

Planning Reference No:	10/0277W
Application Address:	Nick Brookes Skip Hire, Green Lane, Wardle, Nantwich, CW5 6DB
Proposal:	Temporary Use of Land for the Storage of Soils, Aggregates and Minerals (Site B)
Applicant:	Mr Nick Brookes, Nick Brookes Recycling Ltd
Application Type:	Full (Temporary and Retrospective)
Ward:	Cholmondeley
Constraints:	Open Countryside

SUMMARY RECOMMENDATION:

- **Approve subject to conditions**

MAIN ISSUES

- **Development in the open Countryside**
- **Landscape and Visual Impact; views from A51**
- **Potential Noise from machinery**
- **Air quality and dust from the storage of secondary aggregates**

1. REASON FOR REPORT

1.1 This application has been referred to the Strategic Planning Board as the proposal is related to a major waste application also being considered by the Strategic Planning Board 10/0276W. Whilst this site would not be considered to be a major planning application, it has been brought to the Strategic Planning Board for consistency.

1.2 The application was submitted in response to potential enforcement action as the applicant has been storing waste materials on this site for over 12 months.

2. DESCRIPTION OF SITE AND CONTEXT

2.1 The site is located in the Open Countryside on Wardle Industrial Estate, Green Lane, off the A51 in Wardle, approximately 5 miles to the north east of Nantwich. The site is part of the existing Wardle Industrial Estate which is a brownfield site, consisting of adjacent existing large industrial buildings and activities. The application site consists of an existing hardcore surface and is currently being used for staff parking associated with Nick Brookes and the storage of recycled aggregate and construction and demolition materials which this application seeks to regularise. The application site is located to the north, and adjacent to the existing Nick Brookes aggregate washing plant, recycling/skip business and waste transfer station. This application proposes a temporary extension to the existing waste transfer operations on site. At present waste materials are imported to the waste transfer station via skips and containers, sorted, and processed/treated and recyclable materials baled and stored, and then disposed of elsewhere, off site.

2.2 The current designated planning land use of the existing site is B2 and B8 by virtue of existing extant planning permissions. Part of the site is currently partly used for car parking. Neighbouring properties are of a general industrial and agricultural nature located adjacent to the Nick Brooks complex on Wardle Industrial Estate. NWF Agriculture is located approximately 260 metres to the north west, the A51 is approximately 400 metres to the north east, and the nearest residential property is approximately 400 metres to the south west of the application site.

3. DETAILS OF PROPOSAL

3.1 The application seeks a temporary planning permission for a period of 12 months to store inert construction and demolition products, soils, stone, recycled aggregates and minerals. After which time the site would be restored in accordance with an approved restoration scheme. The applicant only seeks a temporary permission as they anticipate more space to be accommodated on his property by virtue of planning application 10/0276W (report item on this agenda, subject to planning approval) which would increase the storage capacity on site. The down-turn in the construction industry, caused by the economic recession has led to the situation where the operator has had to store more product and construction/demolition waste on site rather than selling and exporting for further use. Therefore, it is anticipated that when the economic recession recovers, the market will increase for these products, thus reducing the volume on site, and the need for storage capacity.

3.2 Most waste materials would be delivered to the site within fixed-body tipper vehicles originating from the transfer station. Other loads which are known to be inert waste materials, which do not require sorting would be delivered directly to the application site rather than to the waste transfer station, thus ensuring that the waste types match those permitted on site. This would be limited to 10 loads per day.

3.3 The applicant seeks to store these materials in stockpiles no more than 6 metres in height from existing ground level.

3.4 The application is partly retrospective as waste/products are currently being stored on the site on a hardcore surface.

3.5 The nature of this change of use application presents an extension to the existing Nick Brookes waste transfer station. All materials stored on site would have already been sorted and segregated at the transfer station prior to their storage on this application site, with the exception of pre-sorted loads.

3.6 Existing boundary treatment for the site is a low level timber post and wire fence.

3.7 The application proposes no changes in the operating hours to that of the existing operating hours at the waste transfer station which are: 0700 – 1800 Monday to Saturday. The repair and maintenance of on-site plant, machinery and vehicles may take place outside of these hours but shall not involve the arrival or departure of vehicles from the site. No other operations shall take place outside these hours Sunday, bank or public holidays without prior written agreement of the Waste Planning Authority.

