

Application No: 20/1080W

Location: MANSFIELD HOUSE, WITHYFOLD DRIVE, MACCLESFIELD, CHESHIRE, SK10 2BD

Proposal: Change of use of site from vehicle recovery depot to waste recycling centre, installation of weighbridge, removal of existing temporary building and erection of two new canopy buildings for the receipt and storage of non-hazardous wastes (temporary for 3 years)

Applicant: Mr Joe Henshaw, 1st Choice Waste & Metals Ltd

Expiry Date: 09-Jun-2020

SUMMARY

The principle of a waste management facility on this site is considered acceptable by virtue of the allocation of this site in the Cheshire Replacement Waste Local Plan. The proposal is also located on the edge of an industrial estate on previously developed land and utilises existing buildings which accords with the locational criteria identified in the NPPW. The proposal would support sustainable waste management in line with the CELPS policy SE11, CRWLP and NPPW in that it would relocate an existing waste management facility, enable waste from Macclesfield and the surrounding local area to be sorted and separated out for onward recycling or re-use in accordance with the waste hierarchy and proximity principle.

The impact of the proposal in relation to landscape, visual impact and design, flood risk and drainage, water quality, land contamination, land stability, utilities, vehicle emissions, litter, pests, forestry, and ecology is considered acceptable subject to a range of controls being imposed by planning condition and implementation of good site management practices.

The suite of planning conditions and controls under the Environmental Permit would ensure any dust, mud and odour impacts are minimised to an acceptable level and do not generate pollution beyond the site boundary which would satisfy CELPS policy SE12, CRWLP policies 24 and 26, MBLP policy DC3

A number of alternative vehicular access options have been investigated and discounted. The existing access has been demonstrated to operate safely, and the site could be lawfully operated as a vehicle recovery depot, with no restrictions in relation to the number or type of HGVs permitted to use Withyfold Drive and other local residential roads. The amendments to the proposal now being sought would reduce the number of HGVs which would lessen the overall impact of the development, and the proposed routing arrangements would result in HGVs in-part utilising roads that are more suited for, and are already used by, commercial vehicles.

When compared to the previous occupier, there would be a potential net reduction in vehicle movements, and the development would also be temporary for 3 years which would provide an opportunity to monitor the actual vehicle impacts on the highway network. It is therefore considered to be difficult to sustain a refusal on highway grounds as the proposal would not conflict with CRWLP policy 28, and the approach of the NPPF and NPPW

In respect to impacts on amenity whilst there is still a degree of uncertainty over the previous level of HGV movements, weight is given to the fact that the number of HGV movements have now been reduced, the HGVs would be routed away from the most sensitive receptors and towards areas that are more likely to experience commercial/industrial traffic, and the applicant is seeking a temporary 3 year permission, after which they would need to seek a further permission to continue that use.

It is considered that all of these factors combined with the fallback position of the site with no restrictions on vehicle numbers or routing, would make a defence on amenity grounds at a planning appeal unlikely to be successful.

On balance it is considered that, whilst there could be some harm to amenity associated with the movement of HGVs on residential roads, these impacts are not sufficient on their own to warrant refusal of the application and are outweighed by the significant strategic and economic benefits presented by the proposal.

As such the proposal 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, along with the approach of the NPPF and NPPW.

RECOMMENDATION

Approve subject to conditions

UPDATE

The application was considered at the SPB meeting on 16 June 2021, where it was resolved that the application be deferred for the following reasons:-

- 1. Clarification on the surrounding land use and associated HGV vehicle movements onto Withyfold Drive;*
- 2. Confirmation, consultation and consideration of the applicant's amended proposal to reduce the number of vehicle movements;*
- 3. Consideration of traffic management plan options*

A full copy of the officers report to SPB on 16th June 2021 is included in the at the end of this report. The reasons for deferral are addressed as follows.

Surrounding land uses

At the Strategic Planning Board meeting, members requested further details of the surrounding land uses to the application site and the associated HGV movements on Withyfold Drive.

Permission was granted in June 2019 for the construction of one office unit (B1 use) and eight warehouse units (B8 use) on land directly adjacent to the eastern boundary beyond the Gas Works site. The permission approved 15 car parking spaces and 5 HGV parking spaces which could access the site between the hours of 0730 to 1800 Monday to Friday and 0800 to 1300 hours Saturdays. It is assumed that the number of HGV vehicle movements would be 10 per day. It is noted however that, whilst the permission contains restrictions on the hours of operation at the site, there are no restrictions on the number of vehicle movements permitted to enter or leave the site.

Further east is an auction sales room with associated offices and storage. This site has permission for 12 sales events a year (approximately 1 per month) and 12 viewing days. The applicant identified that a maximum of 30 people would be present on viewing days and 50 people at sale days, and deliveries of stock to the site would be by a 3.5 tonne van. The permission contains no restrictions on the number of permitted vehicle movements but restricts the hours of opening to 0800 to 1930 Mondays, 0800 to 1800 Tuesday to Fridays and 0800 to 1230 on Saturdays. On viewing days the permitted hours of opening are 1200 to 2000.

Highway Considerations

At the Strategic Planning Board meeting, the applicant proposed to reduce the number of vehicle movements generated by the development from 70 HGV movements (35 in, 35 out) per day down to 50 HGV movements per day (25 in, 25 out). This represents a reduction of 20 HGV movements (10 in, 10 out) per day. The other movements associated with employee and light commercial vehicles would remain as per the original proposal therefore in total, the amended proposals would generate 102 movements per day (61 in, 61 out). During weekends the number of trips would be significantly lower as operations mainly involve processing of material on site with lower deliveries.

The applicant has also provided a plan which details the proposed vehicle routing arrangements for the site. This identifies that HGVs would access and egress the site via Withyfold Drive and would be instructed to turn left (to the east) along Nicholson Avenue before turning left (to the north) onto Queens Avenue and onto Hulley Road to reach the A523 Silk Road. Vehicles would be instructed not to utilise any roads to the south of Nicholson Avenue including Garden Street, Black Lane, Steeple Street and Queens Avenue south of Nicholson Avenue.

These routing arrangements would avoid the terraced streets to the south where there are frequent obstructions caused by on-street parking and would instead route traffic towards Queens Avenue where, at its northern extent, the nature of traffic is more industrial in nature.

In order to manage and enforce the vehicle routing arrangements, the applicant identifies that over 95% of the HGVs would be owned and under the control of the applicant. All drivers would be provided with induction training on HGV routing and a copy of the routing plan would be kept in the cab of all applicant's HGVs. The HGVs are fitted with GPS tracking transponder and

associated software whereby routes can be restricted. The applicant states that HGV routes would be monitored and audited regularly, and drivers under the applicant's control would be subject to a 3 strike policy with termination of employment for those breaching the rules. For any third party HGVs accessing the site, the operating companies would be issued with a copy of the HGV routing plan and advised of company policy, and the applicant would adopt the same three strike approach with those breaching that policy being refused entry.

The proposed reduction in vehicle movements and suggested vehicle routing arrangements would not impact the overall conclusions drawn on highway considerations originally reported to Strategic Planning Board; namely that:

- 1) The access has been shown to operate safely with no records of accidents on Withyfold Drive or within 50m of the Nicholson Avenue/Garden Street junction over the last 5 years;
- 1) The site could be lawfully operated as a vehicle recovery depot and there are no restrictions on that permission in relation to the number or type of HGVs permitted to use Withyfold Drive and other local residential roads;
- 2) Equally in relation to the surrounding commercial/industrial uses which also utilise Withyfold Drive as an access, it was not considered necessary to impose a planning condition restriction on the number of vehicle movements generated by those uses, albeit those uses would likely result in a smaller number of vehicle movements than is proposed by this application;
- 3) Based on an independent assessment of the potential vehicle movements that could be generated by the use of the site as a vehicle recovery depot, the Strategic Infrastructure Manager accepts that this proposal could potentially result in a net reduction in traffic generation compared to that generated by the previous occupier.
- 4) This would be a time limited proposal for a maximum of three years and which would also allow a trial period during which time the actual highway impacts of the proposal could be assessed, with an opportunity to review the situation should the operator decide to seek a further permission

Additionally the Strategic Infrastructure Manager advises that the amendments now being sought would provide some additional benefit and would reduce the overall impact of the development, and they note that the HGVs would in-part utilise roads that are more suited for, and are already used by, commercial vehicles.

It is generally accepted that the routing of vehicles is difficult to enforce and monitor, and the officer highlights that the Highway Authority has no powers to enforce the use of this route by HGVs as these roads are public highways. These points are noted however in this instance the fact that over 95% of the vehicles would be owned and under the control of the applicant would go some way to ensuring compliance. The routing arrangements could be secured by planning condition.

The NPPF makes it clear that 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; likewise CRWLP policy 28 requires new

development to ensure the level and type of traffic generated does not exceed the capacity of the local road network, and does not have an unacceptable impact on amenity or road safety, and access arrangements should be adequate for the nature, volume and movement of traffic generated by the proposal.

The updated views of the Strategic Infrastructure Manager would add further support to the original conclusion drawn that, on the basis of all these factors, it would be difficult to sustain a refusal on highway grounds. Given the above, and subject to the imposition of conditions in respect of controlling the number of vehicle movements and implementation of the vehicle routing arrangements, it is considered that the proposal would not conflict with CRWLP policy 28, and the approach of the NPPF and NPPW.

