

Application No: 13/3774W

Location: WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CHESHIRE, CW5 7PP

Proposal: Variation of condition 6 of planning permission 11/3389N - VARIATION OF CONDITION NO 9 ON PERMISSION 7/2009/CCC1

Applicant: Mr F H Rushton

Expiry Date: 17-Dec-2013

### **SUMMARY RECOMMENDATION**

Approve variation of condition 6

#### **Main Issues**

- Compliance with Policy 29 of CRWLP
- Impact on residential amenity
- Highway impacts
- Impacts on public rights of way
- Impacts on built heritage
- Other considerations

### **REASON FOR REPORT**

This is a waste application which, due to the site area, has to be determined by the Strategic Planning Board in accordance with the established Terms of Reference.

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

The application site is an existing green waste composting facility, located within the open countryside, approximately 8.5 miles south east of Nantwich and kilometre south of Hunsterson off Pewit Lane. The surrounding countryside is slightly undulating, divided into medium sized fields and utilised for arable production.

There are a number of isolated properties and farm units widely spaced surrounding the compost site. The nearest residential property Fox Moss is 230 metres to the north east of the site, with Pewit House a further 200 metres away to the north east. The Uplands lies 440 metres away and Whittakers Green Farm is located 470 metres to the north of the application site. Woodend is 350 metres to the east of the site, and Woodfall Hall Farm is 670 metres to the south west.

The site has a weighbridge and small office and on-site facility building at its entrance. The reception of waste, shredding, composting and storage takes place upon a large sealed concrete pad.

Hunsterson Footpath No. 22 lies immediately on the eastern and southern boundary of the compost site.

## **DETAILS OF PROPOSAL**

The applicant has applied to amend condition 6 of permission 11/3389N. The condition currently states:

*The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:*

*0800-1800 hours Monday to Friday between 1st March and 31st October inclusive.  
0800-1200 hours Saturday between 1st March and 31st October inclusive.*

*0900-1500 hours Monday to Friday between 1st November and 28th February inclusive.  
0800-1200 hours Saturday between 1st November and 28th February inclusive.*

*No importation of green waste taking place outside these times or on Sundays.*

*Bank Holidays:*

*Subject to the provisions below, the importation of green waste to the site and the unloading of green waste vehicles on Bank or Public Holidays shall only take place between the hours of 0830 – 1600.*

*No importation of green waste material or unloading is permitted outside of these hours or on Christmas Day, Boxing Day or New Years Day.*

The amendment originally sought by the applicant would permit the delivery and unloading of green waste vehicles from 0800 to 1800 hours Monday to Friday all year round, thus removing the seasonal restriction provided by condition 6. In order to address concerns raised following consultation on the application, the applicant has agreed to a revision on the wording of condition 6 as follows:

*The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:*

*0800 – 1600 hours Monday to Friday  
0800 – 1200 hours Saturday*

*No importation of green waste taking place outside these times or on Sundays.*

*Bank Holidays – Subject to the provisions below, the importation of green waste to the site and the unloading of green waste vehicles on Bank or Public Holidays shall only take place between the hours of 0830 – 1600 hours.*

*No importation of green waste material or unloading is permitted outside these hours or on Christmas Day, Boxing Day or New Years Day.*

The effect of the change would, between the period of 1<sup>st</sup> November until 28<sup>th</sup> February, extend the permitted hours for the delivery and unloading of green waste by an hour in the morning and in the evening.

## **RELEVANT HISTORY**

The original application (7/P04/0124) granted in 2004 established the use of the land for the composting of green waste. Following this, the site has been subject to a number of planning applications, the most relevant being:

