

Application No: 19/4578W

Location: BROOKBANK FARM, BRIDGE LANE, GOOSTREY, CW4 8BX

Proposal: Change of use to mixed use for agriculture and as a waste transfer station/skip hire site, including the erection of a skip storage building, landscaping and associated works.

Applicant: J Barber

## SUMMARY

The application site is located in the Open Countryside, to which CELPS Policy PG6 applies and the proposal satisfies the second criterion of Policy PG6 specifically in relation to the proposed re-use of the agricultural buildings however the arguments put forward by the applicant in respect of a rural location for a waste facility being more suited and preferable to an urban location are not accepted.

The alternative site search presents no evidence to demonstrate consideration of other suitable sites more sustainably located within urban areas. It is therefore not possible to establish if the proposal is genuinely essential for the redevelopment of the existing business as per the exclusion in the fifth criterion of CELPS Policy PG6, and '*cannot be accommodated within existing settlements*' as per the supporting justification to that policy. It is also not possible to establish that the site cannot reasonably be located within a designated centre and if this is the most accessible and sustainable location, as per the provisions of CELPS Policy SD1, CO1, EG1 and EG2.

The proposal includes a new large visually dominant building situated in closer proximity than the current agricultural buildings, which would appear prominent and discordant with the listed asset, and would encroach upon the setting of the farmhouse, diminishing its significance and causing harm. It is considered that, whilst the degree of impact on the significance of the heritage assets would be less than substantial harm, nevertheless there would still be an appreciable loss of significance and impact upon setting. No evidence is provided in respect of alternative locations considered for the building. The proposal therefore fails to comply with policies SE1 and SE7 of the CELPS, BE2 of the MLBP and Section 16 of the NPPF in particular paragraphs 190-197.

In respect of the public benefits of the proposal, it would enable the growth and expansion of a business in a rural area; re-use existing buildings, and it would support a network of waste management facilities serving the local community. It would also provide opportunities for employment through the provision of 8 full-time positions and 4 part-time positions. This is in line with the provisions of the NPPF, CELPS policy SD1 and EG2. Whilst the proposal is not on a Preferred Site identified in the CRWLP, sufficient information has been submitted in order to demonstrate there are no other Preferred Sites which are available or more suitable which satisfies CRWLP Policy 5.

With respect to waste management considerations, there is no predicted shortfall in waste management capacity throughout the Plan period; as such the extent that this facility would contribute to overall waste management capacity in the Borough can only be given limited weight in the assessment of this application. The proposal would however provide a waste transfer facility which would enable 95% of the mixed waste received at the site to be stored and sorted into relevant waste streams for onward transfer to appropriate facilities for recycling, re-use or recovery. This would assist in diverting waste from landfill and drive waste up the waste hierarchy which accords with the approach of NPPW, CRWLP and CELPS policy SE11, along with the approach of CRWLP in contributing to a network of waste management facilities.

The environmental impacts arising from the proposal particularly in relation to pollution control, highway safety and capacity, landscape and visual, ecology, forestry, water resources, and impact on Jodrell Bank are considered to be acceptable and can be adequately controlled and mitigated.

When taking all considerations carefully into account, it is considered that on balance, the benefits presented by this proposal are not sufficient to outweigh the harm to the setting of the listed building and do not outweigh the other policy objections. As such it is considered that the development should therefore be refused.

### **SUMMARY RECOMMENDATION**

**Refuse**

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

The application site is at Brookbank Farm which lies in a rural location approximately 1km north east of Goostrey and is accessed off Bridge Lane which connects to the A535. The application site is approximately 0.85ha in size and forms part of a complex of buildings and yard areas which are used for a mixture of agriculture, waste processing and storage including skips. The waste and storage uses on the site are unauthorised. The yard area to the southwest of the existing buildings contains the site office (a static caravan) and a number of touring caravans which are also unauthorised.

The site is bounded by a mixture of mature trees, hedgerows, fencing and open countryside. To the south of the application site are a series of ponds and a watercourse. The site is located at the northern edge of an east-west valley associated with Redlion Brook. The site lies at approximately 73m AOD (Above Ordnance Datum) with ground falling to the south to

the brook at 65mAOD. The surrounding ground to the west, north and east is roughly level lying broadly at the same elevation as the site.

A residential property in the ownership of the applicant (Brookbank Farmhouse) adjoins the northern site boundary and is a Grade II listed building. Further residential properties lie to the east (approximately 130m away), to the west (approximately 80m away) and to the south (approximately 150m away). Aside from Brookbank Farmhouse, the closest residential receptor lies approximately 80m to the west at Yew Tree Farm and is separated from the site by mature trees and vegetation, and a field.

The site has been operating unlawfully as a waste storage and transfer site and skip hire business which is the subject of an on-going enforcement investigation. The Environment Agency have recently successfully prosecuted the company for operating the site without an Environmental Permit and failing to provide duty of care notes.

## **DETAILS OF PROPOSAL**

The application seeks retrospective planning permission for a change of use to mixed use for agriculture and as a waste transfer station and skip hire business. The proposal also includes for the erection of a skip storage building, landscaping and associated works.

The applicant advises that their skip hire business has been operating from a site in Holmes Chapel for a number of years however restrictions at the site in terms of space and the proximity of adjacent sensitive land uses has meant it is necessary to secure alternative premises.

Approximately 16,000 tonnes per annum of wastes would be managed at the site, comprising a mixture of construction, demolition and excavation wastes, along with commercial, industrial and municipal wastes; all of which would be sourced from the applicants skip hire business.

The proposed waste management operations would be contained within the existing complex of buildings and yard areas at the site. The waste would be imported by skips and initially stored in a new skip storage building. Some of the waste would be sorted manually by hand into the different waste types within an existing agricultural building and then transferred into another building for storage by waste type until there are sufficient volumes to export from the site.

Inert construction wastes would be stored and sorted externally in an area of the site to the southwest of the original farm complex; whilst cardboard waste would be baled and stored within the proposed skip storage building before being exported. Any garden wastes received would be shredded onsite for composting.

A new open fronted mono-pitched building is proposed on the northern site boundary within the existing yard area to the south west of Brookbank Farmhouse. It would be 30.5m by 6.1m with a height of up to 6m.

The existing site office is housed within a static caravan in the yard area to the south of the proposed external storage area. The application seeks permission for the retention of the office in its current location.

New tree planting and landscaping would be undertaken along the site boundary to supplement the existing hedge. The skip hire business would utilise the existing highway access to the north west of Brookbank Farmhouse, with farm vehicles primarily accessing the site via the eastern access.

The proposed hours of operation are 0700 hours to 1800 hours Monday to Friday and 0700 hours to 1300 hours Saturday.

## **RELEVANT HISTORY**

- 24932/3 Livestock building - Approved 26.01.1993
- 26880/3 Implement sheds – Approved 27.01.1995
- 27114/3 Potato store – Approved 24.04.1995
- 28075/3 Produce store – Approved 26.04.1996
- 30703/3 Caravan storage – Approved 14.06.1999 (never implemented)

## **POLICIES**

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP), the Cheshire East Local Plan Strategy, the Congleton Borough Local Plan First Review and the Goostrey Neighbourhood Plan.