Amenity impacts

The proposed reduction in vehicle numbers and routing arrangements would have no bearing on the conclusions drawn on the noise assessment, which was that:

- noise levels from a skip vehicle would be between 2 and 7 decibels lower than the typical road recovery vehicle used by the previous occupier.
- In respect of passing HGVs, predicted noise levels at the façade of the closest residential dwelling (based over an hourly period) would be 41 decibels which is well within the measured background noise level at this location (50-51 decibels) and would also not exceed the recommended level in technical guidance for outdoor living;
- predicted noise levels in rear gardens would be even lower (due to screening provided by the property) and would also be well within relevant guidance;
- Internal noise levels would be 26 decibels which is below the recommended threshold of 30 decibels for bedrooms and 35 decibels for living rooms and this also takes account of any open windows.
- Predicted noise levels in the front gardens of properties on roads used to access the site are 47.6 decibels, which is below the existing measured background level and within the 50 decibels threshold for external amenity areas identified in relevant guidelines.
- The acoustic assessment is based on a worst-case scenario of vehicles travelling in a low gear at slow speed and even when applying a longer timescale to pass properties, the predicted noise levels from vehicles remain within relevant guidelines and below the closest background sound level measured within the area.

As noted in the original report to Strategic Planning Board, planning policy not only requires new development to ensure potential adverse noise impacts are mitigated and reduced to a minimum, but also requires a wider consideration of whether a good standard of amenity is achieved. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected, there are other influencing factors to consider and, in reviewing the original proposal, the Environmental Health Officer was concerned that despite the conclusions of the noise assessment and proposed noise management plan, the noise from manoeuvring vehicles could still impact residential amenity in terms of opening windows and enjoying garden space, particularly for terraced properties which abut the pavement.

In drawing a conclusion on the original proposal, the results of the noise assessment, the views of Strategic Infrastructure Manager and the potential fallback position on HGV movements were

all given due weight, along with the views of the Environmental Health officer and views of local residents. It was acknowledged however that there remained some uncertainty over the actual number of HGV movements that was previously generated and whether that level of traffic would be generated in future should that land use come back into operation. As such, a planning judgement was made that the potentially significant impact on the amenity and living conditions of nearby residents was sufficient to warrant refusal of the application.

The amendments now proposed would reduce the number of HGVs passing residential properties and would also avoid vehicles routing along terraced streets as they would instead travel north towards Hulley Road where towards the northern end of the route, the traffic is more industrial in nature and the residential properties are situated on only one side of the road and are in part set back further from the road.

Despite this, the Environmental Health officer remains concerned that there could still be potential amenity impacts for those residents on the identified vehicular routes, particularly when using outdoor space or opening windows, and the HGV movements could equate to several per hour which would be on predominantly residential roads which are narrow with potentially some on-street parking. They do however accept that the amendments would present an improvement in terms of offering protection from HGV/commercial vehicular noise to residents on terraced streets, and acknowledge that this is a public highway which is open to any traffic, and the site could be operated by other commercial companies who could similarly generate a number of commercial or HGV vehicle movements per day, as could other nearby commercial sites.

The Environmental Health officer previously advised that, as the control of noise from traffic on the highway is not within the remit of noise nuisance legislation available to Environmental Health, the matter could not be upheld at a planning appeal and no objections were raised. This remains the case following the proposed amendments.

The fact that HGVs have no option but to drive past some residential properties to reach the main road network will always mean there is potential for some degree of impact on amenity which cannot be completely mitigated. It is considered that the applicant has reduced the vehicle numbers to the absolute minimum that would still enable a viable operation. The key consideration is therefore whether the scale of impact on amenity presented by this amended proposal is sufficient on its own to warrant refusal of the application given all other factors and the benefits presented from the proposal in terms of sustainable waste management and economic development.

It was previously highlighted in the original report to Strategic Planning Board that this is a very finely balanced case to consider and this remains the case even following the proposed amendments.

Whilst the uncertainty over the previous level of HGV movements still exists, weight is given to the fact that the number of HGV movements have now been reduced, the HGVs would be routed away from the most sensitive receptors and towards areas that are more likely to experience commercial/industrial traffic, and the applicant is seeking a temporary 3 year permission, after which they would need to seek a further permission to continue that use.

It is considered that all of these factors combined with the fallback position of the site with no restrictions on vehicle numbers or routing, the lack of objection from the Environmental Health Officer, lack of quantifiable evidence to support their concerns, the conclusions of the noise assessment and Strategic Infrastructure Manager, along with the fact that this proposal could potentially result in less HGV numbers than the previous use, and other commercial uses on Withyfold Drive could operate with no HGV restrictions, would make a defence on amenity grounds at a planning appeal unlikely to be successful.

Conclusion

On balance it is considered that, whilst there could be some harm to amenity associated with the movement of HGVs on residential roads, these impacts are not sufficient on their own to warrant refusal of the application and are outweighed by the significant strategic and economic benefits presented by the proposal. This includes supporting the local economy and the retention of 40 local jobs. The proposal also presents a number of benefits in sustainable waste management in terms of providing a facility which manages several waste streams generated by households, commercial and construction sources, enabling the wastes to be separated out for onward recycling or reuse which would assist with overall reductions in residual waste, and would maximise the amount of waste managed in the most sustainable manner possible in accordance with the waste hierarchy. This would help to achieve national recycling targets and comply with national and European legislation. The facility would also contribute to a network of waste management facilities which meet the overall waste needs capacity in the borough, and would enable the facility to continue to serve its existing customer base, providing a waste collection service to the residents of Macclesfield and their surrounding 16 kilometre catchment area which would accord with the proximity principle in terms of allowing waste to be managed as close to its source as possible. As such the proposal would accord with the approach of the NPPW, CRWLP and CELPS policy SE11.

The proposal is also considered to be broadly compatible with the MBLP employment allocation E4 and is located on the edge of an industrial estate on previously developed land and utilises existing buildings which accords with the locational criteria identified in the NPPW. The impact of the proposal in relation to landscape, visual impact and design, flood risk and drainage, water quality, land contamination, land stability, utilities, vehicle emissions, litter, pests, forestry, and ecology is considered acceptable subject to a range of controls being imposed by planning condition and implementation of good site management practices. The suite of planning conditions and controls under the Environmental Permit would also ensure any dust, mud and odour impacts are minimised to an acceptable level and do not generate pollution beyond the site boundary.

As such the proposal 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, along with the approach of the NPPF and NPPW.

Recommendation: Approve subject to conditions

1. Standard conditions
1. Three year temporary permission
2. Limit on vehicle numbers
3. Record of vehicle numbers
4. Hours of operation

5. Implementation of vehicle routing plan
6. Submission of updated noise management plan, implementation of mitigation in noise management plan and maintenance of noise mitigation through the operation of the development
7. Use of white noise reverse alarms and chain socks
8. Implementation of schemes to control odour, dust, litter, pests/birds, mud and debris
9. Protection for nesting birds
10. Ecological enhancement strategy
11. Detailed strategy/design for surface water runoff, associated management/maintenance and management of overland flow routes
12. Remediation strategy and verification report
13. Measures to deal with unexpected contamination
14. Scheme for disposal of foul and surface water
15. Staff sustainable travel information pack
16. Electric vehicle charging points
17. Submission of revised site layout plan taking account of cadent gas easement requirement
18. Landscaping proposals
19. Tree protection measures

ORIGINAL OFFICER REPORT TO STRATEGIC PLANNING BOARD 16 JUNE 2021

SUMMARY

The principle of a waste management facility on this site is considered acceptable by virtue of the allocation of this site in the Cheshire Replacement Waste Local Plan. The proposal is also located on the edge of an industrial estate on previously developed land and utilises existing buildings which accords with the locational criteria identified in the NPPW. The proposal would support sustainable waste management in line with the CELPS policy SE11, CRWLP and NPPW in that it would relocate an existing waste management facility, enable waste from Macclesfield and the surrounding local area to be sorted and separated out for onward recycling or re-use in accordance with the waste hierarchy and proximity principle.

The impact of the proposal in relation to landscape, visual impact and design, flood risk and drainage, water quality, land contamination, land stability, utilities, vehicle emissions, litter, pests, forestry, and ecology is considered acceptable subject to a range of controls being imposed by planning condition and implementation of good site management practices.

The suite of planning conditions and controls under the Environmental Permit would ensure any dust, mud and odour impacts are minimised to an acceptable level and do not generate pollution beyond the site boundary which would satisfy CELPS policy SE12, CRWLP policies 24 and 26, MBLP policy DC3

A number of alternative vehicular access options have been investigated and discounted. The existing access has been demonstrated to operate safely, and the site could be lawfully operated as a vehicle recovery depot, with no restrictions in relation to the number or type of HGVs permitted to use

Withyfold Drive and other local residential roads. When compared to the previous occupier, there would be a potential small net reduction in vehicle movements, and the development would also be temporary for 3 years which would provide an opportunity to monitor the actual vehicle impacts on the highway network. It is therefore considered to be difficult to sustain a refusal on highway grounds as the proposal would not conflict with CRWLP policy 28, and the approach of the NPPF and NPPW.

The noise assessment has identified that the predicted noise levels at the façade of the closest residential properties, in garden spaces and internally would all remain within relevant thresholds in technical guidance. Likewise, predicted noise levels from a HGV manoeuvring around parked cars would also remain within recommended thresholds. Despite these conclusions, the Environmental Health Officer remains concerned that the vehicles could detrimentally impact the amenity of residents and the impacts could be more significant for those living in terraced properties that abut the pavement, however no objections are raised on the basis that noise from vehicles on the highway is not within the remit of noise nuisance legislation available to Environmental Health.

Planning policy however requires consideration of impacts which are broader than statutory noise nuisance and requires a good standard of amenity to be achieved. In assessing the impacts on noise, several factors have been considered. This includes the fallback position of the lawful use of the site which permits unlimited vehicle movements, the conclusions of the Strategic Infrastructure Manager that the proposed level of traffic may potentially be slightly less than was previously generated by the former occupier, and the conclusions of the noise assessment.

This is a very finely balanced case and the lack of objection from the Environmental Health Officer and lack of quantifiable evidence to support their expressed concerns would make this a difficult argument to defend at a planning appeal. Overall however, the requirements of planning policy in terms of securing a good standard of amenity and the outstanding concerns of the Environmental Health Officer are given significant weight in the assessment of this application and it is considered that the HGV traffic along residential roads serving the site could adversely impact on the standard of amenity that is experienced by local residents. Despite the many benefits the application presents in sustainable waste management and in supporting the local economy, this is not considered to outweigh the disbenefits presented by the proposal in terms of detrimental impact on residential amenity. As such it is considered that the development should be refused.