- **December 2006** application ref.7/2006/CCC/11 was approved for variation of condition 13 of permission 7/P04/0124 to allow importation of green waste on Bank Holidays except for Christmas. All conditions of 7/P04/0124 were replicated.
- **June 2007** application ref.7/2007/CCC/7 was approved for an extension to the compost storage pad with all previous conditions replicated.
- **July 2008** application ref.7/2008/CCC/9 was refused for variation of condition 14 of permission 7/P04/0124 to increase green waste vehicle movements from 10 to 40 a day. The subsequent appeal was dismissed **October 2008**. On refusing the appeal the Inspector considered that the increase in vehicle movement would generate a level of traffic which would be unsuitable on the local highway network and which would harm the safe movement of traffic on the local roads. It would also have an unacceptable impact on local communities and the local environment with regards to increased noise and disturbance contrary to Policy 28 of the Cheshire Replacement Waste Local Plan (CRWLP).
- **March 2009** application ref.7/2008/CCC/7 was approved for new access track to join Bridgemere Lane to Whittakers Green Farm and the compost site (and hence avoid the use of Pewit Lane) subject to legal agreement regarding routing.
- **March 2009** application ref.7/2009/CCC/1 was approved as a resubmission of application to vary condition 14 of permission 7/P04/0124 to increase vehicle numbers but provide seasonal variations in maximum vehicle numbers and restricted hours of delivery.
- **October 2009** application ref.09/1624W approved for retrospective application for improvement and extension of an existing agricultural track for use in association with agricultural and green waste compost operations at Foxes Bank and Whittakers Green Farm. This permission regularised the development that took place to extend the track approved by 7/2008/CCC/7 and to join existing tracks.
- **November 2010** Applications ref.10/1005N and 10/2251N were refused for a broadening of the definition of green waste imported at the site and an allowance for a quantity of contaminated waste to be imported. The subsequent appeals were allowed on the grounds that it would not cause unacceptable effects on the visual amenity of the surrounding area, on neighbouring land uses by reason of matters including noise, air quality, odour, dust, human health, water quality, litter and visual intrusion.

- **June 2011** application ref.10/4485N was refused for variation of condition 9 of 7/2009/CCC/1 to amend hours of working to resort back to that previously approved prior to the increase in vehicle numbers permitted. Application refused as being contrary to Policy 28 of CRWLP. In particular having an unacceptable environmental impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.
- **January 2012** application ref.10/2984W – removal of conditions to enable export of waste from the site. Appealed against non-determination. Appeal dismissed due to the harm that the proposal would cause to the living conditions of local residents, with particular reference to noise and disturbance.
- **May 2012** application ref.11/3389N was approved for variation of condition 9 of 7/2009/CCC/1 to amend hours of working to resort back to that previously approved prior to the increase in vehicle numbers permitted, with slight variations to winter operational hours.
- **March 2013** permission granted on appeal for variation of condition to permit the export of compost from the site.

## **POLICIES**

### ***Cheshire Replacement Waste Local Plan (CRWLP)***

Policy 1: Sustainable Waste Management

Policy 12: Impact of Development Proposals

Policy 20: Public Rights of Way

Policy 23: Noise

Policy 24: Air Pollution; Air Emissions Including Dust

Policy 28: Highways

### ***Borough of Crewe and Nantwich Adopted Local Plan 2011***

BE.1 Amenity

NE.2 Open Countryside

NE.17: Pollution Control

RT.9: Footpaths and Bridal ways

### **National Policy**

Planning Policy Statement 10: Planning for Sustainable Waste Management

National Planning Policy Framework

### **Other Material Considerations**

Waste Strategy (2007)

Government Review of Waste Policy in England 2011

Consultation on PPS10: Planning for Sustainable Waste Management

## **CONSULTATIONS (External to Planning)**

**Highways:** This is a proposal for a variation of condition with regard to hours of operation to end at 4pm and will be controlled by planning condition.

The Highway Authority has previously agreed to hours of operation up to 6pm and therefore cannot raise an objection to the current proposal which also has the benefit of lower vehicular trips than the regular permission for 20 in and 20 out per day.

The Strategic Highways Manager raises no objection to the proposal.

### **Environmental Health:**

No objections subject to the vehicle movement restrictions imposed on the previous permission being replicated, in order to prevent any impact on amenity due to noise being caused by vehicles accessing or on the site. The site currently operates from 0800 – 1800 hours Monday to Friday between 1<sup>st</sup> March and 31<sup>st</sup> October, which is for the majority of the year, and we have not substantiated any noise complaints in relation to these hours. Hence we have no reason to believe that increasing the finish time over the remaining four months will have any detrimental effect on residential amenity. With the vehicle movement restrictions in place, there will be the same number of vehicles accessing the site but over a longer period of time, thus reducing the frequency of vehicles.