The relevant development policies are:

### **Cheshire Replacement Waste Local Plan (2007) (CRWLP)**

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 5: Other Sites for Waste Management Facilities
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape
- Policy 15: Green Belt
- Policy 17: Natural Environment
- Policy 18: Water Resource Protection and Flood Risk
- Policy 22: Aircraft Safety
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust
- Policy 25: Litter
- Policy 26: Odour
- Policy 27: Sustainable Transportation of waste
- Policy 28: Highways
- Policy 29: Hours of Operation
- Policy 32: Reclamation
- Policy 36: Design

### **Cheshire East Local Plan Strategy (CELPS)**

SD1: Sustainable Development in Cheshire East

SD2: Sustainable Development Principles

SE1: Design

SE2: Efficient Use of Land

SE11: Sustainable Management of Waste

SE12: Pollution, Land Contamination and Land Instability

SE14: Jodrell Bank

PG1: Overall Development Strategy

PG3: Open Countryside

EG1: Economic Prosperity

EG2: Rural Economy

EG3: Existing and Allocated Employment Sites

CO1: Sustainable Travel and Transport

### **Congleton Borough Local Plan First Review (2005) (CBLP)**

PS8: Open Countryside

PS10: Jodrell Bank

GR6 & GR7: Amenity and Health

GR9: Accessibility, Servicing and Parking Provision

GR18: Traffic Generation

NR2, NR3, NR4 & NR5: Nature Conservation

### **Goostrey Neighbourhood Plan (GNP)**

SC2: Impairment of Operations at JBO

OCEH1: Biodiversity

OCEH3: Heritage

TTT1: Sustainable Transport

TTT5: Lighting

CF3: Infrastructure

EB1: Employment Development

EB2: Employment Environment

### **National Planning Policy and Guidance**

National Planning Policy Framework (NPPF)

National Planning Policy for Waste (NPPW)

### **Other Material Considerations**

Waste Management Plan for England 2013

Cheshire East Waste Needs Assessment Refresh 2019

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

#### **Highways:**

No objection. The proposed access provides an acceptable level of visibility given the recorded vehicle speeds.

Consideration is given to the HGV traffic generated by the former use of the site and the length of time it has been operational. Current flows using Bridge Lane are low, and although

the lane is narrow there are places for vehicles to pass each other and no evidence of road safety issues. The proposed levels of traffic generation are not high and as such, it would be difficult to defend a refusal based upon a severe impact on traffic and safety. Whilst current levels of traffic may be acceptable, further expansion on the site would not be acceptable. Conditions can be imposed to restrict the number of HGV movements and annual waste throughput.

**Environmental Protection:**

Environmental Protection originally recommended refusal due to insufficient information relating to noise, dust and odour. Following receipt of further information, consider that the impacts from noise, dust and odour would be acceptable subject to conditions requiring the yard to be a consolidated surface capable of being cleaned, revisions to the hours of operation, and implementation of the identified mitigation. Also recommend that there should be no planning permission granted without an Environmental Permit in place.

**Flood Risk:**

No objection, advice provided in respect of selecting an appropriate drainage strategy.

**Strategic Planning:**

The main considerations from a policy perspective relate to the suitability of the location, the wider impacts of the proposal on the amenity of occupiers of neighbouring properties, the highway network and landscape, as well as the need for the development from a waste management perspective.

Note that the most recent Cheshire East Waste Needs Assessment identifies that there is sufficient existing consented capacity to meet recycling and organic waste treatment management requirements; therefore meeting an identified waste management capacity need should not be given much weight.

With reference to the location of the site in the open countryside and relevant CELPS policy PG6, the suggestion in the applicant's planning statement that waste management facilities are more appropriate to a rural rather than urban location is not accepted. Detailed evidence of site search in settlement boundaries has not been provided. LPS Policy EG2 provides further guidance on the type of development suitable to support economic growth developments in the rural area. This includes the need to encourage existing businesses through farm diversification. It is not clear whether the proposal represents a farm diversification proposal. Suitable weight should be provided to the locational considerations in LPS Policies PG6 and EG2, as well as to meeting the wider sustainable development principles identified in policies SD1 and SD2.

The wider impacts of the development, particularly in terms of residential amenity, the highway and the landscape, are important considerations that should weigh heavily in determining this application. If the scheme is approved conditions should control the size and scale of the facility so that it continues to be appropriate for its rural location.

**The Environment Agency:**

No objection subject to a condition for foul and surface water disposal. Advise that the applicant has submitted an application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016 which is in the process of being assessed.

**Natural England:**

No objection.

**Goostrey Parish Council:**

Goostrey Parish Council has submitted a comprehensive objection to the application relating to the following issues:

- Local roads have a weight limit and are unsuitable for HGV traffic. They are also a low priority for maintenance, repairs and gritting. Blackden Lane and Bridge Lane are very narrow in places and cannot accommodate two-way movement of large vehicles; the roads currently get blocked by HGVs and the proposal will worsen the situation. The transport assessment was carried out during school holidays when traffic is lower.
- Significant noise impacts from the operations are already experienced at nearby receptors.
- Proposal will degrade setting of the listed building.
- Site is too small to manage the proposed waste throughput. There are inconsistencies in the submission with respect to waste throughput and there is concern the site will in the future significantly expand in size and scale of operation.
- Lack of details on waste sorting, screening and treatment and where it will be stored on site.
- Lack of a weighbridge will affect ability to monitor volume of waste throughput and HGV weights.
- Concern over potential implications of accepting food waste in relation to bio-security; and potential for increased risk of disease in an agricultural area.
- Unsustainable transportation of waste over long distances for processing. Despite claims that 95% of waste will be recycled or reused, concern that some waste is identified to be managed at an energy from waste facility which is less sustainable than other recycling/reuse facilities.
- Drainage information is lacking detail, the proposals are insufficient and there are concerns over potential for contamination from run-off. Further contamination investigations are necessary.
- Adverse impact on Jodrell Bank Observatory.
- Irrelevant policies relied up on in their statement and there is no justification for the proposal.
- Alternative site assessment does not take into account all available sites and is insufficient in only considering Preferred Sites in the Waste Local Plan. There is also insufficient justification in relation to need for the facility given the availability of other skip hire and waste transfer businesses in the area.
- Complaints regarding operating out of hours, question whether the operator will comply with planning conditions
- Highlight the operators recent investigations and convictions against the operator and question their technical competency and fitness to operate this facility.
- Inconsistencies in the supporting information submitted

This can be viewed in full on the Council website and these issues will be addressed in the relevant sections of the main body of this report.

## **OTHER REPRESENTATIONS**

At the time of report writing 19 representations have been received, two in support of the proposal. The objections express the following concerns:

- Too many vehicle movements; narrow winding rural roads are weight restricted and unsuitable for this type of vehicles, cannot accommodate two way passing of vehicles and present highway safety concerns
- Risk of damage to bridges and roads/road verges
- Traffic survey did not record all accidents and was carried out in summer when traffic was lighter
- Risk to vulnerable road users
- Mud and debris on road from existing agricultural traffic and potential flooding makes highway safety worse, and this facility could add to this problem
- Inadequate environmental assessments of the risks posed by the scheme, particularly in respect of air quality, noise and highways.
- Health impacts from dust emissions, a dust management plan is required
- Emissions from vehicles are a risk, there should be controls over idling vehicles and compliance with euro standard
- Visual impacts on rail passengers
- Air pollution from waste facilities on receptors
- Noise and disruption in a tranquil area
- Noise assessment doesn't assess the receptor most impacted, is inadequate in its assessment and does not reflect the actual noise background at the site at present, the facility already creates significant noise impacts due to activities on the west of the site being in close proximity to one of the nearest receptors impacting on use of garden space and also the noise is audible inside the property; noise impacts include impact noise such as banging, scraping, loud machine noise, the noise impacts will not be mitigated
- Potential for pollution to water courses and concern over handling of hazardous or toxic wastes, concern over potential for fire risk from flammable materials and associated pollution
- Potential for litter from passing vehicles which is already a problem
- Good quality farmland should not be contaminated with waste, waste facility is incongruous in a rural agricultural location
- There are industrial/brownfield sites available for this type of facility
- Current activities are much noisier than previously
- Impact on a listed building
- Impact of the Jodrell Bank UNESCO World Heritage Site
- Impact on the Blackden Trust

The supporting letters note that the

- HGVs transporting waste on the rural lanes would be less harmful than the existing agricultural traffic which is more frequent and causes regular obstructions and large family cars use the roads as a cut through to access local schools causing highway safety issues due to their speed.
- The proposal offers a community service and manages the local communities waste.
- Other HGVs are already using the local rural roads at speed.

## **OFFICER APPRAISAL**

### **Principle of Development**

The application is for a retrospective change of use to a mixed use of agriculture and waste transfer station/skip hire site, including the erection of a skip storage building, landscaping and associated works.

