

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 23rd September, 2015</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**
2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 10)

To approve the minutes of the meeting held on 26<sup>th</sup> August 2015 as a correct record.

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**Please Contact:** Gaynor Hawthornthwaite on 01270 686467  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **15/2355W - IDEAL STANDARD, CLEDFORD LANE, MIDDLEWICH, MIDDLEWICH, CHESHIRE, CW10 0JW: The construction and operation of a waste transfer station and refuse derived fuel processing facility, the refurbishment of existing site buildings to provide offices, a vehicle maintenance workshop, an MOT Test Centre, environmental services accommodation and ancillary development including car parking for Ralph Kemp, Cheshire East Council (Pages 11 - 78)**

To consider the above application.

6. **15/2730N - LAND AT MMU CREWE CAMPUS, CREWE GREEN ROAD, CREWE, CHESHIRE, CW1 5DU: Proposed construction and operation of a Deep Geothermal Single Well (DGSW) system including a single vertical well drilled to a depth of 2 km below ground level and associated infrastructure to include above ground well head and perimeter security fence and underground pipeline connection to the MMU Valentine Building plant room, temporary construction access, construction compound and lighting for Mr Ryan Law, Geothermal Engineering Ltd (Pages 79 - 104)**

To consider the above application.

7. **15/2576C - PLOT 62, MIDPOINT 18, POCHIN WAY, MIDDLEWICH, CHESHIRE: 14,402sq m Warehouse (B2 B8) with Office Accommodation to the First Floor, Associated Car Parking Service Yards, HGV parking and Gatehouse for Pochin Developments Ltd (Pages 105 - 116)**

To consider the above application.

8. **15/2943N - LAND OFF CREWE ROAD, SHAVINGTON CUM GRETTY, CREWE: Reserved Matters application pursuant to outline planning permission ref. 13/0336N for the construction of 370 dwellings, associated on site highways infrastructure, car parking and pedestrian routes, formal and informal open space provision and associated works for Taylor Wimpey UK Limited**  
(Pages 117 - 128)

To consider the above application.

9. **Outline application for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works** (Pages 129 - 132)

To consider amending the reasons for refusal relating to full planning application 14/5579C for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 26th August, 2015 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor H Davenport (Chairman)  
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, D Brown (Substitute), B Burkhill, T Dean,  
L Durham, D Hough, J Jackson, S McGrory, D Newton, S Pochin and J Wray

**OFFICERS PRESENT**

Tim Driver (Lawyer)  
Daniel Evans (Principal Planning Officer)  
David Malcolm (Head of Planning (Regulation))  
Paul Hurdus (Highways Development Manager)  
Emma Williams (Principal Planning Officer)  
Ben Haywood (Major Applications – Team Leader)  
Gaynor Hawthornthwaite (Democratic Services Officer)

**42 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M Sewart and  
G Walton.

**43 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 15/0446C, Councillor J Hammond declared that he was a Director of ANSA Environmental Services who had been a consultee on the application and that he had not made any comments on the application or taken part in any discussions.

In the interest of openness in respect of application 12/0705W, Councillor J Hammond declared that he was a member of Cheshire Wildlife Trust who had been a consultee on the application and that he had not made any comments on the application or taken part in any discussions.

In respect of application 14/5824N, Councillor S Pochin declared that she had pre-determined the application and would leave the room prior to consideration of the application.

In the interest of openness in respect of application 12/0705W, Councillor R Bailey declared that she knew the applicant and would leave the room prior to consideration of the application.

**44 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED**

That the minutes be approved as a correct record and signed by the Chairman.

**45 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**46 15/0553C-RESERVED MATTERS APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 80 HOMES, (24 AFFORDABLE), THE CREATION OF AN AREA OF PUBLIC OPEN SPACE AND CHILDREN'S PLAY AREA AND ASSOCIATED WORKS (OUTLINE APPROVAL 13/0041C), LAND OFF, MIDDLEWICH ROAD, HOLMES CHAPEL FOR NIALL MELLAN, PERSIMMON HOMES NORTH WEST**

Consideration was given to the above application.

(The Head of Planning (Regulation) read out a representation from Councillor L Gilbert (Ward Councillor), who had registered his intention to address the Committee, but was unable to attend the meeting).

(Niall Mellan, the applicant, attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Amended / Approved Plans
2. Accordance with submitted Affordable Housing Scheme
3. Materials to be submitted and approved
4. Updated Public Open Space Management Plan to be submitted
5. Implementation of the tree and hedge protection measures as proposed
6. Adherence to the submitted Arboricultural method statement
7. Adherence to the submitted Tree Protection Scheme
8. Construction Method Statement to be submitted
9. Updated noise mitigation to be submitted. Development to be carried out in accordance with agreed mitigation
10. Dust control measures
11. Phase II contaminated land investigation to be submitted
12. Removal of permitted development rights classes A-E

13. Obscured glazed on selected plots with no further openings to be created

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 (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**47 15/0446C-ERECTION OF 154 TWO STOREY DETACHED, SEMI DETACHED AND MEWS DWELLINGS LANDSCAPING, FORMATION OF COMMUNITY PARK, OPEN SPACE, PARKING AND ASSOCIATED WORKS, LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF, ABBEY ROAD, SANDBACH FOR NEIL ARKWRIGHT, REDROW HOMES LTD & ANWYL HOMES**

Consideration was given to the above application.

(The Head of Planning (Regulation) read out a representation from Councillor G Merry (Ward Councillor), who had registered her intention to address the Committee, but was unable to attend the meeting).

(Councillor B Moran, (Ward Councillor), Ms T Maguire (objector), Mr G Allen (on behalf of supporters) and Mr T Astle (the agent for the applicant) attended the meeting and spoke in respect of the application).

### **RESOLVED**

That for the reasons set out in the report and the written update to the Board, the application be APPROVED subject to the following conditions:

1. Time scale
2. Scheme to be built in accordance with Approved Plans
3. Accordance with submitted Affordable Housing Scheme
4. Materials to be submitted and approved
5. Surface water run-off to not exceed the undeveloped site
6. Scheme for overland flow of water
7. Archaeological report
8. Construction Method Statement to be submitted
9. Obscured glazed on selected plots with no further openings to be created
10. Landscaping details to be submitted
11. Implementation of approved / submitted landscaping details
12. Landscaping buffer along the eastern boundary of the site in accordance with submitted plans and timetable
13. Details of external lighting to be submitted, approved and implemented

14. Prior to the commencement of development details of the proposed play area (minimum of 8 pieces of equipment to be submitted to the LPA for approval in writing.
15. Scheme of management to the buffer to the Park Lane Boundary.
16. Prior submission of boundary treatment details for the whole site.
17. Provision of a 1.8m brick wall extending from the front elevations of the dwellings at 168 and 174 Middlewich road to the rear boundaries of those properties (details in consultation with Ward Members).
18. Bin storage details.
19. Vehicle tracking plans to be submitted.

Informative:

#### 1. Brine Board Requirements

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 (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

*During consideration of this item Councillor Newton left the meeting for 5 minutes and did not take part in the debate or vote.*

*Having made a declaration, Councillor R Bailey withdrew from the meeting prior to consideration of the next item and did not return.*

#### 48 **12/0705W-PROPOSED ANAEROBIC DIGESTION AND COMBINED HEAT AND POWER PLANT, FORMER FUEL STORAGE DEPOT, TWEMLOW LANE, TWEMLOW FOR MR R BROWN, C.R.E.S BIOGAS LTD**

Consideration was given to the above application.

(The Head of Planning (Regulation) read out a representation from Councillor L Gilbert (Ward Councillor), who had registered his intention to address the Committee, but was unable to attend the meeting).

(Councillor M Tomkinson, (representing Twemlow Parish Council), Ms J Lardner-Burke (on behalf of objectors) and Mr R Brown (the applicant) attended the meeting and spoke in respect of the application).

#### **RESOLVED**

That for the reasons set out in the report and the written update to the Board, the application be REFUSED for the following reasons:



1. The development does not represent an acceptable land use for this site, having regard to the approach of National Planning Policy for Waste and Cheshire Replacement Waste Local Plan as the odour from within the site is likely to have an unacceptable impact on the amenity of nearby sensitive receptors. As such the proposals conflict with policy 26 of Cheshire Replacement Waste Local Plan, and paragraphs 1 and 5 and 7 of National Planning Policy for Waste.
2. Insufficient information has been provided to demonstrate that the proposal would not present adverse impacts on human health which conflicts with policy 12 of Cheshire Replacement Waste Local Plan and paragraphs 1 and 5 and 7 of National Planning Policy for Waste
3. Insufficient information has been provided to demonstrate that the proposal will not have an unacceptable direct or indirect impact on any nature conservation assets; which is contrary to policy 17 of Cheshire Replacement Waste Local Plan and the approach of the National Planning Policy for Waste.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, authority be delegated to the Head of Planning (Regulation) to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

**49 14/3371M-CHANGE IN USE OF LAND AND THE CONSTRUCTION OF A SINGLE-STOREY BUILDING TO CREATE A GOLF DRIVING RANGE WITH ASSOCIATED CAR PARKING AND NEW ACCESS, LAND NORTH OF, CHELFORD ROAD, OLLERTON FOR MR BRIAN COUTTS**

Consideration was given to the above application.

### **RESOLVED**

That for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Commencement of development (3 years)
2. Submission of samples of building materials

3. Landscaping - submission of details
4. Landscaping(implementation)
5. Submission of additional landscape details
6. Submission of landscape/woodland management plan
7. Retention of existing trees
8. Construction of access
9. Vehicular visibility at access (dimensions)
10. Development in accord with approved plans
11. Implementation of ecological report
12. Protection for breeding birds
13. Layout of car park
14. Extraneous matter
15. No ancillary uses
16. Lighting
17. Control over additional lighting
18. Fencing/Netting
19. Opening times
20. Development in accordance with Badger Survey including provision of a 30 buffer zone
21. Ecological enhancements to be agreed and implemented

*At this point in the meeting, there was an adjournment for lunch from 12.45 pm to 13.30 pm.*

**50 14/4950N-RESERVED MATTERS APPROVAL FOR PHASE 2B - RESIDENTIAL DEVELOPMENT OF 223 DWELLINGS, FOLLOWING OUTLINE ELEMENT OF APPLICATION 11/1879N, LAND NORTH OF, PARKERS ROAD, LEIGHTON, CREWE, CHESHIRE FOR SHERRIE SHAW, BLOOR HOMES LTD - NORTH WEST**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report and the written update to the Board, the application be APPROVED subject to receipt of amended plans and the following conditions:

1. Standard
2. Approved plans
3. Materials

4. Boundary treatment
5. Landscape scheme
6. Landscape implementation
7. A revised tree protection scheme plan
8. Adherence to the approved tree protection scheme and the submitted Arboricultural Method Statement.
9. A schedule of tree works to be submitted/ approved/implemented.
10. Special construction techniques for hardstandings within Root Protection Areas.
11. An internal layout drawing submitted by the applicant illustrating the tracking movements of a refuse vehicle.

**51 15/2756N-VARIATION OF CONDITION 34 ON APPROVED 11/1879N - A HYBRID PLANNING APPLICATION SEEKING RESIDENTIAL DEVELOPMENT FOR UP TO 400 NEW DWELLINGS WITH OPEN SPACE; COMPRISING A FULL PLANNING APPLICATION FOR PHASE A OF 131 DWELLINGS AND PHASE B WHICH SEEKS OUTLINE PLANNING PERMISSION FOR UP TO 269 DWELLINGS WITH ACCESS AND ASSOCIATED INFRASTRUCTURE. IN RESPECT OF THE OUTLINE ELEMENT (PHASE B), ONLY ACCESS IS SOUGHT FOR APPROVAL AND ALL OTHER MATTERS ARE RESERVED FOR DETERMINATION AT A LATER DATE, LAND NORTH OF PARKERS ROAD, LEIGHTON, CREWE, CHESHIRE FOR MR MARTIN ASTON**

Consideration was given to an application to vary condition 34 on approved application 11/1879N.

That for the reasons set out in the report, the application be APPROVED subject to a Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions as originally imposed on the consent:

1. Time Limit
2. Standard Outline
3. Reserved Matters
4. Plans
5. Materials
6. Boundary Treatment
7. Landscaping
8. Landscape Implementation
9. Breeding bird survey
10. Breeding bird features
11. Habitat Creation and management plan
12. Design for pond
13. Newt mitigation
14. Bin Storage
15. Archaeological Survey
16. Compliance with Flood Risk Assessment
17. Limit Surface Water runoff
18. Surface water attenuation measures

19. The floor levels of the buildings to be a minimum of 150mm above surrounding ground levels.
20. Design for Surface Water Regulation
21. Site to be drained on a separate system
22. Contaminated Land
23. Travel Plan
24. Air Quality Impact Assessment
25. Hours of construction
26. Details of external lighting
27. Details of phasing / triggers for site access and highway improvements
28. Provision of parking and vehicle turning
29. Submission of Highway Construction details
30. Replacement planting for any trees / hedges to be removed
31. Scheme of Tree protection
32. Implementation of Tree protection
33. Arboricultural Method Statement
34. Assessment of traffic noise
35. Provision of Bungalows in Phase B
36. Highway assessment of Moss Lane

**52 14/5824N-OUTLINE PLANNING PERMISSION FOR UP TO 175 RESIDENTIAL DWELLINGS TO INCLUDE ACCESS. ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION, LAND TO THE SOUTH OF PARK ROAD, WILLASTON FOR MR A BROWN, STRETTON WILLASTON LTD**

Consideration was given to the above application.

The Major Applications – Team Leader reported a correction to the report in which the second to the last paragraph on page 151 of the report, should be amended to read “On the basis of the above, it is considered that the proposal represents **unsustainable** development and paragraph 14 is not engaged”.

(Councillor S Pochin, the Ward Councillor, attended the meeting and spoke in respect of the application).

*Having made a declaration, Councillor S Pochin withdrew from the meeting during consideration of this item.*

**RESOLVED**

That for the reasons set out in the report and the written update, the Board be MINDED TO REFUSE the application for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan,

Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willaston and Nantwich and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
3. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is inefficient and contrary to Policy NE12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.
4. Insufficient highway information has been submitted to demonstrate that the proposal will not have a severe adverse impact on traffic congestion in the locality and accordingly the Applicant has failed to demonstrate that the proposal complies with the requirements of Policy BE5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy CO4 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

RESOLVE to enter into a Section 106

- Affordable housing:
  - 30% of the total dwellings to be provided as affordable housing
  - 65% of the affordable dwellings to be provided as either social rent or affordable rent
  - 35% of the affordable dwellings to be provided as intermediate tenure
  - Affordable housing to be provided on site
  - Affordable rented or Social rented dwellings to be transferred to a Registered Provider

- The affordable dwellings to be provided as a range of property types to be agreed with Housing
- Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.
- The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.
- Affordable dwellings transferred to an RP to be built in accordance with the HCA Design and Quality Standards or the latest standards applied by the HCA.
- Equipped children's play area. for younger children - 5 pieces of equipment including a ground-flush roundabout. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
- Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity

Application No: 15/2355W

Location: IDEAL STANDARD, CLEDFORD LANE, MIDDLEWICH, MIDDLEWICH, CHESHIRE, CW10 0JW

Proposal: The construction and operation of a waste transfer station and refuse derived fuel processing facility, the refurbishment of existing site buildings to provide offices, a vehicle maintenance workshop, an MOT Test Centre, environmental services accommodation and ancillary development including car parking.

Applicant: Ralph Kemp, Cheshire East Council

Expiry Date: 27-Aug-2015

There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

The proposal would satisfy the economic and social sustainability role by providing a strategic site which provides a range of waste and environmental services. In terms of sustainable waste management it would contribute towards meeting national waste management targets and meets a proven waste management capacity gap. It also assists in providing a network of waste management facilities for the sustainable management of waste. It would provide a recycling facility which would ensure that any recyclable waste contained within the residual waste stream is separated and sent to a facility which is higher up the waste hierarchy; and through the production of RDF, facilitates the recovery of energy from the residual waste stream. The proposed facility therefore optimises the management of waste as high up in the waste hierarchy as practicable which accords with the objectives of the WMS and the broad approach of the NPPW.

It also provides other benefits in terms of re-using previously developed land and buildings; providing one central strategic site with improved service capability and efficiency, providing operational/logistical and environmental benefits, reduction in some vehicle mileage and allows for the remediation of a site with historical contamination.

This should be balanced against any potential harm to residential amenity, particularly in terms of noise and odour impacts to sensitive receptors; along with the potential for some waste not to be managed as close to source as possible, and resultant increase in vehicle mileage.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be mitigated to some degree by a range of planning conditions and through the controls in other environmental legislation.

On the basis of the above, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the long term social and economic planning benefits created in terms of waste management and environmental service provision. As such, the scheme is considered to accord with policies of CNBLP, and the approach of the NPPF and is recommended for approval subject to conditions.

**SUMMARY RECOMMENDATION:** Approved subject to conditions

## **DESCRIPTION OF SITE AND CONTEXT**

The site is a 6.3ha parcel of land located on the corner of Cledford Lane and Faulkner Drive in Middlewich. It is located between the Trent and Mersey Canal and Faulkner Drive and is situated in the south of Middlewich approximately 5.5km from the M6 motorway. Access to the site is from Cledford Lane which connects to A533 Booth Lane via a bridge over the canal, and eastwards connects to a network of rural roads providing access to A54 and Sandbach.



The site comprises a collection of industrial buildings built in 1970 of various sizes, the majority of which are single storey and were previously used for the manufacturing of sanitary wear products.

On the north west corner of the site is a red brick built 1902 office building. A war memorial is situated on the northern façade of the building fronting onto Cledford Lane. The building incorporates more recent steel and masonry framed flat roof extensions to the south (circa 1917). To the east of this building is a fenced off area which was previously used for car parking, beyond which are buried tanks.

The central section of the site is taken up by a large collection of interconnecting one and two storey steel portal framed industrial buildings. On the western boundary is a portal framed single storey structure with brick elevation and profiled cladding which provides a frontage to the Trent and Mersey Canal. The boundary with Faulkner Drive has a similar frontage with a steel framed structure with brick walls and pitched metal truss roof. Two further stand-alone steel portal buildings of a similar design align the southern boundary. A concrete service road spans the western and southern site perimeter.

Land surrounding the east and south of the site is in industrial use with a biomass plant and logistics company off Faulkner Drive and the British Salt works to the south. Land immediately to the south of the site is scrubland. The railway lies to the east of Faulkner Drive, beyond which is open countryside and industrial buildings connected by Erf Way. To the north beyond Cledford Lane are the Cledford Lane Lime Beds whilst further north is the Brooks Lane industrial estate.

A small row of residential properties lie on Cledford Lane opposite the north west site boundary approximately 15m from the site, with further individual properties located opposite the north/north east boundary. A large number of residential properties lie on the western side of A533 Booth Lane approximately 30m from the site boundary. These are separated from the site by the road, the canal and an area of open space incorporating mature trees which aligns the western site boundary adjacent to the canal. There are no public footpaths within the site although footpath Middlewich FP21 is located directly to the north off Cledford Lane running up the eastern extent of Cledford Lane Lime beds.

The canal is designated as a Conservation Area in the Congleton Local Plan whilst the Cledford Lane Lime Beds are a Site of Biological Importance (SBI). Two parcels of land immediately to the south of the site are identified as owner specific employment sites, whilst land to the east of the railway line is identified as an employment allocation, area at risk of flooding and 'new road' (the Middlewich by-pass).

The site is located approximately 1.1km from Sandbach Flashes Site of Special Scientific Interest but separated by the Trent and Mersey Canal. Land immediately south of the site is identified as Deciduous Woodland BAP priority habitat area, with a further area located approximately 730m north/north west of the site.