4. RELEVANT HISTORY

4.1 The application site has a number of planning permissions relating to B2 and B8 uses granted by Crewe and Nantwich Borough Council

- 7/03791 – Storage of timber (1978)
- P92/0046 – Change of use from Agriculture to Industrial purposes (1992)
- P97/0056 – Renewal of land for Industrial Purposes (1997)
- P02/0254 – Renewal of land for Industrial Purposes (2002)

4.2 The existing Nick Brookes waste transfer station has several extant planning permissions granted by Cheshire County Council:

- 7/20202 – Operation of a Waste Transfer Station; granted 24.02.1992
- 7/P69/0840 – Operation of a waste transfer station and storage/recovery facility; granted 23.12.1999
- 7/P00/0008 – New extension and alterations to proposed waste transfer station; granted 31.03.2000
- 7/2006/CCC/1 – Change of use of adjacent land to increase storage area; granted 22.02.2006
- 7/2007/CCC/12 – Extension to a waste transfer building and replacement 3 metre perimeter fence with 1.2 metre netting on top

5. POLICIES

5.1 The Development Plan comprises the North West of England Regional Spatial Strategy 2021 (RSS), Cheshire Replacement Waste Local Plan 2007 (CRWLP) and Borough of Crewe and Nantwich Adopted Local Plan (CNLP).

5.2 The relevant Development Plan Policies are:

Regional Spatial Strategy (RSS)

Policy DP7: 'Promote Environmental Quality'

Policy EM11: 'Waste Management Principles'

Policy EM12: 'Locational Principles'

Policy EM13: 'Provision of Nationally, Regionally and Sub-Regionally significant Waste Management Facilities'

Local Plan Policy

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: 'Sustainable Waste Management'

Policy 2: 'The Need for Waste Management Facilities'
Policy 12: 'Impact of Development Proposals'
Policy 14: 'Landscape'
Policy 15: 'Green Belt'
Policy 17: 'Natural Environment'
Policy 18: 'Water Resource Protection and Flood Risk'
Policy 20: 'Public Rights of Way'
Policy 23: 'Noise'
Policy 24: 'Air Pollution; Air Emissions Including Dust'
Policy 25: 'Litter'
Policy 26: 'Odour'
Policy 27: 'Sustainable transportation of materials'
Policy 28: 'Highways'
Policy 29: 'Hours of Operation'
Policy 36: 'Design'

Borough of Crewe and Nantwich Adopted Local Plan 2011 (CNLP)

BE.1: Amenity
BE.2: Design Standards
BE.3: Access and Parking
BE.4: Drainage, Utilities and Resources
NE.2: Open Countryside
NE.9: Protected Species
NE.17: Pollution Control
NE.19: Renewable Energy

Other Material Considerations

Waste Strategy (2007)
Cheshire Landscape Character Assessment (2009)

National Planning Policy and Guidance

PPS 1: Delivering Sustainable Development
PPS 7: Sustainable Development in Rural Areas
PPS 4: Planning for Sustainable Economic Growth
PPS 9: Biodiversity and Geological Conservation
PPS 10: Planning for Sustainable Waste Management
PPG 13: Transport
PPS 23: Planning and Pollution Control
PPG 24: Planning and Noise
PPS 25: Development and Flood Risk
MPS 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (including waste disposal); Annex 2 - Noise

6. CONSULTATIONS (External to Planning)

6.1 The Strategic Highways and Transport Manager does not object to this application subject to condition regarding access specification.

6.2 The Borough Council's Landscape Officer does not object to this application but has concerns with regards to the boundary treatment and the heights of stockpiles which should be reduced and conditioned, and the potential impact on visual amenity and the landscape character of the area.

6.3 The Borough Council's Nature Conservation Officer does not object to this application and does not anticipate there being any significant ecological issues associated with the proposed development.

6.4 The Borough Council's Environmental Protection Officer does not object to this proposal subject to the submission of a noise mitigation scheme. With regards to dust, the monitoring and mitigation measures outlined in the application should be conditioned to ensure dust nuisance is minimised.

6.5 The Borough Council's Environmental Health Officer does not object to this proposal subject to conditions relating to hours of operation to be in-line with existing operating hours and concurs with the Borough Council's Environmental Protection Officer with regards to noise attenuation and environmental control being undertaken by the operator.