The applicant makes the case that the site comprises previously developed land as it was previously in mixed agriculture and B2/B8 (processing and distribution of fertiliser). The appropriate way to establish this however would be through the submission of a Certificate of Lawful Existing Use along with the submission of relevant evidence to support this. As such this argument is given no weight in the determination of this application.

### **Development on Unallocated Site**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Cheshire Replacement Waste Local Plan (2007) and the Congleton Borough Local Plan First Review (2005). Material considerations include national policy and guidance contained within the National Planning Policy for Waste (NPPW) and the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG). It is noted that the applicant's planning and heritage statement relies on policies from the Macclesfield Local Plan. The site lies within the confines of the former Congleton Borough and as such no weight is given to these policies in the assessment of this proposal.

### Preferred Sites – Policy 5

The Cheshire Replacement Waste Local Plan (CRWLP) identifies a range of 'Preferred Sites' throughout Cheshire where applications for specified waste management facilities would be supported subject to compliance with other policies of the Plan (Policy 4). The application site is not located on a Preferred Site in CRWLP. Provision is however given under Policy 5 for waste management development on other sites in order to provide flexibility for technological and legislative changes; subject to the applicant demonstrating that:

- i. the preferred sites are either no longer available or are less suitable than the site proposed; or
- ii. would meet a requirement not provided for by the preferred sites; and
- iii. the proposed site is located sequentially to meet the development needs within the Regional Spatial Strategy

Criteria iii of policy 5 also requires that a sequential approach is followed:

- First using existing buildings (including conversions) within settlements, and previously developed land within settlements;
- Second, using other suitable infill opportunities within settlements where compatible with other RSS policies;
- Third, the development of other land where this is well located in relation to housing, jobs, other services and infrastructure. This will normally be on the fringes of settlements.

An assessment of the Preferred Sites identified in the CRWLP has been submitted. The assessment identifies that all Preferred Sites highlighted in the Plan as being suitable for a relevant waste management type are either unavailable, lack sufficient size, constrained by residential receptors or form part of CELPS allocation; and therefore there are no Preferred Sites which offer a suitable alternative.

The submitted assessment does not consider any suitable employment sites within urban areas in accordance with the sequential approach. Policy 5 (iii) of the CRWLP however refers to the Regional Spatial Strategy which was revoked in 2013 and has no legal status; therefore it cannot be given any weight in the assessment of this application. As such, the conclusions drawn regarding the CRWLP Preferred Sites are accepted and it is considered that the proposal accords with the broad approach of CRWLP Policy 5.

### **Open Countryside and the Rural Economy**

The NPPF (paragraph 83) states that planning decisions should enable (amongst others) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. CELPS Policy SD1 states that development should (amongst others) wherever possible:

- Contribute to creating a strong, responsive and competitive economy
- Provide appropriate infrastructure to meet local community needs;
- Provide access to local jobs, services and facilities, reflecting the communities needs; and
- Encourage the reuse of existing buildings, and make the efficient use of land.

Proposals for employment development are supported in principle within the Principle Towns, Key Service Centres and Local Service Centres in CELPS Policy EG1. This policy goes on to state that employment development on non-allocated employment sites will be supported where it is in the right location and supports the strategy, role and function of the town, as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable.

CELPS Policy EG2 relates to the rural economy and supports development that (amongst others) provides opportunities for local rural employment which supports the vitality of rural settlements; and encourages the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification. This is subject to the development meeting a number of criteria which include

- Meeting the sustainable development objectives in CELPS policies MP1, SD1 and SA2;
- The development supports the rural economy, and could not reasonably be expected to locate within a designated centre (because the majority of products sold by the development are produced on site);
- Does not conflict with other environmental considerations and policies in the plan.

The proposal would enable the growth and expansion of a business in a rural area; re-use existing buildings and it would support a network of waste management facilities serving the local community. It would also provide opportunities for employment through the provision of

8 full-time positions and 4 part-time positions. This is in line with the provisions of the NPPF, GNP policy EB1, and elements of CELPS policy SD1 and EG2.

The site however lies outside of a settlement boundary and is located in the Open Countryside. CELPS policy SD1 states that development wherever possible should prioritise investment and growth within the Principal Towns and Key Service Centres, and development should prioritise the most accessible and sustainable locations. Equally policy CO1 guides development to sustainable and accessible locations.

In the Open Countryside, only development that is essential for a limited range of uses is permitted (CELPS policy PG6). The policy allows for exceptions to be made which includes:

- ii) *For the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; and*
- v) *where the development is essential for the expansion or redevelopment of an existing business.*

The supporting justification clarifies that *'Development in the open countryside will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements.'*

CBLP Policy PS8 similarly only supports development for a limited number of exceptions which include

- vi) development for employment purposes (in accordance with policy E5)
- vii) the re-use of existing rural buildings in accordance with policy BH15.

It must be noted that CBLP policy E5 is not a saved policy, as such reliance is placed on the provisions of CELPS policy PG6 in the assessment of the application. CBLP Policy BH15 supports the conversion re-use or adaption of rural buildings to an alternative use subject to a range of criteria all being met, those points of relevance are addressed below.

The proposal satisfies the second criterion of Policy PG6 with regards to the proposed re-use of the agricultural buildings, as there would be no structural alterations to the buildings and any changes would be limited to the creation of internal bays for waste segregation.

With regards to the fifth criterion of policy PG6, the applicant makes the following points:

- The business is most suited to a rural location which is separate but not remote from local centres of population; and requires buildings of a suitable scale and sufficient outdoor space to enable access by large vehicles
- A rural location is preferable over an urban location as there are less receptors which could be subject to adverse amenity impacts;
- The current site has operational difficulties due to space restrictions and proximity of receptors which prevents expansion to create a commercially viable enterprise;

In respect of the points made by the applicant, it is considered that the operation of a waste transfer station is an activity which can be undertaken successfully within urban areas, usually on larger employment sites; and there are numerous examples of this within the Borough.

Indeed the NPPW, in respect of identifying suitable locations for new waste management facilities in Local Plans, advises that there should be consideration of a broad range of locations including industrial sites with priority given to the re-use of previously developed land and sites identified for employment uses, along with redundant agricultural and forestry buildings. There is therefore policy support for the principle of locating waste management facilities within urban locations on industrial sites and employment allocations. As such the suggestion by the applicant that waste transfer facilities are more appropriate to a rural rather than urban location is not accepted.

The NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and the applicant refers to the fact that they have had difficulties identifying a location within existing urban areas, and states that there are no suitable sites within existing settlements. No evidence however has been presented to substantiate this claim.

Whilst an assessment of alternative sites has been submitted with the application, the assessment only considers the Preferred Sites that are identified in the CRWLP. No regard is given to any other sites within urban settlements such as other employment allocations or sites with complimentary uses including B2/B8. A thorough and robust assessment of alternative sites has therefore not been provided; and in the absence of this evidence it is not possible to evaluate the veracity of the applicants claim and establish if the proposal is genuinely essential for the redevelopment of the existing business and '*cannot be accommodated within existing settlements*' as per the supporting justification to CELPS Policy PG6.

Equally it is not possible to establish that the site cannot reasonably be located within a designated centre; located on a previously developed site or if this is the most accessible and sustainable location, as per the provisions of CELPS Policies SD1, CO1, EG1 and EG2, CRWLP Policy 1 and GNP policy TTT1

It is also noted that no information has been provided to explain the relationship between the current agricultural business and the proposed waste facility, and how far this proposal would contribute to the retention or expansion of the existing business in order to accord with the provisions of CELPS Policy EG2.

