

Application No: 20/2313W

Location: Premier Gravel Direct Ltd, Snow Hill Depot, SNOW HILL, MACCLESFIELD

Proposal: Development of an inert waste transfer station with treatment and the construction of a concrete wall and kerbing on the western boundary.

Applicant: Mrs Tara Vernon, Premier Gravel Direct Ltd

Expiry Date: 03-Aug-2020

SUMMARY

The proposal would contribute to a network of waste management facilities and enable mixed wastes to be sorted into different types ready for onward transportation to other management facilities or end users which would assist in diverting waste from landfill and drive waste up the waste hierarchy in line with the NPPW, CRWLP and CELPS policy SE11. Waste would be sourced from an acceptable catchment area in accordance with the proximity principle. The location of the site on previously developed site in an industrial estate accords with the approach of the CRWLP and NPPW.

There is concern from local residents in relation to the impact of the proposal on local amenity, and highway safety and capacity concerns. The Strategic Infrastructure Manager has assessed the scheme and is satisfied that access arrangements are adequate for the nature, volume and movement of traffic generated by the proposal and considers that the proposal would not result in a level and type of traffic that would exceed the capacity of the local road network or have an unacceptable impact on amenity or road safety. Additionally no concerns are raised over any potential highway safety impacts resulting from the proposal on existing road users, vulnerable road users or pedestrians. A three-year temporary permission is recommended which can be secured by planning condition to enable monitoring of traffic movements to ensure these reflect that predicted in the traffic assessments, and to monitor the use of Snow Hill as an access. Subject to this being secured by planning condition the proposal is considered to accord with CRWLP policy 28, CELPS policy CO4, and the approach of NPPF and NPPW.

With respect to noise and vibration impacts, the proposal is not anticipated to result in harmful or cumulative impacts on noise pollution which would unacceptably affect the natural or built environment or detrimentally affect amenity or cause harm. Likewise, a range of dust mitigation measures are proposed to ensure that any potential for dust emissions from the site activities are controlled to an acceptable level. No objections are raised by the Environmental Health Officer and it is noted that the site operations would also be subject to controls under the Environmental Permit. Subject to imposition of planning conditions and given the controls in place on the Permit, the impacts from noise, vibration and dust could be controlled to an acceptable level in accordance which would satisfy CELPS policy SE12 and CRWLP policies 23, 24 and 26, MBLP policy DC3, and the approach of the NPPW and NPPF. Equally with respect to other environmental impacts, subject to a suite of planning conditions being imposed,

it is considered that the scheme would be acceptable and would not present any adverse impacts on the local environment or local amenity.

Whilst it is noted that the most recent Cheshire East Waste Needs Assessment Update 2019 identifies that there is currently sufficient waste management capacity to serve the needs of the Authority during the Plan period, it has been demonstrated that the proposal accords with the provisions of the Development Plan and the overall benefits of the proposal are considered to outweigh any objections, therefore a demonstration of quantifiable or market need is not required under planning policy.

Overall, it is considered that the proposal is acceptable and any impacts can be controlled and adequately mitigated through planning conditions. As such the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan, and the approach of the NPPF and NPPW.

DESCRIPTION OF SITE

The site comprises a roughly triangular area measuring approximately 0.2ha. The widest part of the site is across the south and measures approximately 40m east to west whilst the long axis of the site runs north to south and measures approximately 80m.

The site is located on the eastern extent of Macclesfield. It lies off Snow Hill, which is a short, steeply inclined road which drops down from Heapy Street to the site. The site is on an industrial estate and surrounded by industrial and commercial buildings to the north, east and south. The railway forms the western boundary beyond which are additional industrial buildings and further beyond, a residential area.

The site is relatively flat. The north eastern boundary is defined by a steep wooded and vegetated bank rising by approximately 10m from the site to the industrial buildings on Heapy Street. The western boundary is defined by a low wall and fence beyond which there is a steep bank dropping down to the railway line.

The site is currently used as a building's supplies store and comprises a steel portal framed building used for bagging aggregates, whilst loose aggregates are stored in concrete bays along the eastern site boundary, with bagged aggregates and wooden pallets stored along the western boundary.

Residential receptors are located to the west beyond the railway line on Old Mill Lane, to the north west on Mill Lane and Pool Street, to the north west on Windmill Street, and south east on Gunco Lane. The closest receptor is immediately beyond the railway line on Old Mill Lane approximately 50m to the west of the site.

PLANNING HISTORY

The site has a long planning history the most recent of which is:

00/1588P - change of use of vacant land to use for storage and distribution purposes approved 2000

DESCRIPTION OF PROPOSAL

The application proposes the use of the site for a skip hire business and inert waste recycling facility. The site would accept 6000 tonnes per annum (115 tonnes per week) of inert construction and demolition wastes which would be sourced from garden renovations, driveway renovations and general landscape activities in the Cheshire and Stockport area. The skips would be hired out to industrial and commercial businesses only and would collect only inert and soil material not general waste. The type of vehicles used to collect this waste would be one 32 tonne grab lorry and one 18 tonne skip wagon.

The waste would be brought to site and deposited into the existing building on the southern boundary of the site. The building would be used partly for waste deposit and sorting, and also for the storage of vehicles and plant. When the waste is sorted it would be transferred by loading shovel to the eastern boundary where five concrete walled bays would be constructed for the storage of segregated hardcore, soil and wood. Empty skips would also be stored on this boundary. Once sufficient volumes of sorted material are collected, it would be transported off site.