Recommendation

Refusal

DESCRIPTION OF SITE AND CONTEXT

The application site is a rectangular parcel of land which includes access along Withyfold Drive to the south east and Snape Road to the north. The site currently houses a small number of buildings along with areas of hardstanding which incorporate storage bays along the north

western site boundary. The site is positioned at elevation relative to the land immediately to the south and is constrained by an underground pipeline and overhead electricity cables.

The site is located at the southern end of a commercial/industrial area which is situated approximately 800m north of Macclesfield Town Centre. To the north lies a mixture of commercial and industrial uses along with a National Grid substation which bounds the north east site boundary. To the east is a gas distribution depot along with other commercial/industrial units beyond which is a residential area, whilst to the west is the A523 Silk Road. To the south is the former Barracks Mill site which has been demolished and has planning permission for retail development with a new access from the Silk Road. The nearest residential properties are located on Withyfold Drive to the south east and to the east off Queens Avenue, along with further receptors to the west beyond A523 Silk Road. The nearest property on Withyfold Drive is located approximately 78m from the main application site area.

DETAILS OF PROPOSAL

The applicant proposes to relocate a large proportion of their existing waste management business from Moss Lane in order to allow for the construction of residential development on that site; albeit a small facility is proposed to be retained on that site which is subject to a separate planning application.

This application seeks consent for a change of use of the site from a vehicle recovery depot to a waste recycling centre for the tipping, sorting and storage of dry, non-hazardous mixed general wastes derived from household, commercial and construction and demolition sources from the applicant's collections in Macclesfield and surrounding areas. The facility would manage a maximum of 25000 tonnes of waste per year comprising 15000 tonnes of construction, demolition and excavation waste, and 10,000 tonnes from municipal sources. This is a lower waste throughput than that accepted at the applicants existing Moss Lane facility. The maximum amount of waste stored on site at any one time is anticipated to be less than 1000 tonnes.

The waste would be delivered to the site on HGV skip vehicles and RCVs. Each load would be accompanied by the appropriate paperwork detailing the source and nature of waste and the contents would be inspected prior to being deposited in a building. It would then be deposited inside a building and sorted by hand or 360 grabber to remove recyclable materials and residual waste, which would be directed to an appropriate bay inside the building or in the external storage bays. Any unsuitable waste would then be removed from site to an appropriate waste facility.

The application proposes two new buildings. The first comprises two 'bunker' style bay enclosures with a PVC canopy stretched onto a steel frame. The bunkers, which form the walls to the sides and rear of the building would be constructed using interlocking concrete blocks to a height of 4 metres and the canopy would be fixed to the blocks. The building would be open fronted to allow east access for tipping and loading. The building would be 29.2m by 18.2m with a floor area of 504sqm and a height of 7.8m (to top of canopy).

The second would be an open sided single 'bunker' style bay enclosure with a PVC canopy, stretched onto a steel frame and would be 7.5m by 7.5m covering a floorspace of 56sqm and a height of 5.6m (to top of canopy).

The proposal also includes:

- Installation of a weighbridge
- Removal of the existing temporary B1/B8 storage/warehouse building
- Retention of the existing office for administration and welfare facilities, and the retention of the existing B1 workshop building for use as a maintenance building for vehicles, plant and skips/containers;
- Change of use of existing B1 garage building to allow storage of non-ferrous metals;
- Retention of existing storage bays for waste/aggregate storage;
- Provision of 27 staff parking spaces and 6 HGV parking spaces, and turning areas;
- Additional 3 floodlights located on 4 metre poles and 6 building mounted floodlights.

The proposed operational hours are 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours Saturday with no operations on Sundays or Bank/Public Holidays.

Access to the facility is proposed to be taken from Withyfold Drive via the existing access road. An access to Snape Road has also been included in the application site, although use of this access has not been agreed by the relevant third parties.

In order to facilitate further discussions with neighbouring landowners whilst allowing the waste facility to continue operating, the applicant is seeking a temporary permission of 3 years from commencement of waste operations on the basis of using the existing access off Withyfold Drive. The applicant advises that should an alternative access not be secured, they would apply for permission to extend the timescales of the development.

RELEVANT HISTORY

- 96/1085P – change of use from gas board depot to vehicle recovery depot granted 1996
- 97/1953P – application to remove conditions to allow continued use of existing access and removal of condition restricting hours of operation refused 1997. Subsequently granted on appeal with respect to the use of the access only. The previous restrictions on the hours of operation remained in place.
- 07/1578P - retrospective permission for the creation of an access and erection of security gates granted 2007. This permission allowed access to the site outside of the normal operations via Snape Road (from the access in the north of the site).

POLICIES

The Development Plan comprises the Cheshire East Local Plan Strategy, the Cheshire Replacement Waste Local Plan 2007 (CRWLP), and the Macclesfield Borough Local Plan.

The relevant development policies are:

Saved policies of the Cheshire Replacement Waste Local Plan (2007) (CRWLP)

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 4: Preferred Sites for Waste Management Facilities
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape

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
SC3: Health and Wellbeing
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

Saved policies of the Macclesfield Borough Local Plan (MBLP)

NE11: Nature Conservation
E4: Industry
E5: Special Industries
DC3: Amenity
DC6: Circulation and Access
DC9: Tree Protection
DC13 and DC14: Noise
DC17, DC19: Water Resources
DC21: Temporary buildings and Uses

National Planning Policy and Guidance

National Planning Policy Framework
National Planning Policy for Waste
National Planning Practice Guidance

Other Material Considerations

Cheshire East Waste Needs Assessment Refresh 2019
Noise Policy Statement for England

CONSULTATIONS (External to Planning)

Highways: no objection. Recommend condition in respect of temporary three-year permission and controls over the number of vehicle movements.

Ecology: No objection. Recommend conditions in respect of protecting nesting birds and securing an ecological enhancement strategy to incorporate features to increase the biodiversity value of the final development.

Landscape: the changes proposed are unlikely to result in any significant landscape or visual impacts.

Forestry: do not anticipate any significant arboricultural implications with this application.

Environmental Protection:

Noise

- No concerns with respect to on-site operations.
- Remains concerned that noise from vehicles slowly manoeuvring around parked cars in low gears may be more noticeable to residents and could still impact their amenity in terms of opening windows and enjoying garden areas, and that noise impacts could be more significant for those living in terraced properties that abut the pavement such as properties on Garden Street and Steeple Street. Consider that, as the control of noise from traffic on the highway is not within the remit of noise nuisance legislation available to Environmental Health, their officers could not uphold this matter at any planning appeal.
- Should planning permission be granted, conditions are recommended in respect of implementing the mitigation identified in the acoustic report, controls over hours of operation, number of vehicle movements, submission of noise management plan and use of white noise reversing alarms and chain socks.

Odour, Dust, Mud, Debris and Pests

Recommend conditions in respect of implementing the submitted schemes to control odour, dust, litter, pests/birds, mud and debris

Air Quality – No comments

Contaminated Land

No objection subject to implementation of conditions as recommended by the Environment Agency.

Flood Risk:

No objection subject to the conditions recommended by the Environment Agency being secured, and condition to secure a detailed strategy / design limiting the surface water runoff generated by the proposed development, associated management / maintenance plan and managing overland flow routes for the site.

Spatial Planning: no comments received

National grid: no objection

United Utilities: no comments received

Cadent Gas: no objections

Health and Safety Executive: do not advise, on safety grounds, against the granting of planning permission in this case

The Environment Agency:

No objection subject to conditions being imposed in respect of securing a remediation strategy and verification report, measures to deal with unexpected contamination, and a scheme to dispose of foul and surface water.

Macclesfield Civic Society –

- This is perceived as a bad neighbour use but does provide a benefit to the locality as a whole in the management of waste. Site for such uses are difficult to find and at least this proposal would be located in an area with historic and current industrial activities, as such the use could be acceptable in principle.
- Occupiers of dwellings along Withyfold Drive are likely to suffer adverse effects from the development of the retail park, should it proceed, and every effort should be made to mitigate any further adverse impacts.
- the amenity impact on residents occupying frontage dwellings on local roads around the site would be adversely affected in terms of noise/disturbance and risks of vehicle/vehicle and pedestrian/vehicle conflicts
- In this context and to avoid future amenity conflicts the Society fully supports an alternative access option preferable via Snape Road (from the north). If this cannot be secured, then the use of Withyfold Drive should be examined critically at the expiry of any temporary permission.
- It is disappointing to see that efforts are being made to try and argue that there would be no increase in traffic using Withyfold drive, no change in the character of that traffic and no adverse impact on either amenity or public and highway safety. It matters not what the alleged "fall back" position may be, as the proposal is to introduce a new land use with a resulting pattern of traffic which would impact upon its neighbours. It is not sufficient to say that because there would be no significant deterioration (which is arguable) the proposal must be acceptable. Whatever happened to the primary objectives of planning control namely the improvement of the physical environment and the management of traffic; we should be aiming to improve rather than just not making things worse. More effort should be put into securing a more satisfactory means of access which avoids potentially adverse impacts on the residential areas to the south and east of the site.

Coal Authority: standing advice provided

Macclesfield Town Council: object on the grounds of:

1. Harmful impact to the health of residents in the area,
2. Safety concerns resulting from large vehicles travelling on residential roads,
3. Noise disturbance created by large vehicles visiting the site,

4. Noise disturbance from the site,
5. Noxious smells from the site,
6. Fumes resulting from increase in traffic,
7. Concerns of the potential for hazardous waste,
8. Disturbance of existing contaminants on the site,
9. Increase to air pollution,
10. Danger from flying debris,
11. Contamination of the River Bollin,
12. Disturbance to rare wildlife.

