 bay picking line, trommel screen and associated containers has been relocated (in retrospect) from within the open-fronted waste transfer building onto a concrete pad on 140 Moss Lane directly behind this building. An additional 7 bay picking line shed (and associated containers) has also been constructed alongside the existing structure.

The MRF has been relocated in order to increase the amount of space available inside the building in the waste reception area.

The MRF sits at an elevated height of between 5.5 to 7.2m by reinforced concrete panelling, supported by steel RSJs., in order to address the difference in land levels across the two sites. This allows the MRF to continue its current function with the plant hopper loaded within the waste transfer building, waste being passed through the external MRF and any remaining residual waste re-entering the building via the conveyor. Two openings of 2m by 2m have been created in the fabric of the waste transfer building to facilitate this new arrangement. The picking lines are fully enclosed, with sound-insulating cladding and steel panel floor, whilst the trommel has been enhanced to insulate against noise.

The proposed hours of operation for the MRF and any associated activities remain as per the consented hours of operation for the waste transfer site permitted under consent 5/06/2496P, namely:

- 0730 to 1800 Mondays to Fridays;
- 0800 to 1300 Saturdays with no operations on Sundays or Bank/Public Holidays.

Vehicles transporting empty/full containers from beneath the picking lines would utilise a hardcore ramp access connecting 150 and 140 Moss Lane which has been constructed in retrospect. This will be locked outside of permitted hours of operation.

A 6m high concrete fence has also been constructed between the south eastern corner of the waste transfer building and the adjacent commercial vehicle repair garage to act as an acoustic barrier. The lower 3m of the fence has been constructed using pre-cast concrete panels, with the upper 3m cladded Kingspan 40mm composite panel.

- *Storage of full skips during out of hours.*

A linear section of hardstanding directly to the south of relocated MRF is proposed to be used for the storage of full sheeted skips outside of normal operating hours permitted under consent 5/06/2496P. These would be stored during the following times:

- 13.00 to 17.00 hours Saturdays
- 08.30 to 16.30 hours on Sundays and Bank Holidays

Access for skip deliveries during this time would be taken from the existing access on 140 Moss Lane.

The applicant proposes the following HGV vehicle movements for the delivery of sheeted skips during these hours:

- 16 vehicle movements (8 in, 8 out) during Saturdays from 13.00 to 17.00 hours;
- 24 vehicle movements (12 in, 12 out) during Sundays and on Bank Holidays.

It is proposed that the full sheeted skips would be stored in this area until the main waste transfer site opens as permitted under consent 5/06/2496P.

## **POLICIES**

### **National Planning Policy Framework**

### **Planning Policy Statement 10: Planning for Sustainable Waste Management**

#### **Cheshire Replacement Waste Local Plan 2007**

Policy 1  
Policy 12  
Policy 14  
Policy 23 Noise  
Policy 24 Air Pollution: Air emissions including dust  
Policy 26 Air pollution: Odour  
Policy 28 Highways  
Policy 29 Hours of Operation

#### **Macclesfield Borough Local Plan 2004**

NE11 Nature Conservation  
DC1 Design  
DC3 Amenity  
DC13 Noise  
DC14 Noise mitigation  
DC20 Water Resources  
Policy E5  
Policy E6

### **Other Material Considerations**

Draft updated National Waste planning Policy 2013  
Cheshire East Council Local Draft Plan Policy Principles

Cheshire East Council Local Plan Draft Development Management Strategy  
Government Review of Waste Policy in England 2011  
National Waste Management Strategy for England 2007  
Cheshire East and Cheshire West and Chester Councils – Waste Needs Assessment Report  
May 2011

## **CONSULTATIONS**

**Highways:** The Strategic Highways Manager has concerns over a number of issues on this site. They are:

- The volume of traffic generation from the two sites – one of which is documented in terms of heavy commercial vehicles (150 Moss Lane) and the second which is not (140 Moss Lane).
- The condition and geometry of the access to 140.
- The impact of the total flow of HCV from the site on the local junctions with the A523 & A536.
- The tracked turning movements for opposed heavy commercial vehicles at the 140 access.
- The tracked movements of the HCV's within the site which has a very tight corridor of movement.