### **Sustainable Waste Management Principles**

CRWLP Policy 1 states that applicants should demonstrate how the development contributes to an integrated network of waste management facilities; enables waste to be disposed of in one of the nearest installations; maximise opportunities for transporting waste by sustainable means; protect environmental, economic, social and community assets; and optimise the use of previously developed or used land or buildings. The NPPW also states that potential new waste management sites should be assessed against criteria which include:

- the extent to which the site or area will support the other policies set out in the NPPW;
- physical and environmental constraints on development, including existing and proposed neighbouring land uses;
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

### Waste hierarchy

CELPS Policy SE11 expects proposals for waste management development to maximise opportunities for waste to be managed in accordance with the principles of the waste hierarchy whereby priority will be given, in order, to waste prevention, preparation for re-use, recycling, other recovery and finally disposal. This is reiterated in Policy 1 of CRWLP and the NPPW.

The waste to be received at the site includes 'general waste' which is proposed to be sent to an energy from waste facility. This is classified as 'recovery' on the waste hierarchy and is the least sustainable management option after landfilling. No information has been submitted to quantify what percentage would be sent for recovery as opposed to being recycled or re-used, and it is therefore difficult to assess how sustainable the proposed management approach is.

Overall however, it is noted that the proposal would provide a waste transfer facility which would enable 95% of the mixed waste received at the site to be stored and sorted into relevant waste streams for onward transfer to appropriate facilities for recycling, re-use or recovery. This would assist in diverting waste from landfill and drive waste up the waste hierarchy to be managed in a more sustainable manner which accords with the broad approach of NPPW, CRWLP and CELPS policy SE11.

### Proximity principle

Planning should provide a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle whereby waste is managed close to its place of production (NPPW).

Concern has been raised by objectors regarding the distance waste would be transported. 75% of the proposed skip deliveries would be to locations within a 10 mile radius of the site which is considered acceptable and in line with the proximity principle. Once sorted, the applicants submission identifies that some waste would be exported to facilities in the local area; whilst some would be transferred to facilities in Newcastle-under-Lyme (approximately 20 miles away), Market Drayton (approximately 40 miles away), Doncaster (approximately 78 miles) and one of unknown location. The submission does not detail the proportions of waste destined for each facility; however the NPPW and accompanying planning practice guidance makes it clear that planning policy does not require waste to be managed using the absolute closest facility to the exclusion of all other considerations. New facilities need to serve catchment areas large enough to secure the economic viability of the facility; and the ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.

Additionally the Cheshire East Waste Needs Assessment recognises that, given the need for growing reliance on waste management facilities outside of Cheshire East administrative area to manage some of the waste generated within the authority, provision of accessible/proximate transfer capacity to receive loads that do not move directly to their end destination is of growing importance. As such it is considered that the proposal would accord with the

approach of NPPW and CELPS policy SE11, along with the approach of CRWLP and would contribute to a network of waste management facilities.

#### Need for waste management facility

Policy SE11 of the Local Plan Strategy (LPS) requires the sustainable management of waste. This includes the provision of sufficient opportunities for waste management facilities in appropriate locations to meet predicted needs. The NPPW states that applicants should demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. CRWLP Policy 2 also states that the Waste Planning Authority will consider the planning objections and planning benefits of all applications for waste management facilities. Where the material planning objections outweigh the benefits need will be considered and if there is no overriding need for the development the planning application will not be permitted.

The application is proposing a facility that would process mixed waste streams for re-use and recycling of some 16,000 tonnes per annum (tpa), comprising 10,000tpa Construction, demolition and excavation waste (CDEW), 3000tpa Commercial and Industrial waste (C&I) and 3,000tpa municipal waste. The Cheshire East Waste Needs Assessment Refresh 2019 identifies that as of 2017, there was capacity for managing over 1.375 million tonnes of waste per annum (tpa) in the existing waste management facilities within Cheshire East. The assessment identifies a requirement for recycling 313,350 tpa of non-inert waste in 2020 (rising to 361,198 tpa by 2030), 73,508 tpa of organic treatment in 2020 (rising to 78,742 tpa by 2030) and 374,290tpa of inert waste management in 2020 (rising to 418,197tpa by 2030).

When compared against the total assessed management capacity, there is no shortfall in existing consented capacity in the Borough predicted throughout the duration of the Plan period and no shortfall for the waste streams provided by this application. As such, the extent that this facility would contribute to overall waste management capacity in the Borough can only be given limited weight in the assessment of this application.

#### **Heritage**

The site is immediately adjacent to the Grade II listed Brookbank Farmhouse. The listed building is set back from Bridge Lane, behind a hedge and garden. To the rear is an area of hard-landscaped terrace with open field beyond (which also runs around to the west of the house), separated from the application site by an established hedge. A garage was approved in 2011 to the immediate south of the farmhouse, to be built in a traditional design, the foundations of which have been laid. Access to the yard/site is via a lane to the west of the farmhouse and loops around to its rear. Large agricultural sheds forming part of the application site are set away from the listed building. Earlier historic barns originally belonging to the farm complex, although now altered, lie towards the north of the application site. The proposed skip storage building would run in parallel to the southern boundary of the listed farmhouse/rear field.

In considering whether to grant planning permission for any works, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. NPPF states that when considering the impact of a proposal on the significance of a heritage asset, great weight

should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to the significance of a heritage asset should require clear and convincing justification. Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The extent and importance of setting should be considered in reference not only to the visual relationship between the asset and the proposed development and views of or from an asset, but also other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity. When assessing any application which may affect the setting of a heritage asset, local planning authorities may also need to consider the implications of cumulative change (NPPG).

CBLP policy BH4 also states that planning permission for proposals affecting the setting of a listed building will only be granted where:

- The proposal is in keeping with the character of the listed building as regards scale, style, appearance, materials and architectural detail;
- the proposal would not result in a loss of identity of the original listed building;
- the listed building's architectural features and historic interest are preserved;
- the proposal would not adversely affect the setting of the listed building;
- the overall proposal is generally consistent with other policies of the local plan

Similarly CRWLP policy 16 also states that waste management facilities will not be permitted where it would have an unacceptable impact on the setting of a listed building. In assessing applications to develop waste management facilities which have the potential to impact on historic environment resources, consideration should be given to:

- The site or feature's contribution to the wider historic landscape;
- The site or feature's contribution to local character;
- The positive contribution the development would make to the conservation and management of the area's historic environment.

The applicant makes a number of points in respect of the impact on the setting of the listed building and potential intensification of use;

- The significance of the listed building primarily concerns its architecture and construction.
- The listed farmhouse was part of a group of outbuildings covering the northern section of what is now the existing farm complex. These outbuildings were arranged in a courtyard which was separate from the farmhouse, and the farmhouse was orientated away from the buildings. Whilst there is a functional connection between the two with respect to use of the land; the development of the farm over time, the contrasting character of modern buildings to the house and the separate accesses mean that the farm complex does not play a critical role in contributing to the setting of the listed building or its significance.

- The fabric of the building will not be altered and there will be no operational development within its curtilage, therefore the asset and its architectural significance will remain unaffected.
- The proposed new building would sit behind the approved (not yet constructed) garage and would not be visible in views of the heritage asset. If the proposed building is constructed prior to the garage being completed, it would sit significantly below the level of farm buildings at the front of the site and the effect on the setting of the heritage asset would be negligible. Additionally, the new building and planting would screen agricultural and waste activities in any views from the farmhouse, offering an improvement over the current situation and providing a more attractive setting for the heritage asset.
- The site was already in mixed use with longstanding industrial/business use taking place since 1999. This includes external storage of materials, use of skips, HGVs, plant and equipment, as such the extent to which the use of the site has been intensified is questionable. The unrestricted B2/B8 and agricultural use would effectively be the fallback position if this application is refused.

The applicants submission does accept that the farmhouse and other farm buildings were historically connected as a farmstead, and that the proximity of the proposal requires an assessment of the impact on the setting of the listed building.

In response to the applicants submission, the Heritage Officer notes that there is a visual and historical connection between the farmhouse and application site and considers that the site does play a role in terms of setting. The existing large agricultural sheds are set away from the listed building across a yard and, whilst not attractive, do not dominate in wider views of the house. The proposed new 6.1m high x 30.5m long skip storage shed would be built in much closer proximity to the farmhouse, running in alignment with the southern gable and hedge to the rear. At much closer proximity than the existing sheds, the structure would be highly visible in views from the listed asset and its gardens, and in longer views from Bridge Lane when approached from the west.