6.6 The Borough Council's Land Contamination Unit does not object to this application and has no comments to make.

6.7 The Environment Agency does not object to this application.

6.8 United Utilities does not object to this application subject to conditions in relation to drainage.

7. VIEWS OF THE PARISH / TOWN COUNCIL

Wardle Parish Council have been consulted and have no concerns or comments to make in relation to the application.

8. OTHER REPRESENTATIONS

At the time of writing the report, no letters of objection or support have been received in relation to this application

9. APPLICANT'S SUPPORTING INFORMATION

The planning application was accompanied by a planning statement which included information in relation to the proposals, policies and legislation, environmental information, plant, equipment and infrastructure, site management, reception and handling procedures, dust monitoring and control, environmental controls, traffic management, access details and noise control, a design and access statement, and supporting plans.

10. OFFICER APPRAISAL

10.1 Principle of Development

10.1.1 Due to the down turn in the economy, the demand for recycled aggregate has decreased. Whilst imports of construction and demolition wastes into the waste transfer station have remained steady, the demand for the end product has reduced, resulting in the applicant needing additional space on site for the temporary storage of this recycled aggregate for a period of 12 months.

10.1.2 As a result of lack of space on site, the applicant has been storing recycled aggregate product on this application site for over 12 months. This application is therefore retrospective and seeks to regularise this activity to avoid potential enforcement action. There have however been no complaints from members of the public in relation to this unauthorised activity. 12 months from the date of the permission, should planning permission be granted, the site shall be restored back to the original condition in accordance with an approved restoration and aftercare scheme.

10.1.3 The principle of storing recycled aggregate products and construction and demolition materials in the locality on the adjacent site has been approved by virtue of the previous planning consents as detailed above.

10.2 Policy Considerations

10.2.1 On careful consideration of the application against the relevant policies set out above, it is considered that the proposal is in accordance with the Development Plan. Relevant policy compliance will be examined in further detail within the text below.

10.3 Transportation and Traffic

10.3.1 The site would be accessed via the dedicated existing access to the Wardle Industrial Estate off Green Lane and is considered to be a sufficient width to accommodate operations without need for specialist traffic controls. The access from the main highway (A51) has already been specifically designed and adapted to accommodate large numbers of heavy vehicle movement and facilitates suitable visibility in both directions to allow for safe access and egress of vehicles. All vehicles that visit the existing transfer station use this access. Use of the site would not increase the overall vehicle movements at the junction with Green Lane and the A51 as all waste vehicles accepted are already designated for the existing transfer station.

10.3.2 The existing extant planning consents permits 350 vehicle movements to the adjacent transfer station site (175 in, 175 out). There are no plans to increase the existing vehicle movements than is already permitted on site approved by virtue of the existing planning consents for

Nick Brookes transfer station. It is considered that the potential additional 20 vehicle movements from the additional 10 loads per day proposed (from the pre-sorted waste) would not give rise to any operational difficulties on the local highway network as these vehicle movements would not be in addition to the already permitted movements to the site. The majority of the vehicles would already be accessing the site in relation to the existing waste transfer station. Therefore no additional vehicle trips would be generated by the proposed development.

10.3.3 The Strategic Highways and Transportation Manager has assessed this application and offers no highways objections subject to condition in relation to access specifications. However, no new access arrangements or alterations to access arrangements are proposed. Therefore, it is considered that this condition would not be necessary and would be added as an informative for future reference should alterations to the access be required in the future.

10.3.4 It is considered that the extension to the storage capacity at Nick Brookes' site would not give rise to any operational impacts upon the capacity of Green Lane or its junction with A51. As such, it is considered that there are no over-riding reasons for which the development should be refused on highway grounds, and that this proposal accords with Policies 12 and 28 of the CRWLP and Policies BE.1 Amenity, BE.2 Design Standards and BE.3 Access and Parking of the CNLP.

10.4 Landscape and Visual assessment

10.4.1 The Landscape Character Assessment of Cheshire East identifies this area as the Ravensmoor Character Area ELP1. This is characterised as a predominantly flat landscape, *'near the A51 in the north of the area the landscape is open and expansive, with larger fields and thin or low hedges with few trees, allowing extensive views across the plain'*. However, this site is located within an existing industrial estate and the views across the plain are already obscured by the existing industrial buildings. Therefore, it is considered that the storage of recycled aggregate on this site would not having a materially additional adverse impact on the landscape character.