### **Public Rights of Way:**

Original comments in response to the 0800 to 1800 hours revision proposed.

The development has the potential to affect Public Footpath No. 4 16 & 22, as recorded on the Definitive Map of Public Rights of Way.

Please note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

Further to our comments to the change in conditions under planning application no. 12/1445N :-

*'Whilst there are no specific grounds for objection to this application in terms of how it affects parts of Public Footpaths no. 4, 16 & 22 Hunsterton; following a site visit we would like it to be noted that the condition of the surface of the Footpaths are deteriorating and becoming pot holed from vehicular traffic. Also the size of the vehicles in use pose a potential safety issue for pedestrians where the access track and footpaths coincide. There is course for redress to the surface issues through the Highways Act.*

*It is appreciated that these are issues that should have been raised at a previous application when vehicular numbers were increased and therefore is not relevant to this particular application however now that they have been highlighted, we feel it is necessary to draw attention to these matters through this consultation process.'*

The current changes propose increasing the hours through the winter months when vehicles can access the site. This raises concerns of the potential for walkers to be conflict with these vehicles where the footpath and the access track co-incide, in darkness. Pedestrians would be extremely vulnerable especially where the track is barely sufficient for the width of the vehicle as stated previously. It would significantly improve this situation if some form of lighting could be provided along this section and for drivers to be alerted to the possibility of

meeting pedestrians. Consideration could also be given to some physical restriction to the speed of vehicles along this stretch.

Revised comments following revision of proposal to seek 0800 to 1600 hours.

In relation to our concerns raised regarding the potential for conflict between vehicles and pedestrians during the hours of darkness, this will be largely mitigated by the restriction of vehicular movements to a 4 p.m. threshold in the afternoons.

The applicants statement '*There are no issues with regards to installing speed restriction and pedestrian warning signs on the road and that can be conditioned*' is welcomed. This will assist in reducing the potential for conflict between vehicles and pedestrians.

### **Built Heritage:**

#### Original comments

As stated in relation to application 12/1445N, the outbuildings are all brick built and fairly substantial and the presence of the grass verges should serve to distance the vehicles from the buildings and hence mitigate against potential damage resulting from vibration or physical impact to a degree dependent upon the width of the verges.

The protection afforded to the two storey outbuilding located by the narrow grass verge adjacent to the track to the application site will of course be more limited in this respect and use of the lane out of daylight hours may therefore be problematic in relation to this particular building.

Comments from our highways colleagues on this aspect in relation to the proposed extension of the approved operating hours would assist.

In addition whilst the current application may not intensify the use already permitted it might be possible to condition the approval to restrict the size of vehicles used out of daylight hours, and/or reduce somewhat the proposed extent of the increase in hours proposed at the beginning and end of the day.

#### Conclusions:

##### Is proposal acceptable and justified?

Yes, provided our highways colleagues are satisfied on safety issues and the current proposals do not intensify the use which is already permitted.

#### Action –

##### Recommended conditions:

- size, width and number of vehicles should not exceed those currently in use, to mitigate against potential damage resulting from an increase in vibrations or impact;
- the increase in operating hours permitted to be more restrictive than now proposed, to limit the extent of operation outside permitted daylight hours and mitigate against potential damage resulting from an increase in impact;
- size of vehicles used out of daylight hours could be restricted to mitigate against potential impact damage or an increase noise.

Revised comments following revision of proposal to seek 0800 to 1600 hours.

The proposed new amendment to the hours of operation proposed will now result in limiting the movement of vehicles after 4pm in winter, which is welcomed.

It is also understood that the Highways Officer has not raised any issues relating to the proposed new amendment to limit the movement of vehicles after 4pm.

Similarly it is appreciated that the existing permission already limits the number of vehicle movements in the winter.

As a result these new facts now serve to overcome the initial potential built heritage objections raised by officers in their consultation response.

Conclusions:

No built heritage objections.

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

Doddington and District Parish Council neither object or support the application but make the following observations.