The committee also raised concerns on the potential longevity of the depot beyond the three year period due its detrimental impact on the neighbourhood.

OTHER REPRESENTATIONS

In excess of 250 letters of representations has been received from local residents including comments of Councillor Bennet-Wake of Macclesfield Town Council. Copies of all objections received are available to view on the website. A summary of the objections are as follows:

- Existing traffic congestion (particularly from HGVs) will be made worse. Road system was not designed to handle HGVs and cannot cope with any increase. Drivers unfamiliar with the area will cause road congestion and safety issues. There are 7.5t weight restrictions in the area, one way systems and speed calming which are unsuitable for HGVs. Melview Road has an HGV left turn only sign onto Queens Avenue. Also concern over speeding vehicles;
- Potential for damage to roads, and damage to verges from HGVs mounting the pavement and damage to utilities;
- Highway safety concerns due to narrow residential roads with on-street parking and poor visibility (particularly at junctions). Difficulty for vehicles to pass or manoeuvre around parked cars. There is also lots of on-street parking from local commercial uses;
- Potential hazards to pedestrians especially those more vulnerable, note the area is also used as a throughfare for school children;
- HGV access via Withyfold Drive is unsuitable and unsafe, the Withyfold Drive junction has a blind spot in both directions and access onto Nicholson Avenue is difficult for HGVs. This access cannot support the size and number of vehicles required;
- Some roads are part of National Cycle Network, HGV use in these areas would present hazards to vulnerable road users and will inhibit use of Middlewood Way and the national cycle network, counter to CEC policies to encourage cycling for transport and well being;
- Consider calculations and assumptions made in the technical assessments to be incorrect or unsubstantiated. The identified number of vehicle movements associated with the previous user of the site is inaccurate and was much lower and a lot of the vehicle movements went through the access onto Snape Road not Withyfold Drive;
- An alternative access is needed which links to the Silk Road, the adjacent site should be used for this;
- Concern over inability of the operator to control the amount of vehicle numbers so the impacts would be much greater;
- Potential for deposits of debris, mud and litter, and potential for flying litter;
- Noise, disruption and vibration to houses from the site operations and passing and waiting HGVs will impact on residents and pets ;
- HGVs in low gear will create more noise than has been assessed in the report

- Noise assessment is inaccurate and incorrect, and only reflects where the monitoring equipment was placed, not the reality. The noise mitigation will not be effective;
- Noise and Smell are covered by "The Anti-Social Behaviour, Crime and Policing Act 2014" has this received adequate consideration;
- The previous use of Withyfold Drive by recovery depot vehicles caused noise pollution, vibration and flashing lights for residents;
- More people working at home means more people affected.;
- It is not appropriate in this location being too close to residential properties, schools, outdoor play areas and local amenities;
- why has this site been chosen over other areas, there are better sites elsewhere, it should be located on an industrial estate. Potential adverse impact on neighbouring businesses;
- Its contrary to the development plan and should be refused;
- Proven history of problems with this type of operation by this applicant;
- Potential for fumes and odour from the site, and from passing vehicles particularly due to decomposing waste. Sound and smells are worse because the location is in the Bollin Valley. Potential impact on health from odour emissions;
- Air Pollution (particulates and emissions) from site operations and vehicles, potential impact on and cumulative impacts associated with the retail park. Dust generation could be a health hazard, particularly to children and elderly. The dust mitigation will not be effective to protect health and amenity;
- Risk of disease and impact on health and well-being of the community, and potential stress to residents of Withyfold Drive from the amount of traffic on the road and trying to navigate along it;
- Potential for pests and impact of pests on residents and local businesses;
- Would negatively impact on customers using tesco as its not hygienic or appealing;
- Potential for hazardous waste on site, will the waste be harmful to health and well being, potential for asbestos waste being collected and stored on site ;
- Fire risk due to adjacent electricity substation and gas mains supply;
- health and safety concerns with plant;
- potential for building waste to contain silica dust creating health problems;
- Pollution to the canal and River Bollin, ground contamination from waste storage and handling, and disturbance of ground contaminants. Question what checks would be made to ensure waste is non -hazardous;
- site constraints including presence of old mining shafts and aquifer close to gas main and national grid site could mean risk of subsidence, land instability and safety risks;
- Visual impact and impact on impression of the town and local area, building needs to be painted a suitable colour to be inconspicuous. Visual and amenity impacts of middle wood way;
- loss of privacy and glare from HGV lights;
- operator unlikely to leave the site after the 3 year temporary period ceases, potential for increase in operations after 3 years. Work being carried out without permission, the operator is unlikely to abide by their planning permission;
- no demonstrated need, too many recycling facilities in Macclesfield, not beneficial to the community;
- need to make changes to combat climate change/reduce waste;
- redevelopment of the gasholder site will be negatively affected by this proposal

- consider that, due to Covid-19 restrictions, the determination of the application should be delayed until community and public meetings can take place to debate the application. All residents on surrounding roads affected should have been consulted on the application;
- application submission lacks detail;
- financial implications to residents through vibration, collision with cars, impact on property values, council tax, costs of road maintenance;
- antisocial behaviour from HGV drivers;
- cumulative impacts from vehicle numbers, noise and air quality with the retail park;
- impacts rights as citizens and human beings;
- impact on biodiversity including rare and protected species such as common lizard recorded on Barracks Mill site, and potential for lizards in the adjacent wooded area.

Representation of Local Ward Councillor (Councillor Carter)

1. The location within a residential area is unsuitable due to detrimental effects on wellbeing and health of residents from noise, traffic and pollution;
1. Access to the site is via a 7.5 tonne weight restricted zone on one side and will make a breach of this order a regular occurrence and undermine Highways restriction zones;
2. The number of lorries will have a dramatic effect on noise pollution and cause significant disturbance for residents already subject to unnecessary breaches of the Highways restrictions which are flouted on a daily basis. The other access point is already heavily used by vehicles and there will be additional load on this road;
3. Health impacts on children, elderly and those with medical conditions from waste processing/storage. It is inappropriate to use this site for waste disposal;
4. The residents are united in opposition to this development which they believe to be entirely inappropriate, unsafe and a danger to public health and security;
5. No amount of restrictions to this proposal will remove the danger of excessive traffic in a residential area, the health risks associated with transporting and dealing with waste through a residential area and the noise impact on residents;
6. The industrial estate has a number of mixed-use leisure facilities within it and pedestrian traffic is made up of predominantly families and children. The traffic impact of vehicles accessing the site will be dangerous as will the proximity of pollutants to small children engaged in exercise.

OFFICER APPRAISAL

Principle of Development

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 East Local Plan Strategy, the Replacement Waste Local Plan (2007) and the Macclesfield Borough Local Plan (2004). Material considerations include 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).

The application site forms part of Cheshire Replacement Waste Local Plan (CRWLP) Preferred Site WM10 'Hurdsfield Industrial Estate' to which CRWLP Policy 4 applies. Policy 4 states that an application for a waste management facility on a Preferred Site will be permitted subject to

the application being for the specified use, and its compliance with other policies of the plan. It also states that if an application is made for a use other than those specified on the Preferred Site, permission will only be granted subject to compliance with other policies in the plan.

CRWLP Policy 5 also states that applications for waste facilities for uses not identified on the Preferred Site will not be permitted unless it is demonstrated that:

- i) the preferred sites are either no longer available or are less suitable; or
- i) the proposal would meet a requirement not provided for by the preferred sites; and
- ii) the proposed site is located according to the sequential approach within the Regional Spatial Strategy

Preferred site WM10 identifies the potential acceptable uses on this site as including a material recycling facility and a bulking facility. The planning application proposes a 'waste recycling centre' which would be used for the acceptance, basic sorting and storage of wastes. These proposed activities would most appropriately fit within the CRWLP definition of a waste transfer station and a bulking facility however the proposal also incorporates some operations that would be characteristic of a basic material recycling facility. The proposal therefore accords the list of potentially acceptable uses identified for Preferred Site WM10.

The only other Preferred Site within the Cheshire East administrative boundary which is 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 was subject to an application for outline planning permission for a mixed use scheme which was granted in 2019 and is also subject to a further application for primary infrastructure works which is currently being determined. As such it is considered that this Preferred Site is no longer viable for consideration as a site for this waste recycling centre.

Objectors have questioned the choice of site and consider that there are more suitable alternatives located on industrial estates away from residential receptors, schools, play areas and local amenities.

An alternative site assessment has been submitted by the applicant which evaluated in excess of 21 sites within a 10km radius of the existing waste facility against several criteria. This included the size of the site, environmental constraints such as flood risk, proximity of ecological habitat/sites, planning constraints including green belt, previously developed land, proximity to housing, access, Jodrell bank consultation zone and other policy constraints. The sites were screened against the criteria and were all discounted for a range of reasons including being unavailable, not of sufficient size, constrained by poor access, and located in Green Belt, Open Countryside or other restrictive policy constraints and therefore unlikely to receive planning permission. Following the initial unsuccessful search exercise, the geographical search radius was widened further however this failed to identify any potentially suitable site. The findings of the alternative site assessment are accepted.

In view of the above and given the nature of waste activities that would be undertaken on the proposed site, it is considered that the proposal accords with the broad approach of CRWLP

Policy 4 and Policy 5, and the principle of a waste recycling centre on this site is acceptable subject to compliance with other policies in the Development Plan.

Economic impacts

The application site forms part of MBLP allocated employment area E4 'Industry' in which general industry (B2), Warehousing (B8), high technology (B1b), and light industry (B1c) uses would normally be permitted. In general, material recycling facilities are generally considered to be a B2 use, with waste transfer stations considered to be '*sui generis*' use; however given the nature of this proposal which incorporates some elements of a basic material recycling facility, it is considered that this proposal would be broadly compatible with a B2 use. 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 allocation of this site for a waste management use in the CRWLP and for the reasoning above it is considered that this is acceptable in principle on this site.