The Strategic Highways Manager therefore requires a Transport Statement to be provided by the applicant for the traffic movements from both sites. This will provide assessment of both existing permitted flows and proposed flows for the retrospective application for both sites. The TS will also include a PICADY analysis for the junction of Moss Lane with the A523 and the A536.

The Design and Access statement does include some detail of the vehicular use of the site however this is not found to be definitive and a Transport Statement in accordance with the GTA (DfT) would clarify all matters and provide the necessary information for a proper formal analysis of the site and the proposals.

In addition the existing quality of the running surface of the access at 140, Moss Lane is very poor and there is likelihood that the erosion of this access will creep and encroach into the adopted highway surface. The S.H.M. therefore requires that should a permission be granted for this intensification of use that the existing access is re-constructed and to improved geometry should the Transport Statement identify this need through the tracking analysis.

At this time and given the above concerns the Strategic Highways Manager cannot support this proposal and would recommend refusal on lack of information.

### **Environmental Health:**

This Service has considered the above planning application and wishes to make the following comments / recommendations.

#### Recommended refusal

*Reason: Loss of residential amenity due to noise impacts (see comments below)*

### Public protection and health comments

This planning application seeks to extend to hours of use of the current operations and extend the operational boundary to allow the storage of skips in these extended hours and the retrospective planning permission for building of a new picking line trammel for use during the existing permitted hours.

### Impacts

Any increase in the number of HGV skip vehicle movements through the largely residential area of Moss Lane would cause increased noise and vibration impacts to those properties close to the road. This would be particularly noticeable given the proposed times of these movements on Saturday afternoons, Sundays and Bank Holidays, when there are currently no permitted vehicle movements to the existing site.

The residential properties close to the site would also be impacted by noise levels due to the associated on-site activities. Previous applications to alter the site working times would have allowed for the tipping and sorting of municipal waste. This application would not introduce noise and dust impacts associated with these activity. However, it would introduce on-site noise due to the arrival of waste HGVs and the unloading of the skips during the proposed new hours. The noise levels at properties on Sheldon Drive and Whiston Close would be reduced by using the entrance to the adjacent site and storing the skips adjacent to the picking line. The noise impacts associated with skip storing activities are typically of an impact character and of a high, albeit short-term level and can include reverse alarms. The potential for impacts at properties during the times when background levels are lower is still significant and have the potential to cause adverse effects on residential amenity.

To consider activity outside the recommended hours of use, (Saturday afternoon, Sundays and Public Holidays) we would expect the need for the operation the capacity to mitigate the impacts to be high. Despite a limit on the number of skip HGVs and the entrance and location, we would still consider the delivery and unloading of these vehicles to cause an unacceptable impact on residential amenity particularly at times when background noise levels would normally be low.

These activities also have the potential to cause dust, pest and odour impacts although these could be more readily controlled by good practice / planning conditions / waste permit conditions.

Additionally, this proposal could also have the potential to increase noise and dust levels during existing permitted hours. This would be due to increased onsite activity due to skip unloading and stacking, plus waste depositing and processing at the start of the week.

It would also be remiss not to assess the potential increases in environmental impacts against a background history of complaints from local residents relating to noise, dust and odour associated with the site. This is a further indication that there is little capacity for increases in site associated activity, frequency and duration without a negative impact on residential amenity. It is considered that there is likelihood that any increase on the levels and frequency of activity would give rise to further similar complaints. The current limit on permitted hours allows for a period of respite for residents from associated traffic on Moss Lane and on-site activity. It is considered that an extension of operational hours, albeit at a significantly

reduced rate of activity, would therefore cause a loss of amenity to local residents and the capacity for mitigation at this location is insufficient due to the close proximity of residential housing.

It is therefore my recommendation that this application is refused on the grounds of loss of residential amenity due to noise from associated traffic and activity outside of the current permitted hours.

**Landscape:** does not feel that this development will result in any significant landscape or visual impacts.

**Ecology:** does not anticipate there being any significant ecological issues associated with the proposed development.

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development but we would like to make the following comments.

The proposed development will not be covered by the existing Environmental Permit. Therefore the operator will need to apply to change the current permit and/or apply for a new one from us, the operator is advised to refer to our website for further information <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

Under the Environmental Permitting (England and Wales) Regulations 2010 permitted sites should not cause harm to human health or pollution of the environment.

The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health, the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property. If this is not included with the application then it is likely that we would reject any application received for an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010.