### **RELEVANT HISTORY**

The site has been historically in industrial use initially as a chemical plant and more recently for the manufacturing of china products including sanitary ware. The most relevant planning history is as follows:

- 3967/3 – Amenity Building approved 1976
- 7281/3 – Pump house and water tank approved 1978
- 10046/3 – Storage building approved 1979
- 10507/3 – Building to contain machinery approved 1979
- 12274/3 – Transport and service garage approved 1980
- 11738/3 – Effluent treatment plant house approved 1980
- 10834/3 – Warehouse, loading bay, loading dock and battery charging area approved 1980
- 15101/3 – Gas meter house approved 1983
- 15330/3 – raw material uncovered loading bay approved 1983
- 16079/3 – Modellers/mouldmakers complex approved 1984
- 15781/3 – building to cover vacuum plant approved 1984
- 16553/3 – beer store extension approved 1985
- 18206/3 – modellers shop approved 1986
- 29997/3 – new water treatment plant approved 1998
- 14/5918C – prior notification for site clearance. Approval required January 2015.
- 15/3607C - prior notification for site clearance. Approved September 2015

### **DETAILS OF PROPOSAL**

The application is for the construction and operation of a waste transfer station and refuse derived fuel processing facility, the refurbishment of existing site buildings to provide offices, a vehicle maintenance workshop, an MOT Test Centre, environmental services accommodation and ancillary development including car parking.

As part of the works to be undertaken on site, a number of the buildings will be demolished however this does not form part of this planning application as this will be undertaken under Permitted Development rights. In the context of this application therefore, the existing site layout at the commencement of the development will largely be a clear site aside from the buildings being retained as set out below.

#### Zone 1 – Waste Transfer Station/Refuse Derived Fuel Processing Facility

Two waste transfer buildings are proposed in the centre of the site. Both are large single storey industrial steel portal framed buildings, with plastic coated profiled metal walls and roof and are sited on a concrete surface apron.

#### *Waste Transfer and RDF –residual wastes*

The larger building to the north is 90m by 45m with a ridge height of 16.8m, providing a floorspace of 3952m<sup>2</sup>. Four 7.4m high roller shutter doors are proposed on the southern elevation for RCVs, with a further door on the eastern and western elevation for Artic vehicles and doors for pedestrian access. A vent stack is proposed on the eastern elevation at a height of 18m (would project beyond the roof by 1.5m).

The building would incorporate the waste transfer and refused derived fuel processes and is designed to accommodate up to 100,000 tonnes per annum of residual municipal solid waste (black bin waste). Waste would be delivered to the site by refuse collection vehicles (RCVs) which enter the building through doors on the southern elevation. The waste would then be fed through a shredder hopper and passed under a magnet to remove any ferrous metals and trommel screen to remove organic material. The remaining material from this process is classified as Refused Derived Fuel (RDF) and would either be stored in designated bays or wrapped, and stored inside the building prior to being exported off-site to a suitable facility for use as a fuel for the creation of energy. Screened waste would be stored in containers or bays inside the building until sufficient volumes are collected to export off site to a suitable facility for reprocessing/recycling; or else to landfill. Artic vehicles would enter through doors at the north end of the building to collect the waste being exported off site.

### *Waste Transfer – recyclates and green waste*

A second smaller waste transfer building is proposed to the south. This would be 42m by 45m with a ridge height of 16.8m, providing a floorspace of 1812m<sup>2</sup>. It would incorporate four 7.5m high roller shutter doors, two on the northern elevation for RCVs, and one each on the eastern and western elevation for Artics along with pedestrian access doors. A vent stack is proposed on the eastern elevation at a height of 18m (would project beyond the roof by 1.5m).

The building would be used for the temporary storage and bulking up of up to 50,000 tonnes per annum of organic garden waste and 50,000 tonnes per annum of co-mingled dry recyclable waste (silver bin collections) and waste from Council street cleansing operations. Waste would be delivered into the building by RCVs and deposited onto the floor within dedicated, segregated waste bays until sufficient quantities are available for export. Bulk haulage vehicles would enter the southern end of the building to collect the waste for export to an appropriate waste management facility.

### *External areas*

To the south east of this building, a small number of material and waste storage bays are proposed for selected raw material and non-biodegradable waste streams collected from households or recovered from fly-tipping. This would include waste electrical and electronic equipment, waste aggregates and soils, bulky goods and tyres. Skip storage area is also proposed in this area along with a covered secure compound for the storage of any wastes classified as hazardous waste (e.g. monitors, fluorescent tubes etc) to accord with Hazardous Waste Regulations. All waste storage areas would be located on an impermeable surface with sealed drainage. The external area of zone 1 would comprise a concrete surface apron and include two weighbridges either side of the larger waste transfer building, and a portakabin weighbridge office of 4.8m by 3m by 2.5m high.

The waste transfer stations are served by an internal one way access road with waiting layby for RCV/HGVs, and a designated separate entrance and exit point off Cledford Lane, 90m from the main site access. Zone 1 would be segregated from the remainder of the site by a 3m high close wire security fence with automatic sliding gates.

### Zones 2, 3 and 6 – Office and Parking

The existing office on the north west corner of the site would be refurbished and reconfigured to provide a reception area, training and meeting rooms, welfare facilities and office. The building would be designed to provide accommodation for up to approximately 400 staff. The proposals include for demolition of small outbuildings and extensions to rationalise the layout of building, replacing/refurbishing windows, and addition of new door entrance, linking corridor, canopies, and ambulant stairs. The historic brickwork elevations fronting Cledford Lane would be retained along with the war memorial plaque which would be restored.

To the east and south of the building a 220 space staff car park is proposed along with 5 spaces designated for disabled parking, parking for 60 cycles and three electronic vehicle charging points. A separate entrance off Cledford Lane would serve the western extent of the site; whilst fencing is proposed to segregate the different zones on the site to contain the waste management, environmental services and office uses. The existing car parking bay currently used by residents along the frontage of the office on Cledford Lane would be removed and replaced by a new residents parking layby and pedestrian/cycle path between the two site entrances.

### Zone 4 – Southern Area

The existing industrial shed on the southern boundary would be refurbished to be used for the environmental works storage facility. The works proposed include removing asbestos cladding, replacing doors and roofing materials, installation of roof mounted photo voltaic panels, and installation of a new roller shutter door on the western elevation.

In addition a small number of ground maintenance storage bays are proposed, along with a plant propagation unit (framed structure with plastic covering) and 45 parking space for grounds maintenance vehicles and equipment.

### Zone 5 – Central and Western Area

The existing portal framed building fronting the western site boundary is proposed to be refurbished to form Fleet Management and a VOSA (public MOT) facility. This would comprise:

- an environmental workshop and storage;
- storage area for materials, plant and machinery,
- a vehicle maintenance and repair workshop for HGVs and light fleet,
- VOSA MOT test centre,
- Parts store
- Biomass boiler to provide heat to the building
- Office and reception.

A new elevation to the eastern side of the building is proposed which would replace that lost as part of the demolition works. Lower level brickwork is proposed with steel cladding on the upper wall section to match the existing building, and the installation of steel roller shutter doors and pedestrian doors. The eaves height of the central section of the building would be raised to match the current ridge height to allow for large vehicles being raised during repairs. On the western elevation the cladding would also be replaced and a new door fitted.

In addition, the industrial shed on the south west boundary would be refurbished to be used for storage of mechanical plant and vehicles. The asbestos cladding would be removed and replaced with lower level brickwork and steel cladding, along with new doors and kingspan profiled sheet roofing material.

Within this zone parking is proposed for RCVs, vehicles awaiting maintenance, repair and MOT, and minibuses; with 64 bays proposed for use by operator licenced vehicles including RCVs; 5 MOT parking bays, 11 bays for fleet parking and 22 car parking spaces.

Fuel pumps and fuel stores are proposed as well as vehicle wash bays and an area for bin storage. External lighting is proposed across the site with floodlights on 8m high columns and each building fitted with 6-8m high wall mounted floodlights.

### Parking and access

In total, the scheme proposes a total of 372 parking spaces comprising 225 employee and visitor parking spaces (including 5 disabled spaces), 72 for light vehicles, and 75 for other (e.g. RCVs). 60 cycle spaces are also proposed.

Three site access points would be provided from Cledford Lane to ensure that waste vehicles are separated from other vehicles. The waste vehicles would access the site via dedicated entrance and exit gates off Cledford Lane. Lay-by areas are provided within the site to avoiding queuing or parking on Cledford Lane. Vehicular access to the offices, parking areas and fleet maintenance workshop would utilise an improved access adjacent to the retained office building.

Pedestrian and cycle access would be provided into the site adjacent to the main site entrance, avoiding the need to cross the access to the WTS, where larger vehicles would be turning.

In order to secure two way traffic movements along Cledford Lane, the existing car parking bay along the frontage of the office building currently used by residents living opposite the site would be removed and replaced by a lay-by located between the two new access points. Appropriate parking restrictions would be implemented along Cledford Lane to ensure that two-way access is available during the typical operating hours of the facility. In order to provide a safe off-carriageway cycle route, the existing footway would be widened along the entire frontage of the application site onto Cledford Lane. Dropped kerbs and tactile paving would be provided at the site entrances.

### Operating hours

A range of operating hours are proposed for the different services. The office and Environmental Services/street cleaning facilities would operate 24 hours over 7 days a week (including Bank Holidays). The fleet management/workshop would operate between 0600 to 2200 hours over 7 days a week (including bank holidays). The waste transfer would operate 0600 to 2200 hours every day (including bank holidays) apart from Sundays. The proposed external lighting times are 0600 to 0630 and 2100 to 2200 in summer periods; and 0600 to 0830 and 1630 to 2200 in winter.

## **POLICIES**

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Crewe and Nantwich Adopted Local Plan (CNBLP).

The relevant development policies are;

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

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

### ***Crewe and Nantwich Borough Council Local Plan (2005)(CNBLP)***

Policy NE.2:	Open Countryside
Policy NE.7:	Sites of National Importance for Nature Conservation
Policy NE.9:	Protected Species
Policy NE.17:	Pollution Control
Policy NE.20:	Flood Prevention
Policy NE.21:	New Development and Landfill Sites
Policy BE.1:	Amenity
Policy BE.2:	Design Standards
Policy BE.3:	Access and Parking
Policy BE.4:	Drainage, Utilities and Resources
Policy BE.6:	Development on Potentially Contaminated Land

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

National Planning Policy Framework  
National Planning Policy for Waste

### **Other Material Considerations**

Waste Management Plan for England  
The revised EU Waste Framework Directive 2008 (rWFD)  
Government Review of Waste Policy in England 2011 (WPR)  
Waste Management Plan for England 2013  
Cheshire East Waste Management Strategy  
Cheshire East Waste Needs Assessment 2014  
Cheshire East Local Plan Strategy Submission Version

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

### **The Strategic Highways and Transport Manager:**

The proposed development is located on the south side of Cledford Lane a 'C' class road which runs east west intersecting with the A533 towards the west after traversing the Trent and Mersey canal by way of a crossroads arrangement. A footway is provided on the southern side of the road with a narrow footway along the frontage of residential properties on the north side. Part time parking restrictions (Monday to Saturday 8am to 6pm) are in force along Cledford Lane combined with a provision for on road parking primarily to serve nearby residential properties not benefitting from on-site parking. At the eastern edge of the site Faulkner Drive meets Cledford Lane at a priority junction. Faulkner Drive serves a salt works owned by Tata Chemicals. East of this junction, Cledford Lane passes under a railway bridge (height restricted to 4.3m) and turns into a rural lane serving a small number of properties.

A533 Booth Lane is a single carriageway road running in a north-south direction through the southern portion of Middlewich, leading southwards to Elworth and Sandbach. Booth Lane is approximately 6.5m wide and is subject to a 30mph speed limit through the built-up area of Middlewich, changing to 50mph as it enters the rural area. A footway is provided along the western side of Booth Lane only.

Three access/egress points onto Cledford Lane are envisaged to serve the development; one for car traffic and a second and third point for HGV vehicles. Cledford Lane serves a number of commercial uses included British Salt operations which generate a significant number of HCV movements. The proposal consists of the construction and operation of a waste transfer station and refuse derived fuel processing facility, the refurbishment of existing site buildings to provide offices, a vehicle maintenance workshop, an MOT Test Centre, environmental services accommodation and ancillary development including car parking.

### Transport Assessment analysis

#### *Safe and Suitable access*

In order to ensure safe and suitable access to the development consideration has been given to the type and number of vehicle movements generated by the proposal and the junctions that will experience an intensification of movement. It is important to note that as part of the analysis the existing extant traffic generation from the Ideal Standard site has been taken into account and deducted from the proposed traffic generation. On establishment of where increases will take place an assessment of the current suitability of such junctions to accommodate additional traffic has been undertaken. The most notable impact is at the A533 Booth Lane/Cledford Lane junction with other junctions notably the A54/A533 Leadsmithy junction experiencing a marginal increase. Given that the existing road geometry at the latter

junction is considered safe and suitable for current operations attention has been focused on the former junction where turning movements to/from Cledford Lane are impeded by the existing access geometry compounded by the presence of a bridge structure over the canal. It is acknowledged by the applicant that intensification of this access by HCV traffic will take place therefore mitigation to ensure safe and suitable operation is required.

### *Signalisation option*

It was agreed with the applicant following discussion of possible mitigation proposals the option of signalising the current crossroads junction incorporating a stop line on Cledford Lane that is positioned to the east of the canal bridge is preferable. This would allow articulated HGVs to turn into Cledford Lane without conflicting with exiting vehicles, thereby eliminating this conflict. The scheme would also allow the introduction of formal pedestrian crossing facilities, which will assist in securing a safe walk route between the development and nearby bus stops. There are already parking restrictions along the approaches to the junction and therefore on-street parking should not be affected by these proposals save for the relocation of parking along Cledford Lane. From a junction capacity perspective, the proposed layout has been tested utilising LINSIG software illustrating it operates satisfactorily during peak periods at the 2021 future assessment year. In order to minimise delays to through traffic travelling along Booth Lane, it is proposed to operate the junction using 'vehicle actuation' which detects vehicles on a specific arm and only stops traffic on the A533 when demand is detected on the side roads. Accordingly the option of signalising the Cledford Lane/A533 junction has been proposed and accepted by the Highway Authority which has been subject to a Road Safety Audit.

As part of the access mitigation waiting restrictions will be introduced along Cledford Lane to prevent on street parking with a lay-by created to the East to accommodate parking associated with adjacent residential properties. A sum of money of £5,000 will need to be received from the applicant to enable an essential TRO to be progressed and implemented.

### *Capacity Analysis*

With regard to traffic impact of the proposal, the location of the site to the south of Middlewich adjacent to the strategic road network will result in an increase in traffic utilising the A54/Leadsmythly junction which currently suffers from capacity constraints at peak times. An improvement scheme at this junction has been funded as part of previously consented development, currently under construction, which will provide a degree of additional capacity. The impact of development traffic at this junction has been quantified by traffic analysis undertaken by applicant including appropriate committed development to ensure a robust analysis. The additional vehicular impact is deemed acceptable given the predicted effect on the operation of the junction at peak times when judged against the NPPF policy of resisting development only on the basis of resulting serve residual harm.

The Highway Authority has been mindful of an appeal decision (ref: APP/R0660/A/10/2129865 & 2142388) into a proposed Energy from Waste development on Pochin Way and the comments of the Inspector on the highway implications of the proposal. The Inspector raised concerns regarding the assumptions made within the accompanying Transport Assessment which, in his opinion, resulted in a flawed assessment of the impact of



the development on the operation of the A54/A533 junction being made. The Highway Authority believes that the circumstances surrounding the current application are quite different as the context has changed namely the robustness of the supporting transport information, the mitigation secured by previous applications and the policy framework changes in the intervening period material to assessing the application. The impact of development traffic has been quantified at other key junctions within the vicinity of the site and along the likely links development traffic would utilise but given the relatively low impact and when judged against paragraph 32 of the NPPF the impacts are deemed acceptable.

### *Sustainability*

The accessibility of the site by alternative modes has been considered. Public transport provision is located close by along Booth Lane/Cross Lane with relatively frequent bus services. As part of the mitigation strategy the installation of a signal controlled junction at Cledford lane/Booth Lane will provide enhanced pedestrian connectivity within improved footways and the combination of formal pedestrian crossing facilities within its operation. Overall, the site is reasonably accessible and it is concluded that it is acceptable from a sustainability perspective.

### *Conclusion and recommended conditions*

The signalisation of the Cledford Lane/A533 junction will enable a safe and suitable access to be provided for this development proposal accommodating the existing and proposed development traffic.

The A54/Leadsmyth junction suffers from capacity constraint at certain times of the day however following analysis the proposed development traffic will not result in a severe residual impact warranting refusal on this basis. Improvements are planned at this junction secured from application 12/2584 & 12/2685 by way of a Section 106.

### Conditions

1. To secure the off-site highway works at the Cledford Lane/A533 junction of signalisation and associated works (including the relocation of parking along Cledford Lane by way of a lay – by provision and successful implementation of a TRO) prior to the operation of the waste transfer station;
2. Construction of new accesses along Cledford Lane providing visibility splays of 2.4m x 43m prior to occupation of the development;
3. Implementation of the internal parking and servicing arrangements prior to occupation;
4. Submission of a construction management plan and routeing agreement prior to commencement of works.
5. Implementation of the submitted Travel Plan.

### Informative

The required off site highway works/monies will need to be secured by an appropriate agreement between the applicant and the Highway Authority.

### **The Council's Environmental Health Officer:**

The proposed development would introduce a number of potential additional environmental impacts at residential properties. These potential impacts are considered in turn below.

#### Noise

A revised noise assessment and detailed noise impact predictions have been submitted with this proposal to give an indication of the likely impacts and requirements for mitigations measures. The main sources of noise can be summarised as:

- Refuse collection vehicles (RCVs) entering and leaving the site
- Depositing and processing of waste in the waste transfer station (WTS) buildings
- Outdoor activities associated with street cleaning and environmental services
- Workshop activities
- Construction noise

The assessment for HGVs associated with waste collections were predicted to cause noticeable impacts at properties on Cledford Lane particularly between 6am and 7am and after 7pm and this was not considered acceptable due to lower background levels and increased sensitivity at these times. Following discussions with the applicant, it was agreed that other than in exceptional circumstances all RCV deliveries and collections could take place between the hours of 7am and 7pm to reduce these impacts and to ensure that the waste transfer building door would normally remain closed outside of these hours. Should planning permission be granted it would be considered important to establish circumstances that would be considered as exceptional and that a record of such events to be kept and available for inspection.

Activities within the waste transfer building such as depositing, bulking, sorting and loading waste are known to typically cause high noise levels. The structure of the building has been designed so as to significantly attenuation the noise levels breaking out from the building. The integrity of the acoustic properties of the structure should not be compromised by the design of any outlets, vents and doorways. The latter should contain fast acting, acoustic roller shutters to keep noise breakout to a minimum. If the above criteria are met then the noise impacts from the waste operations within the buildings could be considered acceptable for the hours proposed.

The proposed street cleaning and environmental services activities include the departing of cleaning vehicles from 6 am. This could particularly have an adverse noise impact on those properties on Cledford Lane at this early time and when multiple vehicles are leaving. The applicant has considered the possibility of staggering and delaying where possible the early morning fleet vehicles. A fleet management plan should be submitted to optimise any opportunities for implementing such measures. However there remains some uncertainty in the ability to effectively mitigate these impacts.

In terms of on-site street cleaning and environmental services activities, the proposal is for 24 hour use although it states that weekend and night time activities would be limited and would primarily include responding to "environmental incidents". The main noise concerns associated with such activities are likely to be from impulsive noise from loading and unloading. Noise of this nature is typically difficult to mitigate and the frequency and magnitude of such events are not easy to quantify. In addition there is some uncertainty in the frequency of such incidents and this could effect the likelihood of complaints. The noise

report predicts that the maximum noise levels at night time would not exceed the World Health Organisation guideline values for sleep disturbance. Noise management becomes a highly important aspect of such night time activities and a robust and detailed plan would be expected to make these activities potentially acceptable. Should planning permission be granted then noise limit values stating maximum permitted noise levels and a noise management plan should be agreed as planning conditions.