The proposal would provide 40 full time positions which would be relocated from the existing business on Moss Lane in Macclesfield. This application would therefore retain these positions and assist in safeguarding the local economy. This supports the approach of the NPPF and CELPS, particularly policy SD1 and EG1 and MBLP policy E4.

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 would be dry, recyclable wastes from household, commercial and construction demolition sources. The facility would enable these wastes to be separated out for onward recycling or reuse. This would assist in driving waste up the waste hierarchy by prioritising recycling and reuse over disposal and would assist with overall reductions in residual waste 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 NPPW and accompanying guidance in the NPPG makes it clear however 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.

Whilst there is no information detailing the end location of the sorted waste, 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. This application proposes the relocation of an existing business approximately 2.7 kilometres to the south west of its current location which would enable the facility to continue to serve its existing customer base and provide a waste collection service to residents in Macclesfield and their surrounding 16 kilometre catchment area. 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

Objectors have raised concerns that there is no demonstrable need for this 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 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. 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.

This proposal is not seeking to develop a new facility which would need to be examined in respect of quantitative or market need. This application would relocate a large part of an existing business to a new site and does not propose any additional waste management capacity in excess of what is provided at the existing site at present. The existing capacity of this business has been included in the Cheshire East Waste Needs Assessment Update 2019 and the conclusions of this assessment will be used to inform decisions on future planning policies for waste management facility provision in the authority. The proposal is therefore considered to accord with the approach of the NPPW, CELPS and CRWLP.

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).

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;

MBLP policy DC6 also requires new development to ensure that (amongst others) provision is made for manoeuvring vehicles and sufficient space is available to enable parking and unloading off street.

Parking, internal movement and sustainable modes of travel.

The applicant has provided swept path analysis which demonstrates sufficient space for long articulated vehicles to turn within the site and adequate levels of parking for staff and HGV/RCVs through the provision of 24 staff parking spaces, 3 disabled parking bays, and overnight parking for 6 HGVs. The Strategic Infrastructure Manager considers that the level of parking is acceptable. The site is also considered to have a good level of accessibility by all major non-car modes of transport as it is accessible on foot and by public transport from Macclesfield town centre and on Hurdsfield Road, and is located close to a national cycle network.

Vehicular access to the site

Significant concern has been raised by local residents and the Town Council regarding the proposed use of Withyfold Drive and surrounding local residential roads for HGVs accessing the site due to the narrow nature of the roads and extent of on-street parking. There is concern over potential for increased congestion, highway safety for other road users, cyclists and pedestrians and damage to highway verges. Objectors note that there are highway weight restrictions, one-way systems and traffic calming measures in place which indicates the unsuitable nature of the local roads to HGV traffic.

Withyfold Drive is a cul-de-sac off Nicholson Avenue/Garden Street which provides access to the application site along with other commercial properties situated on the southern section of Hurdsfield Industrial Estate. The carriageway width of Withyfold Drive varies along its length but is generally in the region of 6m which is sufficient for two HGVs to pass one another. A number of properties on Withyfold Drive have driveways, however some on-street parking does take place on this and other connecting roads, particularly on the adjoining roads with terraced properties.

The planning application boundary includes both the existing access road connecting to Withyfold Drive along with an access to the north through the former Spectus Systems site

connecting to Snape Road and onto the Silk Road via Queens Avenue. The proposed layout plan also identifies a third gated access point on the southern boundary of the site into the adjacent former Barracks Mill site however a connection to the highway from this access point has not been included in the application site boundary. The applicant has explored a number of alternative access options to avoid the use of Withyfold Drive and connecting residential roads. Each option is discussed below.

Access via Snape Road

Use of the existing gated access on the north western boundary of the site which connects to Snape Road was granted permission for vehicles during out of hours operations under permission 07/1578P. This access falls outside of the applicant's ownership and there are no legal rights of access over the land. The property is occupied and the applicant has entered into detailed discussions with the company with a view to securing access via this route; however the company is unwilling to permit access for the waste vehicles across the site during the daytime therefore this is not considered a feasible option.

Access through Barracks Mill

A historic right of way connects to Black Lane over the former Barracks Mill site, however the applicant does not consider this a viable option as the site has permission for a retail park which has now been implemented and a route cutting through the site would also impact the retail park proposals.

The approved scheme for the redevelopment of Barracks Mill includes a new access spur directly off the Silk Road, and the applicant has already secured an in-principle agreement to utilise that access should this application be approved. This option however has a number of constraints. There is a drop in ground levels of approximately 7.5m from the application site boundary down to the proposed spur road and an electricity pylon in its immediate vicinity. It would potentially require a large access ramp on a steep incline which would need to cut through the embankment, landscaping and retaining wall proposed in the Barracks Mill scheme. It would potentially impact the number of parking spaces provided in that scheme and require a significant redesign of the car park and internal vehicular access arrangements in the north west section of the Barracks Mill site. Likewise, the design of the ramp and internal access would be constrained by the electricity pylon. If a suitable design could be agreed, this would present a potential preferred option as it provides a link directly onto the Silk Road. It is noted however that the developers of that site do not consider that the use of the retail development is compatible with the proposed HGV movements from the waste site and, given this is not an existing consented HGV access for the application site, are unwilling to negotiate further.

Other alternative access options

The applicant has engaged in detailed discussions over the use of Melville Road via land which is owned by the Electricity Board (Electricity North West) however the company has advised that they would not support this option given the infrastructure assets which traverse this area of land (HV cables and ducts) and the fact that they would require unhindered access for maintenance purposes. As a result of this, this access was not deemed viable as an alternative.

Impact on Withyfold Drive and surrounding local roads

The applicant identifies that Withyfold Drive was used as the main access for the vehicle recovery depot which operated at the site from 1996 until June 2019.

This proposal would utilise a fleet of articulated vehicles, 8-wheeled tipper vehicles, refuse collection vehicles (RCVs) and HGV skip vehicles. The majority of waste would be delivered to the site in bulk articulated HGVs and refuse collection vehicles (RCVs) which would be spread across the day to avoid peak times. A total of 70 HGV movements (35 in, 35 out) per day is proposed which equates to 6 HGV movements per hour (3 in, 3 out). There would also be other movements associated with employee and light commercial vehicles. In total, the proposal would generate 122 movements per day (61 in, 61 out). During weekends the number of trips would be significantly lower as operations mainly involve processing of material on site with lower deliveries.

The applicant highlights that there is an established lawful use of the site as a vehicle recovery depot which could be brought back into operation at any time without requiring planning permission and has provided an estimation of the number of vehicle movements that could be generated by an alternative occupier based on three distinct uses of the site for a commercial warehouse, a B1 office use and a vehicle repair garage, in order to reflect the existing built development on the site. They estimate that these uses could generate up to 368 vehicle movements, of which 85 could be HGVs, and as such this proposal would result in a reduction of up to 246 vehicle movements per day compared to what could lawfully be carried out by an alternative occupier.

Whilst it is accepted that there is a lawful established use on the site as a vehicle recovery depot, it has not been established whether three distinct, separate uses of land for commercial warehousing, offices or vehicle repair could lawfully be carried out on the site without requiring planning permission. As such, the use of that position as the basis to estimate potential future vehicle movements from an alternative site occupier is not accepted.

The Strategic Infrastructure Manager recognises that the proposed access is via a residential road that would normally not be suited to HGV traffic, although there are other commercial units that use Withyfold Drive for access, and considers the fallback position of the former use of the site to be an important factor in the assessment of the proposal.

The applicant has presented correspondence from the former owner of the site which claims that the vehicle recovery depot generated 172 vehicle movements a day (86 in, 86 out) of which 72 (36 in, 36 out) was associated with HGVs, and on that basis, this proposal would result in a decrease of 50 vehicle movements a day (25 in, 25 out) including 2 HGVs (1 in, 1 out), including reductions of 9 movements in the Am peak hour and 12 movements during the PM peak hour. Concern has been raised by objectors that the stated number of vehicle movements by the former owner is not reflective of the actual numbers that were generated when the site was in operation and they were higher than claimed. There is no way to categorically prove or disprove the figures quoted.

A separate 'TRICS' assessment has therefore been undertaken by the Strategic Infrastructure Manager based on a generic industrial site with the same floorspace in an attempt to establish the potential traffic movements that a vehicle recovery depot could generate. This identifies similar figures to those quoted by the former owner and therefore the Strategic Infrastructure Manager accepts that the proposal may potentially result in a small net reduction in traffic generation compared to levels of traffic that may have been generated by the vehicle recovery depot.

Concern has also been raised by objectors that a large proportion of vehicles generated by the former vehicle recovery depot did not use Withyfold Drive but instead used the access to the north through Snape Road. There is no historical data available to verify this, however it is noted that the planning permission limited the use of the Snape Road access point to the hours outside of the periods 0800 to 1800 hours Monday to Friday and 0800 to 1400 hours Saturday; and it is likely that during these times the number of vehicle recovery trips would have been lower as there are less vehicles on the road during evening/night times and at weekends.

Given that there is a legitimate lawful use of the site for vehicle recovery and the highway impacts of this proposal are identified as potentially being no greater than that which was generated by the previous use, the Strategic Infrastructure Manager does not consider that there are any grounds to recommend refusal of the application based on highways impacts and therefore no objections are raised. Conditions are recommended in respect of controlling the number of vehicle movements and limiting the length of the permission to a temporary period of three years which are considered acceptable.

Objectors have also raised concerns regarding highway safety, conflict with HGVs, risk to pedestrians and other vulnerable road or footpath users, and potential for damage to the highway verge. The transport assessment identifies that the access off Withyfold Drive has been shown to operate safely with no records of accidents on Withyfold Drive or within 50m of the Nicholson Avenue/Garden Street junction over the last 5 years. Equally no concerns have been raised by the Strategic Infrastructure Manager in respect of highway safety; and given the proposed number and type of vehicle movements compared to the previous use of the site, it is not considered that there would be any increase in potential risk, or any potential for increased damage to the highway verge.