Although lorries would be approaching the site at times when it is dark and could add to the potential risk of possible injury to other road users, (mainly children who are waiting to be picked up in the mornings or being dropped of after 3.30pm), the overall view of neighbours and the Parish Council is, it will have minimal impact over and above the current use of the roads towards the site, especially the roads in the parish of Doddington and District. The number of movements will not be increased and it is not thought that the majority of the current movements will be utilised within the extra time slots. The amount of green waste imported and exported will be less in the winter months and it is therefore expected that full use of the movements will not be made over this period.

Hatherton and Walgherton Parish Council objects to the application. Allowing earlier deliveries would result in the large delivery vehicles which service the site conflicting with the morning school-run, which would be exacerbated during hours of darkness.

Many of the roads in the vicinity are too narrow to allow vehicles to pass the large vehicles using the site which results in vehicles having to use the verges and thus causing damage to vehicles and the roads and verges. This is even more dangerous for other road users such as horse-riders, cyclists and pedestrians. Having to undertake this in hours of darkness would be much more dangerous than during daylight hours.

In addition, the Parish Council understands that the proposal to extend the winter hours emanates from a requirement by Cheshire East Borough Council to deliver waste to the site for a longer period than that presently permitted. The Parish Council is advised that the collection of green waste by the Borough Council services is to be withdrawn between 18 November and 14 March. We would request confirmation of this, in which case can an explanation be provided by the Borough Council as to why it is requesting longer hours from the site operator.

## **OTHER REPRESENTATIONS**

7 letters of objections have been received raising the following issues:

- Costs to tax payers resulting from road and verge repairs;
- Highway safety concerns especially for vulnerable road users such as school children, cyclists, walkers and horse riders due to HGVs using country lanes in poor weather conditions or failing light;
- Refute the school run traffic problems claimed by the applicant;
- Road safety concerns worsened by lack of street lighting and footpaths, and school children waiting on side of road;
- Noise and disturbance arising from increased hours of HGV movements;
- Query need for scheme given that lower amounts of green waste in winter months;
- Previous appeal decision refused permission due to highway safety concerns and unsuitable road network;
- Impacts on overused road network and poor state of verges demonstrate that roads are too narrow
- Health and safety implications of vehicles unloading in darkness;
- Previous application for the same revision required winter delivery restrictions due to highway safety concerns for vulnerable users;
- Queries the applicant's statement that the application is made for operational reasons identified by Cheshire East's waste and recycling service.

One letter of support has been received from a household waste recycling centre (HWRCs) operator who notes the following:

- during November to March period they expect to receive more green waste deposited at HWRCs due to the kerbside green waste collections ceasing;
- such waste has to be taken to a PAS100 approved facility and thus they consider the application site an essential outlet;
- any restriction on winter delivery times would have a significant impact on their ability to handle the green waste;
- Their HWRC storage capacity is limited and they are open from 8am until 4pm 7 days a week so need to empty the skips in a timely fashion to avoid problems with odour.

## **APPLICANT'S SUPPORTING INFORMATION**

Supporting Planning Statement dated September 2013

Letter from Martin Waste Limited

## **OFFICER APPRAISAL**

### **Compliance with Policy 29 of CRWLP**

Policy 29 of CRWLP prescribes the normally permitted hours of operation for waste management facilities excluding Household Waste Recycling Centres (HWRCs)). This is from 0730 to 1800 Mondays to Fridays and 0730 to 1300 Saturdays with no working at any time on Sundays or Bank Holidays. Provision is given in the policy for revisions to these times where such hours would present an unacceptable impact on neighbouring land uses.



The policy also permits the operation of a waste management facility between the hours of 1300 to 1700 Saturdays; and 0800 to 1700 Sundays and Bank/Public Holidays where it is open solely for the receipt of waste from HWRCs.

The hours of operation proposed fall within those 'normally permitted' under Policy 29 and thus the scheme accords with the policy in this regard. Despite this, it is still necessary to consider the potential impacts such a revision would have on neighbouring land uses and whether any revision to the proposed hours of operation is required (as provided for in Policy 29).

### **Impact on residential amenity**

PPS10 requires the sustainable management of waste without harming the environment or endangering human health. In assessing planning applications, regard should be given to the likely impact on the local environment and local amenity (PPS10 Annex E). CRWLP Policy 12 does not permit developments which would have any unacceptable impacts on (amongst other things) neighbouring land uses and residential amenity. Policy 23 does not support proposals which would give rise to unacceptable levels of noise pollution. Equally, Policies NE17 and BE1 of CNBLP protect the amenity of local residents and do not support proposals that would generate any unacceptable increases in noise levels.