The application also proposes a concrete wall of 1m height along the entire eastern boundary and the most northern part of the northern boundary. The existing palisade fencing would in place around the remainder of the site boundary. A 3m high concrete panel wall is also proposed along the southern and western boundary of the existing building that would be used for waste storage and sorting. Kerbing is also proposed along the western boundary to assist with site drainage.

The proposed hours of operation are 0700 to 1800 hours Monday to Friday, 0800 to 1300 hours Saturday with no operations on Sundays or Bank Holidays.

POLICIES

Development Plan:

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan comprises the Cheshire East Local Plan Strategy 2010-2030 adopted July 2017 (CELPS), saved policies of the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and the saved policies of the Macclesfield Borough Local Plan (MBLP).

The relevant policies of the **Cheshire East Local Plan Strategy (CELP)** are:

MP1 Presumption in favour of sustainable development

SD1 Sustainable development

SD2 Sustainable development principles

EG1 Economic Prosperity

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The landscape
SE5 Trees, hedgerows and woodland
SE7 The historic environment
SE10 Sustainable provision of minerals
SE11 Sustainable management of waste
SE12 Pollution, land contamination and land instability
SE13 Flood risk and water management
CO4 Travel plans and transport assessments

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1 Sustainable Waste Management
Policy 2 Need
Policy 5 Other sites for Waste Management Facilities
Policy 12 Impact of Development Proposals
Policy 14 Landscape
Policy 16 Historic Environment
Policy 17 Natural Environment
Policy 18 Water Resources
Policy 23 Noise
Policy 24 Air Quality
Policy 25 Litter
Policy 26 Air Quality Odour
Policy 27 Sustainable Transportation
Policy 28 Highways
Policy 29 Hours of Operation
Policy 36 Design

Macclesfield Borough Local Plan (MBLP)

BE1 Design
BE24 Areas of Archaeological Potential
E1 Retention of Employment Land
E4 General Industrial Development
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
NE11 Nature Conservation
DC13/DC14 Noise
DC17/DC19/DC20 Water Resources
DC63 Contamination

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

National Planning Policy for Waste

Other Considerations:

National Planning Practice Guidance (NPPG)

Cheshire East Local Aggregate Assessment 2018

Cheshire East Waste Needs Assessment Refresh 2019

CONSULTEES

Environmental Health

Noise and Dust – no objections subject to conditions

Air quality – no comments

Contaminated land – no objection. Condition recommended in respect of dealing with unexpected contamination on site

Highways

No objection subject to temporary three-year permission to enable monitoring of highway impacts.

Flood Risk Management

No objection, advice is provided in respect of sustainable drainage.

Ecology no significant ecology issues. Recommend nesting bird condition should any scrub/trees be removed from the edge of the site. Risk to bats is not sufficient to require any mitigation.

Environment Agency. No objection. Advice is provided in respect of managing foul sewage, Environmental Permitting regulations and waste management.

Network Rail no objections. Conditions recommended in respect of:

- a risk assessment for airborne dust and debris on network rail land;
- details of drainage arrangements to demonstrate the existing limestone soakaway has sufficient capacity to manage surface water runoff;
- assessment of the retaining wall and measures to strengthen this as necessary to be submitted for approval;
- full details of all ground levels, earthworks and excavations near the railway boundary to be submitted for approval;
- details of vehicle safety protection measures along the railway boundary to be submitted for approval;
- details of any scaffolding within 10m of the railway boundary to be submitted for approval .

Macclesfield Civic Society

- Proposal would assist in achieving recycling of construction waste in accordance with both national and local waste strategies;
- It would provide improvements to operational conditions by providing screening and noise/dust emissions;

- Given the mixed character of the area, concern is raised regarding impact upon residential amenities of occupiers living to the west of the railway from noise and disruption;
- Concern over access via Snow Hill as this is narrow, steep and without any pedestrian footpaths. Vehicles cannot pass and the bend in the road restricts forward visibility;
- If permission is to be granted then strict operation conditions should apply as well as requirements for screening and noise control.

Macclesfield Town Council

Note that the site is an existing treatment and recycling facility, however object on the grounds of:

1. Noise pollution from the trommel and increase in heavy goods vehicles frequenting the site on the residential roads, exacerbated by the site's hours of operation (Mon-Fri 7am-6pm, Sat 7am-12pm);
2. Concerns to pedestrian safety with the increase of heavy goods vehicles on the narrow residential roads leading to and from the site;
3. Concerns on pollution and contamination as highlighted in the environmental Risk Assessment report.

