

Application No: 13/2772W

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

Proposal: Variation of conditions 2, 22, 24 and 26 of approval 5/06/2496P -  
Extension of existing waste transfer and recycling site together with new  
buildings and new site layout

Applicant: CFM Henshaw

Expiry Date: 26-Sep-2013

#### **SUMMARY RECOMMENDATION: Refuse**

##### **MAIN ISSUES**

Principle of development;  
Impacts on Residential Amenity  
Landscape and Visual Impacts  
Ecological impacts

#### **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 site.

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

The site is an existing waste transfer facility located on the southern edge of Macclesfield urban area. It is accessed off Moss Lane, which is a busy road connecting the A536 Congleton Road to the west with the A523 London Road on the east of Macclesfield.

Surrounding the site to the north and east is a large residential estate, whilst to the south is a mixture of small industrial and waste management uses, along with smaller residential estates. Open fields edged with broken hedges and trees lie to the west and south of the site. Immediately adjoining the northern boundary of the site are residential properties on Whiston Close and Sheldon Drive. These properties are afforded second floor views across the waste transfer station due to their elevated position.

This linear parcel of land contains a number of steel framed buildings used for the sorting of materials, the largest of which is located on the southern boundary of the site at a height of approximately 14m. The yard area has a range of open air storage bays for various aggregates and materials, and is used for the parking of large vehicles in connection with the

site activities and external material processing plant including the trommel screen. A two storey brick office building fronts onto Moss Lane.

Land to the south, perpendicular to the site, is also in the applicants ownership and forms part of the waste transfer facility but lies outside of this planning application boundary. This is subject to a separate planning application also being presented to this Strategic Planning Board.

### **DETAILS OF PROPOSAL**

This is a partially retrospective application to vary 4 conditions of consent 5/06/2496P. The amendments proposed would:

- seek approval for an amended site layout plan;
- increase stockpile heights during the working day;
- propose amendments to the approved Landscaping scheme;
- amend the permitted boundary treatment.

The details are as follows:

#### **1) Variation to Condition 2 (approved documents)**

Retrospective permission is being sought for an amendment to the approved site layout plan granted by consent 5/06/2496P, to reflect the changes to the site that have taken place over time and ensure all aspects of the site are recorded correctly on plan.

#### **2) Variation of Condition 22 (storage mound/stored skip height)**

Condition 22 restricts the height of storage mounds/stored skips to 3 metres. This application proposes to increase this limit to 4 metres during the working day, with stockpile heights being reduced to 3m by the end of the working day.

#### **3) Variation to Condition 24 (shipping containers) and Condition 26 (landscape boundary treatment)**

Condition 24 stipulates that all shipping containers retained on site and used for the purpose of securing the site boundary shall be painted green and there shall be no stacking of containers and no storage on and above them. The applicant proposes to replace the use of shipping containers as a boundary treatment with a mixture of concrete wall of 1 to 3 metres in height and a 2m high harris fence. An amendment is also proposed to the landscape treatment on the western site boundary approved under Condition 26 to replace the landscape bund with a 3m high concrete wall, backfilled on the western side with a 3m wide planted embankment.

### **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 for caravan sales, commercial garage and parking areas 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). Following this, a number of other applications have been submitted as follows:

- Planning permission was granted in 1996 to alter and extend the waste transfer station (5/96/1339).
- A further planning permission was 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).

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.

## **POLICIES**

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

#### **National Planning Policy Framework**

#### **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

#### **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 Policy Considerations**

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

Draft updated National Waste planning Policy 2013

Cheshire East Council Local Draft Plan Policy Principles

Cheshire East Council Local Plan Draft Development Management Strategy

### **OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

#### **Nature Conservation:**

The existing south eastern boundary of the development is currently an overgrown hedgerow. A Heras fence is proposed for this boundary. Confirmation of what is intended for the existing hedgerow is required.

If planning consent is granted standard conditions will be required to safeguard breeding birds.

#### **Public Rights of Way (PROW):**

The Definitive Map of Public Rights of Way shows that the development does not appear to affect a public right of way.

#### **Landscape:**

Does not consider that this proposal would have any significant landscape or visual effects.

#### **Environmental Health:**

This application seeks to alter existing planning conditions relating to site layout, stock pile heights and landscaping.