The impact on residential amenity arising from the movement and unloading of green waste vehicles during the period of 0800 to 1800 hours both all year round (but with a lesser number of vehicles) and during the summer months (with the current 20 permitted vehicle movements) has previously been assessed and considered acceptable. As such, it is the specific additional impacts arising from the delivery and unloading of the 20 permitted green waste vehicles during the 0800 to 0900 hour and 1300 to 1600 hour periods in the months of November to February which is of consideration. Equally, given that the site currently has permission for the turning and screening of green waste from 0800 to 1800 hours all year round, it is only those direct impacts associated with vehicle movements and the unloading of green waste which should be considered.

Given that green waste vehicles already access the site during these hours in the summer months and no amendments are proposed to the number of vehicle movements, access arrangements or unloading practices, it is considered that there would be no further additional impacts on residential amenity arising from this amendment. The Environmental Health Officer raises no objection on the basis that the amendment proposed would not have a detrimental impact on residential amenity. It is also noted that the proposal would result in the same number of vehicles accessing the site over a longer period, thus reducing the frequency of vehicles. On this basis, it is not considered that the scheme would generate any detrimental impacts on residential amenity. As such, it would accord with Policies 12, 23 and 29 of CRWLP; Policies NE17 and BE1 of CNBLP and the approach of PPS10 and the NPPF.

### **Highway impacts**

The original consent for green waste composting permitted the delivery and unloading of green waste from 0800 to 1800 hours Monday to Friday, with no seasonal restrictions, albeit this was on the basis of 10 green waste vehicle movements, and with access taken from Pewit Lane. A new access road was then approved which removed the need to use Pewit Lane and which is now in use on the site.

Various applications have subsequently been submitted in respect of both the hours of operation and number of green waste vehicles. Most notably permission was granted in 2009 for an increase to 40 vehicle movements (20 in and 20 out), subject to restricting the hours of delivery and unloading of green waste vehicles to 0900 to 1500 from Monday to Friday in an attempt to address potential conflicts between green waste vehicles and school users. The scheme included a vehicle routing agreement, signage on the access track to advise vehicles to turn left, and a limitation on using Pewit Lane.

An application was then submitted in 2010 to extend the hours of delivery back to those originally approved (i.e. 0800 to 1800 hours Monday to Friday). Despite no objections being raised from the highways officer, the application was refused on the basis of being contrary to policy 28 of CRWLP: in particular having an unacceptable environmental impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.

A further application was then submitted in 2011 (Ref: 11/3389N) for the same amendment to delivery times sought previously. The highways officer again raised no objection to this scheme and considered that the condition as currently worded had no overall control on green waste vehicle movements on the surrounding highways network outside of the site. As such, it did not prevent any vehicle from passing schools. The Highways Officer also noted:

- There is a temporary 7.5 ton weight restriction order in place for Bridgemere Lane (between London Road and Pewit Lane) which restricts all vehicles over 7.5ton from using Bridgemere Lane (except for access) and therefore from passing Bridgemere School;
- An 'Available Walking Routes Assessment' at the school concluded that this section of Bridgemere Lane is 'non hazardous' due to low vehicular flows and the inclusion of informal step off facilities. The risk to pedestrians is not as significant as was first considered which provides evidence to support the revisions to the delivery times sought, as the risk is less than initially thought;
- Longer delivery times would reduce the risk of conflict with other highways users by enabling the 20 vehicles to operate over 10 hours instead of 6, which would reduce average flows in and around the site and therefore reduce potential conflicts with local traffic. It also allows the operator to reduce the impact around school peak times if they operated over a longer working day.

That said, given that the available walking routes assessment was carried out in daylight hours, the highways officer remained concerned over the potential impact on vulnerable road users during the hours of darkness and, as such, permission was granted subject to the existing 0900 to 1500 hours restriction being retained during the period November to February.