The workshop is proposed to be operated from 6am to 10pm. The effective mitigation of noise should require the avoidance of noisy activities such as angle grinding during weekends and between 7am and 7pm. Similarly to the waste transfer station building, acoustic doors should be incorporated into the design and kept shut whenever possible to ensure that noise impacts from these activities are controlled if planning permission is granted.

In addition to controls to the above noise sources, any vents and / or fans included in the detailed design should be controlled as such as to not introduce any new noise sources at sensitive receptors.

The construction noise (and vibration) from a development of this scale has the potential to cause annoyance and it would be expected that a robust Construction Environmental Management Plan is agreed.

This section has residual concerns over the noise impacts relating to the nature and indefinite frequency of outdoor activities particularly during weekends and night times. Complete and effective control is reliant on noise management and it is not always feasible to contain sporadic impulsive noises.

The noise assessment proposes that double glazing is offered to the most affected properties on Cledford Lane. This would significantly attenuate noise inside living areas when windows were closed and whilst this cannot be stipulated as a planning condition it would be recommended that a commitment is made to this offer. It has to be remembered though that the glazing does not attenuate noise levels in outdoor areas or when the windows are opened.

### Odour

The control of odour emissions from Environmental Permitted processes will fall under the authorisation of the Environment Agency. However, the planning process is required to consider whether the proposal is an acceptable use of the land from an odour perspective.

The depositing, processing and loading of waste in the main WTS building is the primary source of odours in this proposal. The air quality assessment considers the odour emissions and their dispersion in the local area. Concerns were raised by this section about the odour source concentrations used and it was considered that they were an underestimate of the levels that would be likely to occur. A revision of the odour emissions (considered by this section as a realistic rather than an “extreme” estimate) and the ground level concentrations has been made and confirmed that an effective and fully maintained bio filter would be required at the discharge stack to ensure that concentrations at sensitive receptors are acceptable.

The other potential emission point for odours would be via fugitive emissions from any other vents and opening such as the doors. It is understood that the assessment has assumed that there would be no such emissions. This would require that a negative pressure would be maintained within the WTS building. To ensure that this is the case, the design of the fans should be such as to allow this. Additionally the building design is required to allow an air exchange rate of 2.9 times per hour. Confirmation of this detailed design should form part of a planning condition to ensure that this is the case and that the predicted odour concentrations in the building can be achieved.

Therefore from an odour perspective there are some remaining concerns regarding detailed design and if planning permission is granted it is again vital that there should be planning conditions in place to ensure that effective bio filter and ventilation systems are included in the design.

### Air Quality

The air quality assessment estimates the impacts of the emissions from the road traffic generation associated with this proposal. Computer models estimate the ground level concentrations at the most sensitive of receptors in the centre of Middlewich where existing levels are the highest in the area. Other areas have not been specifically focussed upon however it is known that background levels are not as high in the areas surrounding the proposed site for example.

It is considered that the predicted concentrations at properties on Lewin Street in Middlewich may be slightly underestimated due to the selection of the model adjustment factor in this location. The impacts will remain relatively small from this development, however monitoring by Cheshire East Council in this location indicates that the national health based standard for nitrogen dioxide may be exceeded. Therefore it is considered that the impacts could be moderate in this area and in the context of the cumulative effect of other developments in Middlewich, some significance should be associated with the effect of these impacts.

It such circumstances it is recommended that effective and robust mitigation measures are included in the proposal. The plans indicate that 3 electric charging points will be included in the staff car park. Details of these should be agreed in the form of a planning condition. At our request, a revised transport plan has been submitted. This sets out a sustainable strategy for the proposal's staff journey to work and requires targets to be set and review to be carried. The implementation of the submitted plan should be a requirement of any planning permission. In addition to be above recommendations, it is considered necessary that a strategy for the standard and modernisation of the vehicle fleet associated with this proposal should be submitted and accepted.

Operations in the WTS buildings have the potential to generate dust. A negative pressure system and the closing of doors to the buildings as described for odour control should be sufficient as to alleviate any impacts beyond the site boundary. An operational dust management plan should be agreed to ensure that the whole site does not give rise to wind blown or tracked out dust issues.

The air quality assessment also considers the impacts on air quality from the construction phase of the development. The predominant issues for a development of this size relate to

the potential annoyance that may occur from dust soiling impacts. Any development of this size would be required to contain an appropriate construction dust management plan as indicated in the assessment.

Further information has been supplied on the specifications of a biomass plant. Given the relatively small size of the plant (205kW) it would not contribute significantly to ambient nitrogen dioxide and particulate matter concentrations. However, to avoid black smoke nuisance there would be a requirement for controls on the fuel quality and storage, maintenance and the stack height.

### Lighting

A lighting plan has been submitted and indicates that the proposal should cause no light trespass onto adjacent properties. I would recommend that should planning permission be granted a lighting survey should be carried to verify the predicted lighting levels and that no residential properties are adversely affected by light glare or trespass. Any lighting not required during night time periods should be turned off at the appropriate times.

### Pests and litter

These potential impacts would be controlled by good site management and the confinement of all waste to the WTS buildings.

### Bio-aerosols

Bio-aerosols can become airborne when green waste that has begun to decompose is disturbed. A composting facility has not been proposed at this site and therefore there are not expected to be any issues beyond the site boundary. HSE good practice guidance should be followed for workers in the WTS recycling building and a maximum period for green waste storage should be agreed.

**In summary, this section has considered all the information submitted and the potential impacts. Revisions have been put forward that would reduce the potential impacts to noise and odour. Reviewing the data and proposals for operational limits it is considered that if effectively maintained, managed and enforced, this proposal would be considered acceptable from an Environmental Protection perspective.**

**However, whilst this section would not make a recommendation of refusal based on the data submitted, we have residual and genuine concerns relating to the ability to constantly and effectively maintain the required levels of noise management and contain odour emissions given the nature and relative close proximity of the activities to residential properties. As stated above there are uncertainties relating to the frequency of incidents that would require a response, the ability to control impulsive noises and the ability of the WTS building to contain fugitive odour emissions.**

**It is understood that a planning balance has to be made and we would request that this view forms part of this decision.**

**Should planning permission be granted it is strongly recommended that the following issues as a minimum are covered by planning conditions (full wording to be confirmed).**

### Noise

- Agreement of acoustic design of the structures to achieve the attenuation levels stated (including no loss of attenuation from fast acting doors, vents / fans, other openings).
- A 7am to 7pm limit on RCV vehicles movements and WTS door opening under normal circumstances (definition to be agreed),
- Agreement of a noise management plan for all on-site areas and should include:
  - Phasing of street cleaning vehicles departures
  - Best practice measures for all operations and staff
  - Avoidance of high impact noise activities during evening and night time operations
  - No tonal reverse alarms to be used on site
  - Strategic plan of outdoor activities and consideration of further acoustic screening if necessary
  - Policies on enclosed areas and door use
  - Record of incidents and exceptional circumstances
  - Response and management of complaints
- Noise limits for LAeq (45 dB) and LAmx (60 dB) at noise sensitive properties based on the noise assessment predictions
- Noise monitoring programme to assess noise impacts against noise levels
- Construction Environmental Management Plan (to cover noise, vibration and dust)

### Odour

- Ventillation design to achieve minimum air exchange rate in WTS building of 2.9 per hour and maintain negative pressure
- Installation and maintenance of effective stack biofilter

### Air Quality

- Agreed details and maintenance of electric charging points for staff car park
- Implementation of the submitted Travel Plan
- Agreed plan on fleet management and replacement strategy
- Dust and litter management plan

### Biomass

- The stack height shall not be less than 1 above the highest point of the workshop building, The boiler shall be installed and operated in accordance with the manufacturer's recommendations.
- The boiler shall only be operated using G30 woodchip with a moisture content not greater than 20%.
- The operator shall notify the Local Authority Regulatory Services and Health department of any changes in the fuel type / quality and if required to do so submit a declaration that the new fuel complies with a recognised fuel quality standard (such as

CEN/TS 14961:2005, or ONAD) and that emission values (as specified on the Biomass Boiler Information Form) will not be raised.

- Prior to coming into first use, the operator shall agree with the Local Authority Regulatory Services and Health department a written maintenance schedule to include removal of ash, inspection, maintenance of particulate arrestment plant, and servicing schedule.
- The boiler shall be operated in accordance with the above agreements at all times.
- Any changes / alterations to the maintenance schedule shall be notified to the Local Authority Regulatory Services and Health department
- There shall be no visible smoke emissions from the boiler flue during normal operation of the plant except during start up procedures, unless otherwise agreed in writing by the LPA.

### Lighting

- The lighting shall thereafter be installed and operated in accordance with the approved details. Following completion of lighting installations a confirmation of lighting levels in comparison to the predicted levels and their impact on residential receptors shall be carried out.

### Contaminated Land Officer:

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of industrial use and therefore the land may be contaminated.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- We have already been working closely with the consultant regarding the assessment of this site with regards contaminated land and are satisfied with the assessment to date.

As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

### CONDITION CLC3

- Prior to the development commencing, a Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority (LPA). The remedial scheme in the approved Remediation Strategy shall then be carried out.
- A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

### REASON RCLC8

- The Phase II contaminated land report recommends that a Remediation is required to address the actual/potential contamination risks at the site.

- To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development and having regard to policy BE.6 of the Crewe & Nantwich Borough Council Local Plan.

### INFORMATIVE NCLC1

- The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

### **Nature Conservation Officer:**

The Cledford Lane site supports quite limited areas of semi-natural habitat, however in it located in a part of the Borough known to support a number of protected and priority species. The potential for these species to be present on site and subsequently the risk of them being affected by the proposed development is however low.

### Cledford Lime Beds Local wildlife Site

The proposed development is located adjacent to the application site. The potential impacts of the proposed development are likely to be limited to a potential increase in disturbance during the construction phase.

### Woodland

The submitted phase one habitat survey identifies a small area of woodland in the south western corner of the application site. This small area of habitat would be lost as a result of the proposed development with a corresponding loss of biodiversity.

This loss would be at least in part compensated for through the proposed native species planting.

### Grassland Habitats

The botanical survey has recorded a significant number of plant species being present on site particularly considering the relatively limited extent of semi-natural habitat on site. However the diversity of all of the habitats on site falls below that which would warrant their designation as non-statutory Local Wildlife Sites. There will inevitable be some loss of habitat associated with the development however the retention of habitat along the site of the canal would ensure the site maintains some value for wildlife.

### Badgers

No evidence of badgers was recorded on the application site. However, this species is known to occur within the general locality of the application site. As the status of badgers on a site can change in a short timescale it is advised that if planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken prior to the commencement of works on site.



### Great Crested Newts

This species is known to occur in the broad locality of the application site and a number of waterbodies have been identified within 250m of the application site that have potential to support this species. Survey efforts for this species have however been thwarted due to lack of access permission to assess nearby ponds.

It is advised that the application site supports only relatively small areas of suitable habitat for great crested newts. In addition the higher quality ponds are isolated from the development site by roads and/or the railway line. On balance it can be concluded that the proposed development is unlikely to have a significant adverse impact upon this species.

The submitted ecological report recommends the implementation of Reasonable Avoidance Measures to minimise the risk posed to great crested newts. It is advised that whilst sensible these should be regarded as a purely precautionary measure.

### Reptiles

Grass snakes have also been recorded in the broad locality of the application. I advise that the application site supports relatively small areas of habitat for grass snake. The potential impacts of the development of grass snakes could also be satisfactorily dealt with through the implementation of a method statement of 'Reasonable Avoidance Measures' as has been included with the submitted habitat survey.

### Bats

The majority of buildings on site have low potential to support roosting bats. The exception to this is 'Office G1' which is the oldest building on site, has a complex roof void and is located adjacent to the canal and linear tree planting. A detailed bat survey of this building has been undertaken. No evidence of roosting bats was recorded and it is advised that roosting bats are unlikely to be present or affected by the proposed works to this building.

As the two trees with bat roost potential, did not show any evidence of being used by bats and are proposed to be retained, it is advised that no impacts associated with bats roosting within the trees on site are likely.

### Otters and water voles

No evidence of either of these species has been recorded. I advise that these species are not reasonable likely to be present or affected by the proposed development.

The submitted habitat survey however includes precautionary recommendations to further minimise the potential risk posed to these two species.

### Polecat, hedgehog, common toad

These priority species have been recorded in the broad locality of the application site. However, it is advised that the application site is unlikely to offer significantly important habitat for these three species.

### Breeding birds

If planning consent is granted the following conditions would be required to safeguard nesting birds and to ensure some provision is made for nesting birds and roosting bats as part of the proposed development.

*Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.*

*Reason: To safeguard protected species in accordance with the NPPF.*

*Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and roosting bats shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To safeguard protected species in accordance with the NPPF.*

#### Conditions

If planning consent is granted the following conditions will be required:

- Updated badger survey prior to the commencement of the proposed development.
- The proposed development to proceed in accordance with the amphibian, aquatic mammal and reptile 'Reasonable Avoidance Measures detailed in paragraph 4.2.1, 4.2.2, 4.2.6 of the submitted Extended Phase 1 habitat survey dated May 2015 prepared by WYG.
- Safeguarding of nesting birds
- Submission of details for the provision of bird and bat boxes.

#### **The Council's Landscape Officer:**

As part of the application a Landscape and Visual Appraisal has been submitted, this has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3). As part of the Landscape and Visual Impact Assessment the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland plain, Wimboldsley Character Area (ELP5).

The proposal is for the development of an Environmental Services Hub comprising the construction and operation of 2 no. waste transfer stations, identified as waste transfer station and waste transfer station for recycling, and the refurbishment of existing on-site buildings including site offices, a vehicle workshop and store buildings.

The appraisal identifies adverse landscape amenity effects as a result of the changes in the context of the public access route passing alongside the north of development site, along Cledford Lane. These are considered to be short to long term during the construction and

operational periods due to potential increased traffic flows entering and leaving the site. The appraisal indicates that a minor adverse effect will occur.

The visual appraisal identifies effects ranging from no effect to moderate adverse and slight beneficial at varying stages of development. Adverse visual effects have been identified from the five representative viewpoint locations as a result of the development. These result from the anticipated visual change experienced from the public access routes passing close to the site and residential properties located within close proximity to the development site.

The appraisal concludes that the proposed development would result in some moderate adverse visual effects from representative viewpoint locations during construction and operation, in close proximity to the site, but that these are likely to be reduced over the medium to long term. I would agree with this conclusion.

### **Heritage officer:**

This site lies adjacent to the Trent and Mersey Canal Conservation Area and there is a Grade II lock and a Grade II mile post located much further away from the site to the south.

Although the western edge of the proposed site runs alongside a stretch of the Trent and Mersey canal conservation area the proposed works should have little impact upon its existing character and appearance, given that it is an existing industrial site and provided the existing vegetation on the canal boundary of the site is retained and supplemented with native tree and shrub species.

It will also be important that any proposed external lighting is suitably shielded to prevent an increase in light levels on the canal.

Similarly any security fencing to the northern end of the canal should be in black metal, to assist its assimilation into its historic setting.

It is noted that the proposals will involve the retention of a brick built 1902 building on Cledford Lane and a war memorial which is welcome, as these are heritage assets.

*Conclusions: Are the proposals acceptable and justified?*

**Yes, provided the issues highlighted above in bold are conditioned.**

### **Archaeology:**

The application is not supported by any submission which considers the archaeological implications of the development but I have completed a rapid check of the historic mapping and place name evidence and there does not seem to be any particular archaeological potential with regard to this site prior to its industrial development in the last years of the 19<sup>th</sup> century.

This industrial archaeological interest is best illustrated on the Ordnance Survey third edition 25" map of the area which shows a complex of buildings, railway sidings, reservoirs, and other structures, which are described as an electrolytic alkali works. These works would have processed brine for use in the chemical industry.

The 1946 aerial photographs show that this complex of buildings had been largely demolished by this time (with the exception of the offices in the north-west corner which are to be retained) and widespread ground disturbance across the site is evident on the photographs. Aerial imagery from the 1970s show the site as it remained until the recent clearance and it is clear that further significant earth moving occurred at this time, in order to accommodate the new factory buildings.

In these circumstances, it is considered to be very unlikely that features associated with the earliest industrial use of the site and of potential archaeological interest will have survived to the present day. In order to check this conclusion, a further examination of the most modern aerial imagery from 2010 has been undertaken and compared this with the various ancillary features depicted on the third edition mapping noted above. It has not been possible to identify any surviving features which relate to this map which confirms my conclusion concerning the extent of previous ground disturbance.

In these circumstances, it is advised that archaeological work would be difficult to justify and no further mitigation is advised.

**Flood risk manager:**

The Flood Risk Assessment (FRA) which discusses surface water discharge rates is based largely on assumptions, including an assumption of the capacity of the canal overflow system through the site (please note the canal overflow is classified as an ordinary watercourse). In line with the Defra technical standards, for previously developed sites, the peak runoff rate from the development must be as close as reasonably practicable to the existing runoff rate. The developer will therefore need to demonstrate that the existing site does indeed discharge into the canal overflow system and that it does so at the assumed rate. This is to ensure there will be no increase in flood risk as a result of the development.

We would suggest the following conditions are attached to any planning permission for the site.

1. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). Those details shall include:
  - a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharge from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface water
  - b) Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (Which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant
  - c) Flood water exceedance routes, both on and off site

Reason:- To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

2. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge) have been submitted to and agreed in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). The development shall be carried out in strict accordance with the approved scheme.

Reason:- In the interests of managing surface water flood risk impacts both on and off site, potentially resulting from the development proposals.

### **The Environment Agency:**

The Water Framework Directive requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the site *could cause deterioration of a quality element to a lower status class*.

We have reviewed the submission of a Desk Study report (dated October 2014) and a Geo-Environmental Ground Investigation Report (dated May 2015) by WYG Ltd for the proposed redevelopment of land off Cledford Road, Middlewich for a council environmental centre.

We have reviewed these documents to assess possible risks to controlled waters and the environment from the current and future conditions of the land. Our records indicate that the site is located above a Secondary Aquifer and within close proximity to Sanderson Brook. We consider these to be Controlled Waters.

The site has had a history of industrial uses which may have led to adverse levels of contamination in the ground which could pose a risk to the environment now and in the future.

The site investigation which has been carried out across the site appears to confirm this scenario. The information which has been presented indicates that the shallow groundwaters beneath the site rather than being a receptor in their own right are more likely to be a mechanism (pathway) by which mobile contamination in the shallow soils could adversely impact the nearby Sanderson Brook if the site were to undergo re-development.

The ground investigation has identified very shallow groundwaters in the ground (which we are interpreting to be evidence of the Secondary Aquifer) as well as hydrocarbon sheen(s) (table 6.3), 'red' product (table 6.4) and strong chemical odours (table 6.3 & 6.4).

Overall, based on the information which has been provided we would recommend that a more detailed assessment of the site conditions is undertaken and where that risk is shown to potentially, adversely, impact the environment a suitable remediation scheme should be developed.

We do not think that sufficient assessment has been undertaken for us to agree that the risk to controlled waters is low or moderate. We feel that positive pollutant linkages may well be present on site which requires further consideration. We feel this is an ideal opportunity to improve the conditions of the land (where needed) and safeguard the protection of the environment.

We have no overall objection to the proposed redevelopment and believe that the parcel of land can be brought back into beneficial use but we need to be satisfied that the requirements of the National Planning Policy Framework (NPPF) document can be met.

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

### Condition

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. Where necessary, additional site investigation scheme, (based on the ground investigation already undertaken) to provide added information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

### Reason

To prevent pollution of controlled waters from potential contamination on site.

### Condition

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To prevent pollution of controlled waters from potential contamination on site.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To prevent pollution of controlled waters from potential contamination on site.

Condition

No infiltration of surface water drainage into the ground where land contamination is present, is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason

To prevent pollution of controlled waters from potential contamination on site.

Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To prevent pollution of controlled waters from potential contamination on site.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The foul drainage from the development must be directed to the main sewer network. The scheme shall be implemented as approved.