The proposed temporary raising of the stock pile height from 3 metres to 4 metres during the daytime has the potential to increase dust emissions. However, as this would be reduced to 3 metres at the end of each day, existing dust control requirements would be maintained to control this.

The 3 metre concrete fence on the southern boundary would serve as to act as a noise reflector towards properties on northern site boundary. This is particularly significant as the mobile plant that has caused noise complaints would be located close to this barrier. It is our understanding that this barrier was initially intended to screen residents from this piece of plant / activity. As the proposed site layout could effectively increase noise levels and have adverse impacts upon residential amenity, they cannot recommend that this planning application is approved.

The proposed location of the storage of green waste is in a location close to existing residential properties. Green waste has the potential and has in the past given rise to

complaints from residents adjacent to this site. They cannot recommend approval for the proposed location of the green waste storage area submitted with this application.

This section would review this recommendation if an altered layout was submitted. This should show the location of the mobile trommel and any screening positioned so as to mitigate noise from this equipment and a revised location for the storage of green waste designed to minimise odour impacts on residential properties

### **Recommended refusal**

**Reason: Adverse impacts on residential amenity due to odour and increased noise levels from proposed reflecting surface.**

It is recommended that the applicant addresses this issue in future planning application submissions or provide this information should the application be delayed or withdrawn (in accordance with Cheshire East planning application policy).

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

**Highways:** No comments made

### **Environment Agency:**

The Environment Agency has no objection in principle to the proposed development but has made the following comments.

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 any waste is to be used onsite (for example the back-filling proposed in condition 2.6.2), the applicant will be required to obtain the appropriate waste exemption or permit from us. They are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

**Natural England:** No comments made.

**Manchester Airport:** No objections.

**VIEWS OF THE PARISH / TOWN COUNCIL:** No response received

### **OTHER REPRESENTATIONS**

In excess of 50 letters of objection from local residents have been received.

The main concerns raised relate to potential detrimental impacts on residential amenity associated with noise and disruption, vibration, and dust and odour. The potential increase in

noise associated with typical waste management activities undertaken on site is raised as a particular concern, with the noise from skips being delivered and dragged along the hardstanding, loading and movement of lorries both on and off site, processing of waste through the trommel screen, vehicle reversing alarms and potential for this to generate a statutory nuisance and breaching human rights all being cited as issues.

The impacts of increased dust, fumes and odour are all cited as being a concern associated with this scheme.

Other issues raised relate to the conflict in land use between the site and residential properties and potential for the business to relocate to an industrial location, conflict with national planning policy, the retrospective nature of these works and the repeated enforcement complaints from local residents.

## **APPLICANT'S SUPPORTING INFORMATION**

Planning application forms

Planning Supporting Statement

Scheme drawings

## **OFFICER APPRAISAL**

### **Principle of Development**

Government policy on waste management is set out in the National Waste Strategy for England 2007 and, in the absence of specific waste policies in the National Planning Policy Framework (NPPF), Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10). The main aims of waste policy and legislation is to reduce the amount of waste being sent to landfill; with the revised Waste Framework Directive establishing a 5-step waste hierarchy to be applied in the management of waste, focusing on:

- prevention;
- preparing for re-use;
- recycling;
- other recovery; and
- disposal as a last option.

This is an existing waste transfer site which has been operational since 1992. It provides a facility for the collection, sorting and bulking up of waste generated within the Macclesfield urban area prior to further treatment. The site is considered to provide an important waste management function as it is one of the few waste transfer stations situated in the north of the authority and enables the recycling of waste which would otherwise be sent to landfill. It therefore supports the sustainable management of waste by preventing the carriage of waste over long distances to landfill, and makes a positive contribution to a network of waste management facilities which is an objective of PPS10 and CRWLP.

The application seeks to approve a revised site layout which would maximise the area available for the processing and storage of waste. In terms of complying with planning policy, measures to increase the amount of municipal, and commercial and industrial waste (C&I) being recycled are strongly supported in government legislation and within PPS10 and

CRWLP. This also helps to achieve waste recycling targets set out in European Legislation, Government waste strategy and the Cheshire Joint Waste Management Strategy. However, planning policy is very clear that the environmental and local amenity impacts arising from new waste development should be given thorough consideration to demonstrate there is no undue harm created by the scheme. As such, the scheme is considered to broadly accord with PPS10 and CRWLP, subject to there being no adverse environmental effects.