In respect of this application, it is acknowledged that, regardless of its intention, the condition is only effective insofar as it prevents vehicles from entering directly onto the application site outside of the stipulated hours. Thus there are no restrictions on vehicles arriving outside of these hours, passing local schools and waiting on the haul road.

The applicant states that maintaining the current restrictions on delivery vehicles to between the hours of 0900 to 1500 continues to pose highway safety concerns as vehicles arriving for a 0900 opening will coincide with school drop off times and likewise conflict arises with a 1500 finish time at the site. Previous evidence taken from on-site observations of vehicle movements provided by the applicant to support application 11/3389N demonstrated this to be the case with records of vehicles often arriving within the peak school times (0830 – 0900 hours), with a return trip being made around 1445 hours and vehicles being back on the network at 1500 hours again conflicting with school peak hour. This scenario was accepted in the consideration of application 11/3389N and there is no evidence to suggest this practice has not changed. In addition, the applicant notes that this is occurring during the winter months with less daylight hours which further exacerbates the risks to vulnerable road users.

The applicant has sought to address the concerns of local residents and has shortened the delivery times proposed in the evening period to one additional hour over the current provisions in an attempt to limit the need for vehicles to travel during the hours of darkness, which at the shortest day is around 1600 hours. This will still enable the 16 permitted vehicle movements to be spread over an 8 hour period as opposed to the 6 hours currently permitted, and thus provide the operator with greater scope to avoid sensitive peak times for school users and commuters.

The Highways Officer does not raise any objection to the scheme and notes that the Highways Authority has previously accepted hours of delivery up until 1800. As such, the Highways Officer does not consider that an objection can be sustained in this instance. It is also noted that during the period of November to March, the permitted number of delivery vehicles is set at a lower level (32 movements (16 in and out)) than during the remainder of the year (40 movements (20 in and out)).

In view of these points, and in the absence of any objection from the Highways Officer, it is considered that the scheme accords with Policies 28 and 29 of CRWLP, Policy BE.1 of CNRLP, along with the approach of PPS10 and NPPF.

### **Impacts on public rights of way**

Footpath FP22 runs north from the application site along the existing access track for approximately 420m to the junction of Pewit Lane. Footpath FP16 then follows the route of the access track west from this junction for approximately 200m, and further north footpath FP4 runs along the access track for approximately 250m.

Concern is raised by local residents that the extended hours for the delivery of green waste would present a safety risk to users of the footpaths in the vicinity of the site, especially during hours of darkness. Policy 20 of CRWLP does not permit development where it would have an unacceptable impact on public rights of way.

The impact of green waste vehicles on footpath users has already been considered acceptable through the various consents on the site and no restrictions on size of vehicles have previously been considered necessary.

The Public Rights of Way Officer initially raised concerns over the potential conflict of green waste delivery vehicles with footpath users during the hours of darkness, especially given that footpath 22 runs alongside the access track for part of its length with no barriers to separate

the two users. In order to address these concerns, the applicant has agreed to shorten the delivery period from 1800 to 1600 hours. In addition, they have agreed to provide speed restriction signs and signs warning of pedestrians on the access road leading to the site as the footpaths and access road share the same surface. They also note that there are some speed restriction ramps already in place on the metalled section of the access road. The applicant notes that the only other section of the access road which is under his control where speed restriction ramps could feasibly be put are on a small section of the road adjoining footpath FP4. However, as this is on an incline and applicant considers that the costs associated with engineering a speed ramp on an embankment would be unjustified, especially given that vehicles are already driving slower at this point (to manoeuvre the incline).

They also note that, in general, green waste vehicles rarely arrive at the site after 4pm in the winter months, and during the shortest day the average sunset is around 4pm. Given that the site does not have any lighting, vehicles would not generally need to deliver to the site after that time.

The public rights of way officer considers that, in relation to the potential for conflict between vehicles and pedestrians during the hours of darkness, this will be largely mitigated by the restriction of vehicular movements to a 4 pm threshold in the afternoons. They also consider that the installation of speed restriction and pedestrian warning signs would also assist in reducing the potential for conflict between vehicles and pedestrians. On the basis of their being no objections raised by the Public Rights of Way Officer, and subject to the mitigation measures as detailed being secured by planning condition, it is not considered that the scheme would present any detrimental impact on public rights of way and, as such, accords with Policy 20 of CRWLP.