Reason

To protect the water environment

**Cheshire Fire and Rescue Service:** no comments received.

**Canal and Rivers Trust:**

The Trent & Mersey Canal is designated as a conservation area and has significant wildlife, amenity and heritage value. The Trust is therefore pleased to note that the majority of the

existing vegetation on the canal boundary of the site will be retained, and supplemented with native tree and shrub species as part of the proposed re-development of the site.

The boundary treatments on the canal boundary of the site should be given careful consideration to ensure that they are appropriate to the conservation area and the character of the retained office building. With this in mind, we would advise that the use of wrought iron railings may be more appropriate than close wire security fencing at the northern end of the canal boundary.

We are satisfied that the Flood Risk Assessment has adequately investigated the existing surface water drainage arrangements relating to the site, including the presence of the canal overflow weir and culvert. The Trust's water management team is keen to ensure that there will be no adverse impact on the capacity of the overflow and would welcome the opportunity to work with the developer in respect of this. Also request a copy of the CCTV survey report, as they have not previously been able to establish the route and condition of the culvert.

Request full details of the arrangements for the disposal of surface water from the site, to clarify whether any water will discharge directly to the canal. If not, it is important that any existing discharge pipes are stopped up or removed prior to any works commencing on site.

The Geo-Environmental Ground Investigation included canal water sampling, and the results suggest that pollution from the site may be impacting on canal water. However, there does not appear to be any suggestion that there will be any further investigation of this issue or that remedial measures are required to address the impact. The Trust therefore requests that the applicant considers further the potential impact that the site is having on the canal water quality and ensures that the canal is considered as a receptor when the remedial measures to address the identified contamination are developed.

The proposed external lighting scheme has the potential to adversely affect the use of the canal corridor. We would recommend the use of cowling or other directional coverings to ensure there is no increase in light levels on the canal.

Overall no objections are raised subject to conditions in respect of details of hard and soft landscape treatment to be submitted and approved prior to the commencement of development in consultation with the Trust; details of appropriate mitigation to prevent pollution of the canal or damage to canal infrastructure or its users during construction works to be submitted prior to the commencement of development and approved in consultation with the Trust; scheme for disposal of surface water to be approved in consultation with the Trust; and full details of the proposed lighting across the site to be approved prior to the commencement of development in consultation with the Trust.

### **Health and Safety Executive:**

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Network Rail:** none received

**United Utilities**



No objection subject to conditions in respect of site being drained on a total separate system and demonstration of the site's surface water run-off regime and application of a reduction of 30% thus catering for future climate change parameters.

### **Inland Waterways Association**

No objection to the proposals but make the following observations:

The treatment of the site boundary to the canal should be given careful consideration to ensure that they are appropriate to the conservation area and the character of the retained office building. With this in mind, we feel that close wire security fencing at the northern end of the canal boundary is inappropriate. Wrought iron railings would be more in keeping with the character of the site.

Lighting and landscaping should be carefully considered to ensure that the development is appropriate to the character and wildlife requirements of the Trent & Mersey Canal corridor and accords with Policies NR4 and BH9 of the Congleton Local Plan and the NPPF.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

#### **Middlewich Town Council:**

Object on the following grounds:

Transport and infrastructure – there has not been a proper assessment of the access to the site; Cledford Lane bridge is not wide enough or fit for purpose, and the junction with Booth Lane is too tight meaning that some vehicles will have to swing wide to access or exit Cledford Lane which will stop traffic on Cledford Lane and Booth Lane. The additional traffic generated by the site's operation will have too great an impact on the existing road network and will be detrimental to local residential properties. The application does not provide for sustainable travel to work options - there are inadequate public transport options and the canal towpath is not suitable due to access and surface issues for pedestrians or cyclists, Cycle Route 71 goes through a very dangerous junction. This means the proposal is not in accordance with National Planning Policy Framework. The site is not sustainable until a bypass is in place;

Location – the site is not a preferred site within the Cheshire Replacement Waste Local Plan. The site does not comply with the "proximity principle" which states that waste should be treated as close to its source as possible in order to minimise the environmental impacts which arise from the transportation of waste. The option of a single depot located in Middlewich to deal with all the waste from Cheshire East would mean waste travelling great distances; if a single site option was seen as the preferred option it would be better located nearer a more densely populated area and a bigger conurbation;

Environment – the increase in traffic will have a detrimental impact on the local environment generating nuisance through noise, fumes and odour. Additional noise nuisance will be generated by the site's operation, particularly if the applicant's request for unlimited operating hours is granted. The Town Council objects to unlimited hours of operation bearing in mind the proximity to a residential area. Lighting – the application states lighting of the depot will be through 8m tall lamp posts so again hours of operation must be limited to minimise light pollution to local residents. Odour nuisance will also occur as odours from the site are to be vented through a chimney stack without any filtering of smells from the building. The

proposed odour abatement equipment requires a vent stack to be included in the building design and this stack would rise to approximately 1.5 m about the roof ridge height of 16.8 m leading to negative visual impact. The proposal will have a wider detrimental impact on air quality by the additional traffic generated around the Town Bridge traffic lights, in an area where air quality is already poor due to traffic issues;

Ecology - the site is close to a site of significant biological importance and the application makes no reference to this and there are no stated protection measures;

Drainage - there is no reference to a sustainable drainage system or flood risk strategy;

Emergencies - there are no contingency or emergency plans for dealing with a major disaster at the site; the Council notes that fires have occurred at waste transfer centres on average of 1 per day;

Covanta - the refusal of the application for the Covanta Energy from Waste site has set a precedent against similar operations in Middlewich; and

Public consultation - the Town Council has concerns about the consultation event carried out in March which was inadequate with very little prior publicity. During the consultation event itself there was minimal information available about the highways issues arising from the proposal. The application details have changed since the consultation with additional elements included such as an MOT facility.

### Comments in relation to additional information submitted

Transport - the junction capacity assessment suggests that this proposal will generate less traffic on Cledford Lane as previously. How do the assessors judge previous and future use? Where did the figures come from and is the assessment all desktop based?

Environmental Protection - The report quotes that the proposals will not have a material impact on the local transport network. However, there will be an obvious and severe detrimental effect upon the quality of life for residents of Cledford Lane. The report proposes the fitting of double glazing to neighbouring properties. There is a garden adjacent to the site entrance and the houses do have external amenities. The Town Council suggests that there is a need for double doors to the Waste Plant to limit emissions and to restrict the quantity of waste on site. Why have the plans for the receptor been revised?

Assessment of alternative sites - a review of preferred sites discounted a number of other sites from consideration, why were the other sites revisited, given that a one site strategy was adopted.

Operational issues – the timescale for storage of RDF is subject to contract. A review of transport costs and gate fees means at this stage accurate information cannot be provided at this time, we need to know where the RDF sites are situated to address cost implications and environmental footprint ie carbon emissions. External lighting – the hours stated for the external lighting are 6.00am – 6.30am and 21.00-22.00pm, summer and 6.00 – 8.30 am and 16.30 – 22.00pm, winter and it is stated that this may be subject to change, however, this is a 24 hour operation so what about illumination of the plant between 22.00pm and 6.00am and the noise of vehicle movements through the night. The Town Council will seek advice from Environmental health on this matter.

Signalisation of junction - the plan aims to set back where vehicles leaving the site will stop in the morning. Will these vehicles not just stream out, turning left towards Sandbach. People attempting to turn right out of Cross Lane will suffer as well residents of Cledford Lane due to noise and pollution early each morning. There are already problems for vehicles turning at this junction. The report notes a slight decrease in the number of HGVs travelling to the site.

How can numbers decrease or become easier if the problem is already there? It is stated that the cost of providing the footbridge is prohibitive – what are the figures? Will the no waiting yellow lines in this area be extended? It is stated that priority will be given to Cledford Lane and Cross Lane if the demand is greater than on Booth Lane, this will mean maximum queue length on Booth Lane of 19 vehicles this represents a lot of delay on a major road. The Town Council requests that site visits are made to address this matter, one at peak time, and one off peak.

Dust impact to British Salt - . There are 4 stages: demolition, earth works, track out and construction. Are these assessments conducted via desktop surveys. How can it be known how much dust will be created by demolition. Why is it that in the table the figure for demolition dust is described as N/A? Noise - “significant observed adverse effect”. People will have their quality of life diminished if they reside on the properties on Cledford Lane adjacent to the site. Night time operations will have high decibel levels. Will jack hammers be used to remove HGV wheel nuts? These are not mentioned in the report. There is also an issue regarding noise of emission testing and MOTs. Further regarding noise a rise of 3 decibels is predicted and up to 5 decibels on a Saturday. What will be done to safeguard workers on site from excessive noise?

Biomass - the information states that the stacks will be 7.5m high and therefore another source of pollutant to the local area.

Road safety audit - suggests that waiting buses could restrict visibility and suggests relocating the bus stop to a point yet to be agreed. Where? Will it have a shelter? There is potential for conflict re on street parking on the south side of Cledford Lane. It is proposed to extend double yellow lines to prohibit parking near to the stop lines. This will provide further inconvenience of residents of Cledford Lane.

### **Sproston Parish Council**

Object on the grounds that most of the traffic bringing the waste and returning after processing would be additional traffic on the A54 Holmes Chapel Road. This road already carries traffic in excess of 20,000 vehicle movements a day, living alongside this road is intolerable with the noise of HGVs and the air pollution, more traffic would only compound the situation.

### **OTHER REPRESENTATIONS**

In excess of 700 letters of objection have been received, copies of which are available on the website. Issues raised include:

- Increase in volume of traffic will be detrimental to local highway network
- Adequacy of the highway network and the Cledford Lane junction, especially given existing problems; will create hazardous conditions for existing road users
- Impact on local residential roads and junctions especially due to parked cars; impacts when M6 is blocked
- Ability of emergency services to be able to reach the site with traffic problems
- Consider the technical assessments are flawed, do not contain correct data, inaccurate and conclusions are not justified; does not reflect actual traffic generated by former use.
- Impacts on vulnerable road users
- Impacts on footway users due to HGV increase, particularly Lewin Street; associated fear and intimidation

- Local roads are too narrow
- Covanta Inspectors Report findings are still applicable
- Dangerous transport mitigation for properties adjacent to junction; mitigation is insufficient and looks at junction in isolation
- Scheme will cause greater problems on main roads around Middlewich, and more queuing at the junction
- Cumulative problems of traffic with other committed developments
- Mitigation relating to bus/cycle use is not quantified so cannot be properly assessed
- Moving the bus stop is not sustainable
- Footpath made
- Impacts to natural habitats and species, especially those using the canal
- Hours of operation are excessive, not justified and conflict with planning policy
- Visual impacts especially from vent stacks
- Fire risks from waste facilities
- Canal bridge is hazardous in winter
- Insufficient parking provision
- Site has poor sustainable transport connections
- Footpath narrowing breaches disability legislation
- Scheme breached human right act
- Need the by-pass before the development
- Loss of protected trees
- Impact on conservation area
- Structural impacts on neighbouring buildings
- Out of character with historic town
- Should be located on industrial site in Midpoint 18
- Impact on tourism, leisure and recreation especially along the canal
- Insufficient consultation and consultation did not reflect proposals
- Need for an EIA
- Conflict of interest with council being applicant
- Impact on viability of local business
- Light pollution to receptors
- Odour, noise and dust impacts to sensitive receptors and ecology
- Increased vehicle emissions with transport mitigation
- Cumulative pollution levels due to air quality in Middlewich
- Impact on health
- Impact from bioaerosols
- Its not cost effective and no economic benefits
- No real employment generation
- Prejudicial to wider regeneration of the town
- Intrusion in open space
- Impacts to highway east of railway not properly assessed
- Potential for toxic gas
- Middlewich should not deal with other people's waste
- Not in line with proximity principle and waste framework directive
- Does not accord with planning policy
- Not sustainable waste management

- Not a preferred site and not justified
- Alternative site assessment is flawed
- Contamination of canal and watercourses; potential impacts to receptors including ecological
- Impacts on ability to use residential outdoor space which breaches UK legislation
- Impact on property values
- Goes against council policy of duty of care to local residents
- Northwich have identified waterside area for social and domestic builds, Middlewich should consider doing the same.
- Would destroy local character of Middlewich
- The council is using Middlewich as a dumping ground
- There is no support for this application among the local residents.

A petition has been submitted with 972 signatures and an electronic petition has also been submitted with 338 signatures which raises the following issues:

- Health risk as development is too close to existing housing
- Decrease in property values
- Vermin risk (especially given proximity to canal)
- Insufficient access or infrastructure for vehicles
- Risk to human health associated with removal of contamination
- This is unwanted development and people of Middlewich have suffered enough

A letter of objection has been submitted on behalf of British Salt; raising objections regarding the following issues:

- Development conflicts with development plan policy
- Development should be supported by an ES compliant with EIA Regulations and conflicts with EIA Regulations and prevailing EAI Directive
- Proper, accountable and appropriate consultation was not carried out
- Do not believe that correct and proper planning assessment has been carried out to fully evaluate the potential impacts of the proposal
- Site is not allocated and applicant has not met requirements of planning policy to demonstrate policy compliance; and no material considerations have been demonstrated to outweigh policy presumption against the development
- Direct and indirect impacts on British Salt operations, and potential for contamination of external stockpiles of salt should be assessed in the air quality assessment.
- Concern over scope and findings of Transport Assessment, particularly the adequacy of junction assessments and assessment of committed improvement schemes, need for and scope of mitigation, car parking provision.
- Alternative site assessment methodology is flawed, inadequate and not justified;
- Does not provide sufficient information to demonstrate need for the facility, especially given consented provision.

South East Cheshire Cycling Action Group object on the basis that the development is unsustainable, and lacks the necessary road infrastructure to deal with the estimated vehicle movements. Concerns is also raised over the scope of the TA in respect of assessing

impacts to, and provision for cyclists, impacts of existing traffic (including HGVs) using the local road network which is unsuitable for cyclists and potential for increased danger to cyclists. Improvements to the canal towpath, route 71 between Middlewich and Winsford are considered necessary, along with traffic lights at the Cledford/Booth Lane crossroads, a weight restriction on the canal bridge, completion of the by-pass and a single lane operation on Cledford Lane bridge.

### **OFFICER APPRAISAL**

#### **Development on Unallocated Site**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Cheshire Replacement Waste Local Plan (2007) and the Crewe and Nantwich Borough Local Plan (2005). Material considerations include national policy and guidance contained within the National Planning Policy for Waste (NPPW) and the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The Cheshire Replacement Waste Local Plan (CRWLP) identifies a range of sites throughout Cheshire in order to provide an adequate choice of waste management facilities for managing the quantities and types of waste to be generated within the Plan period. On these 'Preferred sites' applications for specified waste uses will be permitted subject to compliance with other policies of the Plan (Policy 4).

Three preferred sites are identified in the Middlewich area; WM4 Brook Lane Industrial Estate (approximately 680m to the north) is identified for a material recycling facility, bulking facility and scrap yard; WM5 Cledford Lane (approximately 240m to the south east) is identified for thermal treatment, mechanical biological treatment, in-vessel composting and anaerobic digestion, and WM11 Kinderton Lodge (approximately 1.2km to the north east) for non-hazardous landfill and open windrow composting. The proposed development would therefore in principle be appropriate for WM4, the Brooks Lane site.

Provision is given in Policy 5 for waste management development on other sites in order to provide flexibility for technological and legislative changes; subject to the applicant demonstrating that:

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

In this respect of i and ii of Policy 5, an alternative site assessment has been submitted which considers all preferred sites within the Cheshire East administrative boundary, reflecting the geographical spread of waste arisings that would be managed by this facility. Preferred sites within Cheshire West and Chester (CWAC) were not included in order to ensure compliance with the principle of self sufficiency in waste management identified in planning policy.

Any available plots of land within the 12 preferred sites were identified through desk study exercise, consultation with commercial property agents and estates gazette search. These were then assessed against a range of selection criteria and followed up with site visits. The sites were considered in terms of their suitability, deliverability and availability and were subsequently discounted on the following basis:

- **WM4 Brooks Lane:** currently occupied by multiple tenants and identified in Cheshire East Local Plan Strategy (submission version) as Strategic Location SL9 'Brooks Lane' for residential, leisure, retail, green infrastructure and potential marina. Site not considered deliverable or available.
- **WM5 Cledford Lane:** site lies in open countryside and has topographical and physical constraints. Site forms part of MidPoint 18 with permission for B1/B2/B8 uses. Access currently unsuitable but site is bisected by proposed Middlewich Eastern By-pass; however construction unlikely until 2018. Site considered not suitable or deliverable.
- **WM11 Kinderton Lodge:** agricultural land largely within CWAC boundary which benefits from permission for landfilling. Proposed site is considered more suitable due to being previously developed land offering buildings for re-use, and meets a requirement not met by the allocated site.
- **WM17 Radnor Park:** occupied by multiple tenants. Units are small and would require demolition. Site not considered available or deliverable.
- **WM22 Congleton Sewage Works:** site too small and adjacent land has topographical constraints and ecological designation/potential.
- **WM15 Parkgate Industrial Estate:** no units available and site location in north not sustainable.
- **WM8 Clayhangar Hall Farm:** Agricultural land. Proposed site is considered more suitable due to being previously developed land offering buildings for re-use, and meets a requirement not met by the allocated site.
- **WM16 Pym's Lane:** both plots occupied and whilst WM16B is currently in waste management use, it has been purchased by Bentley Motors and is being vacated. Both plots discounted as unavailable.
- **WM10 Hurdsfield Industrial Estate:** occupied by multiple tenants and landowners. Only one unit available but owner does not consider waste facility to be appropriate in that location. Site discounted as unavailable and undeliverable.
- **WM13 Lyme Green:** site forms part of Site CS8 'South Macclesfield Development Area' identified in Cheshire East Local Plan Strategy (submission version) for mixed use development including residential, employment, retail, community and recreation/sport uses. The site and wider area subject to application for mixed use and residential development. Site also designated in Macclesfield Local Plan for employment and special industry (open storage/bad neighbour uses) and part of distributor road. Site location in north not sustainable. Site considered unsuitable and potentially unavailable.
- **WM23 Chelford Depot:** occupied by transport depot. Site is considered to be unsuitable and therefore unsuitable.
- **WM1 Adlington:** located in north and not sustainable. Site is too small and considered unsuitable.

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

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

In this case, the application site being a former manufacturing operation in the settlement zone line of Middlewich is taken to be within the top tier when applying the sequential approach, occupying a brownfield site with opportunities to reuse much of the infrastructure and buildings already in place. This complies with criteria iii of the policy.

It is also noted that the application site was included within a parcel of land identified in the 'search for potential waste management sites' (Entec 2003) used by Cheshire County Council for the initial selection of sites for the Waste Local Plan. This land was identified as being potentially suitable for 'major and/or minor waste management facility'. The land was subsequently omitted from further assessment on the basis of its limited availability as it was occupied at the time by an established manufacturing plant. As such the applicant contends that the 2003 assessment and subsequent conclusions drawn established the acceptability of the site as a waste management facility.

Concern has been raised by objectors over the scope of the assessment and conclusions drawn; and the need for development to be on an allocated site as identified in an up to date Local Plan. In considering the compliance of the scheme with Policy 5, it is necessary to bear in mind the evolution of waste planning policy since the CRWLP was adopted; and give due regard to the NPPW (published October 2014) and the Inspectors Report for Covanta Energy from Waste appeal (July 2012). The Inspectors Report questions the degree of conformity of Policy 5 with national planning policy; as its restrictive approach of identifying preferred sites and resisting development on others, does not fully reflect national planning policy which seeks to provide a framework in which waste development is encouraged. The NPPW identifies that there is a need for a mix of types and scale of facilities. In considering when unallocated sites should be used, the NPPG states that *'there may be significant changes in, for example, technological impact and land ownership that occur over a short period of time and provide opportunities that were not anticipated'*. Equally the Inspectors Report states *'Nor is the identification of sites through the plan-led system to be treated as a disavowal of planning applications or planning appeals and inquiry processes as a means for reaching decisions on individual proposals'*.