With respect to potential for cumulative effects, it is noted that an application for the temporary use of a site on land off Withyfold Drive as a compound for Network Rail is currently awaiting determination. No significant cumulative impacts are anticipated with the operation of this site as, aside from initial set up and demobilisation period, the proposal would involve a very small number of HGVs (around 3 per week).

The NPPF makes it clear that 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. Taking into account all of the above points and the professional assessment of the Strategic Infrastructure Manager, it is considered that it would be difficult to demonstrate a conflict with planning policy on highway impacts and therefore the authority would be unlikely to be able to sustain a refusal on highway grounds.

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 or any other pollution which would unacceptably affect the natural or built environment or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of pollution arising from the development or as a result of the development (including additional traffic). Where adequate mitigation cannot be provided, the development will not normally be permitted (CELPS policy SE12).

Policies 24 and 26 of CRWLP do not permit applications for waste management facilities where the impact of dust or odour would have unacceptable impacts on the amenity of nearby

residents or occupiers of land and policy 23 does not permit proposals where it would give rise to unacceptable levels of noise pollution. MBLP policies DC3 and DC4 contain similar provisions.

Noise, Disruption and Vibration Impacts

A noise assessment has been submitted which measures background noise levels at locations representative of the nearest noise sensitive receptors to the site on Withyfold Drive, Queens Avenue and at properties beyond the Silk Road.

Noise from on-site operations

The external site activities including waste deposit, loading and handling, movement of empty skips and pallets have the potential to generate noise impacts. Some acoustic screening is provided to the residential receptors to the south and east of the site due to the intervening commercial buildings; whilst the receptors to the west are screened by the A523 which is approximately 4m higher than the adjacent residential properties. Noise levels at the nearest receptors from typical daily external operations carried out on the site are assessed as being between 2 and 10 decibels lower than the worst case background noise levels, and would not exceed the recommended technical noise limits and guidance for internal spaces and outdoor living areas. The noise from on-site activities is therefore not anticipated to cause any unacceptable levels of disturbance and the Environmental Health Officer agrees that these impacts could be appropriately controlled and mitigated to minimise disturbance to the nearest residents.

Noise impacts from passing vehicles

The Environmental Health Officer initially recommended refusal due to concerns that the scheme would generate significant HGV movements and, given the narrow road widths and close proximity of dwellings to the highway, this could interfere with the use and enjoyment of the properties, thereby materially affecting residential amenity and quality of life. There was also concern over additional noise associated with large vehicles manoeuvring around parked vehicles.

The applicants noise assessment identifies that the noise levels from a skip vehicle would be between 2 and 7 decibels lower than the typical road recovery vehicle used by the previous occupier. In respect of noise from passing HGVs, the noise assessment identifies that:

- predicted noise levels at the façade of the closest residential dwelling (based over an hourly period) would be 41 decibels which is well within the measured background noise level at this location (50-51 decibels) and would also not exceed the recommended level in technical guidance for outdoor living;
- predicted noise levels in rear gardens would be even lower (due to screening provided by the property) and would also be well within relevant guidance;
- Internal noise levels would be 26 decibels which is below the recommended threshold of 30 decibels for bedrooms and 35 decibels for living rooms and this also takes account of any open windows.
- Predicted noise levels in the front gardens of properties on roads used to access the site are 47.6 decibels, which is below the existing measured background level and within the 50 decibels threshold for external amenity areas identified in relevant guidelines.

The Environmental Health Officer however remains concerned that noise from vehicles slowly manoeuvring around parked cars in low gears may be more noticeable to residents and could still impact their amenity in terms of opening windows and enjoying garden areas, and that noise impacts could be more significant for those living in terraced properties that abut the pavement such as properties on Garden Street and Steeple Street.

In response the applicant notes that the acoustic assessment is based on a worst-case scenario of vehicles travelling in a low gear at slow speed and even when applying a longer timescale to pass properties, the predicted noise levels from vehicles remain within relevant guidelines and below the closest background sound level measured within the area. They also state that Withyfold Drive, Nicholson Avenue and Queens Avenue would be used to access the site, and vehicles would not utilise terraced streets as they would be more difficult and take more time to navigate. The applicant proposes that the routing of vehicles is included within a noise management plan to be secured by planning condition, which would also identify a range of daily operational measures that could be implemented on site in order to ensure noise is managed effectively.

Despite these points, the Environmental Health Officer remains concerned that the use of residential roads by waste vehicles would have an impact on residential amenity. Overall however they accept that, as the control of noise from traffic on the highway is not within the remit of noise nuisance legislation available to Environmental Health, their officers could not uphold this matter at any planning appeal and therefore have withdrawn their recommendation of refusal. Should planning permission be granted they recommend conditions are imposed in respect of:

- implementing the mitigation identified by the acoustic assessment;
- maintenance of the mitigation throughout the use of the development;
- controls over the hours of operation;
- controls over vehicle numbers;
- controls over white noise reverse alarms and chain socks;
- Submission of an updated noise management plan to include management arrangements for vehicles when approaching the site through the residential streets such as voluntary speed restrictions, and controls over the use of horns.

National planning policy requires new development to be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise. Potential adverse noise impacts from new development should be mitigated and reduced to a minimum and should avoid giving rise to significant adverse impacts on health and the quality of life. The NPPG goes on to advise that, in respect of noise impacts, consideration should be given to:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

This includes identifying whether the overall effect of the noise exposure is, or would be, above or below the “significant observed adverse effect level” (SOAEL) and the “lowest observed adverse effect level” (LOAEL) for the given situation. The applicants noise assessment does

not provide information on how noise emissions from the proposal would perform in respect of these two levels and it is therefore difficult to assess compliance with the NPPF/NPPG on that point.

Nonetheless, planning policy also requires consideration of whether a good standard of amenity is achieved and does not support proposals that would present detrimental impact on amenity. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected and considerations go beyond how the predicted noise levels perform in relation to relevant technical guidance. It depends on how various factors combine in any particular situation including the absolute noise level, time of day it occurs, whether it is intermittent and the tonality of the noise (NPPG) along with the character of the area, nature of the activity, and other influencing factors etc.

The points made by the applicant and the views of the Environmental Health Officer are all noted, and despite the conclusions of the noise assessment, clearly there remains some disagreement over the potential noise impacts of the proposal and some concerns remain that noise from passing vehicles could cause detrimental impacts on residential amenity which would conflict with CELPS policy SE12, CRWLP policy 23, MBLP policies DC3 and DC13, and the approach of the NPPF and NPPW. This is considered in the overall planning balance.

Vibration Impacts

With respect to vibration, the assessment identifies that the risk is low based on the following:

- ground-borne vibration associated with vehicle movements is highly unlikely to cause structural/cosmetic damage to residential dwellings off the proposed access routes;
- a number of properties are fronted by driveways which act as a buffer providing some level of attenuation;
- based on the number of vehicle movements proposed per hour passing residential dwellings and taking approximately 10 seconds to pass the property, this would equate to 1 minute per hour at which vibration may be just perceptible;
- given the proposed hours of operation the risk of considerable levels of annoyance is highly unlikely
- the previous use of the site and associated baseline of recovery vehicles would likely have provided similar levels of ground-borne vibration.

No concerns are raised by the Environmental Health Officer with regards to vibration impacts; as such the impacts from vibration are considered to be acceptable.

Dust, mud and debris

There are no proposals to mechanically screen/sort or treat waste on the site through the use of crushers, trommel, screening equipment etc which will limit dust generation on the site, and all waste would be sorted within an enclosed building. The main dust generating activities would be associated with the external storage of inert waste and the potential for soil and mud on the external yard areas. A range of mitigation measures are identified to help control any dust emissions. This includes:

- spraying of stockpiles during adverse weather conditions
- use of water bowser
- sheeting of stockpiles where necessary

- minimising drop heights and careful waste handling measures
- use of road sweeper

Subject to these measures being applied, the potential for adverse dust impacts are considered to be low. The applicant also identifies that a complaints procedure would be operated which would address any issues on site. It is noted that there would be appropriate controls in place on the Environmental Permit to ensure dust impacts are adequately managed. With respect to control of mud and debris, the applicant advises that each vehicle would be inspected prior to exiting the site to ensure no mud or debris is carried out onto the highway. Any deposits of material on the access road or public highway would be cleared immediately and a road sweeper would be in operation where required.

The Environmental Health Officer raises no concern regarding dust, mud or debris impacts subject to the mitigation measures identified by the applicant being implemented which could be secured by planning condition. Subject this being secured, 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 and MBLP policy DC3.

Odour and control of waste

There are concerns from objectors over the ability to control the type of waste handled at the site. There are also concerns over odour emissions and that this could be worse due to the location of the site in the Bollin Valley.

The main source of odour would be from the handling and storage of dry, mixed wastes which could contain some limited fine organic materials which can produce an odour. Green waste would also be accepted on the site which has the potential to decompose and generate some odour.

Good working practices would be adopted on site to control odour which includes low storage volumes and strict turnaround of mixed biodegradable wastes being observed; any malodorous waste deposited on site would be stored in a sealed skip and removed from site, and all mixed wastes would be stored and sorted within a building. Odour would also be monitored twice daily to ensure any issues are addressed. The Environmental Health Officer raises no concerns regarding odour subject to the implementation of odour mitigation being secured by planning condition.

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 waste handling and processing procedures, compliance with an environmental management plan and controls over dust and odour emissions. The applicant identifies that the waste would be subject to inspection before being deposited in the building and any unsuitable wastes would be returned to the producer or placed within a suitable container in an area of sealed drainage to await removal. No hazardous, liquid or clinical wastes would be accepted at the site and strict identification and quarantine procedures would ensure any non-conforming wastes would be dealt with appropriately without risk to human health or the environment.