## **Natural England**

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

This application is in close proximity to Danes Moss Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Aside from the comments on designated sites above, we would expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

#### Protected species

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system. Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of development on protected or BAP species should they be identified as an issue for particular developments. This also sets out, when, following receipt of survey information, the authority should undertake further consultation with Natural England.

#### Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

#### Local landscape

Natural England does not hold information on local landscape character; however the impact of this proposal on local landscape character (if any) is a material consideration when determining this application. Your authority should therefore ensure that it has had regard to any local landscape character assessment as may be appropriate, and assessed the impacts of this development (if any) as part of the determination process.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

**United Utilities:** no comments received

#### **Macclesfield Civic Society:**

The Macclesfield Civic Society have considered the application documents and note the local concerns from residents in terms of potential effects upon future amenities. The application envisages a number of mitigation measures to lessen any environmental or amenity impacts and no doubt the planning authority will give these careful consideration. However, it appears



from the representations submitted that the measures are unlikely to command agreement from nearby residents given the extent of activities proposed outside currently limited hours of operation. Accordingly, this may be a case where a decision is necessary as to whether the current activities and reasonable standards of residential amenity can co-exist in the longer term. The current proposals for future patterns of land use in this area are an added factor in this context. As a matter of record the design and access statement refers to Moss Lane as being unrestricted whereas a Weight Restriction Order is in force with exemptions that benefit the operation of businesses at 140 and 150 Moss Lane

### **Manchester Airport:**

The proposed development has been examined from an aerodrome safeguarding aspect and Manchester Airport has no safeguarding objections to the proposal.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

No comments received

### **OTHER REPRESENTATIONS**

In excess of 70 letters of objection have been received from local residents. These have raised issues in respect of:

- Noise, vibration and disruption impacts arising from on site activities and movement of vehicles, both during permitted hours and outside of these times;
- Compliance with existing statutory controls and ability of the Council to monitor and enforce these;
- Increased vehicle movements;
- Road safety and capacity;
- Dust, odour and air quality impacts generated by current activities and proposed;
- Unsuitable access arrangements;
- Generation of litter, vermin and pests;
- The site is not in a sustainable location;
- Land use conflicts;
- General amenity impacts;
- Reliability of the planning application documents and unsuitable assessment of the impacts;
- Uncontrolled growth of the site;
- Impacts on property values;
- Visual and landscape impacts;
- Impact on human rights;
- Adequacy of existing controls on the site;
- Potential for statutory nuisance;
- The business should be relocated;
- Queries over procedural aspects of the planning process and why this application is being considered.

### **APPLICANT'S SUPPORTING INFORMATION**

Planning Application Forms  
Planning Supporting Statement  
Design and Access Statement

## **OFFICER APPRAISAL**

### **Development on unallocated site**

The proposed extension is not located on a 'preferred site' in the CRWLP and lies approximately 150m to the north of preferred site WM13. To be policy compliant, applicants are required to demonstrate that:

- The preferred sites are no longer available or are less suitable than the proposed site; or alternatively meet a requirement not provided for by the preferred sites;
- Required to demonstrate that the site meets the sequential approach (Policy 5 of CRWLP).

No alternative site assessment has been provided in support of this application to discount other suitable alternative sites, including the adjacent WM13 allocation. On this basis, the application does not fully accord with Policy 5 of CRWLP.

However, the application site is located partially on previously developed land and is located within a settlement. As such, it broadly follows the sequential approach advocated in criterion iii of Policy 5 of CRWLP.

The application site also previously formed part of preferred site WM13 at Re-deposit Draft stage of the Waste Local Plan and was allocated for a range of waste management uses, including waste transfer. Thus, the principle of this land use was initially considered broadly acceptable by the Council. It is important to note that in removing the site from WM13 allocation, the Inspector raised concerns over the close proximity of residential properties, which would make amenity impacts associated with new waste management facilities difficult to control.

It is also acknowledged, that whilst the applicant has not fully satisfied the requirements of Policy 5 of CRWLP in assessing all alternative sites, any parcel of land required for a site expansion would logically need to be located with some physical connection to the existing operations, as the equipment housed on this area would form an integral part of the business. Alternative locations for expansion, directly to the north and east, are restricted by existing development and protected open space lies to the west. Options for such an expansion are therefore considered limited.