There is a degree of openness currently to the rear of the house, looking across a green field, with the existing agricultural sheds set away across an access yard. The addition of a further building of this large scale in closer proximity to the building would encroach upon the setting of the farmhouse, diminishing its significance and causing harm. The approved garage which is yet to be constructed would provide screening of the building from one view, however there are a number of other viewpoints both within and outside of the site which are affected. The Heritage Officer does not agree that the proposed additional landscaping measures to the boundary would help to mitigate the impact of the structure.

The Heritage Officer considered that the addition of a large, visually dominant, functional building would appear prominent and discordant with the listed asset, and the setting and significance of the building would be compromised. In its current form it is not considered that the scheme offers any form of enhancement, and the Heritage Officer does not agree that views out onto a large metal shed from within the listed house would improve the existing view. This proposed additional change does not enhance the significance of the asset but further detracts from its significance and setting, therefore failing to accord with NPPF policy considerations.

The views of the Heritage Officer are accepted and it is considered that, whilst the degree of impact on the significance of the heritage assets would be less than substantial harm, nevertheless there would still be an appreciable loss of significance and impact upon setting. No evidence has been provided in respect of design alternatives explored which could potentially reduce or remove the harm to the setting of the listed building, and equally as per the conclusions drawn in relation to CELPS policy PG6, it has not been demonstrated that all other potentially alternative available sites have been assessed. As such it is not considered that clear and convincing justification for the harm to the setting of the listed building has been presented. The proposal therefore fails to comply with policies SE1 and SE7 of the CELPS, CBLP policy BH4, CRWLP policy 16, Section 16 of the NPPF in particular paragraphs 190-197, and GNP policy OCEH3.

The NPPF requires less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal and this is considered further below in the conclusions of this assessment.

### **Jodrell Bank**

The site is located within the consultation zone of the Jodrell Bank Observatory (JBO) which is a UNESCO World Heritage Site. CELPS Policy SE14 state that within the Jodrell Bank Radio Telescope Consultation Zone, development will not be permitted where it:

- i. impairs the efficiency of the telescopes; or
- ii. has an adverse impact on the historic environment and visual landscape setting of the telescope.

It also states that proposals should consider their impact on those elements that contribute to the potential outstanding universal value of Jodrell Bank. CBLP policy PS10 also requires similar protection for the telescope.

The Heritage Officer considers that the proposal would constitute inappropriate development within the Jodrell Bank Radio exclusion zone. It must be noted that there is no designated 'exclusion zone' where development is automatically considered inappropriate; there are however consultation zones around the telescope within which Jodrell Bank are required to be consulted, so as to allow consideration of whether developments could impair the efficiency of the radio telescope. The proposal is not anticipated to have any adverse impact on the function of the telescope as there would no increase in the use of electronic equipment in comparison to previous uses on the site and therefore there would be no increase in potential interference with the radio telescope. Jodrell Bank has been consulted on the application and have verbally confirmed there are no concerns and note that the facility has been operating for some time without causing any adverse impacts on the telescope.

The Heritage Officer has not identified that there would be any effect on the visual landscape setting of the telescope; it's universal value; or its significance; although representations from members of the public highlight potential views of the site and Jodrell Bank. The applicant notes that there are no locations from which the proposed development would be apparent in key views of the telescope. The upper sections of some of the existing farm buildings are visible in a restricted number of views, but are not prominent, particularly as the application site and the telescope are on opposite sides of the railway and the site is largely surrounded by trees and hedgerows. Given the intervening landscape features between the site and

Jodrell Bank, it is not considered that the development would have any adverse impact on its setting. As such the proposal accords with GNP SC2, CELPS policy SE14 and CBLP policy PS10.

### **Highway Impacts**

The suitability of sites for waste facilities should be assessed against the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (NPPW). Consideration should also be given to the suitability of the road network, and the extent to which access would require reliance on local roads. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. (NPPF paragraph 109). These provisions are reiterated in the approach of Congleton Local Plan.

Similarly Policy 28 of CRWLP requires new waste management facilities to ensure that:

- the level and type of traffic generated will not exceed the capacity of the local road network and will not have an unacceptable impact on amenity or road safety;
- access arrangements are adequate for the nature, volume and movement of traffic generated by the proposal and there is adequate provision for on-site vehicle manoeuvring, parking and loading/unloading areas;
- any unacceptable impacts can be satisfactorily mitigated by routing controls or other highway improvements;

The site is located off Bridge Lane which is a single carriageway rural lane and subject to a 7.5t weight restriction. Bridge Lane (east of the site) passes under a height restricted railway bridge to connect with the A535, whilst to the west it connects with Bomish Lane and Blackden Lane. Blackden Lane/Bomish Lane provides access towards Goostrey village and north west towards Jodrell Bank and A535.

### Access

The proposal would utilise the existing western access point off Bridge Lane which is of sufficient size to accommodate the two way movement of HGVs. The Highways Officer advises that there is an acceptable level of visibility given the recorded vehicle speeds. Separate access points are available for the farmhouse and farm vehicles.

### Impact on highway capacity and safety

The proposal would result in daily requirement for 24 skip vehicle movements (12 in and 12 out), 2 bulk HGV movements (1 in and 1 out) and up to 30 car movements (15 in and 15 out).

The skip vehicles would primarily access the site from A535 via the eastern section of Bridge Lane, with only local trips to Goostrey and Knutsford areas travelling west along Bridge Lane. Bulk HGVs would be directed west out of the site along Bridge Lane, utilising Bomish Lane and linking to A535 via Jodrell Bank in order to avoid the low railway bridge to the east and to avoid Bomish Lane via Goostrey to minimise traffic in the village. As a result, there would be 20 daily skip vehicle movements and 20 staff vehicles utilising Bridge Lane to the east of the site; with 2 bulk HGV movements, 4 skip vehicle movements and 10 staff vehicle movements utilising Bridge Lane west of the site (which would result in 2 bulk HGV movements on Bomish Lane (via Jodrell), and 4 skip vehicle movements and 10 staff movements on Bomish Lane (via Goostrey).

The Transport Statement notes that whilst Bridge Lane (east of the site) is single track, the route incorporates unofficial passing places, does not experience high traffic volumes and waste management traffic already makes up 15% of the existing traffic movements with no evidence of operational safety issues along the route. With respect to Bridge Lane (west of the site) and Bomish Lane (via Jodrell Bank), there are pinch points where conflicts with opposing vehicles could arise, however given the low number of bulk HGVs proposed, the low baseline traffic demand and good safety record of Bomish Lane, the Transport Statement does not consider these to represent a significant highway safety or operational concern and the low predicted level of bulk HGV movements are identified as consistent with that generated by typical agricultural land uses in that area. As such the Transport Statement concludes that due to the nature of skip transport vehicles and low baseline traffic on surrounding local roads, there is little evidence that the proposal would give rise to severe highway related impacts that would justify an objection on highway grounds.

Objectors raise concerns over the scope and adequacy of the transport surveys undertaken and their findings. The highways officer has assessed the submitted information and makes no comment in respect of these issues.

With respect to the proposed development, the Highways Officer advises that an application for an industrial use which is accessed via narrow rural lanes would not normally be supported. Regard is however given to the fact that:

- weekday background flows in 2019 of approximately 300 trips over the course of a day indicates that the existing flows using Bridge Lane are low and do already include the skip hire trips generated by this proposal;
- this is an existing commercial site with HGV traffic which has been in operation since 2014;
- the levels of proposed traffic generation are not high; and
- Whilst Bridge Lane is narrow, there are places for vehicles to pass each other and there is no evidence of a road safety issue.

As such, the Highways Officer considers that it would be difficult to defend a refusal based upon a severe impact on traffic and safety, and therefore raises no objection subject to conditions being imposed to control vehicle numbers and waste volume throughput.