10.4.2 At present, the site is being used for the storage of recycled aggregates, soils and minerals, and this application would regularise this retrospective activity; albeit temporary. The materials are currently being stored in stockpiles in excess of 7 metres in height from existing ground level. Due to the landscape character of this area, it is possible to see these stockpiles while travelling along the A51, approximately 400 metres to the north east of the site; even at this distance the Borough Council's Landscape officer considers them to be incongruous.

10.4.3 It is important to note that there are limited views from nearby residential properties of the application site. Furthermore, there have been no complaints from third parties in relation to this issue. Whilst some of the

stockpiles are approximately 7 metres high, and therefore would be difficult to screen, the surrounding buildings are considerably higher. Viewed in relation to the heights of the existing buildings, the stockpiles themselves do not obscure the view over the plain. Therefore, it is considered that the stockpiles do not have a materially unacceptable additional impact on the landscape character of the area. However, it is considered that a height of 7 metres is excessive and the visual impact of the stockpiles would be improved should the stockpiles be reduced and maintained to a maximum height of 6 metres for the duration of the temporary permission. Furthermore, this would be a temporary consent and also should planning application 10/0276W be approved there would be more space at the southerly end of the site to store materials, moving the stockpiles further away from the A51.

10.4.4 The Borough Council's Landscape Officer has suggested that the existing low timber post and wire fence provides no visual mitigation for the storage mounds, and has suggested that, whilst it would be impractical to establish a hedge to provide any mitigation in the shorted term, he has recommended that it would be practical to erect a solid boundary fence to a height of 3 metres. However, on balance, taking into account the fact that this application is for only a temporary period, and also, that the stockpiles would be of a natural and uniform nature, it is considered that it would not be appropriate to require permanent boundary treatment. Furthermore, a fence of a height of 3 metres would not screen stockpiles of 6 metres.

10.4.5 It is considered that, with reduced stockpile heights, maintained no higher than 6 metres, and the limited views from residential properties and the lack of complaints, that the storage of construction and demolition materials and aggregates for a short term period of 12 months would not create an unacceptable permanent visual impact, and as such this proposal accords with Policies 12 and 14 of the CRWLP and Policy BE.1 Amenity of the CNLP.

10.5 Open Countryside

10.5.1 Whilst the proposal is situated in the Open Countryside in which policy NE.2 of the CNLP applies, this application is for a temporary period of 12 months and therefore, it would not have a permanent impact on the openness, character and amenity of the open countryside. Stockpile heights would be restricted to a height of no more than 6 metres and maintained at this height, which would go some way to minimise the visual impact. They have been on site for over 12 months with no third party complaints, and furthermore, they are viewed to a backdrop of existing industrial buildings. Therefore, it is considered the impact on the open countryside is not materially different to the existing industrial features on site.

10.5.2 As the proposal would be of a temporary nature, and the surrounding land use is of an industrial nature, with the neighbouring associated waste recovery and treatment activities, it is considered that the proposed development would not therefore have a permanent impact on the

character or amenity of the Open Countryside. As such, it is considered that this proposal is not contrary to Policy NE.2 of the CNLP.

10.6 Residential Amenity

10.6.1 It is considered, due to the existing neighbouring uses being predominantly of an industrial nature, that the site would appear to be a reasonable location for the proposed type of activities as they are similar to that of an industrial nature. The nearest residential property is Wardle Hall Farm about 400 metres to the south west, and some offices nearby; 120 metres to the west and 40 metres to the south of the site.

10.6.2 The main issues that this proposed activity could give rise to affecting residential amenity include noise, air quality, and dust.

10.7 Noise

10.7.1 Potential noise impacts would be from vehicles and plant moving the inert waste. Best practical means would be used in all waste handling and other operations to ensure that noise levels do not exceed background levels by more than 5dBA. It is considered that there are few sensitive receptors in the surrounding area and operational hours would be restricted to the same as those existing at the waste transfer station. In spite of the fact that there are no nearby residential properties, the Council's Environmental Protection Officer and Environmental Health Officers have requested that a scheme for the mitigation of noise to be submitted to ensure that noise is controlled. The approved scheme should consider the need to operate the various plant/machinery simultaneously, location of plant and other good practice.