Planning applications for sites not allocated for a waste use should be considered favourably when consistent with National Policy and the Core Strategy, subject to the physical and environmental constraints on development (including neighbouring land uses, any cumulative effect on the well-being of local communities, and the capacity of transport infrastructure to support the sustainable movements of waste (PPS10)). The particular locational needs of some types of waste management facilities, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining planning applications.

The scheme would be located partially on previously developed land and directly adjacent to other commercial businesses within the Macclesfield urban area. It would utilise existing infrastructure and limit further resource use and bring about significant benefits in terms of sustainable waste management by increasing the potential capacity of waste being recycling, which is supported in all levels of planning policy and European legislation. It would also help to support a well established waste management business which makes a contribution to the local economy. As such, it accords with the approach of NPPF in supporting existing business and encouraging economic growth (paragraph 19).

Notwithstanding the conflict with Policy 5 of CRWLP, given the impracticability of locating the expansion area on other land not connected to the site and the benefits such a location brings (in terms of resource use the importance of the sustainable management and transport of waste), it is considered that, subject to the examination of other matters and development plan policies in detail, a case can be made for an extension of this operation on land not allocated in CRWLP in order to facilitate better working. On this basis, it is not considered that the application could be refused on the basis of conflict with Policy 5.

### **Impact on Employment Site**

The site is allocated in the MBLP as Special Industries (E5) and Employment Land Allocation (E6). Open storage and bad neighbour uses will normally be permitted under Policy E5 providing this does not adversely affect the operation or amenity of neighbouring uses. The use of the land for storage and activities in connection with the waste transfer station would be in compliance with this policy, subject to any amenity issues being satisfied.

Policy 6 allocates the land for employment purposes, with general guidance on the development of this land provided by a Development Brief. Again, use of the land for open storage and 'bad neighbour' uses are supported, subject to satisfying amenity issues. Therefore, subject to impacts on residential amenity being satisfied, the application would not conflict with Policy E5/E6 of the MBLP.

It is noted that the site also lies within the proposed '*South Macclesfield Development Area*' in the emerging Cheshire East Local Plan Development Strategy. This supports a range of residential and commercial uses but does not include for the development or extension of waste facilities. However, the weight attributed to this plan is considered to be limited at this stage in advance of the Inquiry into the Local Plan.

### **Sustainable Waste Management**

The key objective of PPS10, the revised Waste Framework Directive, and the emerging updated Government Planning Policy for Waste is sustainable waste management with priority given to prevention, preparing for re-use, recycling, recovery and disposal as a last resort. Targets imposed by the Directive, and subsequently incorporated into Government Policy and the Cheshire Joint Municipal Waste Management Strategy 2007 to 2020, seek to recycle and recover 50% of household waste by 2020; with Construction, Demolition and Excavation waste (C,D&E) at 70% by 2020.

Approximately 49% of household waste was recycled in 2009 in the authority, with a further 54% of Commercial/Industrial (C&I); and 75% of C,D&E waste recycled in the same period.

The anticipated landfill tax increases (£80 per tonne in 2014/15) are likely to influence the volume of waste arisings in the authority and waste management practices.

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.

Planning policy requires communities to be able to take responsibility for their own waste. Appropriate waste management facilities should be sustainably located to avoid the carriage of waste over long distances. Waste management should be considered alongside other spatial planning concerns, including transport and economic growth, recognising the positive contribution that it can make to the development of sustainable communities. Physical and environmental constraints need to be carefully managed, along with cumulative effects of waste facilities on the well-being of the local community and adverse effects on environmental quality. It is important that the needs and concerns of all interested parties are considered, including those of the local community, waste collection authorities, waste disposal authorities and business (PPS10).

The existing waste transfer site provides an important waste management function for waste arising in the north of the authority. It is used to recycle a range of waste streams from local authority household silver bin collections to trade and event waste. It is one of few such facilities serving a large catchment area.

The relocation of the MRF on land to the rear of the existing waste transfer building would allow more space for the waste processing plant and more space for waste being tipped, thus potentially increasing the throughput of waste being recycled. The application also enables skip waste to be accepted on weekends and bank holidays. This would prevent waste being transported over a greater distance to the nearest available facility open over these extended weekends/bank holiday periods.