OTHER REPRESENTATIONS

At the time of writing this report, in excess of 55 representations have been received. The following concerns have been raised:

- The current site access has a steep hill with a blind bend which presents difficulties for customers. The entrance cannot fit two HGVs which will present problems for increased HGV traffic, queues and congestion, and highways safety.
- HGVs would use local roads which are narrow with on-street parking and heavy traffic. This is dangerous, restrictive to vehicles and creates problems with visibility, risk of collision, disruption to traffic flow and congestion. Only one vehicle can squeeze past the entrance to the application site which will increase potential highways safety issues. Note there have been several accidents from the waterways estate with HGVs clipping cars and there is potential for more RTAs.
- Adverse effect on the highway safety, impact on convenience of road users and pedestrians, particularly those using Snow Hill to reach the footbridge. Will the vehicles be monitored.
- Gunco Lane is already in disrepair with potholes caused by HGVs this will be made worse and cost Council money. Potential for vehicles mounting the narrow pavements and damaging cars.
- Highway concerns are worse because there is a site opposite that also generates HGV movements.
- Concern over cumulative traffic impacts of existing consented development in the area, the roads cannot support the additional vehicles.
- The transport calculations are flawed. The TRICS report is not a true and accurate reflection of the daily traffic movement as traffic movements were lighter because of the pandemic. It was also undertaken during school summer holidays when traffic is quieter. There was also roadworks on Windmill street at a similar time to when the TRICS report was created, therefore local traffic would have been diverted from Heapy Street and

surrounding roads. A new TRICS report is required to produce a true and accurate reflection of the current traffic volume along Gunco Lane.

- Impact on residential amenity and highways safety particular for vulnerable residents – there is also a children's park in the area .
- Concern over scope of noise assessment, particularly assessment of trommel screen and HGV noise. It has not been carried out by an independent third party. Potential for noise pollution, vibration and disturbance from the site and lorries. Additional information is required to ensure the site meets projected noise levels.
- Potential for air pollution from traffic and waste handling. There is no measurement of existing dust levels or a way to measure when dust levels are breached. Specific mitigation is needed to check dust management is effective. More detail is needed on method of washing vehicles.
- Impact on adjacent biodiversity of canal green spaces.
- Concern over the amount of water required for washing and impact on carbon footprint.
- Part of the planning condition consents should include at least annual testing and submission of control limits that noise, dust, drainage and traffic movements are being adhered to in a systematic risk averse manner.
- Potential for waste debris on roads.
- Visual impacts of concrete wall.
- Potential for land contamination, water contamination and chemical pollution.
- Drainage concerns over the land and surface water flooding problems on adjacent properties, concern over capacity of soakaway to accommodate additional volume resulting from site cleaning activities and potential for increased surface water runoff.
- Potential for pests.
- Light pollution.
- There are better locations for this, no demonstrated need for the facility, it will negatively impact the rejuvenation of the area and value of the area and house prices.
- Health and safety of new residents on Waterways Avenue, impact on quality of life and mental health of local residents due to unsociable hours and noise, disruption and vibration impacts.
- Proposed hours of operation will result in intensive activity on the site from 7am, and they may not adhere to the stated hours.
- No information on the catchment area of waste arisings and exports- that this will impact on the carbon footprint and is not a sustainable means of recycling waste.

Two representations have been submitted supporting the proposal although no reason is given in the representation.

Comments of Councillor Jeuda (Macclesfield South) – this is a designated industrial area however the nature of the surrounding area has changed significantly in recent years. The housing development on Gunco Lane has negatively impacted traffic flow and increased congestion, affecting residents on surrounding roads. This proposal will exacerbate the situation. The industrial nature of the proposal will cause extra noise, pollution, dirt and dust. The roads to the proposed site are inadequate, industrial traffic passing through Gunco Lane to the proposed site already has difficulties. There are similar problems with Windmill Street and Black Road. There are already Waste sites in Macclesfield which have housing developments built around and which cause huge difficulties with the problems outlined above, noise, dust, heavy traffic and pollution.

Comments of Councillor Puddicombe (Macclesfield South) - Whilst there are no residential properties immediately adjacent to the site, there are hundreds within a very short distance as evidenced by the number written to, including a lot of new properties who would not have realised this was coming when they recently purchased their properties. . There are dozens of objections received, pointing out the noise and dust that will be generated as well as the additional highways movements in the area, which is also used as a rat run at peak times. I would therefore object to this application on noise, dust and highways issues and suggest that additional work needs to be done on it.

OFFICER APPRAISAL

Principle of Development

The Cheshire Replacement Waste Local Plan (CRWLP) identifies a range of sites ('Preferred Sites') allocated for waste management facilities (Policy 4) including those identified as potentially suitable for material recycling, waste transfer and/or aggregate recycling. The application site is not located on one of these Preferred Site. Policy 5 of the CRWLP permits the development of built waste management facilities on sites not located on Preferred Sites where it can be demonstrated that:

- The Preferred Sites in the CRWLP are either no longer available or are less suitable for the proposed development; or
- It would meet a requirement not provided for by the preferred sites; and
- The proposed site is located according to the sequential approach.

The planning application is not accompanied by an assessment of alternative sites in accordance with policy 5, however the only other Preferred Site in the Plan within the Cheshire East administrative boundary identified as potentially being suitable for a waste transfer station is at WM13 'Lyme Green, Macclesfield'. Part of that allocation is now occupied by a waste management use, and the whole of the Preferred Site now forms part of the wider CELPS Strategic Site LPS13: South Macclesfield Development Area which has outline permission for a mixed use scheme (granted in 2019) and is also subject to a further application for primary infrastructure works which is currently awaiting determination. As such it is considered that this Preferred Site is no longer viable for consideration as a site for this waste recycling facility.

In identifying suitable sites and areas for new waste management facilities, the National Planning Policy for Waste (NPPW) states that consideration should be given to a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities, and priority should be given to previously-developed land, and sites identified for employment uses.

