

Application No: 20/0333N

Location: Hill Farm, WHITCHURCH ROAD, BROOMHALL, CW5 8BZ

Proposal: Materials Recovery Facility (MRF)

Applicant: Mr Brad Rushton

Expiry Date: 29-May-2020

## **SUMMARY:**

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

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

**Subject to this being secured by planning condition the proposal is considered to accord with CRWLP policy 28, CELPS policy CO4, and the approach of NPPF and NPPW.**

**With respect to noise and vibration impacts, the proposal is not anticipated to result in harmful or cumulative impacts on noise pollution which would unacceptably affect the natural or built environment or detrimentally affect amenity or cause harm. Likewise, a range of dust mitigation measures can be secured by condition to ensure that any potential for dust emissions from the site activities are controlled to an acceptable level. No objections are raised by the Environmental Health Officer and it is noted that the site operations would also be subject to controls under the Environmental Permit. Subject to imposition of planning conditions and given the controls in place on the Permit, the impacts from noise, vibration and dust could be controlled to an acceptable level in**

accordance which would satisfy CELPS policy SE12 and CRWLP policies 23, 24 and 26, MBLP policy DC3, and the approach of the NPPW and NPPF.

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

## **RECOMMENDATION**

**Approve**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises buildings and hardstanding at an existing farm complex that benefits from B2 (industrial) and B8 (storage and distribution) use. The site is designated as being within the Open Countryside in the adopted local plan.

The nearest residential properties are to the north and the east and are in excess of 200m away from the site. Public Footpath 'Sound No.8' runs along the farm driveway.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for a material recovery/recycling site (MRF). Waste will be brought in by skips, tipped into a covered storage area, then manually sorted into separate waste streams. Wood waste would be collected by a wood recycling operator to be turned into equestrian bedding, green waste would be taken to a green waste recycling company that convert it into compost and hardcore would be crushed and used as a sub-base for agricultural buildings manufactured at the site. Waste not to be used on site would be stored in skips and then taken to a licensed waste transfer station.

It should be noted that the application is solely for the use of the building as a materials recycling facility. The storage of skips outside the building, on the area hatched in red on the submitted plans, is already allowed as this area already has permission for B8 (storage or distribution) use.

## **RELEVANT HISTORY**

18/5095N Change of use to B2 (general industrial) and B8 (storage & distribution) Granted 26/03/2019

11/4102N Slurry lagoon Granted 22/12/2011

P07/1233 feed storage shed (GDPO) Approval not required 28/9/2007

P96/0968 Livestock building Granted 30/1/1997

P95/0269 Cattle building Granted 24/5/1995

P94/0584 Portal frame building (GPDO) PD 9/8/1994

P92/0999 Livestock building Granted 14/1/1993

P91/0261 3 Poultry units and changing rooms granted 5/3/1992

7/04911 Alteration and conversion of dwelling to 2 units Granted 25/1/1979

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

## **POLICIES**

Cheshire East Local Plan Strategy (CELPS)

PG6 Open Countryside

PG7: Spatial Distribution of Development

SD1: Sustainable Development in Cheshire East

SD2: Sustainable Development Principles

SE1: Design

SE2: Efficient use of Land

SE3: Biodiversity and Geodiversity

SE4: The Landscape

SE5: Trees, Hedgerows and Woodland

SE6: Infrastructure

SE7: The Historic Environment

SE13: Flood Risk and Water Management

IN1: Infrastructure

IN2: Developer Contributions

EG1: Economic Prosperity

EG2: Rural Economy

CO1: Sustainable Travel and Transport

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

Policy 1: Sustainable Waste Management

Policy 12: Impact of Development Proposals

Policy 14: Landscape

Policy 15: Green Belt

Policy 17: Natural Environment

Policy 18: Water Resource Protection and Flood Risk

Policy 22: Aircraft Safety

Policy 23: Noise

Policy 24: Air Pollution; Air Emissions Including Dust

Policy 25: Litter  
Policy 26: Odour  
Policy 27: Sustainable Transportation of waste  
Policy 28: Highways  
Policy 29: Hours of Operation  
Policy 32: Reclamation  
Policy 36: Design

### **Local Plan Policy**

#### **Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)**

BE.1: Amenity  
BE.3: Access and Parking  
NE13: Rural diversification  
NE.15: Re-use and adaptation of rural building for commercial, industrial or recreational use  
NE.17: Pollution control  
RT.9: Footpaths and Bridleways

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

The Sound and Broomhall Neighbourhood Plan has only reached Regulation 7 stage and therefore carries no weight.

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

#### **Highways:**

No objection.

#### **Environment Agency:**

No objection but point out that the site will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

#### **Environmental Health:**

No objection subject to conditions/informatives relating to noise and disturbance.

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

No objection subject to an informative relating to Public Footpath Sound No.8.

#### **Natural England:**

No objection.

#### **Sound and District Parish Council:**

- Evidence should be made of the type of materials which will be brought into the site
- Evidence should be made of the size and type of delivery vehicles
- Number of vehicle movements per day is uncertain and should be disclosed
- Would there be any runoff from materials being brought in, and what provision is there for any such run off

- The farm driveway is a Public Footpath, and concern over the use for this was expressed especially as the road is already the access and departure for a farming enterprise; steel fabrication business, and Poultry Units

### **OTHER REPRESENTATIONS**

Five representations have been received at the time of report writing They express concerns about the following issues:

- Highway safety
- Increase in traffic
- Risk to users of the public footpath
- Noise
- Pollution
- Risk to the SSSI
- Removal of hedgerows
- Not a suitable use in open countryside
- Potential expansion of the business
- Not enough detail in the application

### **APPRAISAL**

The key issues to be considered in the determination of this application are set out below. They are the principle of the development, sustainability, open countryside, highways, amenity, landscape, trees, ecology and flood risk.

#### **Open Countryside and Visual Impact**

The site is designated as being within open countryside in the adopted local plan. The buildings and external storage area are contained within the existing farm complex and are barely visible from the public realm due to boundary treatments and the existing buildings to the north that provide screening. In addition, there are no trees within the site, which is laid to hardstanding. As such it is not considered that there would be any significant adverse impact on the character of the open countryside.

The storage yard would be partly seen from the public footpath, but this would only be for a short stretch and it is not considered that this would have an unacceptable impact on visual amenity.

The proposal is therefore considered to be in compliance with Policies PG6 and SE 4 of the CELPS.

#### **Principle of Development**

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

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

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

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

The site meets these locational criteria along with those identified for built waste management facilities in Appendix 2 of the CRWLP, in that it is an existing brownfield site which has operated for the last 12 years as a business fabricating agricultural buildings (B2) with external storage (B8). As such, it is considered that this proposal is in accordance with the provisions of Policy 5 of the CRWLP and meets the locational requirements for new built waste management facilities set out in the NPPW.

## **Sustainable Waste Management and Need**

### Waste Hierarchy

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

The proposal would provide a waste transfer facility which would enable mixed wastes to be sorted into different types ready for onward transportation to other management facilities or end users. In addition, the building waste would be processed and used on site for the manufacture of agricultural buildings. Whilst the proposed capacity of the facility would be relatively small, it would nonetheless assist in diverting waste from landfill and drive waste up the waste hierarchy to be managed in a more sustainable manner which accords with the broad approach of NPPW, CRWLP and CELPS policy SE11.

### Proximity principle

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

The applicant advises that waste would be sourced from local builders and businesses and once sorted would be transported to other waste management facilities in the local area or south Manchester. No more specific details are provided on the anticipated waste catchment area for collecting the waste, however it is noted that the NPPW and accompanying planning practice guidance makes it clear that planning policy does not require waste to be managed using the absolute closest facility to the exclusion of all other considerations. New facilities need to serve catchment areas large enough to secure the economic viability of the facility; and the ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.

The Cheshire East Waste Needs Assessment recognises there is a need for growing reliance on waste management facilities outside of the Cheshire East administrative area to manage some of the waste generated within the authority throughout the Plan period. The provision of accessible/proximate transfer capacity to receive loads that do not move directly to their end destination is of growing importance. As such it is considered that the proposal would accord with the approach of NPPW and CELPS policy SE11, along with the approach of CRWLP and would contribute to a network of waste management facilities.

#### Need for Waste Management Facility

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

The facility would accept and sort approximately 22,000 tonnes per annum (tpa) of construction, demolition and excavation waste (CDEW). The Cheshire East Waste Needs Assessment Refresh 2019 identifies that as of 2017, there was capacity for managing over 1.375 million tonnes of waste per annum (tpa) in existing waste management facilities within Cheshire East, and identified a requirement for recycling 374,290tpa of inert waste management in 2020 (rising to 418,197tpa by 2030). When compared against the total assessed management capacity, there is no shortfall in existing consented capacity in the Borough predicted throughout the duration of the Plan period and no shortfall for the waste streams provided by this application. As such, the extent that this facility would contribute to overall waste management capacity in the Borough is only given limited weight in the assessment of this application. This will be considered in the overall planning balance alongside any planning policy requirement for a demonstration of need and the conclusions on the overall consistency of the proposal against the Development Plan and other material considerations.