An objector has questioned whether noise and odour has been assessed in relation to the Anti-Social Behaviour, Crime and Policing Act 2014. With respect to this point it is noted that the impacts of noise and odour have been assessed against the requirements of national and local planning policy, taking into account the relevant technical guidance and advice of the Environmental Health Officer. This, along with the Environmental Permitting regime would address the impacts of the proposal on human health and the environment. Any concerns relating to anti-social behaviour would be appropriately addressed by other legislation or by the police as relevant.

Air quality – vehicle emissions

The nearest Air Quality Management Area (AQMA) is located on Hibel Road approximately 0.5km from the site. The predicted number of HGV movements associated with the proposed development is identified as less than that which would be generated by the previous use. As such the Environmental Health Officer advises that the relevant criteria for requiring an air quality assessment of vehicle emissions has not been met. The officer also notes that not all of the vehicle movements would be routed through that AQMA given the other alternative routes available from the site.

The Environmental Health Officer advises that whilst this scheme itself is of a scale which would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Macclesfield has three Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed. As such no objections are raised subject to conditions requiring a Staff Sustainable Travel Information Pack detailing sustainable transport options serving the site, locations of secure bicycle storage on site and detailing car sharing incentives to be agreed with the Council and then subsequently issued to all members of staff on operation of the site. Additionally, a condition is recommended in respect of securing electric vehicle charging points on the site.

Given these considerations and subject to the imposition of these conditions 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.

Litter, control of pests, risk of fire and light impacts from vehicles

Good site management practices would be implemented on site to address any potential for litter or pests and to ensure safe operational conditions are implemented to limit any risk of fire. Daily inspections would be carried out for the presence of vermin and good waste handling procedure would reduce the risks of pests and scavenging animals. All waste would be handled and stored within a building which would reduce the potential for wind-blown litter to escape. Regular site inspections and litter picking would also be carried out around the site boundary. Similar requirements would also be in place on the Environmental Permit and this would also require effective on site management, handling of liquids and controls on waste types and handling procedures to limit any fire risk. As such it is considered the scheme would accord with CRWLP policy 25 along with the NPPF and NPPW.

Impact on health

Concern is raised over the potential health implications of the proposal from vehicles, processing waste, inhalation of dust, risk of disease and stress of the proposal on residents. Objectors consider that a health impact assessment is necessary.

In considering planning applications, the NPPW advises that local planning authorities should seek the advice of the relevant health bodies. Health impact assessments should be used where there are expected to be significant impacts and advice should be sought from the Director of Public Health (NPPG).

The health and well-being implications of the proposal have been considered as necessary in each of the individual environmental assessments and by the technical consultees and this is addressed in the relevant sections of this report. It is also noted that the operator would be required under the Environmental Permit to operate in a way that ensures there is no risk of significant pollution from the site. The Public Health Officer raises no objection. Recommendations are made regarding enclosing the site to mitigate noise, odour, wind-blown material and pests, and controlling the hours of vehicle movements and sheeting of vehicles; these matters are addressed in the relevant sections of this report and mitigation is identified as necessary following the advice of the relevant technical consultee.

With respect to objector concerns over potential for silica dust causing a health concern, given the nature of activities proposed on the site with no substantial processing of waste, it is considered that adverse impacts from exposure to fine dust are unlikely. Silica dust in relation to human health exposure is primarily the remit of the Health and Safety Executive and controlled by separate legislation. Particulate pollution including silica dust from waste transfer stations is also regulated by the Environment Agency who would impose controls as necessary to ensure that no dust deposits go beyond the boundary of the site.

With respect to concerns over increased harm to well-being and stress from the proposals, any planning application has the potential to cause increased stress however it is accepted that there is the potential for some degree of increased stress as a result of this proposal, particularly associated with the movement of vehicles past residential properties. The potential impact of stress on the overall wellbeing of local residents is difficult to measure and therefore assess and mitigate, however the impacts on overall quality of life to residents is considered in the planning balance.

Water Resources and Land 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 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.

The site lies within flood zone 1 and is less than 1ha in size therefore a flood risk assessment is not required. With respect to water quality it is noted that the site is located upon a principal aquifer and source protection zone for a nearby public groundwater supply.

There would be no changes to the proportion of impermeable area at the site or to the general surface water and foul water drainage arrangements. All site drainage from hard surfaced areas currently drains to a combined surface/foul sewer, whilst all unsurfaced areas drain to ground. Runoff from the new buildings would drain to the existing surface water drainage system on site and the buildings would sit upon a new concrete surface which would ensure that the buildings storing wastes are situated on impermeable surfaces with sealed drainage. A new surface water drainage channel is also proposed to drain the surrounding tarmac surface which would be connected to the existing surface water drainage system. With respect to sustainable drainage measures, the scheme proposes rainwater harvesting butts on the new buildings where possible however any potential for significant modification of the existing drainage to incorporate other sustainable drainage methods is constrained by the presence of buried services which cross the site.

No objections are raised by the Environment Agency subject to a condition for a scheme of foul drainage and surface water. The Flood Risk Manager supports this request and also recommends a condition in respect of a detailed strategy and design for surface water runoff from the site. Subject to the imposition of these conditions, the scheme is considered to accord with CELPS policy SE12, SE13 and CRWLP policy 18.

Land contamination

In order to control any potential for contamination on site, the surface would be inspected daily and any spillages would be cleared immediately. Any wastes that give rise to contamination would be removed from site. The fuel tank on site is stored on a bunded impermeable area and as such there are unlikely to be risks to human health or controlled waters from these contaminants. The previous use of the site presents a medium risk of contamination being mobilised during construction which could pollute controlled waters and planning conditions are recommended by the Environment Agency and Environmental Health Officer to address this risk in respect of securing a site remediation strategy and verification report along with measures to address unexpected contamination. Subject to the provision of these conditions, the proposal is considered to accord with MBLP policies DC19, DC20 and DC63, CELPS policy SE13 and CRWLP policy 18.

Land stability and impact on utilities

Objectors have raised concerns over potential for subsidence and land instability. There are no significant ground engineering works proposed which could pose potential risks of ground movement to the site or adjacent land. The site lies within the Macclesfield Coal Consultation Zone. The site 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 by the Coal Authority to be included on the decision notice.

There is an electricity pylon directly to the south west of the site and the site is traversed by 4 large power lines. National Grid have been consulted and raise no objection to the proposal in relation to impacts on the overhead lines.

The site is underlain by a number of high pressure and low pressure gas transmission pipelines. Cadent Gas support the proposal subject to the provision of an 8m easement under the route of the high pressure gas mine in the north eastern section of the site within which there should be no storage of materials or permanent structures. The proposed site layout plan currently identifies part of the external concrete storage bays in this location. A revised proposed site layout plan with this section of storage bay excluded from use could be secured by planning condition. The pipelines are also classified as major hazard pipelines and as such the Health and Safety Executive have been consulted on the application. They do not advise, on safety grounds, against granting permission in this case.

Landscape, Visual Impacts 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 site is located in an industrial area, and is surrounded by similar industrial and commercial buildings and land uses, therefore the proposed buildings and external machinery on the site would reflect the character of the surrounding industrial uses and the buildings are considered appropriate in terms of scale, massing and design to reflect the setting of the site and wider surroundings. The nearest views into the site from receptors would be from Withyfold Drive and views of the external site operations would largely be screened by the adjacent commercial buildings and existing workshop on the site; as such no adverse impacts are anticipated. There would be long distance elevated views of the site from the Barracks Mill site and surrounding land uses. New floodlighting is proposed in addition to the existing lighting on site however it would be located in the northern section of the site and screened by the existing buildings and wider commercial buildings, and trees on the site boundary. The site already benefits from a large belt of mature planting on the western boundary which provides screening from the Silk Road, and further strips of mature trees are located on the northern and eastern boundary. Additional landscaping could be secured by planning condition to provide some screening for long distance views of the site. Concern has been raised over the potential for glare and flashing lights from HGVs and the loss of privacy from passing vehicles. Given the proposed number and type of vehicle movements, the potential for flashing lights from passing vehicles would be likely to be less than that generated by the previous users of the site and not likely to be significant. No concerns have been raised over these issues by the Environmental Health Officer. 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.

With respect to concerns regarding potential overlooking from passing HGVs, it is noted that on Withyfold Drive, due to the natural slope of the land downwards towards the south west, houses on that side of the road are set quite low relative to the road with upstairs windows potentially at the cab level of a HGV and there is therefore more potential for glimpsed views into those properties. Such impacts are likely to have been similar to those generated by the previous occupier and have previously been considered acceptable in the grant of permission for the recovery depot on the site.

Ecology

The area of land to the west of the site bordering the Silk Road comprises predominantly scrub vegetation and a tree belt which may have some ecological value. The proposals have been designed to ensure there are no adverse impacts on this area. The western boundary has a grass strip of up to 6 metres which would be retained as part of the proposal however no landscape planting is proposed in this area due to the pipeline easement and overhead power line restrictions. The proposed removal of the temporary building is not considered to impact upon roosting bats as its steel and PVC construction would make it unsuitable but roosting habitat.

The Nature Conservation Officer raises no objections and recommends conditions in respect of protecting breeding birds and a strategy for incorporating biodiversity features into the proposal for roosting bats and nesting swifts. As such, the scheme is considered to 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 CRWLP policy 17; along with the approach of the NPPF and NPPW.

Forestry

There are mature trees located on the western site boundary however the proposed waste sorting building would at its closest point be approximately 12 metres from the site boundary and the existing concrete bays are approximately 28 metres away, as such no adverse impacts on the trees are anticipated. Planning conditions could be imposed requiring tree protection measures during any construction works.