### **Impact on Residential Amenity**

The site is allocated for 'Open Storage and Bad Neighbour Use' (Policy E5 and E6 of MBLP) with the caveat that such uses should not adversely affect the operation or amenity of neighbouring uses. Policy DC3 of MBLP states that proposals should not injure the amenity of adjoining or nearby residential properties due to matters such as:

- overbearing effects;
- impacts from noise, vibration, dust or grit;
- environmental pollution;
- traffic generation

CRWLP requires the full direct, indirect and cumulative impacts of development to be evaluated, along with appropriate mitigation. Where unacceptable impacts are identified, or where there is insufficient information on potential impacts, the application should not be permitted. In particular, permission will not be granted where a scheme would give rise to unacceptable levels of noise pollution (Policy 23).

The application site has been operating as a commercial business for a number of decades with waste transfer operations commencing in 1992. Residential development has brought properties within close proximity of the site (to the east beyond Moss Lane) and more significantly, to north on Whiston Close/Sheldon Drive (which have private gardens backing onto the site and first floor views over the yard area). In granting permission for residential development on the northern boundary of this industrial use, it must be assumed that the impact of its continued use on residential amenity was considered acceptable at that time.

The site generates environmental impacts typical to a waste transfer station, including potential for noise and disruption, dust, odour and litter. This is largely associated with:

- the delivery and unloading of large waste vehicles;
- dropping and dragging of skips across the hardstanding;
- use of screening and sorting equipment, including the aggregates trommel screen, storage of sorted materials in bays along the boundary wall, and the movement of operational vehicles around the site.

PPS10 is clear that planning authorities should consider the likely impact of waste schemes on the local environment and on amenity, but should work on the assumption that the relevant pollution control regime will operate effectively. The operator has an Environmental Permit which is regulated by the Environment Agency. The permit controls the operational aspects of the site to ensure that appropriate measures are employed to prevent and minimise pollution, so as to not endanger human health or harm the environment. The permit includes conditions on the receipt, handling and storage of waste to control matters such as mud,

debris, odour and dust creation. It does not have specific controls over noise limits on the site, which are covered by a planning condition on the existing consent.

The consent requires compliance with a numerical noise level limit at the façade of residential properties and also requires a quarterly noise monitoring scheme. The applicant has not applied to vary the condition restricting noise levels on site. No noise assessment has been provided with the application to demonstrate there would be no adverse impacts on residential amenity. Equally, the applicant has previously failed to provide the quarterly noise monitoring required by condition on the existing planning permission, so it is not known whether the site currently operates to its required noise levels.

It is also noted that the close proximity of the site to residential properties has resulted in a long history of noise, dust, litter and odour complaints from local residents to the Council's Environmental Health Officer and Environment Agency.

This scheme would approve a revised site layout which would bring the storage of aggregates, green waste and scrap within very close proximity to the rear garden of properties on Whiston Close and Sheldon Drive. In addition, the Environmental Health Officer considers that the proposed 3 metre concrete fence on the southern boundary would serve to act as a noise reflector towards properties on northern site boundary. This is particularly significant as the existing mobile plant on site, particularly the trommel screen that has been the subject of particular noise complaint, would be located close to this barrier. The Environmental Health Officer considers that the proposed site layout could effectively increase noise levels and present adverse impacts upon residential amenity. As no noise assessment has been submitted in support of the application, the full impacts of any noise increase are not quantified. As such, it is considered that the scheme does not accord with policy 12 of CRWLP, which requires a full evaluation of the proposed development and its likely direct, indirect and cumulative impacts. It also conflicts with policy 23, in that the scheme is likely to give rise to unacceptable levels of noise pollution which have not been adequately mitigated. In addition, it would conflict with policies DC3 and DC13 of MBLP and the approach of PPS10 and the NPPF.

#### *Impacts from odour*

The proposed site layout plan would also approve the storage of green waste on the corner of Whiston Close on its boundary with the rear gardens of residential properties. The storage of green waste in this location is likely to give rise to complaints of odour impacts from local residents. The site has a history of complaints regarding the generation of odour from green waste which have been received by the Environmental Health Officer and Environment Agency. These complaints were generated when the green waste was stored at a greater distance to residential properties than is being proposed by this scheme.