The development helps to achieve European targets for recycling and diverts waste from landfill which is supported in planning policy. Equally, it enables communities to manage waste close to its source and avoid transporting it over long distance. As such, subject to their being no consequential impacts on residential amenity or the local environment, the scheme accords with the overall approach of PPS10, RSS and CRWLP Policy 1.

### **Impact on Residential Amenity**

A careful balance needs to be maintained between the provision of a network of sustainable waste management facilities and the physical and environmental constraints associated with its provision. In particular, planning policy requires us to secure recovery or recycling of waste without endangering human health or harming the environment (PPS10). The CRWLP emphasises that proposals which have unacceptable impacts on a range of considerations including residential amenity, noise, dust and highway management/safety will not be permitted (CRWLP Policy 12).

#### Relocated MRF

The existing MRF has been retrospectively constructed behind the waste transfer building and adjacent to the commercial vehicle repair garage which provides some element of screening for residential properties on Whiston Close/Sheldon Drive. However, it has the effect of bringing the plant closer to properties on Moss Lane. It is housed in an acoustic containment which is considered to significantly reduce noise emissions, particularly to those properties to the north of the site. In addition, the applicant has constructed a 6m high concrete acoustic barrier between the waste transfer station and the commercial vehicle repair garage which provides some degree of mitigation for properties to the north and east.

The noise assessment identifies a background noise level at Whiston Close/Sheldon Drive as ranging from 61.6Laeq to 66.3 Laeq. At Moss Lane this ranges from 66.9 Laeq to 68.5 Laeq. The assessment identified that with:

- the MRF relocated behind the existing waste transfer building,
- the process building being clad in 0.7mm profile steel sheeting,

The noise impacts to these properties would be 48DBA.

Equally, for properties on Moss Lane, the noise generated by the relocated MRF would be 52DBA (taking into account the distance to receptors and the acoustic fence that has been installed).

On the basis of the findings of the noise assessment, and given that no objections have been raised by the Environmental Health Officer to this element of the scheme, it is considered that the relocation of the MRF would not give rise to any additional unacceptable noise impacts especially as this is proposed to be operated within the consent hours of operation.

#### Sheeted Skip Storage

The applicant states that the additional hours proposed for the delivery and storage of sheeted skips is required to meet a demand from the local area for 7 day skip hire. This comes from regular and contractual waste producers, including householders, industry and commerce and to serve community/charity events. He maintains that this is a service not provided by any other operator in the local area and he has been operating this service since the waste management business was first established.

The hours proposed for storage of sheeted skips do not accord with the permitted hours of operation set out in Policy 29 of CRWLP which are 0730 to 1800 Mondays to Fridays and 0730 to 1300 hours Saturdays with no working on Sundays or Public Holidays. Provision is also made in this policy for longer hours specifically for the receipt of waste from Household Waste Recycling Centres (HWRCs) during the times of 1300 to 1700 on Saturdays and 0800 to 1700 Sundays and public/Bank Holidays. This special provision does not apply in this case, as the skips would not contain waste from HWRC facilities.

Under policy 29, exceptional circumstances need to be demonstrated to justify any longer working hours outside of permitted times and this is only acceptable where there are no consequent detrimental impacts. There could be a case made that exceptional circumstances exist in this instance, due to the benefits provided in terms of sustainable waste management which accord with PPS10, RSS and the approach of CRWLP. However, the delivery, movement and unloading of skips in the extended hours proposed by this

scheme is considered to present an unacceptable impact on local amenity, particularly associated with noise and disruption.

The Environmental Health Officer considers that any increase in the number of HGV skip vehicle movements travelling along the largely residential area of Moss Lane is likely to generate increased noise and vibration impacts. This would be particularly noticeable on Saturday afternoons, Sundays and Bank Holidays as there are no permitted movements to the main waste transfer site, and the general level of vehicle movements, particularly HGVs in the Moss Lane area is much lower than on weekdays.

Residential properties situated close to the site would also be likely to experience on-site noise and disruption impacts associated with the arrival of HGVs and unloading of the skips during the weekends when the site activity is normally minimal. It is acknowledged that the noise levels at properties on Sheldon Drive and Whiston Close would be reduced by using the entrance from 140 Moss Lane and due to the skips being stored behind the existing waste transfer building. However, skip unloading has the potential to cause a high level of noise due to skips being dropped, dragged and lifted on concrete.