The site meets these locational criteria along with those identified for new built waste management facilities in Appendix 2 of the CRWLP, in that it is an existing brownfield site which operated for the last 20 years as a builders supply yard which has similar land use impacts due to the nature of activities being undertaken including material receipt, deposit, handling, crushing and aggregate bagging. It is also located on an established industrial estate on land allocated as an 'Existing Employment Area' in the Macclesfield Borough Local Plan Proposals Map. As such, it is considered that this proposal is in accordance with the provisions of Policy

5 of the CRWLP and meets the locational requirements for new built waste management facilities set out in the NPPW.

Employment Land Allocation

The application site lies on an existing employment site (E4) as allocated in the Macclesfield Borough Local Plan (MBLP) and the corresponding policy E4 permits (amongst others) General Industry (B2) on this site. CELPS Policy EG3 also seeks to protect existing employment sites for employment use in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable existing businesses to grow and to create new and retain existing jobs.

The proposal would enable an existing business to expand and retain existing jobs and would create a further two full time jobs which accords with the approach of CELPS Policy EG3. The site is allocated for B2 uses in MBLP and the application proposes a waste transfer station which is generally considered to be a sui generis use. The proposed facility however incorporates some elements typical of a basic material recycling facility which could be classified as falling within a B2 use, therefore the proposal is considered to be broadly compatible with MBLP policy E4.

There is provision for special industries (open storage and bad neighbour uses) to be located on two sites in Lyme Green and Adlington under MBLP policy E5. Whilst this facility is not located on either of these sites, regard is however given to the locational considerations of NPPW and CRWLP identified above.

Sustainable Waste Management and Need

Waste hierarchy

CELPS Policy SE11 expects proposals 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 proposal would provide a waste transfer facility which would enable mixed wastes to be sorted into different types ready for onward transportation to other management facilities or end users. Whilst the proposed capacity of the facility would be relatively small, it would nonetheless 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).

The applicant advises that waste would be sourced from sites in the Cheshire and Stockport area and once sorted would be transported to other waste management facilities in the local area or south Manchester. No more specific details are provided on the anticipated waste catchment area for collecting the waste, however it is noted that 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 throughout the Plan period, 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 CELPS requires the provision of sufficient opportunities for waste management facilities in appropriate locations to meet predicted needs. Applicants should only 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 (NPPW). 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 facility would accept and sort approximately 6,000 tonnes per annum (tpa) of construction, demolition and excavation waste (CDEW). 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 existing waste management facilities within Cheshire East, and identified a requirement for recycling 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 is only given limited weight in the assessment of this application. This will be considered in the overall planning balance alongside any planning policy requirement for a demonstration of need and the conclusions on the overall consistency of the proposal against the Development Plan and other material considerations.

Highway Impact

Access

Objectors have raised concerns over the adequacy of the site access via Snow Hill due to the steep incline, width and alignment of the road. The access is metalled and supports the current level of HGV and car access into the existing businesses. A swept path assessment of the site entrance/Heapy Street has been carried out which indicates that the largest proposed vehicle could safely negotiate the junctions to access the site, and an HGV can turn within the site.

The Strategic Infrastructure Manager notes that Snow Hill is a narrow single carriageway road that serves the site and also parking for adjacent industrial buildings. The access road can only accommodate HGV vehicles in one direction and is not suitable for two traffic as there are no passing places. As the width of the access is well below industrial road standard of 7.3m, the Strategic Infrastructure Manager notes that the level of traffic generation to the site is an important consideration and if there was a significant intensification of use over the existing situation, then the access would not be considered suitable.

Highway capacity and safety

Concern has been raised by objectors over the narrow nature of the surrounding roads, presence of on-street parking and existing level of traffic from the local commercial/industrial businesses and residential areas. Concern is raised that the proposal could generate additional congestion and cause further traffic safety problems for cars and other vulnerable road users, and pedestrians including school children in the area.

The Transport Statement identifies that the present use of the site generates 21 vehicle movements a day, and the proposal would result in a reduction of 5 movements over that currently generated. Vehicles from the site would exit onto the main road network (A523) via Gunco Lane and Byrons Lane to the A523 at the signalised Byrons Lane/A523 junction. The Transport Statement concludes that the proposed vehicle numbers would have no material effect on the traffic on Heapy Street or surrounding roads.

In considering the proposed HGV movements to the site, the Strategic Infrastructure Manager notes that there are a number of other various industrial uses surrounding the site, and the site sits in an extant industrial setting. In order to understand the existing traffic movements that occur at the site, an independent traffic survey was carried out by Cheshire East highway engineers in the peak hours when the site was operational. The results indicated that in the morning peak, 2 cars and 1 HGV movement occurred, and this therefore shows that generally there are a low number of trips to and from the site.

The Strategic Infrastructure Manager notes that there would be 8 vehicle movements to the site in the peak hours 08.00- 09.00 and 17.00 – 18.00 comprising 4 HGV movements and 4 staff movements. The generation of only 8 trips is considered minimal and not at a level that would present any material highway impact. This low level of traffic is also considered to be consistent with the existing usage of the access which has operated for some time without causing highway problems. In order to monitor traffic movements to and from the site and to ensure that the actual HGV movements generated by the proposal reflect those predicted in this application, a temporary 3 year planning permission is recommended by the Strategic Infrastructure Manager. Additionally, no concerns are raised over any potential highway safety impacts resulting from the proposal on existing road users, vulnerable road users or pedestrians, or detrimental impacts on the condition of the highway.