With respect to the Highways Officers comments, the alleged former use cannot be given weight in the determination of this application, as this needs to be established under a certificate of lawful use. The overall conclusions are however accepted, and given the level of vehicle movements proposed, the current level of existing traffic and road safety record on Bridge Lane, it is considered that a refusal on highway safety grounds could not be sustained. As such, subject to the conditions being imposed, the proposal would satisfy CRWLP policy 28, and the approach of NPPW, NPPF and provisions of CBLPFR.

### **Control of pollution**

New development should be located and designed to ensure there are no harmful or cumulative impacts upon air quality, noise and dust and developers will be expected to minimise and mitigate the effects of pollution. Where adequate mitigation cannot be provided, the development will not normally be permitted (CELPs policy SE12). Policy GR6 of CBLP

does not permit development adjoining or near to residential properties or sensitive uses where there would be unduly detrimental effects on their amenity due to environmental disturbance or pollution; whilst Policy GR7 states that development will not be permitted which would be likely to lead or contribute to (amongst others):

- significantly increased air, land, water, light or noise pollution;
- involve significantly greater risk to the lives and health of members of the public
- expose more members of the public to unacceptable risk; and
- be a significant source of statutory nuisance, apprehension or danger or loss of amenity to people living or working in the immediate area.

CRWLP Policies 24 and 26 contain similar provisions.

#### Air Quality, Dust and Odour

Relevant guidance recommends air quality assessments for developments involving HGV movements in excess of 25 per day where within, or close to, an air quality management area (AQMA), and in excess of 100 HGV movements where the proposal is distance from an AQMA. The application site is not located close to any AQMAs and the proposed 24 HGV movements per day is well below this threshold, therefore an assessment of potential impacts on vehicle exhaust emissions is not necessary. The Environmental Health Officer has also not raised any concerns regarding potential air quality impacts associated with vehicle emissions.

#### Dust

The handling and storage of inert construction and demolition materials can potentially give rise to fugitive dust emissions. Crushing and screening of inert materials on the site is likely to be on an infrequent basis and as such the main dust sources are likely to be from the tipping, loading and internal haulage of wastes. Given the location of the receptors, the dust assessment identifies that the risk of dust deposit and risk to human health at the nearest receptors is negligible. With regards to track out of dust from the site, relevant guidance suggests that this occurs up to 50m from the site and both nearest residential receptors are beyond that distance, as such these risks are negligible.

A dust management plan has been submitted which identifies a range of good practice management and control measures to be employed at the site to minimise any dust impacts along with procedures for routine inspections, monitoring and investigating complaints.

Typical monitoring and mitigation to be implemented on site includes:

- damping down of the site and access road in dry weather;
- regular site sweeping;
- minimisation of drop heights during tipping;
- maintenance of smooth running surface along the access road;
- Controlling vehicle speeds;
- Sheeting of vehicles exiting the site;
- Regular inspections of the site, recording of site conditions and actions taken to address any issue.

The dust assessment concludes that subject to effective management techniques being applied, the risk of adverse effects from dust are negligible at all receptors. The Environmental Health Officer raises no concerns with respect to the conclusions of this report or the identified mitigation. Subject to the implementation of these measures being secured by planning condition, it is considered that the proposal would not present any significant adverse impact on amenity and would accord with CELPS Policy SE12, CRWLP policy 24, CBLP policies GR6 and GR7.

### Odour

Putrescible wastes would not be specifically collected and stored at the site, however there is potential for small quantities of organic waste such as food and green waste to be present within the general skip wastes received which could give rise to odours through the breakdown of organic matter. The degree of odour generated depends on factors such as the quantity of organic materials present in the wastes, the age of organic material and extent of degradation. The greatest potential for odour generation is during handling and loading operations and any long-term storage.

The odour assessment submitted considers that the odour potential would be small given the nature of wastes and low waste throughput proposed in the facility. The principal sources of odour would be any external skip storage of substantial quantities of waste, the initial sorting area and the internal recyclable materials handling and storage area. Based on the frequency of wind blowing towards the nearest sensitive receptor, the odour assessment identifies that the likely odour effect is slight for that property, and negligible for the other close receptors. On this basis, provided effective management is carried out on site, the risks of adverse effects of odour are estimated to be negligible at all sensitive receptors.

An odour management plan has been submitted which identifies a range of good practice management and control measures to be employed at the site to minimise any odour impacts along with procedures for routine inspections, monitoring and investigating complaints. This includes:

- minimising the time that biodegradable waste is stored on site;
- well maintained surfaces to minimise collection of leachates;
- effective regular site cleaning;
- rejection of large quantities of bio-degradable wastes;
- sealing food wastes within containers on site and disposing off site as soon as possible;
- minimising the length of time green waste is stored on site;
- bulking, transfer and storage of all non-inert waste materials inside the building;
- Regular site inspections and recording of conditions;
- Recording of any complaints, implementation of mitigation and programme of odour monitoring following receipt of the complaint.

Subject to these measures being implemented, the assessment considers that the proposal would not present significant adverse impacts at nearby properties. The implementation of the measures identified in the odour management plan could be secured by planning condition. The Environmental Health Officer raises no concerns with the conclusions of the assessment and the overall impacts of odour from the scheme.

Objectors have raised concerns over the potential for significant pollution impacts at receptors. In addition to the provisions above, the facility would require an Environmental Permit which would be regulated by the Environment Agency. This would include controls on the site activities to ensure that all appropriate preventative measures are taken through the application of best available techniques to ensure no significant pollution is caused. This would include limits on the nature and quantities of waste permitted at the site, controls over the operations carried out, compliance with an environmental management plan and controls over dust and odour emissions. It is noted that NPPW and Environment Agency makes it clear, in determining planning applications, that planning authorities should focus on whether the development is an acceptable use of land and not concern themselves with the control of processes which are a matter for the pollution control authorities, and planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

The Environmental Health Officer raises no objections but suggests a restriction on the grant of planning permission should an Environmental Permit not be secured. The Environment Agency advise that they are in receipt of an application for an Environmental Permit and are in the processing of assessing that application but are not yet in the position of being able to make a determination. The proposed waste management facility would not be able to operate without having first secured an Environmental Permit. As such, there is no requirement to secure this measure through the grant of planning permission.

On the basis of securing the above planning conditions, it is considered that the development would accord with CELPS Policy SE12, CRWLP policy 26, and CBLP policies GR6 and GR7.

### **Noise impacts**

With respect to noise impacts, the NPPW identifies that *'the operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved'*.

Policy 23 of CRWLP states that a waste management proposal will not be permitted where it will give rise to unacceptable levels of noise pollution. Similarly CBLP states that development near to residential properties or sensitive uses will only be permitted where they will not have an unduly detrimental effect on their amenity due to (amongst others) environmental disturbance or pollution (Policy GR6); whilst policy GR7 states that development will not be permitted which would be likely to (amongst others) *'lead or contribute to significantly increased noise pollution to environmentally unacceptable levels; or be a significant source of statutory nuisance..... or loss of amenity to people living or working in the immediate area'*.

The delivery, handling and processing of waste material and skips has the potential to generate significant noise impacts. The dwellings most exposed to potential noise from site activities are Blackden Villa Farm which is situated approximately 130m to the east of the site on Bridge Lane, and those to the west of the site, the closest of which is approximately 90m away. The lowest background noise level at Blackden Villa Farm is 33dB on a weekday and 30dB on Saturday mornings. The noise assessment identifies that the receptor would benefit from some screening provided by the intervening farm buildings. Noise from the proposal at

this receptor would not exceed existing background noise levels on a weekday however on Saturday mornings the sound level from skip lorry movements would be 2 dB above existing background noise levels.

With respect to nearest property to the west, the lowest background noise level at this receptor is 37dB on a weekday and 34dB on Saturday mornings, and the noise assessment identifies that noise from the proposed development would be 5dB below background noise levels on weekdays and 2dB below at weekends.