10.7.2 With the appropriate noise mitigation scheme, it is considered that the activity should not give rise to unacceptable noise, and as such, the proposal is considered to be in accordance with Policies 12 and 23 of the CRWLP and Policy BE.1 Amenity and BE.17 Pollution Control of the CNLP.

10.8 Air Quality and Dust

10.8.1 Site operations would be carried out to minimise the creation of dust. The sites existing water bowser would be available for use on site to ensure that dust is kept to a minimum on all vehicle running surfaces and stockpiles of materials. A vacuum tanker/road sweeper, or brush and shovel would also be used to clean the site access road and the adjacent highway if necessary, as existing. Harvested roofwater drainage would be utilised for water supply in preference to mains water supply where the use allows.

10.8.2 The application's planning statement includes measures for dust monitoring and control. The Council's Environmental Protection Officer considers the control and mitigation measures detailed in the application to be sufficient to control any nuisance from dust. These should be conditioned.

10.8.3 Subject to limits on stockpile heights, dust control and monitoring, as stated within the application, it is considered that this application should not give rise to unacceptable levels of dust. As such, it is considered that in respects to air quality and dust that this proposal is in accordance with PPS 23, Policies 12, and 24 of the CRWLP and Policy BE.1 Amenity and BE.17 Pollution Control of the CNLP.

10.9 Hydrology

10.9.1 United Utilities and the Environment Agency were consulted and have no objection to the proposed temporary storage of inert wastes and product produced at Nick Brookes waste transfer station, subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the SUDS as stated on the application form; it is considered that this application accords with the provisions Policies 12 and 18 of the CRWLP and Policy BE.4 of the CNLP.

11. CONCLUSIONS

11.1 The proposal supports activities related to best practice in waste management as recycling aggregates is high up in the Waste Hierarchy. By creating products from waste arisings produced at the transfer station and construction/demolition waste, this diverts waste that would be disposed of to landfill, which is supported at a European, National and Local level.

11.2 It is considered that the proposal would not give rise to additional traffic movements, so therefore it would not have an adverse impact on the local highway network. With effective management controls and mitigation the proposal would not lead to an adverse impact in terms of noise, and dust to the local environment. Restrictions on the heights of any further stockpiles would ensure that the visual impact is minimised.

11.3 The need for the storage on site has arisen due to the down-turn in the economy, and has had an effect on the need for recycled aggregate and construction/demolition materials. It is hoped that within 12 months that market demand will increase for these products. Furthermore, within 12 months, the applicant should have secured additional capacity on site by virtue of planning permission 10/0276W, should this be granted. Within three months of the expiry of the temporary permission, the operator would be required to restore the site fully back to its original condition in accordance with a submitted restoration and aftercare scheme. There are no material planning reasons why this proposal should be refused.

12. RECOMMENDATION

THAT: Planning permission should be granted subject to conditions covering in particular: -

- **Approved plans;**
- **Temporary permission for 12 months from the date of the permission and site restored within 3 months in accordance with a submitted restoration and aftercare scheme;**
- **Site only used for storage of recycled aggregate products and construction and demolition waste that has been pre-sorted as stated in the application**
- **Hours of operation as stated with the application;**
- **Written notification of completion of restoration;**
- **Noise limits set;**
- **Noise mitigation scheme submitted for approval;**
- **Dust monitoring, control and best practice as per application;**
- **Stockpile heights reduced and restricted to 6 metres within 3 months of the date of the permission and maintained to a maximum of 6 metres throughout the life of the permission;**
- **Standard operational conditions; and**
- **Drainage;**

The following informatives should be attached to any decision notice

Highways

The applicant will need to obtain the consent of the highways authority (CEC) for any work in, or that may affect the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence.

Any new access or alterations to an existing access must be approved by the LPA prior to development and constructed in accordance with the approved drawings and to CEC specification. Any new gates should open inwards and be set back from the edge of the highway to allow the largest of vehicles using this site to park off highway.

Untied Utilities

Should this planning application be approved, the applicant should contact UU Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I

recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Environment Agency

This development will require an Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency, unless an exemption applies.