The Inspectors Report states that an unallocated site should meet the locational criteria of CRWLP, which was based on national planning policy (now contained in the NPPW). The locational criteria contained in the CRWLP and NPPF have been applied, where relevant, to the assessment of each environmental impact as detailed below. The Inspectors Report makes it clear that ultimately government policy does not seek to dictate the choice of location for waste management facilities and the fact that the scheme has come forward on an unallocated site is no reason to withhold planning permission. It is for the Council to demonstrate the harm that the purported conflict with Policy 5 would bring about; mere conflict with policy, even if it exists, which gives rise to no demonstrable harm is not a



sufficient reason to refuse permission. As such, subject to the relevant considerations of NPPW being acceptable in the remainder of this report, the scheme is considered to comply with the NPPF and policy 5 of the CRWLP.

### Congleton Borough Local Plan

The site is unallocated in the Congleton Local Plan proposals map but lies within the settlement zone line of Middlewich. Within the settlement zone there is a presumption in favour of development (Policy PS4) provided it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan. Any development within the settlement zone lines on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of intensity, scale and appearance.

Policy E3 states that proposals for employment development on land not allocated for such purposes within the settlement zone line will be permitted provided that:

- the proposal does not utilise a site which is allocated/committed for another purpose in the Local Plan;
- the proposal is appropriate to the local character in term of its use, intensity, scale and appearance;
- the proposals complies with policy GR1;
- accords with other relevant Local Plan policies.

In respect of this application the development is to be located on previously developed land, with built development largely located on the existing footprint and includes for the partial re-use of existing buildings on the site. The scale and character of the development is considered appropriate to the site and locality given its industrial nature and the historical landuses on the site. As such the proposal is considered to accord with policies PS4 and E3.

### **Sustainability**

The proposed development should be considered against the National Planning Policy Framework (NPPF) which identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

### **Economic Sustainability**

#### **Need**

Objectors have commented that there is no demonstrable need for the waste transfer station which is considered to conflict with the requirements of planning policy, particularly policy 2 of CRWLP. The policy states that waste planning authorities will *'consider the planning objections and planning benefits of all applications for waste management facilities and 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'*.

With regards to this policy the comments of the Inspectors Report of the Covanta appeal (in 2012) must be noted. The Inspector considered that the CRWLP is in some material respects out of step with up to date national waste management policies and the Waste Framework Directive because it seeks to plan for the maximum amount of MSW that can be landfilled in each year; rather than seeking to maximise landfill diversion and recycling rates which is advocated in national planning policy. The Inspectors Report therefore concluded that in regards to this policy, the extent to which there is found to be conflict with the CRWLP, that conflict is deserving of little or no weight given the failure of the CRWLP to address continued landfilling; and where the scheme accords with clear and up to date national planning policy this is an important material planning consideration.

The NPPW only requires a demonstration of quantitative or market need where proposals are not consistent with an up-to-date Local Plan; and in such cases the extent to which the capacity of existing operational facilities would satisfy any identified need should be considered.

In this instance whilst the scheme is not on an allocated site; this matter has been adequately addressed by the applicant. In addition the benefits brought by this scheme outweigh any policy conflict, in terms of provision of range of sustainable waste management benefits and the contribution to meeting national waste management targets. The assessments in support of this planning application demonstrate that having regard to the design and nature of the development satisfactory mitigation measures can be implemented to safeguard environmental resources. Accordingly a 'need' is not required to be demonstrated to outweigh harm caused by the development. Nonetheless the conclusions of the 2014 Cheshire East Waste Needs Assessment (WNA) are noted.

#### **Waste Needs Assessment**

The WNA identifies that between 129,000tpa and 205,000tpa of LACW arisings would be generated when forecast up to 2030; with up to 62,000tpa being recycled/reused and up to 96,000 being sent to recovery/landfill/treatment.

Forecast capacity for waste transfer remains steady at 386,000 tonnes between 2015 and 2030. However this capacity would provide for both household waste and waste from other sources (e.g. commercial and industrial waste (C&I)). When considered against the LACW and C&I forecast arisings up to 2030 (205,000tpa and 534,000tpa respectively) this indicates a capacity gap for waste transfer.

In terms of recycling, the WNA identifies that current material recycling facility (MRF) capacity amounts to 125,000 tonnes per annum. This takes into account the Pym's Lane facility and the permitted facility at Maw Green which is not yet operational. However there is a requirement from LACW and C&I waste to re-use and recycle up to 420,000 tonnes per annum by 2030. As such, a capacity gap of between 262,000tpa and 295,000tpa exists for collecting and sorting recyclable materials, both from households and businesses.

In terms of residual waste, the forecast arisings to 2030 are between 130,000tpa and 232,000tpa. However, with the expected closure of Maw Green landfill to waste importation in 2017, the forecast capacity after this date is zero. While there is significant non-hazardous landfill capacity in the Plan area this is time limited and there are no recovery facilities for residual non-hazardous waste.

In respect of permitted waste transfer facilities with capacity identified in the WNA the applicant notes the following:

- **Pym's Lane** (capacity 75,000tpa) – due to close following sale of the land. The waste management capacity needs to be found elsewhere;
- **Danes Moss Landfill WTS** (capacity 74,999tpa) – this site is discussed below;
- **Commercial Road** (capacity 4999tpa) – constrained and is not suitable for expansion;
- **Henshaws Waste Management** (capacity 74,999tpa) – permitted capacity at this site is insufficient to enable all of the authority's waste to be managed within a single facility. The location of the site within Macclesfield means that this is not a suitable location for a single waste management hub. Furthermore Ansa aims to reduce its current reliance on the private waste management sector for the reasons set out earlier in this letter.

While Danes Moss and Maw Green have planning permission for waste transfer and materials recycling facilities (MRF), neither are operational (with Danes Moss only operating a temporary Waste Transfer Station), and Ansa are the primary customer for the Danes Moss facility but would no longer anticipate using this service if it has its own purpose-built, permanent solution. It is also noted that the WNA takes account of this capacity provision in the assessment but still identifies an overall capacity gap.

Given the conclusions in the WNA and the points raised above by the applicant, it is considered that the scheme would meet a proven capacity gap and would assist in providing a network of waste management facilities for the sustainable management of waste which accords with the approach of the NPPW and WMS.

### **Sustainable Waste Management Principles**

Policy 1 of CRWLP requires waste management development to demonstrate that the proposal will maximise opportunities for diverting waste up the waste hierarchy. In addition the applicant 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.

These broad principles are reiterated in the NPPW. In identifying new sites the NPPW states that consideration should be given a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities; and give priority to the re-use of previously-developed land and sites identified for employment uses. Potential 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

The proposed facility would enable Ansa to manage the household waste collected in accordance with the waste hierarchy. The Cheshire East Municipal Waste Management Strategy (WMS) identifies that the authority was responsible for the management of 179,646 tonnes of municipal waste in 2013/14 and 53% was recycled, composted or re-used; 6% used to generate electricity; however 41% was sent for landfilling. There remains a need therefore to drive waste up the waste hierarchy and one of the objectives within the WMS includes the need to *'reduce disposal to landfill to 0 and achieve 100% disposal to waste to energy generation'*.

The development would enable the provision of recycling facility which also has the potential to manufacture RDF. It would ensure that any recyclable waste contained within the residual waste stream is separated and sent to a material recycling facility in Deeside which is higher up the waste hierarchy; and through the production of RDF, facilitate the recovery of energy from the residual waste stream. The proposed facility therefore optimises the management of waste as high up in the waste hierarchy as practicable and this accords with the objectives of the WMS and the broad approach of the NPPW.

### Proximity principle

CRWLP and NPPW requires waste to be managed in line with the proximity principle whereby waste is managed close to its place of production. The NPPW states that 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. The NPPW however recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.

Concerns are expressed by objectors over the potential for the proposal to result in unsustainable transportation of waste over long distances and conflict with the proximity principle; given that the existing system provides a small network of facilities geographically spread across the authority with residual waste and recyclates managed at sites within two

locations (Macclesfield and Crewe); and green waste managed by a number of sites spread across the authority area (Allostock, Sandbach, Macclesfield, Nantwich and Scholar Green).

The NPPG clarifies that the proximity principle does not require using the absolute closest facility to the exclusion of all other considerations and recognises that *'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'*.

In respect of this issue the applicant makes the case that a 40 mile round trip for RCVs would be considered usual within the waste industry for a large borough such as Cheshire East Council and neighbouring authorities operate collections of similar distances. Consolidating operations to a single hub site enables the waste collection routes to be optimised and resolve any historical inefficiencies in collections, thus being able to offset perceived additional mileage associated with moving to the proposed new depot in Middlewich. One of the furthest locations from Ansa's Macclesfield depot is approximately 17.5 miles away and they note that this would be approximately 13.8 miles from the new Middlewich depot. They also note that some collections encompass the whole of the borough, so moving to a new site would provide an opportunity to address this in a more sustainable way.

Other benefits highlighted include Bank Holiday arrangements whereby at present waste from the north is transferred to the south due to a lack of available facilities, and the vehicle mileage would reduce significantly as a result of this proposal. Additionally during interruptions in supplied availability waste has previously been transported from the north to the south for a number of months at significant cost and disruption to the recycling/waste operation. Having Waste Transfer Station capability in the centre of the borough would eliminate this type of supplier failure and provide greater efficiencies and resilience for the service.

Whilst due regard is given to the operational/logistical and environmental benefits to the strategic waste management services identified above; nonetheless the proposal would result in one central facility which is some distance from the largest sources of waste arisings (Macclesfield and Crewe) and would result in the transportation of waste over (in some instances) greater distance than would be the case should more local facilities be provided within proximity to these two towns. This does not accord with the approach of planning policy. Additionally, the proposal does not offer any potential for transportation of waste by means other than road as encouraged in planning policy; although it is accepted that opportunities within the borough for the transportation of waste by rail or water are limited.

However, there are wider sustainability benefits presented by the scheme as outlined below which also influence the choice and location of site, and these considerations should be weighed in the planning balance.

### Choice of site and co-location of facilities

The suitability of the site is questioned by objectors, along with the justification for the co-location of all environmental and waste services on one central site; given that a minimum site size threshold has been applied as one of the search criteria in the assessment of alternative sites; thereby eliminating the consideration of a range of smaller sites.

The locational criteria for new waste management sites identified in the NPPW have been taken into account in the assessment of environmental considerations below. However it is noted that the scheme broadly accords with the NPPW/NPPF in that it enables the re-use of existing buildings and infrastructure on a previously developed site within the settlement zone of Middlewich, and the site has a historical industrial use which would have presented similar land use impacts. It also prevents the need to develop new buildings and infrastructure on an alternative site which would have land use and resource implications.

With regards to the ability to redevelop the existing depots and need for co-location of services, the case is made that the current depots are ageing and constrained by size or neighbouring development; are inefficient and require significant investment to bring them up to modern standards. They identify a number of benefits presented by the scheme and in particular the co-location of all services on one site. These include:

- improves service capability and resilience through greater economies of scale and efficiencies
- future proofing - better scope to modernise and create a fit-for-purpose base with a safe working environment for our employees to deliver services more efficiently
- Overcomes difficulties in finding a northern site and reduces the need to rely on external suppliers which is vulnerable to supply chain failure, market fluctuations and cost rises,
- removes need to send northern RCV fleet out of the borough to be serviced every 6 weeks, offering economies of scale and efficiency improvements
- allows council to rationalise a number of sites including the sale of Pym's Lane depot which will support economic regeneration priorities for the Council and local job creation;
- allowing the co-dependent aspects of the operation to be managed more effectively as a whole unit approach. For example, having mechanical garage facilities at the place where vehicles are permanently located allows minimum downtime for fleet vehicles scheduled maintenance and more responsive emergency cover for breakdowns;
- having the fleet parked on the site of the transfer station minimises vehicle movements after tipping and allows routes to be reorganised in order to work in such a manner that maximises efficiencies in regard to vehicle usage.

Given the range of economic, social and environmental benefits identified above this is considered to provide further justification for the location of a development of this scale on this site and is considered to accord with the provisions of national planning policy and the CRWLP.

### **Social Sustainability**

#### Compliance with policy 29

The waste transfer buildings were originally proposed to operate from 0600 to 2200 Monday to Saturday and on Bank Holidays which is in excess of the provisions in policy 29 of CRWLP which stipulates the 'normally permitted hours of operation' for waste management facilities. These are identified as 0730 to 1800 Monday to Friday, 0730 to 1300 Saturdays, with no working permitted on Sundays or Public Holidays. The policy makes provision for longer working hours in exceptional circumstances, provided there are no consequent unacceptable

impacts. In such instances applicants would need to demonstrate the exceptional circumstances pertaining to their application and the mitigation methods to be used to minimise any impacts arising from longer working hours.

Following negotiations with the applicant, the hours of operation for the waste vehicles associated with the waste transfer station have been reduced to 0700 to 1900. Whilst the building would retain the longer hours originally proposed, it is anticipated that the activities being undertaken would be contained within the building and therefore the impacts on amenity would be controlled by the design and operation mitigation. The potential for unacceptable impacts and consideration of mitigation is addressed below. As such it is not considered that there is any conflict with planning policy.

### **Environmental Sustainability**

#### **Highway Impacts**

The suitability of sites for waste facilities should be assessed against criteria which include existing and proposed neighbouring land uses and the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (NPPW). Consideration should be given to whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development. Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe (NPPF paragraph 32). Developments should also create safe and secure layouts which minimise conflicts between traffic, cyclists or pedestrians; consider the needs of people with disabilities and incorporate facilities for charging plug-in and other ultra-low emission vehicles.

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 routeing controls or other highway improvements;

These provisions are reiterated in the approach of CBLP. Additionally proposals likely to generate significant travel needs should ensure that the location is accessible by a choice of means of travel; appropriate provision is made for disabled people, pedestrians, cyclists and public transport users and to manage parking provision. Proposals will only be permitted where the car parking provision does not exceed the levels contained in planning guidance.

#### *Existing and Proposed Traffic Flow*

Surveys of traffic flows of all relevant junctions in proximity to the site have been undertaken and personal injury data collected for Cledford Lane and its junction with Booth Lane. Existing traffic generation data and shift patterns for the other proposed uses (trips associated with grounds maintenance teams/third party waste facilities/bulk hauliers) has been collected

and automatic traffic counters installed at the two existing depots to establish the existing traffic flows.

Previous traffic flows associated with the former land use are estimated using survey data of sites with similar characteristics. This has been combined with existing traffic on Cledford Lane to establish a baseline traffic flow of 2698 two way movements per day; the majority of which are associated with cars/light goods vehicles/single unit trucks (2352). By contrast, the scheme proposes a total of 1066 two way movements per day; with the majority arising from cars/light goods vehicles/single unit trucks (722). Combined with the existing traffic movements on Cledford Lane, there would be 2721 two way movements per day; with the majority associated with cars/light goods vehicles/single unit trucks (2145). As such the TA predicts a minor increase of 23 two way movements a day over previous levels generated by the former land use.

The applicant notes a large proportion of the traffic associated with the former land use would have been articulated HGVs; whilst the majority of HGVs associated with this scheme would be RCVs (10m rigid vehicles). The volume of cars and light goods proposed is also lower than that associated with the previous use.

Peak movements are predicted to occur between 0600 and 0800 (associated with staff movements and RCV's departing); with a second peak from 1200 to 1400 (RCVs returning). During the AM peak, the traffic levels would be similar to that generated by the previous land use, while during the PM peak it will be significantly less. Higher levels of traffic than the previous use would be generated during off-peak hours, however this is generally during periods of lower traffic flows on the highway network. The TA also notes that some of the proposed traffic will already be passing through the local highway network serving this site.

### *Highway safety*

Four collision records were identified at the Cledford Lane junction with Booth Lane, however no existing highway safety issues were identified as needing to be addressed as part of the proposals.

### *Network traffic flow and traffic growth*

The survey of junctions indicates that peak periods on the highway network typically occur between 0700 to 1000 and 1600 to 1800; consequently there is limited overlap with peak movements generated by the scheme. Network traffic flows have been forecast for 2016 and 2021 taking into account growth forecasts and potential traffic arising from consented development schemes around the Middlewich and Sandbach areas. The greatest impact is assessed as being at the Cledford Lane crossroads with a material increase in traffic flows at the peak hour of up to 8.5% and off peak of 12%; and an increase of 4 - 4.9% during peak and off peak periods at the Station Road junction. The impacts in all other locations are less than 3%, and therefore considered insignificant and within daily fluctuations.

### *Junction capacity assessment*

Detailed junction capacity assessments have been carried out to assess their likely operational capacity in 2016 and 2021 with the scheme in place. In order to represent a robust assessment, no allowance is given to traffic levels generated by the former land use and take account of the proportion of HGVs proposed by the scheme. The assessment concludes:



Cledford Lane Crossroads	At PM peak periods in 2021 the Cledford Lane arm of the junction may experience some congestion, although the junction is still operating within acceptable limits. Based on the existing crossroads layout, the junction is assessed adequate to accommodate the development-related traffic in 2016 and 2021 with only minimal queuing likely to occur on Cledford Lane.
Leadsmithy Street	Already experiencing congestion during peak periods. Committed scheme will provide limited additional capacity. In 2016, junction will remain above capacity during AM peak, while operating within capacity during PM peak. Impact in 2016 will be marginal on the A54 during the AM peak with only Leadsmithy Street experiencing a noticeable increase; and the scale of the impacts are not considered significant.
Pochin Way roundabout	Assessed as comfortably accommodating the development related traffic with negligible impacts on queues during all peak periods.
Station Road	Committed signal controlled junction will operate within capacity in 2016 and 2021.
Hightown Roundabout	Hightown arm experiences some congestion during peak hours; all other arms operate within capacity. Impact in 2016 is marginal with negligible increases in queues. In 2021 operates within capacity with the exception of Hightown.
Waitrose Roundabout	With the committed improvements to the layout, the junction will accommodate the traffic with negligible increases in queues in 2016. In 2021 the junction will operate within capacity during AM peak and off peak. PM peak will experience levels only marginally above thresholds at which some congestion is experienced on two arms but will operate within acceptable limits with no material impact on the operation of the junction.
The Hill	In 2016 with the committed junction improvements, it will operate within capacity during AM and off peak periods and only marginally over capacity during PM peak at The Hill arm, but still remains within acceptable limits. In 2021, although operating with higher levels of congestion, it will remain within acceptable limits.

The TA concludes that parts of the network are predicted to experience some congestion during peak periods in 2016 even with committed junction improvements. The impact of the development in each period is assessed as marginal, with the exception of Cledford Lane crossroads; however this junction is predicted to continue to operate within capacity with the additional traffic proposed. Overall the proposed traffic flows are only marginally higher than levels that potentially would arise from the extant use; and some of the traffic from this facility will already be on the highway network. The TA concludes that the proposed development

can be accommodated on the highway network without the need for further improvements and the impacts are not assessed as severe.

Concern is raised by objectors regarding the inclusion of highway improvement works secured by committed development schemes in the junction assessments. The applicant notes that this is a standard method of assessment and the Leadsmithy Street and Station road works are due to be implemented shortly. Whilst the remainder of improvement works remain less certain, the impact of the proposal at these junctions is not material and no mitigation is considered necessary at these locations.

The need for contributions to the Middlewich Eastern bypass has also been raised by objectors. The applicant notes that the junction assessments predict that the proposals will not have a material impact on the operation of the highway network; as such no additional mitigation to increase capacity is required. They also note that the scheme will generate similar traffic levels to the previous land use. No contributions to the bypass are considered necessary by the Highways Officer.

Objectors have made reference to the highway comments in the Inspectors Report for the Covanta Energy from Waste appeal (ref: APP/R0660/A/10/2129865 & 2142388). The Inspector raised concerns regarding the assumptions made within the accompanying Transport Assessment which, in his opinion, resulted in a flawed assessment of the impact of the development on the operation of the A54/A533 junction being made. The Highway Officer considers that the circumstances surrounding the current application are quite different as the context has changed namely the robustness of the supporting transport information, the mitigation secured by previous applications and the policy framework changes in the intervening period material to assessing the application. The impact of development traffic has been quantified at other key junctions within the vicinity of the site and along the likely links development traffic would utilise but given the relatively low impact and when judged against paragraph 32 of the NPPF the impacts are deemed acceptable.