### **Impacts on built heritage**

The access track serving the application site passes Pewit House, a Grade II listed building situated on the junction of Pewit Lane. It is a sixteenth century timber framed building with brick infill panels which is set back from Pewit Lane by a courtyard to its foreground. The courtyard is enclosed by a group of traditional one and two storey brick outbuildings which lie within the curtilage of the listed building. The outbuildings are included within the listing by virtue of the fact that they would have been present within the curtilage of Pewit House prior to 1948.

The two storey wing of the outbuildings lies immediately adjacent to the access track serving the application site and is separated from the track by a narrow grass verge. The part one to two storey group of outbuildings have a wider grass verge separating them from Pewit Lane.

PPS10 states that consideration should be given to the impacts of waste management proposals on the historic environment and built heritage, particularly with regards to any adverse effect on listed buildings. Corresponding policies in CRWLP require the full impacts of proposals on the historic environment to be evaluated, and mitigation identified to avoid, reduce or remedy unacceptable impacts (Policy 12). Regard should be given to the effect that a development will have on a listed building and its setting. Where there would be unacceptable impacts on a listed building, the development should not be approved (policy 16). The NPPF also provides for a similar level of protection for listed buildings and states that regard should be given to the desirability of sustaining and enhancing the significance of heritage assets.

The key consideration in respect of this application is whether there would be any detrimental impacts on the listed building arising from the scheme, particularly in view of the movement of vehicles during periods when there is limited light.

As noted above, the site has always been operated on the basis that it uses the access track to Pewit Lane. Therefore, vehicles must pass the listed building to reach the highway. The subsequent consents to increase vehicle numbers were also granted on the basis that vehicles entering and leaving the site will pass the listed building. The impact on the listed building was considered acceptable at the time of granting the original consent, and no restrictions have ever been imposed on vehicle sizes in order to address any concerns over impacts on the listed building across the other subsequent consents.

The Built Heritage Officer does not raise any objection to the scheme on the basis that the hours proposed are restricted to 1600, there are no changes proposed to the number of vehicle movements which would continue to be controlled by condition and there are no highway objections. These points are considered by the officer to serve to overcome their initial concerns regarding any impact on the listed building. It is also noted that the Built Heritage Officer, in the consideration of application 12/1445N, identified that there is a grass verge separating the building from the access track which is considered to provide a degree of mitigation against potential for damage from passing vehicles. In addition, the mitigation over the speed of vehicles using the access track as identified by the Public Rights of Way Officer, are considered likely to offer further protection to this built heritage asset.

In view of the above, and the lack of any objection from the Built Heritage Officer is not considered that the scheme would conflict with Policies 12 or 16 of CRWLP, or the approach of PPS10 and the NPPF.

### **Other considerations**

Local residents and the Parish Council have raised concerns over the justification for the scheme given that Council kerbside collections will cease in mid November until March.

Policy 2 of the CRWLP states that the Planning Authority will consider the planning objections and planning benefits of all applications. Where the material planning objections outweigh the benefits, the need for the development will be considered. Furthermore, PPS10 states that where proposals are consistent with an up to date development plan, waste planning authorities should not require applicants to demonstrate a quantitative or market need for their proposal.

The applicant has stated that the scheme would assist in providing a facility for the management of green waste arising from household waste recycling centres (HWRCs). During the period of November to March, kerbside collections of green waste will cease. As such, the HWRCs will act as the principle collection point for such waste. A letter of support has been received from a HWRC operator which confirms that they expect to receive a greater volume of green waste during the November to March period and restricted delivery hours at the Whittakers Green Farm site would have a significant impact on the HWRC operator's ability to handle green waste. They also note that HWRC's have limited capacity to store green waste and there is a need to have an efficient delivery to avoid problems with odour.

With respect to Policy 2 of the CRWLP, it is considered that need is not a relevant issue regarding this application and is not a reason to refuse this application. Nearly all waste development has some adverse environmental effects; and in such cases, it is reasonable to require that a need be demonstrated which outweighs such harm. However, in this instance, given that the impacts arising from the scheme are not considered significant and can be adequately mitigated, it is considered that a need does not have to be demonstrated as the development does not cause such adverse harm. The proposal therefore complies with Policy 2 of the CRWLP.