Present operations on the main waste transfer site are restricted to Mondays to Saturdays mornings. Yet despite this, there is a long history of complaints regarding noise and disruption, particularly associated with the operation of plant and the movement of skips on site. There is concern that this increase in activity over these additional hours would give rise to further impacts on residential amenity. The level of complaints currently received is a further indication that there is little capacity for any increase in the frequency or duration of site activity without a negative impact on residential amenity.

The current limit on permitted hours allows for a period of respite for residents from associated traffic on Moss Lane and on-site activity for most of the weekend. Despite the limit on HGV numbers proposed, and the use of an entrance off 140 Moss Lane, the Environmental Health Officer considers that the scheme would give rise to detrimental noise and disruption impacts on neighbouring properties during times when background levels are lower. This is likely to cause adverse effects on residential amenity. Furthermore the capacity for any extra mitigation at this location is unlikely due to the close proximity of residential housing. The applicant has also not provided any noise assessment which specifically considers the impacts arising from the storage of skips during these times. Therefore, the noise impacts cannot be quantified.

Additionally, the Environmental Health Officer raises concerns that this proposal could also have the potential to increase noise and dust levels during existing permitted hours, as there would be increased onsite activity due to skip unloading and stacking and waste depositing and processing at the start of the week.

It is noted that these activities could also have the potential to cause dust, pest and odour impacts, although it is considered that these impacts could be more readily controlled through the Environmental Permit Regime and application of good site management practice.

There has also been concern expressed by local residents and Environmental Health that an expansion of the site for storage purposes would incrementally lead to further waste processing elements being relocated. This would in turn intensify activities on the site to a

significant degree. Should it be considered that planning permission be granted, appropriate controls could be placed on the consent to ensure that the level of activity on the site intensified further. It could also secure the site layout, provision of noise mitigation, noise monitoring plan, control of dust, odour, litter and noise, and hours of activities on site.

Policy states that proposals will not be permitted under Policy 23 of CRWLP which would give rise to unacceptable levels of noise pollution. On the basis of the proposed extent of this area, there will still be a direct line of sight to some residential properties. The Environmental Health Officer considers that:

- the movement of vehicles;
- on-site activity;
- associated noise during the hours proposed

could amount to significant impact on residential amenity, and there is insufficient consideration or apparent scope for mitigation of the potential impacts. On this basis, it is considered that the scheme conflicts with Policies 12, 23, 24, 29 of CRWLP; Policies DC3 and DC13 of MBLP; along with PPS10 paragraph 29

### **Impact on highway network**

The scheme proposes a further 40 HGV movements to the site on Saturday afternoons, Sundays and Bank Holidays. No information has been provided by the applicant to assess the impacts of these vehicle movements on the local highways network, or the adequacy of the proposed site access. The Strategic Highways Manager therefore raises concerns on a number of issues, namely:

- The volume of traffic generation;
- The condition and geometry of the access to 140;
- The impact of the total flow of HCV from the site on the local junctions with the A523 & A536;
- The tracked turning movements for opposed heavy commercial vehicles at the 140 access;
- The tracked movements of the HCV's within the site which has a very tight corridor of movement.

The Strategic Highways Manager has requested a Transport Statement be provided to undertake an assessment of both existing permitted flows and proposed flows for the retrospective application for both sites, along with a PICADY analysis for the junction of Moss Lane with the A523 and the A536. This assessment has not been submitted by the applicant.

Whilst some information is provided in the Design and Access statement concerning vehicular use of the site, this is not considered to provide a sufficient assessment of the highway impacts arising from the scheme. In addition, concerns are also raised over the existing quality of the running surface of the access at 140 Moss Lane, which is considered to be very poor and there is likelihood that the erosion of this access will creep and encroach into the adopted highway surface. As such, the Strategic Highways Manager does not support the scheme, as it is considered that there is a lack of information on highway impacts.

On this basis, it is considered that the scheme does not accord with Policy 12 of CRWLP, which requires applications for waste management facilities to be accompanied by an evaluation of the proposed development and its likely direct, indirect and cumulative impacts. It is also considered to conflict with policy 28 which requires applicants to demonstrate that:

- the level and type of traffic generated would not exceed the capacity of the local road network;
- would not have an unacceptable impact on amenity or road safety;
- demonstrate that access arrangements are adequate.