### *Mitigation - Improvements to junction*

The Highways Officer notes that the most notable impacts from this scheme are at the A533 Booth Lane/Cledford Lane junction with other junctions notably the A54/A533 Leadsmithy junction experiencing a marginal increase.

In respect of the Leadsmithy junction the Highways Officer advises that whilst the junction suffers from capacity constraint at certain times of the day the additional vehicular impact is acceptable given the predicted effect on the operation of the junction at peak times and will not result in a severe residual impact sufficient to warrant refusal on that basis. Additionally the given the existing road geometry, the latter junction is considered safe and suitable for current operations.

At the Booth Lane/Cledford Lane junction, turning movements to/from Cledford Lane particularly for articulated HGVs are currently impeded by the existing access geometry compounded by the presence of a bridge structure over the canal. This problem will not be exacerbated by the proposal as the proposed number of articulated HGVs compared to that potentially generated by the previous land use is slightly lower. It is acknowledged however

that intensification of this access by rigid HGV (RCV) traffic will take place therefore mitigation to ensure safe and suitable operation is required.

As such the scheme proposes to widen the carriageway across the canal bridge on the approach to the crossroads to enable two RCVs to pass when one is turning left into Cledford Lane. In addition improvements to Cledford Lane crossroads have been discussed with the Highways Officer; namely:

- A new footbridge alongside the existing canal bridge for pedestrian and cycle traffic to allow the carriageway to be widened to the full width of the bridge. However with this in place, the conflict with articulated vehicles turning would still remain and the costs associated with relocating the utility apparatus are prohibitive.
- Construction of raised table at the existing junction with a mini-roundabout which would allow vehicle to stop on the junction and reduce speeds through the junction, particularly along Booth Lane. However the future traffic flows along Booth Lane during peak hours are at a level where congestion would occur with this mitigation in place and extensive queues are predicted.

In agreement with the Highways Officer, the scheme therefore proposes the signalisation of the current crossroads junction, incorporating a stopline on Cledford Lane to the east of the bridge. This would allow articulated HGVs to turn into Cledford Lane without conflicting with existing vehicles. In order to minimise delays to through traffic on Booth Lane, the junction would detect vehicles on a specific arm and only stop traffic on Booth Lane when there is demand on either Cross Lane or Chelford Lane. This eliminates the existing conflict with articulated vehicles and provides benefits to pedestrians whilst not creating any undue delay to through traffic on Booth Lane. Waiting restrictions will also be introduced along Cledford Lane to prevent on street parking with a lay-by created to the East to accommodate parking associated with adjacent residential properties. In addition the improvements allow the introduction of formal pedestrian crossing facilities which will assist in securing a safe walk route to the bus stops.

In terms of junction capacity, the Highways Officer advises the junction improvements has been demonstrated to operate satisfactorily during peak periods at the 2021 future assessment year; and the incorporation of the on-demand signals would minimise delays to through traffic on Booth Lane. Accordingly the option of signalising the Cledford Lane/A533 junction has been accepted by the Highway Officer and has been subject to a Road Safety Audit.

Overall the Highway Officer considers that the signalisation of the Cledford Lane/A533 junction will enable a safe and suitable access to be provided for this development proposal accommodating the existing and proposed development traffic and no objections are raised, subject to planning conditions securing:

- Off-site highway works at the Cledford Lane/A533 junction of signalisation and associated works (including the relocation of parking along Cledford Lane by way of a lay – by provision and successful implementation of a TRO) prior to the operation of the waste transfer station;
- Construction of new accesses along Cledford Lane providing visibility splays of 2.4m x 43m prior to occupation of the development .

- Implementation of the internal parking and servicing arrangements prior to occupation.
- Submission of a construction management plan and routeing agreement prior to commencement of works.
- Implementation of the submitted Travel Plan.

### *Site access, parking and cycling*

The description of the proposal above identifies the provisions made for safe access and egress for different road users, adequate internal vehicle circulation and parking to avoid queuing, separation of HGVs from vulnerable road users and parking for cyclists and disabled people. These provisions accord with the requirements of planning policy.

With regards to parking provision, whilst the office would accommodate 400 staff, the associated car park provides 225 spaces. The TA notes however that not all staff are on site at any one time. Based on the assessment of traffic flows across the average working day and breakdown of hourly arrivals and departures, it is demonstrated that the proposed car parking provision is adequate to meet the needs of the development. A travel plan has been submitted which also aims in the long term to reduce overall vehicle movements.

### *Sustainability*

The accessibility of the site by alternative modes has been considered. Public transport provision is located close by along Booth Lane/Cross Lane with relatively frequent bus services. As part of the mitigation strategy the installation of a signal controlled junction at Cledford lane/Booth Lane will provide enhanced pedestrian connectivity within improved footways and the combination of formal pedestrian crossing facilities within its operation. Overall, the site is reasonably accessible and it is concluded that it is acceptable from a sustainability perspective.

Subject to the conditions required by the Highways Officer the scheme is therefore considered to accord with the approach of NPPW, NPPF, policy 28 of CRWLP and policies of the CBLP.

### **Control of pollution**

New development should be appropriate for its location (NPPF paragraph 120). The effects (including cumulative) of pollution on health, the natural environment, or general amenity, and the potential sensitivity of the area to adverse effects from pollution should be taken into account. Policy GR6 of CBLP does not permit development adjoining or near to residential properties or sensitive uses where there would be unduly detrimental effects on their amenity due to environmental disturbance or pollution; whilst policy GR7 states that development will not be permitted which would be likely to lead or contribute to (amongst others):

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

Similarly 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. Policy 18 does not permit development which would

present an unacceptable impact on groundwater quality, resources or supply and/or surface water quality.

### Air Quality

The waste management activities proposed would be the subject of an Environmental Permit (under the Environmental Permitting Regulations (England and Wales) 2010 (as amended)) and regulated by the Environment Agency (EA). EA guidance states that planning authorities should be confident that the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land; but should not focus on controlling pollution where it can be controlled through the Environmental Permitting Regime. NPPW reiterates this and states that waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Notwithstanding this, the impact of air quality on amenity and the need to prevent nuisance remains a material planning consideration and consideration should be given to whether the effect of any change in air quality arising from the scheme would cause increased and unacceptable levels of detriment to sensitive receptors.

### *Odour*

There is concern over the potential for odour to be generated by the scheme, particularly associated with the waste transfer station which would manage municipal solid waste and green waste which could be potentially odorous. The NPPW identifies that in respect of odour considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.

An odour assessment has been submitted which assessed all proposed activities on site and identifies the potential sources of odour are associated with activities undertaken within the two WTS buildings with the unloading, handling, screening and storage of wastes. A quantitative assessment using dispersal modelling was undertaken which uses meteorological data to define conditions for plume rise, transport, diffusion and deposition. Odour emission data from odour monitoring exercises of other waste transfer station has been used in the absence of site specific data. Predicted odour concentrations have been compared to the relevant environmental assessment criteria. The assessment of the two WTS buildings indicate that the maximum odour concentrations at receptors occurs at residential properties on Cledford Lane; however the predicted odour levels do not exceed the most conservative benchmark levels in Environment Agency guidance and therefore the predicted short-term odour emissions are identified in the assessment as acceptable.

An odour management plan has also been submitted which identifies a range of management measures to mitigate any potential impacts. This includes:

- Responsibility for minimising odour given to technically competent manager
- Use of odour mist mask on all doors and
- All waste unloading/loading to be undertaken inside the building
- Fast closing roller shutter doors closed prior to any unloading
- Monitoring of weather conditions and regular olfactory monitoring at site boundary.

The implementation of the odour management plan could be secured by planning condition.

Following concerns raised by the Environmental Health Officer over the odour source concentrations used in the assessment, a revision of the odour emissions and ground level concentrations has been made which confirms that an effective and fully maintained bio filter is required at the discharge stack to ensure that concentrations at sensitive receptors are acceptable. In addition, the assessment assumes there would be no fugitive emissions from any other vents and openings. The Environmental Health Officer advises that this would require a negative pressure to be maintained within the WTS building. This is dependent on the air exchange rate in the building and the design of the fans.

As such, the Environmental Health Officer requires confirmation of the detailed design to be secured by planning condition to ensure that effective bio filter and ventilation systems are included in the design so that the predicted odour concentrations in the building can be achieved.

The Environmental Health Officer concludes that if effectively maintained, managed and enforced, this proposal would be considered acceptable from an Environmental Protection perspective. However, whilst they do not consider that a refusal could be sustained in this instance given the data provided, residual concerns remain relating to the ability to constantly and effectively maintain odour emissions given the nature and relative close proximity of the activities to residential properties; and there are uncertainties relating to the ability of the WTS building to contain fugitive odour emissions.

On the basis of securing the provisions identified above; given the views of the Environmental Health Officer and given that the Environmental Permit will control site waste management practices, on balance it is not considered that there are sufficient grounds to warrant refusal of the scheme due to odour impacts in this instance.

### *Air emissions including dust*

The NPPW identifies that considerations in respect of air emissions will include the proximity of sensitive receptors (ecological and human) and the extent to which adverse emissions can be controlled through the use of appropriate and well maintained equipment and vehicles.

The air quality assessment has reviewed all existing air quality monitoring in the local area, and relevant meteorological data; and modelled all roads within the immediate vicinity of the site which are likely to experience significant changes in traffic flow arising from the proposal.

The nearest air quality management area (AQMA) to the site is approximately 5km north east at M6 motorway Cranage. Given the distance to the site, the assessment considers it unlikely that traffic flows from the proposal would influence existing flows within the AQMA and as such the impacts on any AQMA have not been assessed. The assessment also considered all statutory designated site of nature conservation importance within the geographical extent of the dispersal modelling. As no sites were identified within 3km of the proposed site, impacts on ecological receptors have not been assessed.

Construction activities can give rise to short-term elevated dust and particulate matter concentrations in neighbouring areas. On the basis of the potential dust emissions combined with the sensitivity of the surrounding area to each construction process, the assessment concludes that the impact of dust emissions would be low for all stages of construction

without the implementation of the identified mitigation which includes daily site inspections, use of effective dust suppression equipment and water assisted dust sweeper. The Environmental Health Officer advises that a dust management plan is required which can be secured by planning condition.

In terms of the operation phase, road traffic is the dominant emission source that is likely to cause potential risk of exposure to air pollutants to receptors. The assessment predicts the potential change in nitrogen dioxide and particulate matter which could occur from those roads likely to experience significant changes in traffic flow as a result of the development.

It identifies that the maximum level of predicted change in annual average exposure to nitrogen dioxide would occur at a receptor on Cledford Lane; however this level would not exceed the relevant threshold for that pollutant; and as such the impact is assessed as negligible. In terms of particulate matter, the predicted change at receptors do not exceed the relevant threshold for that pollutant; and likely the impact is assessed as negligible.

The Environmental Health Officer considers that the predicted concentrations in emissions at properties on Lewin Street may be slightly underestimated and whilst the levels generated by this scheme may be relatively small, the air quality monitoring undertaken by Cheshire East Council indicates that the national health based standard for nitrogen dioxide may be exceeded due to high existing background levels at that location. As such, the resulting impacts in this area could be moderate and in the context of the cumulative effects of other developments in Middlewich, some significance should be associated with the effect of these impacts.

As such, it is considered that effective and robust mitigation measures are required to reduce overall vehicle trips (thus lowering emissions). It is noted that the proposals include for 3 electric charging points in the staff car park. A revised travel plan has also been submitted which sets out a sustainable strategy for staff journeys to work and requires targets to be set and a review to be carried out. The Environmental Health Officer considers that the implementation of this plan should be secured by planning condition along with a strategy for the standard and modernisation of the applicant's vehicle fleet to be submitted for approval and implemented.

The Environmental Health Officer considers that there is potential for dust generation with the operation of the building; however the negative pressure system and closure of doors implemented as part of mitigation identified above would alleviate any impacts beyond the site boundary. An operational dust management plan is also recommended to ensure that the site does not give rise to any dust impacts, which can be secured by planning condition.

In respect of the proposed biomass plant, the Environmental Health Officer advises that given the relatively small size of the plant (205kW) it would not contribute significantly to ambient nitrogen dioxide and particulate matter concentrations. However, to avoid black smoke nuisance there would be a requirement for controls on the fuel quality and storage, maintenance and the stack height. These would be secured by a combination of planning condition.

*Impact on British Salt resources*

The adjacent landowners (British Salt) have raised concerns over the potential for contamination of their external stockpiles of salt which lie approximately 200m to the south east. The dust assessment defines the overall sensitivity of the area to be 'high' given the potential for dust contamination of the stockpiles. This provides a worst case impact assessment and the health effects of employees at the site has also been considered. The dust assessment identifies the potential impact significance of dust emissions, prior to the implementation of mitigation as 'medium' risk. As a result, a dust management plan is proposed for the construction and operation of the facility. The plan identifies a number of sources of dust emissions which include dust releases from opening doors, deposited dust on external areas and dust tracked onto the site from vehicles. A number of physical and operational mitigation measures are identified to minimise the potential for dust deposition. This includes:

- Wheel wash located on site
- Use of road sweeper
- Damping down external areas using spray guns/bowser.
- Daily checks of weather conditions, dust levels in external areas and effectiveness of dust suppression systems
- monthly checks of ventilation systems and filters
- Dust monitoring points at two locations on the site boundary and regular review with EHO

It is also noted that the site would operate under an Environmental Permit which would have controls imposed to ensure that dust is managed appropriately on site to avoid giving rise to unacceptable impacts. The Environmental Health Officer raises no concerns with regards to the impacts of dust on the adjacent landowner.

Subject to the imposition of planning conditions no objections are raised by the Environmental Health Officer and it is considered that the scheme would not present any significant adverse impacts from air quality on nearby receptors or the local environment, and therefore accords with NPPW, NPPF and policies 12 and 24 of CRWLP, and policy GR6 and GR7 of CBLP.

### Noise impacts

The NPPF states that the effects of pollution on health, the natural environment and general amenity, and the potential sensitivity of the area to adverse effects from pollution should be taken into account. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and any adverse impacts arising from noise should be reduced to a minimum level.

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

Policy 23 of CRWLP states that a waste management proposal will not be permitted where it will give rise to unacceptable levels of noise pollution. Similarly CBLP states that development near to residential properties or sensitive uses will only be permitted where they



will not have an unduly detrimental effect on their amenity due to (amongst others) environmental disturbance or pollution (Policy GR6); whilst policy GR7 states that development will not be permitted which would be likely to (amongst others) *'lead or contribute to significantly increased noise pollution to environmentally unacceptable levels; or be a significant source of statutory nuisance..... or loss of amenity to people living or working in the immediate area.*

The submitted noise assessment takes account of the internal WTS layout and building construction details, noise levels from comparable activities, traffic data and hourly vehicle movements. The noise survey identifies that existing noise levels around the site are dominated by road traffic on A533/Booth Lane and to a lesser extent Cledford Lane; along with noise associated with nearby industrial uses. The main sources of noise associated with this development are likely to be:

- RCVs entering/leaving the site
- Deposition of waste in the WTS building
- Workshop activities
- Construction noise

In respect of on-site activities, the assessment predicts that the site noise levels would be a maximum of 5dB above the background noise levels at properties on Cledford Lane during the weekday daytime and night time periods at all nearby sensitive receptors. During Saturday periods, this rises to 9dB above background noise levels at the closest receptors along Cledford Lane and Booth Lane with the dominant noise source being from vehicle/plant movements. In respect of building service plant the assessment predicts that the noise levels would remain at or below existing background noise levels. Overall, the noise levels from on-site activities are predicted to fall below the 'significant observed adverse effect level' (SOAEL) thresholds and are not expected to have an adverse impact on health or quality of life during either daytime or night time periods.

The change in road traffic noise levels arising from the scheme during weekdays are generally predicted to be below or around 1dB(A) which would be imperceptible. On Saturdays, the change in noise level over the course of the day is predicted to be below 3dB which remains below the 'lowest observed adverse effect level' (LOAEL)

For those properties on Cledford Lane to the west of the site entrance, the noise levels during weekday early morning (0600 – 0700) period are predicted to increase by around 3dB (which falls between LOAEL and SOAEL thresholds), whilst on Saturdays, the change in noise levels during the 0600 – 0700 period is predicted to be around 5dB which is above the SOAEL thresholds. In view of this, the Noise Assessment identifies mitigation which includes the use of broadband reverse alarms, roller shutter doors closed as far as possible, maintenance of machinery and vehicles, parking arrangements to discourage need to reverse vehicles.

### *HGV movements*

The Environmental Health Officer identifies that the HGV movements are predicted to cause noticeable impacts at properties on Cledford Lane particularly during the early morning period and after 7pm which is not considered acceptable due to the lower background noise levels and increased sensitivity at these times. Following negotiations with the applicant, agreement has been reached that, other than in exceptional circumstances, all RCV deliveries and

collections would take place between the hours of 0700 to 1900. Such exceptional circumstances would be defined and controlled by planning condition and records of such events kept and made available for inspection.

### *WTS activities*

Activities within the waste transfer building such as depositing and loading waste can cause high noise levels; and the building has been designed to significantly attenuate the noise levels breaking out from the building. The Environmental Health Officer advises that the integrity of the acoustic properties of the structure should not be compromised by the design of any outlets, vents and doorways; and any doorways should contain fast acting, acoustic roller shutters to keep noise breakout to a minimum. Such matters could be controlled by planning condition and would ensure that the noise impacts from within the buildings are acceptable for the hours proposed.

### *Street Cleaning/Environmental services*

Vehicles associated with street cleaning and environmental services activities would depart at 0600 hours which could have an adverse noise impact to properties on Cledford Lane. A fleet management plan is recommended to address opportunities for staggering and delaying the early morning fleet vehicles. However the Environmental Health Officer considers that uncertainty remains over the ability to effectively mitigate these impacts. In respect of on-site activities, 24 hour operation is proposed although the applicant advises that weekend and night time activities would be limited; mainly responding to "environmental incidents". The main noise concerns are likely to be from impulsive noise from loading and unloading which is typically difficult to mitigate and quantify. In addition there is some uncertainty over the frequency of such incidents. The noise report does not identify that night time noise levels would exceed relevant guidelines for sleep disturbance. Noise management is important at these times and a robust and detailed noise management plan is required by the Environmental Health Officer, along with the imposition of noise limits.

### *Vehicle workshop*

With regards to the vehicle workshop, which would operate from 0600 to 2200 hours; the Environmental Health Officer requires the noise generating activities such as angle grinding to be limited to weekdays only from 0700 to 1900 hours. It is also recommended that the building incorporates acoustic doors; with these being kept shut when not in use; and any vents/fans controlled to ensure no additional new noise sources are introduced.

### *Construction noise and vibration*

A robust construction Environmental Management Plan is considered necessary by the Environmental Health Officer in order to control any potential for annoyance associated with these activities; which could be secured by planning condition.

Overall the Environmental Health Officer concludes that, whilst not considered sufficient to warrant refusal in this instance, residual concerns remain over the noise impacts relating to the nature and indefinite frequency of outdoor activities particularly during weekends and night times; and the ability to constantly and effectively maintain the required levels of noise management given the close proximity of local residents. They note that complete and effective control is reliant on noise management, and it is not always feasible to contain sporadic impulsive noises. Subject to the noise mitigation as identified and secured by

planning condition being effectively maintained, managed and enforced, however the proposal would be considered acceptable from an Environmental Protection perspective.

On the basis of securing the provisions identified above, and given the views of the Environmental Health Officer, on balance it is not considered that there are sufficient grounds to warrant refusal of the scheme due to noise impacts in this instance.