Local residents and the Parish Council have also queried the statement made by the applicant that the application is made for operational reasons identified by Cheshire East Council's Waste and Recycling Service. In respect of this point, the Waste and Recycling Service have clarified that whilst the application site may well be needed to receive garden waste from HWRC during the winter months, once garden waste is deposited at a HWRC facility it is ultimately the contractor's responsibility to source and decide on a suitable composting facility to receive the waste.

### **Conclusions**

Previous planning permissions approved an increase in the hours for the delivery of Green Waste Vehicles to revert back to those originally permitted from 0800 to 1800 hours Monday to Friday, but retained a seasonal restriction in the winter period (November to February) to limit movements between 0900 to 1500 hours in an attempt to reduce the conflict with vulnerable road users in the hours of darkness.

This application seeks to remove that seasonal restriction but, in an attempt to address the concerns of local residents and consultees, proposes a 1600 finish to limit the potential of green waste vehicles meeting vulnerable road and footpath users in the hours of darkness.

The impact of green waste vehicles operating during 0800 to 1800 hours in the summer months has already been accepted by virtue of permission 11/3389N; equally the impact of a maximum of 5 green waste vehicles delivering during these times was accepted in the first grant of planning permission on the site (Ref: 7/P04/0124). Thus it is the specific impacts arising from the additional one hour in the morning period and one hour in the afternoon that is of consideration.

Given that these hours of operation have been accepted in the summer months, there are not anticipated to be any additional impacts on residential amenity arising from replicating the same restrictions in the winter months. The Environmental Health Officer also raises no objection to the scheme. Equally, subject to the mitigation proposed by the applicant, the public rights of way officer raises no objection to the scheme. No additional impacts are also anticipated on the built heritage assets. As such, the scheme is considered to accord with Policies 12, 16, 20, 23 and 29 of CRWLP; Policies NE17 and BE1 of CNBLP and the approach of PPS10 and the NPPF.

In respect of the highway impacts arising from the scheme, the revision will provide longer hours enabling vehicle movements to be spread out further. It is noted that the current planning conditions do not provide any control of vehicle movements on the local highway network and previous evidence suggests that green waste delivery vehicles currently coincide with school traffic which in winter exacerbates the risks to vulnerable road users. It is also

noted that the number of permitted vehicle movements are lower in the winter period than at other times of the year. The Highways Officer raises no objection to the scheme. On the basis of these points, the scheme is considered to accord with Policies 28 and 29 of CRWLP, Policy BE.1 of CNRLP, along with the approach of PPS10 and NPPF.

In the absence of any objection from consultees and subject to the mitigation as identified being secured by planning condition, and replication of all other conditions on the existing consent, it is considered that the scheme would not conflict with the provisions of PPS10 and the NPPF, policies within the Cheshire Replacement Waste Local Plan and the Crewe and Nantwich Borough Local Plan.

It is therefore recommended that the proposal be approved subject to conditions.

## **RECOMMENDATION**

**That the Board agrees to the partial change of the wording of condition 6 of permission 11/3389N to read:**

***The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:***

***0800-1800hrs Monday to Friday between 1<sup>st</sup> March and 31<sup>st</sup> October.***

***0800-1200hrs Saturday.***

***0800-1600 Monday to Friday between 1<sup>st</sup> November and 29<sup>th</sup> February.***

***0800-1200hrs Saturday.***

***No importation of green waste taking place outside these times or on Sundays.***

***Bank Holidays:***

***Subject to the provisions below, the importation of green waste to the site and the unloading of green waste vehicles on Bank or Public Holidays shall only take place between the hours of 0830 – 1600.***

***No importation of green waste material or unloading is permitted outside of these hours or on Christmas Day, Boxing Day or New Years Day.***

***Reason: In order to minimise the environmental impact of the development and in order to safeguard the amenities of both the area and local residents, and to control the hours of operation on site; and to comply with Policy 29 of the Cheshire Replacement Waste Local Plan, and Policy BE.1 of the Crewe and Nantwich Replacement Local Plan.***

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

**Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**





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Cheshire West and Chester Council 100049096 2011.