Whilst the concerns of objectors are noted, given the low number of HGV and other vehicle movements proposed and the conclusions of the Strategic Infrastructure Manager, it is not considered that the proposal would result in a level and type of traffic that would exceed the capacity of the local road network or have an unacceptable impact on amenity or road safety. The access arrangements are also considered adequate for the nature, volume and movement of traffic generated by the proposal. Subject to planning conditions being imposed in respect of limited hours of operation, permission for a maximum period of 3 years, and the numbers of

vehicle movements, it is considered that the proposal would accord with CRWLP policy 28, CELPS policy CO4, and the approach of NPPF and NPPW.

Noise and vibration

CRWLP Policy 23 does not permit proposals which would give rise to unacceptable levels of noise pollution. Equally CELPS policy SE12 requires development to ensure it does not result in harmful or cumulative impacts on noise pollution which would unacceptably affect the natural or built environment or detrimentally affect amenity or cause harm.

The closest residential receptors to the proposed site would be to the south west, approximately 90m from the site on Old Mill Lane, and to the south east approximately 185m away on Gunco Lane. The properties to the west are separated from the site by the railway line and intervening commercial buildings whilst to the east there are industrial and commercial buildings separating the site from the residential properties.

The deposit and handling of waste has the potential to cause noise impacts to nearby receptors. The applicant notes that whilst the proposed activities would not be dissimilar to those already carried out at the site such as movement of material, machinery and the use of various plant and machinery, there would be no screening/processing of material carried out and no use of a trommel screen or crusher. This would offer an improvement over the current situation in relation to noise and disruption impacts.

Noise monitoring was carried out at the nearest receptors to the application site to establish the background noise levels and the noise levels associated with the plant/vehicles and activities proposed by the scheme was established. The noise assessment identifies that the noise from the proposed site activities at the nearest receptors would be 66 decibels at houses to the south west. The proposal includes the provision of a concrete wall of up to 3m in height which would be situated on the southern and western boundary of the proposed waste storage building and would provide a degree of acoustic screening. As such the noise assessment identifies that, with the screening in place, the noise levels at the properties to the south west from the proposal would be 52 decibels which is at the existing background noise level, whilst at properties to the south east the noise level would be 42 decibels which is 8 decibels lower than the background noise levels. The noise assessment also identifies that whilst the properties to the south east would be screened by the existing industrial and commercial buildings around the site.

The Environmental Health Officer has reviewed the noise impact assessment and considers it acceptable. Recommendations are made in respect of:

- Use of white noise reverse alarms on all mobile plant;
- Restrictions on the use of PA systems in the service yard area except in emergencies;
- No vehicle idling in the yard area upon arrival and during unloading;
- Limit the hours of operation to those applied for and no loading/unloading of skips prior to 0800 hours on weekdays and 0900 hours on Saturdays;
- Eliminating or minimising material drop heights and any direct metal-to-metal contact;
- Construction hours of operation.

Planning conditions could be used to secure these measures aside from the last two points which could be included as informatives on any planning permission. Additionally, a planning condition could be imposed requiring that the noise mitigation is established on site prior to the

site becoming operational and remains in place for the duration of the permission. Subject to these measures being secured, and in view of the conclusions of the Environmental Health Officer it is considered that the proposal would not result in harmful or cumulative impacts on noise pollution which would unacceptably affect the natural or built environment or detrimentally affect amenity or cause harm. The proposal is considered to satisfy CELPS policy SE12 and CRWLP policy 23 along with the approach of the NPPW and NPPF.

Concern is raised by objectors that the proposed hours of operation would result in intensive activity from 0700 hours which could adversely impact local amenity and quality of life. CRWLP policy 29 sets out the hours of operation normally permitted for waste management facilities which is identified as 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours Saturday. The proposed hours of operation are 0700 to 1800 Monday to Friday and 0800 to 1300 hours Saturday and are therefore broadly in line with this policy. No concerns over the proposed hours of operation are raised by the Environmental Health Officer and it is noted that the skip activities which are particularly noise generative are limited to later start times. As such no adverse impacts on local amenity are anticipated as a result of the proposed hours.

Air Quality

New development should be located and designed to ensure there are no harmful or cumulative impacts upon amongst other things air quality and dust. 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). MBLP policy DC3 also states that development should not significantly injure the amenities of adjoining or nearby residential properties or sensitive uses due to (amongst others) fumes, dust and environmental pollution. CRWLP Policies 24 and 26 contain similar provisions.

Vehicle/Plant Emissions

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 site does not lie within an air quality management area (AQMA). The closest AQMA lies on the A523 London Road which is approximately 100m to the west of the site and the proposed 8 HGV movements per day is well below this threshold, therefore an assessment of potential impacts on vehicle exhaust emissions is not necessary. The applicant also notes that plant machinery would be maintained and serviced in accordance with the manufacturer's specifications, and vehicle emission would be lower than currently generated due to the proposed reduction in vehicle movements. The Environmental Health Officer has also not raised any concerns regarding potential air quality impacts associated with vehicle emissions. Given these considerations and subject to the imposition of conditions to control maintenance of plant and number of vehicle movements, it is considered that the proposal would not present adverse impacts on air quality and would accord with CELPS policy SE12, MBLP policy DC3 and the approach of the NPPF and NPPW.