With regards to the recommendation of the Environmental Health Officer concerning the offer of the applicant for double glazing to affected properties on Cledford Lane, this is a matter which would need to be secured by agreement outside of the planning system and has therefore not been given any further consideration.

### Contamination and ground stability

A phase 1 geo-environmental desk top study has been undertaken to assess the potential for contamination of the on-site soils and underlying groundwater associated with previous industrial activities, and off-site contamination arising from migration of any contaminants. The assessment identifies that the site lies within 500m of historical landfill sites and waste management uses including land at Cledford Lime Beds to the north which has previously been used for the deposit of waste materials. There are also two surface water features within 250m of the site, the Trent and Mersey Canal located on the western boundary and the River Croco within 100m to the east. It also identifies that the site is responsible for the maintenance of a canal overflow which is culverted beneath the site and there are numerous underground sumps for dealing with waste materials and waste water.

There is potential for contamination of soils and groundwater arising from the historical industrial uses on the site, and off-site contamination arising from the migration of contaminants. Contamination pathways are identified to include inhalation of vapours and dust, leaching to surface/groundwater, and migration of groundwater; whilst receptors identified include future site users, underlying ground/surface waters, flora and fauna and adjacent properties and land uses.

The assessment identifies that the potential for soil and groundwater contamination is moderate, and risk to underlying soils and groundwater is low to moderate. Based on the history of the site, a number of potential sources of contamination are identified including factories, various above and below ground tanks, in-filled ponds, and also from ground gas associated with any made ground and in-filled ponds. There are also a number of potential off-site sources of contamination from various works including brickworks and road engineering depot, and landfill sites to the north and south.

The preliminary risk assessment undertaken as part of the geo-environmental desk top study concludes that the contamination risks posed are considered to be low for groundwater, flora and fauna and adjacent properties; and low to moderate for future site users and watercourses. The risks posed by the site from historical and current site users and ground gas to construction works is high and moderate for current site users; whilst the risk posed by off site contamination sources is low/low to moderate for controlled waters (beneath the site) and current site workers and construction workers; whilst the risk posed by ground gas from offsite sources to all receptors is high.

Intrusive investigations have also been carried out to inform the Ground Investigation Report which comprised of borehole samples across the site and soil, groundwater and surface water monitoring. The report concluded that overall the site is considered to pose a low to moderate risk to receptors. The risk to human health is identified as low along with the risk from ground gas.

The report identified that there is a moderate risk to human health from asbestos, specifically for the areas of proposed landscaping and recommends the use of a cover system. The risk to surface waters and future pipelines from hydrocarbon contamination associated with fuel tanks is low to moderate and a watching brief is recommended for all areas of fuel tanks, with any observed impacted soil/groundwater managed to reduce the potential future risk associated with migration and inhalation of vapours. With respect to Galigu, a low to moderate risk is identified for human health, surface waters, pipelines and built structures and remediation is recommended in the assessment. Likewise a low to moderate risk from lubricating oil and organics impacted groundwater is identified for human health, surface waters, pipelines and adjacent users. It is recommended that a watching brief and/or remediation is required to reduce the risk to low. The applicant identifies that the results of the ground investigation will inform a remediation strategy. The Contaminated Land Officer considers this approach acceptable and recommends planning conditions securing the submission and approval of a remediation strategy prior to development commencing; and a site completion report prior to the first use or occupation of the development.

The concerns raised by the Environment Agency with respect to the potential for contamination to Controlled Waters are also noted and the provisions agreed with the Contaminated Land Officer would address this issue; and any strategy could be approved in conjunction with the Environment Agency. Likewise the concerns of the Canal and Rivers Trust would be addressed as part of this approach.

On the basis of securing these planning conditions, the proposal is considered to accord with the approach of the NPPF, NPPW and policies 12, 18 of CRWLP and policies GR6, GR7 and NR7 of CBLP.

### *Ground stability*

The geotechnical investigation identifies that the site is underlain by Mercia Mudstone which lies at a depth of between 11.34 and 18m below ground level. The deposit is weathered to a very stiff soil like consistency. There is no evidence that the site is likely to be unstable as a result of historical brine pumping activities in the wider area and no comments have been received from the Brine Board.

The assessment makes recommendations with respect to the use of foundations and piling; and notes that groundwater levels are within 1m of ground surface and therefore some dewatering or groundwater control is likely to be required for excavations during construction. Such matters would be regulated by the Environment Agency.

### Flooding and Drainage

NPPF states that new development should be planned to avoid increased vulnerability to the impacts arising from climate change. In addition, flood risk should not be increased elsewhere; and local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a flood risk assessment following the sequential

test, it is demonstrated that the most vulnerable development within the site is located in areas at lowest risk; development is appropriately flood resilient and resistant; any residual risk can be safely managed; and priority is given to the use of sustainable drainage systems.

Policy GR21 of CBLP requires new development to ensure that (amongst others) flooding is not created or exacerbated elsewhere, and that appropriate flood prevention and mitigation is provided to avoid unacceptable risk of flooding. Equally Policy 18 of CRWLP does not support proposals which would (amongst others) generate unacceptable risk of flooding to the site or elsewhere, unless appropriate mitigation is secured to manage the risk.

These provisions are reiterated in Policy SE13 of the emerging Cheshire East Local Plan Strategy which requires new development to demonstrate that there will be no increase in flood risk on site or elsewhere, and opportunities to reduce the risk of flooding are sought, taking into account the impacts of climate change. All new developments should seek improvements to the current surface water drainage network, including appropriate sustainable drainage measures to store, convey and treat surface water prior to discharge so as to reduce the existing runoff rate. Applicants seeking to drain to public sewers must demonstrate there are no other more sustainable options.

A flood risk assessment (FRA) has been undertaken which identifies the nearest main river at Sanderson's Brook which runs 200m to the east; an un named watercourse adjacent to the Canal 68m northwest of the site, and a further watercourse 200m to the south. Public sewers are located along and at the junction of Cledford Lane and Brooks Lane; with further private sewers located within and in the vicinity of the site. The FRA identifies that the site is drained by a series of surface water sewers into the existing canal overflow sewer.

### *Risk of flooding from fluvial and surface water flooding*

The FRA identifies that the site is located within Flood Zone 1 (area of least risk) where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding; and is therefore at low risk of flooding from fluvial sources. In terms of flooding from other sources, the majority of the site is not susceptible to surface water flooding, with only the western part and eastern corner having low susceptibility; as such the risk of surface water flooding is low.

### *Risk of flooding from sewer and canal overflow*

Whilst there are historic sewer flooding records in Middlewich approximately 250m to the south west and north west, there are no records of incidents on the site and the risk of sewer flooding is considered to be low. There are no historical records of canal flooding affecting the application site. The canal banks lie at a lower level than the majority of the application site and surrounding roads, and a canal overflow is located in the west corner of the site. Land to the south is also largely green field and flat; the risk is therefore assessed as low.

### *Risk of groundwater flooding*

In respect of groundwater flooding, the site is not located in a Ground Water Source Protection zone or ground water vulnerability zone. The Cheshire East Strategic Flood Risk Assessment (SFRA) indicates that land in the vicinity of the site is susceptible to groundwater flooding, however there are no records of historical groundwater flooding and the SFRA states that groundwater flooding was not considered a significant risk in the authority; as such the site is not considered at risk of groundwater flooding. In addition the FRA identifies that the site is not located within a zone at risk of reservoir flooding.

### *Drainage*

Policy GR20 of CBLP requires a range of criteria to be satisfied in new development which includes:

- The site can be adequately drained of foul and surface water without causing environmental problems; and
- The proposal considers the need to assist the permeability of land for storm drainage and protecting amenity and water quality by means of sustainable urban drainage systems as appropriate.

It is noted that the site is situated within the Middlewich Critical Drainage Area (CDA). An area 250m north west of the site is designated a medium risk CDA as several flooding incidents have been recorded. The proposals must ensure there is no increase in the risk of flooding from surface water off site.

In terms of managing surface water from the site, the preferred method for disposal of surface water would be via infiltration SUDs methods. Given that the site is heavily contaminated and the presence of clay in the soil which is highly impermeable, this renders infiltration methods as unfeasible. As such, surface water would instead be discharged to the canal overflow sewer which then discharges to Sanderson's Brook. The site is currently 100% impermeable and covers an area of 6.3ha. The proposals would reduce this impermeable area to 4.7ha. In addition, the existing surface water runoff rates would be reduced from 882 l/s to 270 l/s, which equates to 10% less than the capacity of the overflow sewer. Such a reduction in future discharge rates to a figure below existing run off rate can be considered a SUDs technique which accords with the requirements of the NPPF.

In order to achieve this, attenuation storage would be provided by a fully lined, sealed storage tank with flow control device underneath the vehicle parking area in zone 5. Additional exceedance storage could be accommodated by allowing areas within the site to temporarily flood. Additionally on the eastern part of the site which is to remain undeveloped, temporary drainage is proposed to prevent any surface water run off onto Faulkner Drive.

The FRA makes recommendations which include further surveys of the existing drainage systems, setting of finished floor levels, attenuation volumes reassessed as part of detailed drainage design; and review of the attenuation volume for the underground tank to ensure no flood waters drain outside the site. These measures could be secured by planning condition.

In respect of foul water drainage, the existing office will retain its foul drainage connection to Cledford Lane. The FRA recommends a further drainage survey to establish what existing drains are suitable for re-use and where required, new foul drainage would be provided. Any waste from the proposal unsuitable for discharge to public sewer would drain to a separate tank and exported off site. The post development flows are assessed as less than the pre development foul flows and therefore no increase in the overall peak flows to the public foul sewer system is anticipated.

Subject to the proposed drainage and mitigation, the FRA identifies that proposals would ensure that surface water run-off and drainage would be appropriately managed on site.

The Flood Risk Manager identifies that the FRA is based on a number of assumptions, including an assumption of the capacity of the canal overflow system through the site. In order to demonstrate that the existing site does discharge into the canal overflow system and at the assumed rate, conditions are recommended to secure the detailed design, implementation, maintenance and management of a surface water drainage scheme; and submission of surface water disposal scheme. The Environment Agency also raise no objection to the scheme subject to securing planning conditions in respect of a scheme to dispose of foul and surface water.

Subject to the imposition of these conditions the scheme is considered to accord with the approach of the NPPF and policy 18 of CRWLP, policy 21 of CBLP and Policy SE13 of the emerging Cheshire East Local Plan Strategy.

### Major Hazard Sites

The site is located within the consultation zones of two 'Major Hazard Site' installations; lying within the outer zone of the Brenntag UK and Ireland site, and in the outer, middle and inner zone of the British Salt site. The consultation zones are defined in order to maintain adequate separation around major hazards for more vulnerable land uses.

With regards to this development the health and safety executive does not advise, on safety grounds, against the granting of planning permission.

### Landscape, visual impact and design

Policies 12 and 14 of CRWLP do not permit development which would have an unacceptable impact on the landscape and/or townscape and visual impact. The impacts of visual intrusion from the proposal should not have an unduly detrimental effect on the amenity of nearby residential properties (policy GR6). In addition landscaping proposals should be an integral part of the scheme and should provide a satisfactory balance open space and built form, and screening of adjacent users. Other considerations include maximising opportunities for wildlife, respecting features of heritage value within the site and incorporation of energy conservation and efficiency (Policy GR2).

### *Impacts on landscape amenity, character and fabric*

Existing trees within the site are generally sited along the western, eastern and southern boundaries. The western boundary of the site contains a linear collection of mature willow, poplar and conifer trees and some shrub understory. The southern boundary contains a group of mature trees and a collection of young self-set saplings dotted along the earth bund which extends along the palisade fencing. The Landscape and Visual Assessment (LVA) identifies that the only features on site noted to be of landscape importance are the existing vegetation along the western boundary which serves to create a transition between industrial use of the site and the neighbouring residential area and canal corridor; and the area of dense deciduous and mixed tree planting on the south western boundary. The proposals are not anticipated to alter these landscape features to any significant degree. The western vegetation belt would remain largely intact, with only the removal of some vegetation along the southern boundary required to accommodate the proposed parking.

The appraisal identifies adverse landscape amenity effects as a result of the changes in the context of the public access route passing alongside the north of development site, along

Cledford Lane. These are considered to be short to long term during the construction and operational periods due to potential increased traffic flows entering and leaving the site. The appraisal indicates that a minor adverse effect will occur.

No significant changes to the landscape characteristics of the site and wider area in the long term are anticipated given the nature of the development on an existing industrial site. Likewise the impacts on landscape amenity are considered to be small.

### *Visual impacts*

The LVA identifies that the views to the site on all sides are restricted by existing buildings or vegetation. From the north - north west views are restricted by the earth bund beyond Cledford Lane, and the intervening retained portal building on the western boundary. Filtered views are available from Faulkner Drive into the eastern edge of the site due to the coniferous screen planting along the boundary. South on Booth Lane, the intervening woodland to the south of the site and retained buildings restrict views to a narrow corridor along the carriageway, canal and pathway. From the west the vegetated edge to the canal and the retained portal framed building aligned parallel with the canal provides filtered views into the site from the canal, Booth Lane and residential properties.

In terms of visual impacts, the key areas of visibility are from Cledford Lane carriageway parallel with the site; Chelford bridge crossing of the canal; and residential properties to the west and east of the site.

The assessment concludes that moderate and minor adverse effects would be experienced during construction and operational phases of the development at the five representative viewpoint locations; particularly for receptors on Cledford Lane east of the railway line. Properties immediately adjacent to the site on Booth Lane would have moderate adverse visual effects at the construction phase due to the proximity of to the site and infancy of the mitigation planting; however over time this would change to a minor beneficial effect as the planting fills the gaps in vegetation screening along that boundary.

### *Mitigation*

A detailed landscape scheme has been submitted which identifies that the existing 5-10m deep vegetated buffer along the canal boundary comprising of grassed areas and willow trees will be retained to provide an element of screening planting for views from the west. Additional native shrub planting is proposed to reinforce this belt and fill gaps in understory planting.

An area of vegetation comprising early mature trees and young saplings is proposed for removal on the southern boundary; however additional native shrub planting is proposed along this boundary to enhance the habitat potential of this wildlife corridor. The length of mature conifer hedgerow and mature trees to the southeast corner of the site will also be retained. Additional amenity and native tree and shrub planting is proposed within the centre of the site to provide an element of visual and acoustic screening. A single stand of close planted mature conifer up to 8-10m high forms a visual screen along the eastern boundary. The proposals retain the existing hedge line with addition of infilling where gaps have appeared to afford continuation of the screening to the east.



Overall the LVA does not identify any significant landscape or visual impacts arising from the scheme subject to the implementation of mitigation. It is also noted that the Landscape Officer does not raise any concerns. A detailed landscape scheme can be secured by planning condition and subject to these measures it is considered that the scheme would accord with the provisions of policies 12 and 14 of CRWLP, policy GR6 of CBLP and the approach of NPPF.

### Heritage and Design

Within the settlement zone of Middlewich (in which the site lies) there is a general presumption in favour of development provided it is in keeping with the town's scale and character. Any development in this zone which is not otherwise allocated for a particular use must be appropriate to the character of its locality in terms of use, intensity, scale and appearance (CBLP Policy PS4). Policy GR1 states that all development will be expected to be of a high standard, conserve the character of the surrounding area and not detract from its environmental quality, and have regard to sustainable development principles. Policy GR2 of CBLP requires proposals to be sympathetic to the character, appearance and form of the site and surroundings in terms of matters such as its overall height, scale, external design, choice of materials, and visual and physical relationship to adjacent properties and the wider locality. Likewise policy 36 of CRWLP states that waste management facilities should be well designed with regard given to its integration into the landscape and townscape and its functionality.

Proposals will not be supported which have a detrimental effect upon the architectural or historical character of a conservation area as a result of matters which include changes to elevational detail of an unsympathetic design which do not respect the local character; development where the design, siting, scale or materials are inappropriate in relation to neighbouring buildings or the locality; and intrusiveness within the setting of a conservation area, or views into, out of, within or across an area.

One of the core planning principles in the NPPF is to securing high quality design in new development. It should respond to local character and history, and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation. The significance of any heritage asset should be taken into account when considering the impact of a proposal on heritage assets. When considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the assets conservation; the more important the asset, the greater the weight should be. Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (NPPF).

### *Heritage*

The site has no formal historical designation but its former uses, buildings and structures are recognised as having local heritage value. A war memorial is situated on the northern façade of the office building fronting Cledford Lane. The memorial would be retained as part of the proposals and following discussions with Middlewich Town Council Heritage Officer, will be restored by the applicant as part of the Office refurbishment works to ensure its longevity.

The Town Council have identified that certain parts of the site such as kilns hold particular heritage interest and as such photographic records have been provided; whilst certain items from the plant such as microscopes and scales will be removed from site and retained by the Town Council.

The location of the site adjacent to the Trent and Mersey Canal Conservation Area is also noted. With regard to the impact of the development on the setting of the Conservation Area, the Conservation Officer notes that the proposed works should have little impact upon its existing character and appearance, given that it is an existing industrial site and the existing vegetation on the canal boundary of the site will be retained and supplemented with native tree and shrub species. Subject to securing appropriate specification for lighting and fencing details to protect the setting of the Conservation Area, no concerns are raised by the Conservation Officer.

### *Design*

The overall design of the scheme is considered appropriate to the character of the locality in terms of the scale, appearance and intensity given the industrial nature of the site and surrounding area to the east of the canal.

The proposals will result in a reduction in the amount of built development on the site. The existing buildings on the periphery will be retained and re-used with minimal change in external appearance, so as to maintain existing views into the site and provide screening for residential receptors. The refurbishments proposed will retain features of architectural interest such as the historic brickwork on the office buildings and upgrade fenestration without losing the fabric of the building. A limited colour palette will be adopted across the site to visually unite the buildings.

These are large buildings, especially the height of the waste transfer buildings; however the new built elements of the scheme have been carefully considered in order to limit height and scale as far as possible whilst allowing for operational requirements of the site. The design of the building also incorporates design mitigation for environmental considerations such as air quality, noise and visual impacts.

Parking and circulation areas are located to the east and south of the retained buildings, allowing new buildings to be positioned in the central part of the site away from all boundaries and sensitive receptors. This also allows for an internal vehicle circulation system which, combined with the use of two waste transfer buildings, encourages efficient vehicle circulation and reduces vehicle manoeuvring to a minimum. Zone 1 (Waste transfer zone) is securely fenced off to isolate operational areas from publicly accessible areas to the west. The refurbishment of the office building includes for disabled access with new paths deigned for disabled access, and disables parking provision.

Given the nature of previous uses on the site, the land uses in the surrounding area and the fact that the site is within an existing industrial area, the design of the scheme would reflect the character and appearance of the local area and would not present any unacceptable impacts on the setting of the adjacent conservation area. It is therefore considered that the design, layout and scale would be acceptable and would accord with policies PS4, GR1 and GR2 of CBLP, policy 36 of CRWLP and the approach of the NPPF.

### Ecology

There is one statutory nature conservation designation within 2km of the site at Sandbach Flashes SSSI (approximately 1.18km to the south); and four non statutory nature conservation designations, the closest being Cledford Lane Lime Beds Local Wildlife site to the north of Cledford Lane. There are records of protected and notable habitats and species within 2km of the site including land immediately to the south identified as a Deciduous Woodland Biodiversity Action Plan Priority Habitats area.

The Ecological Phase 1 Habitat Survey identifies one permanent waterbody present in the north east corner of the site and two ephemeral pools in the south; whilst a range of habitats are present including a parcel of broadleaf woodland, scattered trees, scrub, marshy grassland and species poor semi-improved grassland. The ponds and habitats on site were not considered to qualify as UKBAP priority habitat.

The botanical survey has recorded a significant number of plant species on site; however their diversity falls below that which would warrant designation as non-statutory Local Wildlife Sites. The Nature Conservation Officer accepts that there will be some loss of habitat associated with the development however the retention of habitat along the site of the canal would ensure the site maintains some value for wildlife. In respect of the impact on Cledford Lime Beds Local Wildlife Site the Nature Conservation Officers advises that the proposal are likely to be limited to a potential increase in disturbance during the construction phase.