The noise assessment makes a number of recommendations as additional mitigation in order to protect nearby receptors. This includes:

- all unloading and loading of skips and vehicle parking is carried out only within the western portion of the site;
- a 2m high acoustic fence is provided on the western boundary adjacent to the skip storage area;
- no skip storage or material sorting to be carried out on the eastern section of the site adjacent to Bridge Lane and the residential receptor;
- no use of a crusher on Saturdays;
- use of broadband reverse alarms;
- engines turned off upon arrival and during unloading;
- repair of the service yard area where necessary to smooth the surface and minimise rattle of chains and skip noise during HGV movement.

Subject to the implementation of this mitigation which could be secured by planning condition, the noise assessment concludes that the proposed development would not result in any unacceptable harm to residential amenity from noise impacts.

The Environmental Health Officer considers that the conclusions of the noise assessment are generally acceptable but advises that the service yard should be repaired to a consolidated surface and all vehicles are fitted with broadband reverse alarms. This could be secured by planning condition. In addition, it is recommended that the proposed hours of operation are reduced in weekday mornings from a start time of 0700 hours to 0730 hours, and from 0800 on Saturdays.

Policy 29 of the CWRLP sets out that the normally permitted hours of operation for waste management facilities are 0730 to 1800 hours Monday to Friday; and 0730 to 1300 hours Saturdays. The policy allows for these hours to be revised where there is considered to be an unacceptable impact on neighbouring land uses and the Environmental Health Officer advises that the later start time on Saturday mornings would be necessary to provide some respite to residents at the weekend. This is accepted and this could be secured by planning condition. Subject to the planning conditions being secured, it is considered that the proposal accords with CELPS policy SE12, CRWLP policy 23, CBLP policies GR6 and GR7, and the approach of the NPPW.

#### Water resources, Land and Water Contamination

CELPS Policy SE13 requires new development to reduce flood risk and avoid adverse impacts on water quality and quantity by directing new development to the lowest risk of flooding and requiring new development to seek improvements to the current surface water

drainage network and be designed to manage surface water sustainably. CBLP Policy GR20 reiterates these requirements whilst CRWLP policy 18 states that applications will not be permitted where:

- there would be an unacceptable impact on groundwater quality, resources or supply and/or surface water quality or flow which cannot be overcome by mitigation measures
- it would result in the unacceptable culverting of an existing watercourse or have an unacceptable detrimental impact on the ecological value of a water feature; or
- there would be an unacceptable risk from flooding affecting the site of the development; or
- the proposal would create an unacceptable risk of flooding elsewhere, particularly where the development involves the raising of ground levels, unless appropriate measures to mitigate the flood risk and safely manage any residual risks are provided

There are four waterbodies located around the site and a watercourse is located to the south, approximately 40m from the application site boundary. The application site is not located within flood zone 1 and the yard area sits at approximately 1.5m above the bank top of the brook and has no known historical flooding. The applicant notes that should any unexpected flooding occur, the impact would be minor as several fields would be underwater before any storage or operational areas on the site would be affected. As a further mitigation measure, the unsorted waste would remain in sealed skips and sorted material would be stored on the highest part of the site.

#### *Drainage and water quality*

All existing access tracks and yard areas drain to soakaway. Roof water would be uncontaminated, having not come into contact with waste in the building and the roof water from the new building would drain to the existing land via a French drain. This would ensure that unattenuated runoff from the new roof area does not occur.

The Council's Flood Risk Manager raises no objection to the proposal and provides advice in respect of securing an appropriate sustainable drainage strategy. No concerns are raised by the Environmental Health Officer, Contaminated Land Officer or Environment Agency with respect to potential impacts from water or land contamination. The site operational practices identified in respect of dust and odour control, along with controls in place on the Environmental Permit would also assist in ensuring that the potential for contamination to ground or water resources is controlled and mitigated effectively. Additionally land quality would be checked as part of the environmental permitting process and filled skips and stored waste would be stored under cover.

As such, subject to the imposition of this planning condition, the application is considered to accord with CELPS policy SE12, SE13, CRWLP policy 18 and CBLP policy GR20.

#### **Landscape, Visual Impact and Design**

Policies 12 and 14 of CRWLP do not permit development which would have an unacceptable impact on the landscape and/or townscape and visual impact. The impacts of visual intrusion from the proposal should not have an unduly detrimental effect on the amenity of nearby residential properties (policy GR6). In addition landscaping proposals should be an integral part of the scheme and should provide a satisfactory balance open space and built form, and screening of adjacent users. Other considerations include maximising opportunities for

wildlife, respecting features of heritage value within the site and incorporation of energy conservation and efficiency (Policy GR2).

Whilst it is considered that the proposal would have an unacceptable impact on the setting of Brookbank Farm as a designated heritage asset, in terms of the impact on the surrounding landscape, no adverse impacts are anticipated. The proposed new building would be simple in form and reflect the scale and nature of existing built development on the site. It would provide a degree of screening for the waste activities from views in the surrounding area. Screening of additional native tree and shrub planting is also proposed which could be secured by planning condition.

With respect to impacts on visual amenity, views of the proposed new building and external waste operations from the residential receptors east of the site on Bridge Lane would largely be restricted by the existing farm buildings. Brookbank farmhouse, which is in the ownership of the applicant, is located directly adjacent to the application site and is in use as holiday accommodation. This building would have upper floor views over the site, however the proposed skip storage building and proposed landscaping would provide some degree of screening of the external yard activities. The residential properties west of the site would have limited partial distant views due to the extent of vegetation and mature trees which align the access road however the impacts are not anticipated to be significant. Views from passing trains on the railway line would be brief and not significant. In respect to any amenity impacts associated with lighting, it is noted that the external areas of the site have historically been in use for agricultural activities, and no significant amendments to existing lighting is anticipated. A planning condition could be imposed to control any new lighting proposed as part of this development.

On this basis, subject to conditions to secure a landscape planting scheme and lighting scheme, it is considered that the proposal would accord with policies 12 and 14 of CRWLP, CELPS policy SE1, CBLP policies GR6 and GR7, and GNP policy TTTN.

## **Ecology**

The application site is located immediately to the north west of a waterbody and brook. In the immediate vicinity of the site are grassland, trees, hedgerows and areas of woodland. The site lies approximately 3km north of River Dane SSSI and 3.8km north of Gleads Mioss SSSI. Natural England advise that the proposal would not have any significant adverse impacts on the two SSSI designated sites.

An ecological assessment has been submitted which identifies that the habitats within the site have very low ecological value and limited potential to support protected or notable species. Habitats within the site would not be impacted by the development and more suitable habitat is available in the wider area and these can be safeguarded through the implementation of good practice for runoff control and pollution prevention which could be secured by planning condition.

There are records of protected and priority bird species within 2km of the site. The existing buildings on site have the potential to support breeding birds and these would remain unaffected by the proposal, although the extent of disturbance from site activities would limit their breeding suitability. The natural habitats around the site would not be directly affected, and the proposed supplemental planting along the northern boundary would provide suitable

foraging and nesting habitat. The Nature Conservation Officer also recommends a condition to protect breeding birds.

The barn and warehouse buildings have the potential to support barn owl, however no evidence of this species was found. There are records of roosting bats within 1.1km of the site and the boundary hedgerows and scrub around the site provide suitable habitat for bats, however suitable habitats within the site are limited and there are no trees with roosting potential. A number of buildings within or adjacent to the site boundary are considered to have low to medium bat roosting potential; however none would be affected by the development and the area is already subject to a high level of disturbance therefore the proposal would be unlikely to disturb any bat species. Recommendations are made in respect of undertaking further surveys if any structural works to buildings are proposed, and lighting to be directed away from buildings which can be secured by planning condition. The proposals would also not affect habitats for foraging and commuting bats, and there would be no net loss or fragmentation or commuting corridors. The additional planting would enhance the existing linear corridors for commuting and foraging.

There is also limited suitable habitats within the site for badgers and given the more optimal habitats present in the wider area, they are unlikely to use the habitats on the site therefore no adverse impacts are predicted. Recommendations are made in respect of encountering any suspected badger setts on site and securing mitigation before further works are carried out, which can be secured by planning condition.