Dust, mud and odour

CRWLP policy 24 states that waste management facilities will not be permitted where the impact of dust from the proposed facility would have an unacceptable impact on the amenity of nearby residents or the occupiers or users of nearby buildings and land. The deposit, handling and movement of waste has the potential to create dust emissions. Residential receptors have the highest sensitivity to dust emissions due to their close proximity to the site. There are also

several schools within 1km of the site, the closest being approximately 810m to the south west of the site and a care home is located approximately 995m to the west of the site.

Relevant best practice guidance suggests that the greatest portion of both small and large dust particles emitted are largely deposited within 100m of the dust source, and therefore receptors lying beyond that distance are unlikely to be greatly impacted by any potential dust producing operations on the site.

Given that the site is situated in a hollow at the base of a steep bank, the nearest receptor (Bethel Baptist Church) is located several metres above the site whilst the closest residential receptors within 100m of the site are those located on Old Mill Lane.

With respect to potential for dust emissions, it is noted that the proposal does not include for screening or processing waste using a trommel screen, crusher or grab excavator. This would significantly reduce the production and spread of dust. The waste would be imported to the site using the applicant's own vehicles which would be fully sheeted. Prior to tipping, the waste would be dampened down to reduce the risk of dust becoming airborne and would be deposited within the existing building. Once it is sorted it would be stored in the external bays which would be formed of 2m high concrete walls. All stockpiles would be kept at a maximum height of 0.5m from the top of the concrete walls which would prevent the spread of potential dust and debris. A sprinkler system would be in place over the external storage bays to control dust accumulations. The external areas of the site would also be hard surfaced with concrete which would assist with controlling dust accumulation and reducing the risk of material being transferred onto the public highway.

The dust management plan notes a range of daily dust management measures which would be implemented on site. This includes:

- Use of hand sweeping or a mechanical sweeper, and hoses or a mobile mister to dampen and clean the site and vehicles prior to exiting the site to control the deposit of dust/mud on the highway;
- covering of stockpiles with tarpaulin;
- Regular cleaning schedule on site and daily inspections carried out and where visible accumulations of dust are present, road sweepers would be shall be employed to sweep the highway;
- Limits on site vehicle speeds;
- Cessation of activities in windy weather where airborne dust is visible;
- Use of tarpaulin to cover stockpiles likely to be blown by wind.

Implementation of the dust management plan could be secured by planning condition. No objections are raised by the Environmental Health Officer subject to securing the use of the sprinkler system for external storage bays which could also be secured by planning condition.

With respect to potential for odour emissions, the nature of the wastes proposed to be accepted at the facility inert namely construction, demolition and excavation material are unlikely to generated significant odour emissions. The waste would be collected by the operator thereby allowing checks to be undertaken prior to pickup to ensure the suitability of the waste. Equally loads are inspected prior to and during tipping. Should any non-conforming material be

identified this would be reloaded and removed from site. Deodorising equipment would be used on site.

It is also noted that the site would be operated under an Environmental Permit regulated by the Environment Agency which would include controls over waste acceptance and handling to ensure that the operations carried out on site do not generate dust or odour emissions beyond the site boundary. The NPPW makes it clear that Local Planning Authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities; and should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Given the conclusions of the Environmental Health Officer, and the range of controls that would be imposed through planning conditions and the Environmental Permit it is considered that the proposal would not present any significant adverse impacts with respect to dust or odour and would accord with CELPS Policy SE12, CRWLP policy 24, and 26 and MBLP policy DC3.

Water Resources, Contamination and Land Stability

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 requires new development to seek improvements to the current surface water drainage network and be designed to manage surface water sustainably.

CRWLP policy 18 also 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.

MBLP policy DC17 does not permit development which would (amongst others) be in areas liable to flooding or lead to inadequate surface run-off provision. MBLP policies DC19 and DC20 also do not permit development which would damage groundwater resources or prevent the use of those resources. Development which would have an adverse impact on the quality of the watercourses would not normally be permitted. Where sites are known to be, or strongly suspected of being contaminated, developers must carry out contaminated land investigations and identify appropriate mitigation to address any hazard to safeguard future development and neighbouring uses. Development would not be permitted unless appropriate measures are taken to treat, contain or control contamination so as not to (amongst others) not expose the occupiers of the development and neighbouring land uses to unacceptable risk, cause the contamination of adjoining land or lead to contamination of any watercourse, water body or aquifer (Policy DC63).

Contaminated land and Land Stability

Historical mapping has not identified any potentially contaminative former uses of the site; however it has historically been surrounded by industrial activity which has the potential to

impact the ground beneath adjacent sites. The main source of contamination relates to the former mills to the south and east of the site. There are also records of infilled ground in the surrounding area.

The site is covered in concrete hardstanding and underlain by low permeability ground which affords protection from ground and groundwater contamination, although the current use is not considered particularly contaminative therefore the groundwater and soils beneath the site are considered unlikely to be impacted by current and historical land uses. Hazardous ground gases are also considered unlikely to cause unacceptable impacts beneath the site from the surrounding infilled land due to the low permeability nature of the ground and topography. Based on the available information the risk presented by ground conditions beneath the site to human receptors are considered to be very low and the risk to off-site receptors as a result of soil and groundwater contamination or hazardous ground gases is also considered very low.