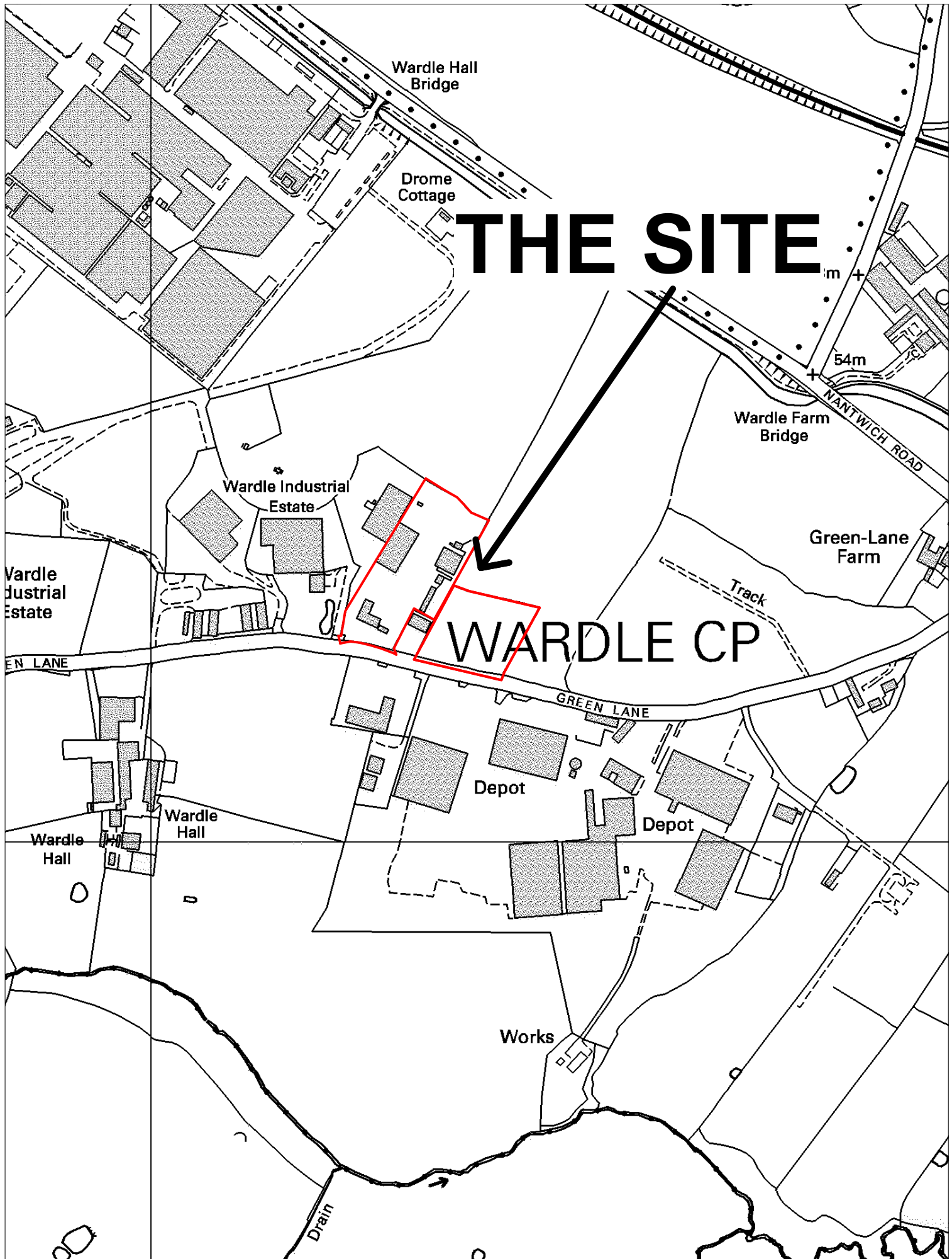
The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. It should be ensured that all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with the Duty of Care regulations.

It should be ensured that there is no possibility of contaminated water entering and polluting surface or groundwater.

If any controlled waste is to be removed off site, it must be ensured that a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

For more specific advice please see available guidance on:

www.environment-agency.gov.uk/subjects/waste/



THE SITE

WARDLE CP

10/0277W NICK BROOKES SKIP HIRE, GREEN LANE, WARDLE, NANTWICH, CW5 6DB
 NGR: 360,280m - 357,280m

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