There was no evidence of otters at the site and their presence within the site is considered highly unlikely. An area of manmade standing water lies adjacent to the site but has very little ecological value as it is surrounded by bare ground with no connectivity to other habitats. It has negligible potential to support water vole and is unlikely to be used by otters as there is no connectivity to the more suitable habitat in the wider area. A ditch is also present beyond the site which would potentially provide aquatic habitat. The ditch and associated woodland habitat would not be impacted by the proposal. The proposal is located over 5m from the bank and as such no impacts on water voles are anticipated.

The majority of waterbodies surrounding the site boundary have some habitat connectivity to the site however no signs of reptiles or amphibians have been identified and none would be affected by the proposed development. There is no suitable aquatic habitat within the site to support amphibians, and any terrestrial habitat is limited, and the level of site activity makes these locations less attractive than habitat off site. Equally the level of operational activity and built development around the wood and rubble makes them of limited suitability for reptiles, and the concrete storage tank on site is considered to have minimal ecological value and low suitability to support great crested newts.

Peripheral areas around the site and surrounding area may potentially support hedgehogs; however hedgehogs are unlikely to use habitats within the application site given the presence of more optimal habitats in the wider area and planning conditions can be imposed requiring checks for hedgehogs before removing any wood piles on site.

The Nature Conservation Officer raises no objection to the proposal and advises that whilst there are both man-made and semi-natural features that offer some potential for wildlife, the nature of the proposal is such that there are no potential nature conservation conflicts. As

such, subject to securing the identified mitigation by planning condition, the proposals would accord with CELPS policy SE3 in that the proposals would not negatively affect nature conservation interests and may present some positive benefit. It would also accord with CBLP policies NR2, NR3 and NR4, CRWLP policy 17 and GNP policy OCEH1; along with the approach of the NPPF and NPPW.

### Other matters

The Forestry Officer notes that there are trees and lengths of hedgerow in the vicinity of the application site. An area of trees around a pond west of the access road is subject to TPO protection. The proposals would not have any direct implications for trees or hedgerows within the application site. The Forestry Officer notes that waste has been deposited in the vicinity of trees and hedges on land outside of the application boundary which is identified as a significant concern. This does not form part of this application and is a matter which should be addressed separately through planning enforcement.

Concerns have been raised that the close proximity of the proposal could have a detrimental effect on the continuation of Blackden Trust which offers educational tours and information to the public and educational establishments. The representation does not however specify what potential impacts are considered to present detrimental effects on the Trust and their work. The impacts of the proposal in relation to amenity impacts including noise and disruption and impacts on visual amenity are addressed above in this report. Additionally no concerns over impacts on the proposal on the grade II building at Toad Hall are raised by the Heritage Officer.

Concern has also been raised in respect of the risk of hazardous and toxic waste being managed at the site, and the potential for vermin/pests, litter fire risk. The measures outlined above in respect to waste receipt, handling and storage procedures would be likely to control these issues and the Environmental Permit would control the type of waste received at the site and require necessary controls to ensure there is no significant risk of fire, litter or pests/vermin at the site.

### **Conclusions**

The application site is located in the Open Countryside, to which CELPS Policy PG6 applies. Whilst the proposal would satisfy the second criterion of Policy PG6 specifically in relation to the proposed re-use of the agricultural buildings; the arguments put forward by the applicant in respect of a rural location for a waste facility being more suited and preferable to an urban location are not accepted.

The applicant also maintains that there are no other suitable sites more sustainably located within urban areas however no evidence has been presented to substantiate this claim. In the absence of a thorough and robust assessment of all alternative sites in urban settlements including employment allocations and site with complimentary B2/B8 uses, it is not possible to establish if the proposal is genuinely essential for the redevelopment of the existing business as per the exclusion in the fifth criterion of CELPS Policy PG6, and '*cannot be accommodated within existing settlements*' as per the supporting justification to that policy.

Equally it is not possible to establish that the site cannot reasonably be located within a designated centre, located on a previously developed site or if this is the most accessible and

sustainable location, as per the provisions of CELPS Policy SD1, CO1, EG1 and EG2 and CRWLP policy 1.

With respect to impacts on heritage assets, it is considered that the addition of a further large visually dominant building situated in closer proximity than the current agricultural buildings, would appear prominent and discordant with the listed asset, and would encroach upon the setting of the farmhouse, diminishing its significance and causing harm. It would also be highly visible in views from the listed asset and its gardens, and in longer views from Bridge Lane when approached from the west.

The proposal does not enhance the significance of the asset but further detracts from its significance and setting, therefore failing to accord with NPPF policy considerations. It is considered that, whilst the degree of impact on the significance of the heritage assets would be less than substantial harm, nevertheless there would still be an appreciable loss of significance and impact upon setting.

No evidence has been provided in respect of design alternatives explored which could potentially reduce or remove the harm to the setting of the listed building, and it has not been demonstrated that all other potentially alternative available sites have been assessed. As such is not considered that clear and convincing justification for the harm to the setting of the listed building has been presented. The proposal therefore fails to comply with policies SE1 and SE7 of the CELPS, CBLP policy BH4, CRWLP policy 16, section 16 of the NPPF in particular paragraphs 190-197 and GNP policy OCEH3.

In accordance with CELPS policy SE7 and NPPF, the harm to the listed designated asset should be weighed against the public benefits of the proposal.

In this respect it is noted that the proposal would accord with some elements of CELPS policies SD1 and EG2, and the approach of the NPPF insofar as it would enable the growth and expansion of a business in a rural area; re-use existing buildings, and it would support a network of waste management facilities serving the local community. It would also provide opportunities for employment through the provision of 8 full-time positions and 4 part-time positions. This is in line with the provisions of the NPPF, CELPS policy SD1 and EG2.

The proposed facility is not located on a Preferred Site identified in the CRWLP however sufficient information has been submitted in order to demonstrate there are no other Preferred Sites which are available or more suitable which satisfies CRWLP Policy 5.

With respect to waste management considerations, there is no predicted shortfall in waste management capacity throughout the Plan period; as such the extent that this facility would contribute to overall waste management capacity in the Borough can only be given limited weight in the assessment of this application. The proposal would however provide a waste transfer facility which would enable 95% of the mixed waste received at the site to be stored and sorted into relevant waste streams for onward transfer to appropriate facilities for recycling, re-use or recovery. This would assist in diverting waste from landfill and drive waste up the waste hierarchy which accords with the approach of NPPW, CRWLP and CELPS policy SE11, along with the approach of CRWLP in contributing to a network of waste management facilities.

The environmental impacts arising from the proposal particularly in relation to pollution control, highway safety and capacity, landscape and visual, ecology, forestry, water resources, and impact on Jodrell Bank are considered to be acceptable and can be adequately controlled and mitigated.

When taking all considerations carefully into account, it is considered that on balance, the benefits presented by this proposal are not sufficient to outweigh the harm to the setting of the listed building and do not outweigh the other policy objections. As such it is considered that the development should therefore be refused.

## **RECOMMENDATION**

**That the application be REFUSED for the following reasons:**

- 1. It has not been demonstrated that the proposal is essential in order to expand or redevelop the business and cannot reasonably be located on a site within an existing settlement as per the requirements of CELPS policy EG1, EG2, CO1 and SD1; and as such it has not been demonstrated that the proposal falls within any of the exceptions set out in Policy PG 6 of the Cheshire East Local Plan Strategy and Policy PS8 of the Congleton Borough Local Plan First Review, for development in the Open Countryside.**
- 2. The development would have an unacceptable impact on the setting of a designated heritage asset, namely Brookbank farm by virtue of the erection of the building immediately adjacent to its boundary and the storage of skips on the site which is not sufficiently justified. The proposal is therefore contrary to policies SE1 and SE7 of the CELPS, Policy 16 (Historic Environment) of the Cheshire Replacement Waste Local Plan, Policy BH4 (Effect of Proposals) of the Congleton Borough Local Plan First Review, policy OCEH3 of the Goostrey Neighbourhood Plan and Section 16 of the National Planning Policy Framework in particular paragraphs 190-197.**

**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 Head of Planning 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 Head of Planning 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.**