In order to ensure any potential risk of materials suspended in surface water from the site discharging into the River Bollin is addressed, the ground investigation report recommends a drainage survey which can be secured by planning condition. It is also noted that the soakaway on site would remove pollutants from surface water runoff from site, minimising the risk to the environment from suspended solid pollution. The Contaminated Land Officer raises no objection, however in view of the industrial nature of the site and surrounding area, a planning condition is recommended in respect of dealing with any unexpected contamination on the site. Subject to the securing the conditions, the proposal is considered to accord with MBLP policies DC19, DC20 and DC63, CELPS policy SE13 and CRWLP policy 18.

The site lies within the Macclesfield Coal Consultation Zone; and is classified as a Development Low Risk Area where past coal mining activity has taken place at sufficient depth that it poses low risk to new development. Standing advice is provided to be included on the decision notice. This would accord with the provisions of the NPPF and CELPS policy SE12.

Water Resources

Objectors have raised concerns over the potential for increased surface water flooding, capacity of the soakaway, and the sustainability of the proposal in relation to water use for washing. The site is not located within a flood risk zone. It is situated at the base of a steep bank that slopes to the west. It is entirely surfaced with impermeable concrete and a limestone soakaway lies along the western boundary which drains any potential surface water from the site through its permeable properties. Kerbing would be installed on the western boundary to direct water off the site to the drainage system. No foul drainage is present within the planning boundary, due to the land being used for inert and excavation waste processing and storage only, however there is foul drainage located outside of the planning boundary for the office building. With respect to the concerns raised by objectors, no objections or concerns have been raised by the Flood Risk Management Officer or Environment Agency and the proposal is unlikely to require significant amounts of water for washing over and above that used on site already. The submission of a detailed drainage scheme including demonstration that the capacity of the soakaway is sufficient for the site to be approved by the Flood Risk Engineer can be secured by planning condition. On this basis, the application is considered to present no adverse impacts in respect of flood risk or drainage and accords with CELPS policy SE13 and CRWLP policy 18.

Design and visual impacts

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 site is located in an industrial area surrounded by similar industrial and commercial land uses and is already in use for external storage of materials, therefore the proposed external material storage, concrete wall bays, machinery and activities would be acceptable and would not appear incongruous in this location.

Aside from users of the surrounding commercial/industrial uses to the east and west, the nearest views into the site from receptors would be from properties on Old Mill Lane who would experience some limited views from across the railway line due to screening provided by the existing commercial buildings on Old Mill Lane and Windmill Street. Some partial views may also be experienced from some properties on River Street/Pool Street to the north west however existing built development would largely screen most views of the site. Some brief passing views would be experienced by railway users. The topography and vegetation would provide some screening for views to the north and south. The views associated with this proposal would not be dissimilar to that currently experienced by the existing site activities. Given its industrial/commercial location and the screening provided by the topography and existing vegetation, no additional landscape planting is considered necessary, and it is noted that the railway line would likely restrict any planting on the western boundary closest to the residential receptors. No additional lighting is proposed which would present additional harm from glare. On this basis, it is considered that the proposal would accord with policies 12 and 14 of CRWLP and the approach of the CELPS and NPPW.

Other matters

The north eastern site boundary comprises of a steep bank with trees and vegetation. The proposal includes a concrete wall on this boundary. In order to protect any trees or shrubs in close proximity to the construction works, a planning condition could be imposed requiring tree protection measures to be in place during any construction works and replacement tree planting for any lost. The Council's Nature Conservation Officer does not anticipate any significant ecological issues with the proposal and there are no significant risks to bats from the proposal. A planning condition is recommended with respect to protecting nesting birds should any shrubs or trees be removed. This would satisfy CELPS policies SE3 and SE5, CRWLP policy 17, MBLP policies DC9 and NE11.

Objectors have raised concerns over the potential for pests from the operation of the facility. The inert nature of the waste would be unlikely to attract pests. The potential for pests can be addressed by good site management practices and this would be addressed as part of the Environmental Permit.

Network Rail have advised that no objections are raised to the proposal subject to planning conditions securing the following:

- a risk assessment to address potential for airborne dust and debris on network rail land;
- details of drainage arrangements to demonstrate the existing limestone soakaway has sufficient capacity to manage surface water runoff;
- assessment of the wall and measures to strengthen this as necessary to be submitted for approval;
- full details of all ground levels, earthworks and excavations near the railway boundary to be submitted for approval;

- details of vehicle safety protection measures along the railway boundary to be submitted for approval;
- details of any scaffolding within 10m of the railway boundary to be submitted for approval.

As such no adverse impact is anticipated on the operation of the railway line.

Objectors have also raised concerns that the site will not be operated in accordance with the planning permission. The application must be considered on its merits and any potential breaches of planning control would be subject to separate investigation by the Planning Enforcement team.

Conclusion

The proposal would contribute to a network of waste management facilities and enable mixed wastes to be sorted into different types ready for onward transportation to other management facilities or end users which would assist in diverting waste from landfill and drive waste up the waste hierarchy in line with the NPPW, CRWLP and CELPS policy SE11. The waste would be sourced from the Cheshire and Stockport area and once sorted would be transported to other waste management facilities in the local area or south Manchester. Planning policy makes it clear that waste does need to be managed using the absolute closest facility to the exclusion of all other considerations; new waste 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. The proximity of the facility to the waste arisings is therefore considered acceptable.