Other issues

Objectors have raised concerns over negative impacts of a waste management facility on adjacent businesses and any future development of the area. The NPPW identifies that industrial sites are acceptable locations for waste management facilities. The principle of a waste facility on this site has been accepted by virtue of the allocation in the CRWLP. The corresponding Inspectors Report into the Plan states that the waste management uses would not be incompatible with existing activities on the Hurdsfield estate, and a modern, well-designed and operated waste management facility on this site should be capable of contributing positively to the general area. The Inspector concluded that subject to all environmental considerations being satisfied, a waste management facility in this location would neither threaten the current vibrancy and vitality of the estate, nor deter future investment or cause any planning blight or stagnation in terms of the future viability of the estate or benefit to Macclesfield town. These conclusions are considered to remain applicable to this proposal.

The potential impacts of the proposal including any cumulative impacts on the wider area have been taken into account as necessary in the individual technical assessments and mitigation has been identified to protect against any adverse impacts on neighbouring land or communities. The impacts of the proposal on adjacent businesses and future proposed development is therefore considered acceptable.

Objectors have raised concerns that more people working at home will result in greater numbers affected. The assessments consider the impact at the nearest receptor (each receptor being a property not an individual) therefore this would not have any implications on the conclusions drawn.

With respect to reference in objector submissions to previous alleged enforcement breaches on the applicants existing waste site and risk of future breaches of planning control or future expansion of the site, this application must be considered on its merits regardless of any previous enforcement investigations and any future plans of the operator would be subject to further applications for planning permission as necessary.

With regard to any potential health and safety impacts from the use of plant, the site would have to adhere to any relevant Health and Safety Executive guidance and legislation.

Concern is expressed regarding the scope and conclusions drawn by the technical assessments. The assessments have been reviewed and examined by relevant technical consultees and the conclusions have been accepted. Equally concerns are raised that the public consultation should be delayed due to the Covid-19 pandemic and the extent of public consultation was not sufficient. It is noted that the public consultation undertaken on this application reflects legislative requirements and adopted Council protocol for processing planning applications and the measures adopted by the Council for processing planning applications during the pandemic.

Objectors have raised concerns over potential for antisocial behaviour from HGV drivers. Any antisocial behaviour is a matter for the Police to investigate. Concerns have also been raised regarding financial implications of the proposals to residents and the potential impact on house prices however this is not a material planning consideration.

Conclusion

The principle of a waste management facility on this site has been considered acceptable in planning policy by virtue of the allocation of this site in the Cheshire Replacement Waste Local Plan and the type of waste facility proposed is considered appropriate for that allocation. Whilst an assessment of alternative sites is not required by planning policy in this case, nonetheless this has been undertaken and it has demonstrated that none of the range of sites considered are suitable or available. The only other Preferred Site identified in the Plan for a waste transfer station is not available and forms part of CELPS Strategic Site LPS13: South Macclesfield Development Area. As such the proposal accords with CRWLP policies 4 and 5. It is also considered that a waste management use is broadly compatible with the MBLP employment allocation E4. The proposal is located on the edge of an industrial estate on previously developed land and utilises existing buildings which accords with the locational criteria identified in the NPPW.

The proposal accords with a range of sustainable waste management policies in CRWLP and NPPW in that it would enable an existing waste management facility to continue to operate and provide a service in which dry, recyclable waste from households, commercial and construction demolition sources in Macclesfield and the surrounding local area is sorted and separated out for onward recycling or re-use. It would enable waste to be disposed of in close proximity to its source and would maximise the amount of waste to be recycled or re-used. This would drive waste up the waste hierarchy and help to achieve national recycling targets, complying with national and European legislation. This would accord with the approach of the NPPW, CRWLP and CELPS policy SE11. No additional waste management capacity is proposed over that already provided in the current facility therefore a demonstration of quantitative or market need is not considered necessary to satisfy planning policy.

The impact of the proposal in relation to landscape, visual impact and design, flood risk and drainage, water quality, land contamination, land stability, utilities, vehicle emissions, litter, pests, forestry, and ecology is considered acceptable subject to a range of controls being imposed by planning condition and implementation of good site management practices.

The suite of planning conditions and controls under the Environmental Permit would ensure any dust, mud and odour impacts are minimised to an acceptable level and do not generate pollution beyond the site boundary. As such, the proposal would satisfy CELPS policy SE12, CRWLP policies 24 and 26, MBLP policy DC3 and the approach of the NPPW and NPPF with respect to dust, mud and odour impacts.

It has been demonstrated that the other potential vehicular access options are not viable for use in this proposal. Understandably local people are very concerned regarding the potential for detrimental adverse highway and safety impacts arising from HGVs and other commercial vehicles using residential roads to access the site.

The previous lawful use of the site is noted and in particular the following points are given due weight:

- The access has been shown to operate safely with no records of accidents on Withyfold Drive or within 50m of the Nicholson Avenue/Garden Street junction over the last 5 years;
- The site could be lawfully operated as a vehicle recovery depot, with no restrictions in relation to the number or type of HGVs permitted to use Withyfold Drive and other local residential roads;
- The Strategic Infrastructure Manager accepts that this proposal could potentially result in a small net reduction in traffic generation compared to that generated by the previous occupier, and on the basis of all these factors, does not consider that there are any grounds to recommend refusal of the application on highways impacts.

The NPPF makes it clear that 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; likewise CRWLP policy 28 requires new development to ensure the level and type of traffic generated does not exceed the capacity of the local road network, and does not have an unacceptable impact on amenity or road safety, and access arrangements should be adequate for the nature, volume and movement of traffic generated by the proposal.

When assessing the proposal against these policy requirements, given that this would be a time limited proposal for a maximum of three years, given the conclusions drawn over the traffic impacts compared to the previous use, the views of the Strategic Infrastructure Manager, and in view of restrictions that could be placed on vehicle numbers, it is considered that it would be difficult to sustain a refusal on highway grounds. Additionally, a temporary three-year permission would allow a trial period during which time the actual highway impacts of the proposal could be assessed, with an opportunity to review the situation should the operator decide to seek a further permission. As such subject to the imposition of the recommended conditions, it is considered that the proposal would not conflict with CRWLP policy 28, and the approach of the NPPF and NPPW.

Objectors have also raised significant concerns regarding the potential for large waste vehicles on narrow residential roads to generate significant noise, vibration and disruption and the potential for this to materially affect residential amenity, quality of life and associated stress.

The noise assessment has identified that the predicted noise levels at the façade of the closest residential properties, in garden spaces and internally would all remain within relevant thresholds in technical guidance. Likewise, predicted noise levels from HGVs manoeuvring around parked cars would also remain within recommended thresholds.

Despite these conclusions, it is clear that the Environmental Health Officer remains concerned that the vehicles could detrimentally impact the amenity of residents and the impacts could be more significant for those living in terraced properties that abut the pavement. The applicant maintains that HGVs would avoid terraced streets and vehicle routing arrangements could be secured by planning condition, in practice however, whilst the operator could encourage drivers to follow preferred routes, they would have very little control of the vehicles on the public highway, and there would be nothing preventing the vehicles from using those roads. It would be very difficult for the planning authority to enforce this effectively, therefore this cannot be relied upon and the concerns of the Environmental Health Officer are accepted.

The Environmental Health Officer does not consider that they could defend their concerns at appeal on the basis that noise from vehicles on the highway is not within the remit of statutory noise nuisance legislation available to Environmental Health.

Planning policy however requires consideration of impacts which are broader than statutory noise nuisance and requires a good standard of amenity to be achieved. Significant loss of amenity will often occur at lower levels of emission than would constitute a statutory nuisance, and it is therefore important for planning authorities to consider properly the loss of amenity from noise in its wider context. Whilst the noise assessment has demonstrated compliance with relevant technical guidance, noise management is a complex issue and the subjective nature of noise means there is not a simple relationship between noise levels and the impact on those affected, it will depend on how various factors combine in any particular scenario and considerations go beyond solely how the predicted noise levels perform in relation to relevant technical guidance.

In weighing up all these considerations, the fallback position of the lawful use of the site with no restrictions on vehicle movements or routing must be taken into account along with the conclusions of the Strategic Infrastructure Manager that the proposed level of traffic may potentially be slightly less than was previously generated by the former occupier, and the conclusions of the noise assessment.

This is clearly a very finely balanced case to consider and it must be noted that the lack of objection from the Environmental Health Officer and lack of quantifiable evidence to support their expressed concerns would make this a difficult argument to defend at a planning appeal.

Overall, however, the requirements of planning policy in terms of securing a good standard of amenity and the outstanding concerns of the Environmental Health Officer are given significant weight in the assessment of this application. Whilst it is accepted that commercial vehicles have previously used these residential roads to access the site, the residents have not experienced this level of disturbance and disruption for the past 2 years. This proposal would

result in HGVs and other commercial vehicles presenting further disruption and disturbance to those properties, and this would be in addition to that already generated by vehicles associated with the other commercial businesses currently operating in the area. This is likely to result in an unacceptable adverse impact on residential amenity, particularly for residents of Withyfold Drive, which is a narrow road with short front gardens, and for those in terraced properties which abut the road.

Whilst there are a number of benefits to this application in respect of supporting sustainable waste management principles, driving waste up the waste hierarchy, supporting an existing business and job retention, and providing a facility for the community to manage waste locally which accords with provisions in planning policy, this is not considered to outweigh the disbenefits presented by the proposal in terms of detrimental impact on residential amenity. As such it is considered that the proposal would conflict with policy SE12 of the CELPS, CRWLP policy 23, MBLP policies DC3 and DC13 and the NPPF.

RECOMMENDATION

REFUSE for the following reasons;

- 1. The proposed use of residential roads by HGVs and other commercial vehicles accessing the site would cause harm to residential amenity in terms of noise and disruption, and adversely impact on the quality of life for those residents. This would be contrary to policy SE12 of the CELPS, CRWLP policy 23, MBLP policies DC3 and DC13 and the NPPF.**

Application for Full Planning

RECOMMENDATION:

