

APPLICATION No: 20/0333N

LOCATION: Hill Farm, Whitchurch Road, Broomhall, CW5 8BZ.

PROPOSAL: Materials Recovery Facility

‘Summary’ Correction

The Summary Section (Page 13) of the main report contains an error in referring to a temporary permission at the end of the second paragraph. The report is not recommending a temporary consent. It should read as follows:

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.

An additional condition is proposed relating to the use of commercial waste and not allowing the use of household waste. The revised conditions are set out below:

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
13. Materials imported into the site shall only be commercial waste and shall not be household waste

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 Committee'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.