#### **Ecology**

##### Sound Heath SSSI Impact Zone

The proposed development falls within Natural England's SSSI impact zone. Natural England have been consulted on the application and have confirmed that they have no objection to the proposal.

### Breeding Birds

If planning permission is granted, conditions are required to protect breeding birds and for the provision of features suitable for use by breeding Swifts.

### **Highways**

This application for a MRF is relatively small in highways terms and would generate no more than 5 to 10 two-way vehicle movements in any given hour.

The access to the site from Whitchurch Road was improved as part of a previous application (18/5095N). A passing bay has also been provided as part of that application and is available for use.

The Head of Strategic Infrastructure has no objection to the proposal subject to the provision of the passing bay which has been carried out.

The proposal is therefore considered to be in compliance with Policy BE.3 of the CNRLP.

### **Noise, Vibration and Dust**

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

The closest residential receptors to the proposed site would be to the north and the east in excess of 200m away from the site.

The deposit and handling of waste has the potential to cause noise impacts to nearby receptors. A Noise Impact Assessment has been submitted with the application which has been assessed by Environmental Protection.

A crusher would be used to break down the inert hardcore and the Noise Impact Assessment recommends that a suitable fence/wall be erected 3m from the crusher and 3m in height. The fence/wall should provide approximately 13dBA of attenuation. The fence/wall should be in place prior to the operation of the MRF commencing and this should be controlled by condition.

Environmental Protection have recommended that the hours of operation of the site are limited to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

It is considered to be reasonable and necessary to control these hours by condition.



In terms of dust generation, it is considered to be reasonable and necessary to require the provision of site-specific dust management plan (DMP). This can also be controlled by condition.

Subject to the conditions set out above, the proposal is considered to be in compliance with Policy SE 12 of the CELPS and Policy BE.1 of the CNRLP.

### **Public Rights of Way**

Public Footpath Sound No.8 runs along the farm drive and it is necessary to ensure that the use of this is not restricted by the proposed development. As such an informative should be included on the decision notice explaining this.

Subject to the condition the proposal would be in compliance with Policy CO 1 of the CELPS and Policy RT.9 of the CNRLP.

### **Conclusions**

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

There is concern from local residents in relation to the impact of the proposal on local amenity, and highway safety and capacity concerns. The Strategic Infrastructure Manager has assessed the scheme and is satisfied that access arrangements are adequate for the nature, volume and movement of traffic generated by the proposal and considers that the proposal would not result in a level and type of traffic that would exceed the capacity of the local road network or have an unacceptable impact on amenity or road safety. Additionally no concerns are raised over any potential highway safety impacts resulting from the proposal on existing road users, vulnerable road users or pedestrians.

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

With respect to noise and vibration impacts, the proposal is not anticipated to result in harmful or cumulative impacts on noise pollution which would unacceptably affect the natural or built environment or detrimentally affect amenity or cause harm. Likewise, a range of dust mitigation measures can be secured by condition to ensure that any potential for dust emissions from the site activities are controlled to an acceptable level. No objections are raised by the Environmental Health Officer and it is noted that the site operations would also be subject to controls under the Environmental Permit. Subject to imposition of planning conditions and given the controls in place on the Permit, the impacts from noise, vibration and dust could be controlled to an acceptable level in accordance which would satisfy CELPS policy SE12 and CRWLP policies 23, 24 and 26, CNRLP policy BE.1, and the approach of the NPPW and NPPF.

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

## **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Time limit**
- 2. Approved plans**
- 3. The mitigation recommended in the acoustic report shall be implemented in full prior to the MRF commencing operations**
- 4. Provision of a site-specific dust management plan**
- 5. The hours of operation at the site shall be restricted to the following:  
08:00 to 18:00 hours Monday to Friday  
09:00 to 14:00 hours Saturday  
No working on Sundays or public holidays**
- 6. Safeguarding of nesting birds**
- 7. Provision of features for nesting Swifts**
- 8. No new external lighting**
- 9. Records of vehicle movements**
- 10. Limits on numbers of vehicle movements**
- 11. Sheeting of vehicles carrying waste**
- 12. Waste shall only be sorted within the building**

### **Informatives:**

#### **NPPF**

The property is adjacent to Public Footpath Sound No.8 as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations as follows:

No change to the surface of the right of way can be approved without consultation with the PROW Unit. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

- There is no diminution in the width of the right of way available for use by members of the public
- No building materials are stored on the right of way

- No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
- Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way
- No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature
- No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
- The safety of members of the public using the right of way is ensured at all times"

Any variation to the above will require the prior consent of the PROW Unit. If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application.

If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.

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

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