### **Landscape and Visual Impact**

The relocation of the MRF, to a location behind the existing waste transfer building would result in the pickling line sheds and trommel being visible due to its height approximately 7.2m above existing ground levels. The visual impact is partly mitigated by the vehicle repair garage which screens some views from sensitive receptors from the east on Moss Lane. Views of the plant would be visible from some properties on Moss Lane. However, these would be approximately 150m away and partially screened by the existing variety of land uses on 140 Moss Lane, including the commercial vehicle repair garage, radio station building and the caravan storage area.

The nature of equipment and materials stored on the site would be reflective of the general commercial/industrial nature of the site. The landscape officer does not raise any concerns with the scheme and it is considered that no significant detrimental landscape or visual impacts would arise from this scheme. As such, it is considered that the scheme would accord with Policy 14 of CRWLP, DC1 and DC2 and BE1 of MBLP.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The application site is not located on a preferred site as identified in the CRWLP and is within close proximity to preferred site WM13. No alternative site assessment to consider potentially suitable preferred sites, including the adjacent WM13 allocation has been provided. As such, this does not accord with the approach of Policy 5 of CRWLP.

However, the site is partially on previously developed land and within a settlement, thus broadly following the sequential approach of RSS as advocated in Policy 5(iii) of CRWLP. It is recognised a physical connection to the main waste transfer facility is needed for any expansion land to enable the business to operate and alternative options are restricted by existing development. The sustainable waste management benefits of the scheme are also noted, particularly the relocation of the MRF, as this would help to increase the capacity of waste recycling, and help to support a well established business which makes a contribution to the local economy. In this respect this accords with the approach of national planning policy.

It is considered that a case could be made to justify the extension of the site in this location as an exception to policy. Therefore, it is not considered that the application could be refused on the basis of conflict with Policy 5.



The use of the land for storage and activities in connection with the waste transfer station would be in compliance with the employment allocation in MBLP, providing this does not adversely affect the operation or amenity of neighbouring uses.

Planning policy requires sustainable waste management facilities to ensure they do not endanger human health or harm the environment (PPS10). The storage of sheeted skips in extended hours over weekends and on Bank Holidays is likely to give rise to unacceptable impacts on residential amenity, particularly associated with the delivery, movement and unloading of skips in the extended hours proposed. It is considered that this would generate unacceptable noise and disruption impacts. No noise assessment has been provided by the applicant to demonstrate that these impacts can be mitigated. As such, the scheme is considered to present adverse effects on residential amenity which conflicts with Policies 23, 24, 29 of CRWLP; Policies DC3 and DC13 of MBLP; along with PPS10 paragraph 29. These policies seek to ensure that waste management schemes do not result in detrimental harm to local amenity.

In addition, insufficient information has been provided by the applicant to demonstrate that the scheme would not have any adverse effects on the local highway network. On this basis, it is considered that the scheme does not accord with Policy 12 of CRWLP which requires applications for waste management facilities to be accompanied by an evaluation of the proposed development and its likely direct, indirect and cumulative impacts.

It is also considered to conflict with policy 28, which requires applicant to demonstrate:

- the level and type of traffic generated would not exceed the capacity of the local road network;
- would not have an unacceptable impact on amenity or road safety; and
- access arrangements are adequate.

On the basis of these points, the proposal is recommended for refusal.

## **RECOMMENDATION**

### **REFUSE for the following reasons:**

- 1. The proposed development would present unacceptable impacts on residential amenity arising from the delivery and storage of sheeted skips during the hours of operation proposed in terms of unacceptable levels of noise and disruption. Insufficient information has been provided to adequately assess the noise impacts arising from the scheme. This is contrary to the provisions of policies 12, 23, and 29 of the Cheshire Replacement Waste Local Plan; as well as DC3 and DC13 of Macclesfield Borough Local Plan; and the provisions of PPS10 and NPPF which seek to ensure developments do not give rise to unacceptable levels of noise pollution or unacceptable impacts on the amenity of nearby residents.**
- 2. Insufficient information has been provided to assess the impacts of the scheme on the local highway network which conflicts with policies 12 and 28 of the Cheshire Replacement Waste Local Plan, and the provisions of PPS10 and NPPF**

**which seek to ensure developments do not give rise to unacceptable impacts on the highway network.**

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