The site is not identified in the CRWLP as a Preferred site for a waste facility however it meets the locational criteria identified in the NPPW for new waste facilities along with those identified for new built waste management facilities in Appendix 2 of the CRWLP in that it is an existing brownfield site which is currently being used for a similar land use, and it is located on previously developed site on an established industrial estate on land allocated as an 'Existing Employment Area' in the Macclesfield Borough Local Plan Proposals Map. It is also noted that the only other Preferred Site identified in the CRWLP for a waste transfer station is not available and forms part of CELPS Strategic Site LPS13: South Macclesfield Development.

There is understandable concern from local residents in relation to the impact of the proposal on local amenity, and highway safety and capacity concerns. The Strategic Infrastructure Manager has assessed the scheme and is satisfied that access arrangements are adequate for the nature, volume and movement of traffic generated by the proposal and that access has operated for some time with a similar level of vehicles without causing highway problems. It is also considered that the proposal would not result in a level and type of traffic that would exceed the capacity of the local road network or have an unacceptable impact on amenity or road safety. Additionally, no concerns are raised over any potential highway safety impacts resulting from the proposal on existing road users, vulnerable road users or pedestrians, or detrimental impacts on the condition of the highway. A temporary permission of 3 years is recommended in order to monitor traffic movements to and from the site to ensure that the actual HGV movements generated by the proposal reflect those predicted in this application and to monitor

the use of Snow Hill as an access. Subject to this being secured by planning condition the proposal is considered to accord with CRWLP policy 28, CELPS policy CO4, and the approach of NPPF and NPPW.

With respect to noise and vibration impacts, the proposal is not anticipated to result in harmful or cumulative impacts on noise pollution which would unacceptably affect the natural or built environment or detrimentally affect amenity or cause harm. The scheme does not include any waste processing or screening and mitigation has been included in the scheme design to control any potential noise impacts. Planning conditions could be used to secure this mitigation along with controls over hours of operation and limits on the times when skip activities can take place. Subject to this being secured the Environmental Health Officer considers that the noise and disruption impacts could be controlled to an acceptable level which would satisfy CELPS policy SE12 and CRWLP policy 23 along with the approach of the NPPW and NPPF.

Likewise a range of dust mitigation measures are proposed to ensure that any potential for dust emissions from the site activities are controlled to an acceptable level. No objections are raised by the Environmental Health Officer and it is noted that the site operations would also be subject to controls under the Environmental Permit and planning policy makes it clear that the control of processes 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. Given the controls in place through planning conditions and the permit it is considered that there would be no unacceptable adverse impacts from dust which would accord with CELPS Policy SE12, CRWLP policy 24, and 26 and MBLP policy DC3.

Equally with respect to other environmental impacts, subject to a suite of planning conditions being imposed, it is considered that the scheme would be acceptable and would not present any adverse impacts on the local environment or local amenity.

Whilst it is noted that the most recent Cheshire East Waste Needs Assessment Update 2019 identifies that there is currently sufficient waste management capacity to serve the needs of the Authority during the Plan period, the benefits of this facility in driving waste up the waste hierarchy and providing a service for the local community are given due weight, and waste planning policy is clear that a demonstration of quantifiable or market need is only required where proposals are not consistent with an up-to-date Local Plan (NPPW). Equally CRWLP states that where the material planning objections outweigh the benefits need should be considered and if there is no overriding need for the development the planning application will not be permitted. In this case it has been demonstrated that the proposal accords with the provisions of the Development Plan and the benefits of the proposal are considered to outweigh any objections.

On the basis of the above considerations, overall it is considered that the proposal is acceptable and any impacts can be controlled and adequately mitigated through planning conditions. As such the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan, and the approach of the NPPF and NPPW.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. Timescales for commencement and notification of commencement
2. Approved Plans
3. Development implemented within three years
4. Permission for three-year period only following commencement of development
5. Hours of operation
6. Records of number of vehicle movements
7. Limits on numbers of vehicle movements
8. Tree protection measures
9. Replacement tree provision for any lost
10. Nesting bird survey prior to any tree removal
11. Implementation of noise mitigation prior to waste operations commencing on site and maintenance throughout operation of the development
12. Restrictions on the use of trommel screen or crusher without the prior approval of the local planning authority
13. Use of white noise reverse alarms on all mobile plant;
14. Restrictions on the use of PA systems in the service yard area except in emergencies;
15. No vehicle idling in the yard area upon arrival and during unloading
16. Implementation of all dust and odour mitigation identified in the dust and emissions plan during the operation of the site
17. Provision of sprinkler system for external bays
18. Height restrictions on storage of waste
19. No new external lighting
20. Sheeting of all vehicles carrying waste
21. Measures to deal with unexpected contamination
22. Drainage survey
23. Maintenance of plant and machinery
24. Risk assessment for airborne dust and debris on network rail land,
25. Submission of full surface water drainage details and demonstration that the existing limestone soakaway has sufficient capacity to manage surface water runoff
26. Assessment of the retaining wall and measures to strengthen this as necessary to be submitted for approval
27. Details of all ground levels, earthworks and excavations near the railway boundary to be submitted for approval
28. Details of vehicle safety protection measures along the railway boundary to be submitted for approval
29. Details of any scaffolding within 10m of the railway boundary to be submitted for approval

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