Whilst it is acknowledged that the control of odour is largely a matter for the Environment Agency through the Environmental Permitting regime, the impact of odour on local amenity remains a material consideration. In this instance, given previous complaints over this issue on this site, and in view of the very close proximity to residential properties proposed in this scheme, it is considered that this variation to the site layout would generate odour impacts which would present a detrimental impact on local amenity which has not been adequately



mitigated. As such, it is considered that the scheme would conflict with policy 26 of CRWLP, policy DC3 of MBLP and the principles of PPS10.

#### *Other amenity issues*

Residents have also raised concerns over the potential of the scheme to cause additional odour, pest and litter impacts. The proposed temporary raising of the stock pile height from 3 metres to 4 metres during the daytime has the potential to increase dust emissions. However, as this would be lowered at the end of each day and existing dust controls would remain in place on the current consent, no adverse impacts are anticipated by this variation. Any other potential pollution control issues associated with increasing stockpile heights and wider site activities would be possible to manage by good site practices which are currently enforced and through the Environmental Permit regime.

Residents have also raised concerns over the scheme creating a statutory noise nuisance issue. This is dealt with under separate legislation and is currently being considered by the Environmental Health Department as a separate matter to this planning application.

#### **Landscape and Visual Impact**

The scheme proposes an amendment to the boundary treatment on the south-western and south-east boundaries. It proposes to replace the approved landscaped earth bund on the south-western boundary with a concrete wall to be backfilled with soil on its western side and planted with vegetation. On the south-eastern boundary, the existing shipping containers are to be replaced with a mixture of 3m high concrete wall and 2m high Harris fencing, reflecting the topography of the site.

The amendments proposed are not considered to present any significant visual impacts or detrimental harm to the landscape. Equally, a temporary increase of stockpile heights to 4m throughout the working day is unlikely to present significant visual or landscape impacts and could be controlled by planning condition to ensure this is reduced to 3m by the end of the working day. The Landscape Officer considers that the proposal would not have any significant landscape or visual effects. As such, the variations proposed are not considered to conflict with policies 12 and 14 of CRWLP, and policies DC1 and DC3 of MBLP.

#### **Ecological impacts**

The scheme proposes to replace the existing south eastern boundary of the site currently defined by an overgrown hedge with a Harris fence. The Nature Conservation Officer has not objected to the scheme, but seeks confirmation of the proposals for the removal of this hedgerow. It is considered that should planning permission be granted, a scheme for replacement mitigation planting could be secured by condition. Planning conditions could also be secured in respect of safeguard breeding birds. On this basis, the scheme is not considered to conflict with NPPF or policy 17 of CRWLP.

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

This is an existing waste management facility which enables the collection, sorting and bulking up of waste arising from the Macclesfield area. It contributes to a strategic network of facilities in the authority, which all help to:

- raise recycling rates;
- manage waste close to where it is generated;
- divert waste from landfill.

Thus, the variations proposed would accord with the broad principles of PPS10 and Cheshire Replacement Waste Local Plan, along with helping to achieve targets for recycling set out in European legislation, Government waste strategy and the Cheshire Joint Waste Management Strategy.

Planning policy on waste is clear that waste management facilities should not have a detrimental impact on residential amenity or the local environment.

The existing waste management operations undertaken on the site cause some adverse impacts on residential amenity, which has generated significant complaints from local residents in the past.

The proposed variations to condition are considered to present detrimental impacts on local amenity that have not been adequately mitigated. In particular, the variation to the site layout would generate odour impacts which would present a detrimental impact on local amenity which has not been adequately mitigated. As such, it is considered that the scheme would conflict with policy 26 of CRWLP and the principles of PPS10. In addition, the scheme does not accord with policy 12 of CRWLP which requires a full evaluation of the proposed development and its likely direct, indirect and cumulative impacts. It also conflicts with policy 23 in that the scheme is likely to give rise to unacceptable levels of noise pollution which have not been adequately mitigated.

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

## **RECOMMENDATION**

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

- 1. The proposed development would give rise to unacceptable detrimental impacts on residential amenity by reason of noise and disruption, and from the generation of odours. Insufficient information has been provided to demonstrate that any harm can be appropriately mitigated. This is contrary to the provisions of policies 12, 23 and 26 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. Those policies seek to ensure developments do not give rise to unacceptable levels of noise pollution or unacceptable impacts on the amenity of nearby residents.**

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