The small area of woodland habitat in the south western corner of the site would be lost with a corresponding loss of biodiversity; however this loss would be in part mitigated by the proposed native species planting in this area. The ecological survey includes for a range of mitigation including retention of existing grassland and woodland habitat and provision of native species; all of which can be incorporated into the final landscape proposals.

### *Great Crested Newts*

In respect of great crested newts (GCN), all waterbodies within 500m of the site were assessed for their suitability for breeding habitat; with two identified as 'excellent' suitability, three as 'good' and one as average. The site contains habitats, mainly on the site boundary, which are considered to be suitable to provide foraging, commuting and shelter opportunities. Suitable terrestrial habitat is identified within the site however no suitable waterbodies are identified as being present on site.

The Nature Conservation Officer advises that the site supports only relatively small areas of suitable habitat for great crested newts and the higher quality ponds are isolated from the site by roads and/or the railway line. As such the proposal is unlikely to have a significant adverse impact upon this species. Given that access to the ponds within 250m of the site was restricted, it is recommended that the development is carried out under supervision of a licensed GCN ecologist outlined by a detailed Method Statement of precautionary working methods. This includes:

- A search of all suitable GCN refuges and areas released for clearance following approval by an ecologist; and
- All excavations to be covered at the end of each day to prevent GCN becoming trapped

The Nature conservation Officer advises that whilst sensible these should be regarded as a purely precautionary measure. Such measures could be secured by planning condition.

### *Reptiles*

Habitats in the south and along the site boundary are considered suitable for reptiles with areas for potential foraging and refugia. No records of reptiles have been identified however grass snakes have been recorded in the locality. The survey recommends appropriate reasonable avoidance measures during site activities which include an ecologist undertaking searches ahead of any vegetation clearance which the Nature Conservation Officer considers to be appropriate.

### *Barn Owl*

There is no evidence of barn owl activity on site and no trees or buildings considered suitable to support roosting/nesting owls, although there is one record of barn owl within 0.5km of the site. Given the surrounding land use it is considered possible that barn owls casually use the site. The buildings and habitats on have potential to offer suitable nesting habitat for birds during the breeding season and roosting/feeding habitat during the remainder of the year. As such the survey recommends avoidance of works which could impact on nests during bird breeding season, unless the area is checked in advance by an ecologist and should nesting birds be identified, appropriate working methods and exclusion zones identified by an ecologist. This could be secured by planning condition.

### *Bats*

Three species of bat have been recorded within 2km of the site. Two trees on site along the canal boundary are assessed as having potential to be used by bats although there is no evidence of such use; and these would be retained by the proposal. As such, no impacts on bats roosting in the trees are anticipated.

The survey identifies that the habitats in the southernmost section of the site and along western and eastern site boundaries have potential to form an important link for the canal and railway line habitats. The landscape proposals include additional planting along the canal which would supplement this bat foraging habitat.

The majority of buildings on site have low potential to support roosting bats; the exception to this is the office building. A detailed bat survey of this building has been undertaken and no evidence of roosting bats was recorded. The Nature Conservation Officer advises that roosting bats are unlikely to be present or affected by the proposed works to this building. Additional emergence/re-entry surveys during bat active season are recommended by the Ecological Survey, and if bats are confirmed roosting, alternative roosting facilities provided and precautionary approach to works to the building. This can be secured by planning condition, and it is noted that a licence would also be required from Natural England.

### *Badgers*

Areas of grassland, vegetation, bare ground and scrub on site are considered suitable to provide limited foraging opportunities for badgers, whilst further potentially suitable habitats are identified adjacent to the site and in the wider area. No evidence of badger activity was found on site although there are records of activity in the wider area. Due to badgers being highly mobile the Nature Conservation Officer recommends an updated badger survey prior to work commencing on site which can be secured by planning condition.

### *Otter/Water Vole*

No evidence of either otter or water voles has been recorded and the Nature Conservation Officer advises that these species are not reasonable likely to be present or affected by the proposed development. Otters and water voles commuting along sections of the canal could potentially be affected by the proposals and as such precautionary methods such as checks of vegetation prior to vegetation clearance are recommended to further minimise any potential risk posed to these two species, which could be secured by planning condition.

The survey identifies that the habitats present on site have the potential to support polecats, hedgehogs and common toads and these priority species have been recorded in the broad locality of the application site. The Nature Conservation Officer advises however that the application site is unlikely to offer significantly important habitat for these three species. In respect of breeding birds the survey identifies that the construction activities could have an impact on nesting birds and as such mitigation is proposed with regards to timing of works and supervision where necessary by an ecologist.

A five year habitat and landscape management plan is also proposed to enhance the site ecology and provide for (in conjunction with the landscaping proposals) suitable amphibian and reptile habitat; erection of wildlife boxes, new planting to incorporate native species, and incorporation of wildlife friendly boundary features. This could be secured by planning condition. Overall the Nature Conservation Officer considers that the scheme is acceptable, subject to securing planning conditions in respect of updated badger surveys prior to commencement of development, implementation of reasonable avoidance measures, safeguarding of breeding birds and scheme for bird and bat box provision. On this basis the scheme is considered to accord with the approach of NPPF, NPPW and policies NR2, NR3 and NR4 of CBLP and policy 12 and 17 of CRWLP which requires new development to ensure there are no adverse direct or indirect impacts on nature conservation assets and where possible net gains to biodiversity is secured.

### Other matters

Concern has been raised over the potential for the waste development to generate birds, vermin and flies. The contained nature of the waste transfer buildings and the method of handling with all waste being unloaded inside the confines of the building would serve to limit any potential to attract vermin and flies. Good site management practices would also assist in reducing any potential impacts and the site would operate under an Environmental Permit which would also impose controls over operational aspects of this land use to ensure any impacts are mitigated. This would accord with the approach of NPPW and policy 12 of CRWLP.

Concern is raised over the potential for fire risk. The overall management of the waste facility on the site would fall under the remit of an environmental permit which would impose controls to ensure that the site is operated safely. It is also noted that no concerns have been expressed by the fire service.

Concern has also been raised by local residents over the scope and adequacy of public consultation for the proposals; which is not considered to meet standards identified in Council Statement of Community Involvement. The applicant identifies that public consultation was

carried out including a public exhibition, distribution of a questionnaire and advertisement on a website. It is noted that there is currently no statutory requirement under planning legislation for a scheme of this nature to conduct public consultation prior to the submission of an application.

### Conclusions

The NPPW identifies that planning plays a pivotal role in delivering the country's waste ambitions through the development of sustainable development and resource efficiency by driving waste management up the waste hierarchy. The NPPW should be read in conjunction with the NPPF; and all local authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

In accordance with paragraph 14 of the NPPF, applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide a range of benefits in terms of sustainable waste management. It contributes towards meeting national waste management targets and meets a proven waste management capacity gap. It also assists in providing a network of waste management facilities for the sustainable management of waste. It would provide a recycling facility which would ensure that any recyclable waste contained within the residual waste stream is separated and sent to a facility which is higher up the waste hierarchy; and through the production of RDF, facilitates the recovery of energy from the residual waste stream. The proposed facility therefore optimises the management of waste as high up in the waste hierarchy as practicable which accords with the objectives of the WMS and the broad approach of the NPPW.

The scheme also provides other benefits in terms of bringing back into use a vacant brownfield site and re-using much of the existing infrastructure and buildings; thereby avoiding the need to develop elsewhere which would have land use and resource implications. A range of operational/logistical and environmental benefits are also presented by the provision of one central strategic site, including improved service capability and efficiency, more sustainable operations/use of facilities; allows for reduction in some vehicle mileage. The scheme also provides for improvements to the existing road junction and enhanced pedestrian connectivity and allows for the remediation of a site with historical contamination.

Balanced against these benefits must be the negative impacts arising from the scheme, particularly in terms of noise impacts to sensitive receptors resulting from evening and night time operations, potential for residual odour emissions to residents in close proximity to the site, and the potential for some of the waste not being managed close to its source and resulting in additional vehicle mileage.

On the basis of the above and given the approach of the NPPW, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the proposal complies with the relevant development plan policies and should be approved.

## **RECOMMENDATION**

**That the application be APPROVED subject to the following:**

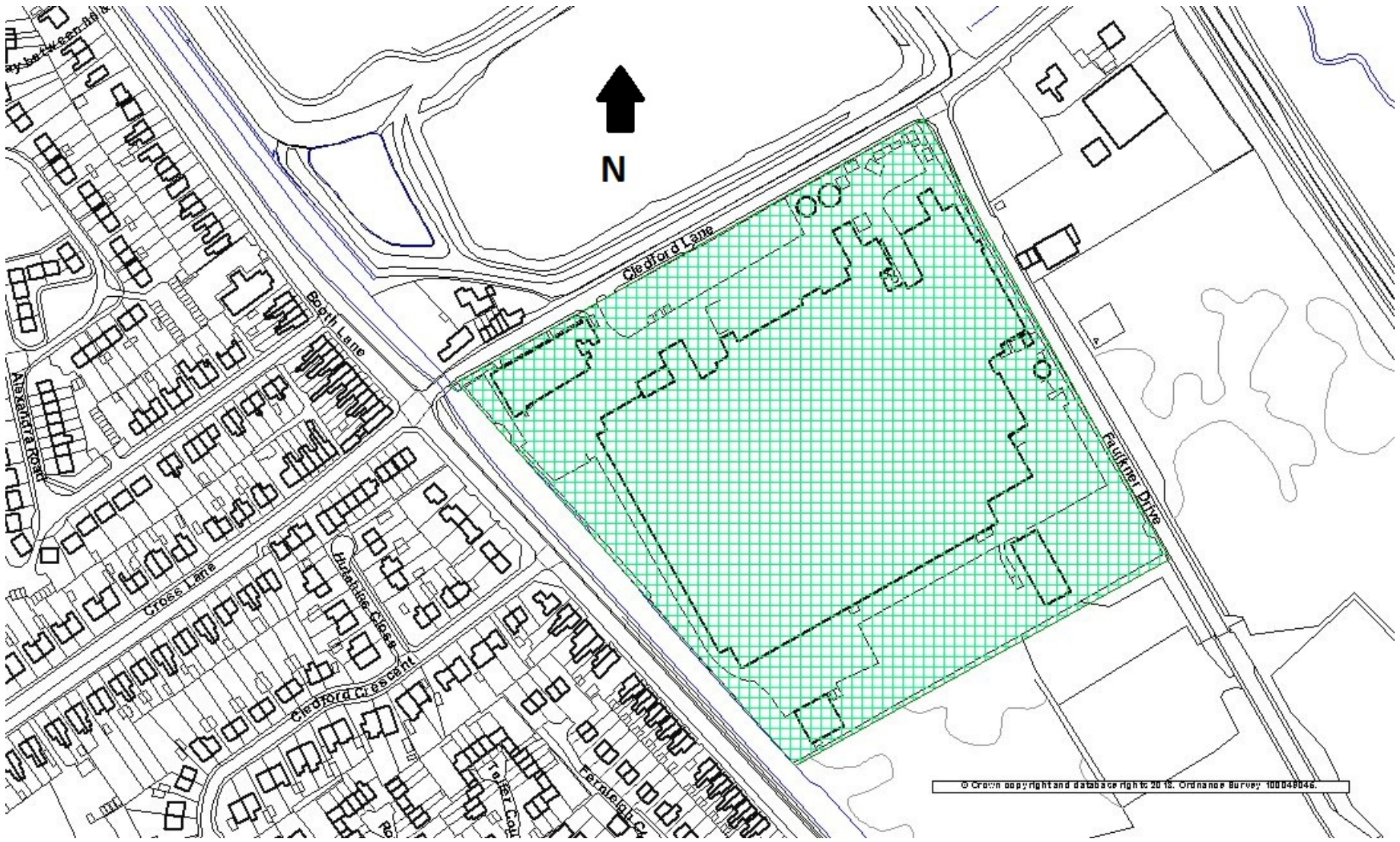
- 1. Standard conditions**
- 2. Hours of operation**
- 3. Approved plans**
- 4. Vehicle numbers**
- 5. Off site highway works**
- 6. Implementation of new access**
- 7. Parking arrangements and internal routing**
- 8. Construction management plan and routing agreement**
- 9. Implementation of travel plan**
- 10. Acoustic mitigation details to be submitted**
- 11. Limit on times for movement of RCVs**
- 12. Noise management plan**
- 13. Noise limits and monitoring**
- 14. Construction environmental management plan**
- 15. Odour mitigation**
- 16. Detailed design, operation and maintenance of biomass plant to be submitted**
- 17. Lighting scheme**
- 18. Final landscape scheme**
- 19. Remediation strategy and site completion report**
- 20. Breeding bird survey**
- 21. Updated badger survey**
- 22. Scheme for ecological enhancement**
- 23. Implementation of reasonable avoidance measures**
- 24. Details of fencing**
- 25. Surface water drainage arrangements**
- 26. Surface water disposal scheme**
- 27. Measures to deal with unexpected contamination**
- 28. Piling restrictions**
- 29. Foul water disposal details**
- 30. Scheme for mitigation of pollution to canal**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Interim Place**

Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.





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Application No: 15/2730N

Location: LAND AT MMU CREWE CAMPUS, CREWE GREEN ROAD, CREWE, CHESHIRE, CW1 5DU

Proposal: Proposed construction and operation of a Deep Geothermal Single Well (DGSW) system including a single vertical well drilled to a depth of 2 km below ground level and associated infrastructure to include above ground well head and perimeter security fence and underground pipeline connection to the MMU Valentine Building plant room, temporary construction access, construction compound and lighting.

Applicant: Mr Ryan Law, Geothermal Engineering Ltd

Expiry Date: 14-Sep-2015

**SUMMARY:**

There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

In terms of sustainability the proposal would satisfy the economic and social, sustainability role by enabling the use of geothermal heat as a low emission, renewable heating solution for the University buildings, reducing energy demand from conventional sources.

This should be balanced against any potential harm to residential amenity and the environment resulting from the landscape and visual impacts arising from the drill rig, and the temporary, short term noise impacts arising from the operation of the drill during the evening and night time periods.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be mitigated to some degree by a range of planning conditions and through the controls in other environmental legislation.

On the basis of the above, it is considered that the short term temporary adverse effects of the scheme are significantly and demonstrably outweighed by the long term social and economic planning benefits created in terms of the provision of renewable, low carbon energy. As such, the scheme is considered to accord with policies of CNBLP, and the approach of the NPPF and is recommended for approval subject to conditions.

**SUMMARY RECOMMENDATION: Approve subject to planning conditions**

### **PROPOSAL**

This application proposes the development of a deep geothermal system which utilises deep geothermal heat to provide building space heating. The proposed system comprises a deep geothermal well, whereby cold water fed in at surface level is heated within the well and subsequently rises back to the surface via convection. This hot water then passes through a plate heat exchanger in order to provide supplementary heat to existing space heating systems.

The project would initially supply approximately 1GWh per annum of renewable heat to four buildings on the Campus followed by further connections to additional buildings to supply a total of 2GWh per annum.

The following above and below ground elements are proposed:

- Single vertical well drilled to 2km depth, cased to a depth of 1.7km in standard oil and gas casing,
- Insulated pipe installed in the well shaft to within 50m of the bottom of the well,
- Underground pipeline connection between the well head and MMU Valentine Building plant room,
- Above ground well head
- 3m high black chain link temporary perimeter security fencing.
- Temporary construction access, construction compound and lighting

### Construction Phase

During the construction phase a temporary site compound would be established including drilling rig, worker welfare facilities and lighting. The total construction process would comprise 4 days for site set up, approximately 35 days for well drilling, and 9 days for site dismantling.

The temporary compound would be formed by laying an impermeable membrane and timber matting across the site, and installation of a collection sump to collect surface water runoff.

Single storey temporary welfare facilities and site cabins (housing site office, workshop and storage accommodation) would be erected within the construction compound. Temporary lighting would be erected for the duration of the construction process.

### Drilling Phase

The drilling will be undertaken in a series of stages. Three cellars (1m deep by 2.1m) would be excavated and installed with concrete rings and sleeve casings. A shallow auger drilling rig would then be used to drill a 510 mm diameter bore to a depth of approximately 20 m below ground level and a steel casing would be installed with concrete.

The rig would then be demobilised and all ancillary equipment removed from site. Formation of the conductor installation stage would be undertaken over a four day period, with drilling taking place for up to 12 hours per day.

The drilling rig and ancillary equipment, comprising mud mixing and holding tanks, generators, and cuttings processing and storage units would be installed over a period of 7 days. A 375 mm well-bore would then be drilled to a depth of 500m and lined with a steel casing (cemented in place). This process would take five days with drilling over 24 hours. Preparation of the drill for the second section would then take place over approximately 4 days during which time no drilling would occur.

A 241 mm well-bore would then be drilled to a depth of 2 km over a period of approximately 12 days with drilling over 24 hours. A steel casing would be installed from a depth of 350m to 1.7 km. Placement of the casing and geophysical testing would be completed within 4 days.

The scheme will use a drill rig with hydraulic top drive unit for the main borehole while a shallow auger drilling rig would be used to complete the conductor section.

During drilling, all cuttings would be separated from the drilling fluid using shaker screens and stored in skips. This will then be exported to an appropriate disposal site by a licensed contractor. All excess drilling fluid would be transported and discharged by a licensed contractor.

### Site Dismantling Phase

The drill rig and associated equipment would be dismantled and removed from site over a 6 day period; whilst removal of site infrastructure and remaining equipment would take place over 3 day period. Site-run-off would be emptied from the collection sump and removed from site by tanker, to an approved water treatment facility.

The total site construction and operational period is anticipated to be a maximum of seven weeks from initial site set-up to site decommissioning.

### Hours of operation

Aside from drilling activities as listed above, the general hours of construction proposed are:

- 06.30 – 19.30 Monday-Friday;
- 07.00 – 13.30 Saturday; and
- No working on Sundays & Bank holidays.

The 24 hour drilling periods would be undertaken for two periods of 5 and 12 days respectively.

### Proposed traffic movements

A total of 300 (150 in, 150 out) HGV movements are proposed over the site construction and drilling periods. The maximum daily number of HGV movements would occur during mobilisation and demobilisation of the drilling rig, with 8 two-way movements occurring over a 9 working day period.

## **SITE DESCRIPTION**

The application site is a parcel of land within the Manchester Metropolitan University campus situated off A534 Crewe Green Road, on the eastern edge of Crewe. This is located

approximately 1.7 km to the east of central Crewe, 55 km south of MMU's main campus in Manchester and 24.4 km to the north west of Stoke-on-Trent.

The application site comprises an existing 60 space car park serving the campus which is situated on the northern boundary; the application site also includes an access route through the campus following the existing internal vehicular roads to the roundabout at the junction of A534 Crewe Road, Electra Way and Crewe Green Road.

Immediately to the west and south of the car park are educational buildings and an area of tree planting. To the west beyond the buildings is an all-weather multi use games pitch and further west approximately 100m from the site are residential areas of Ludlow Avenue and Stanhope Avenue. To the north is a small woodland in which Valley Brook flows and beyond this the Hungerford Road allotment and residential areas approximately 120m from the application site. Land to the east comprises woodland vegetation and tree planting which separates the application site from Halls of residence approximately 200m away.

The nearest listed building is the Grade II Listed Delany Building and is located 172m to the east of the application site.

**RELEVANT HISTORY:** The site has been subject to a number of planning applications largely associated with educational related development; the most relevant including:

- P07/1612 and P08/0517 – Performing arts centre – approved 2008
- P08/1076 – three storey student learning facilities – approved 2008
- P09/0194 – ground floor link extension – approved 2009
- Ref 09/1586N – Erection of an exercise sports science facility - approved 2009

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

Of particular relevance are paragraphs 14 concerning sustainable development; paragraph 17 outlining the core planning principles; and paragraphs 93, 97 and 98 addressing climate change and renewable energy.

#### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan (CNBLP) 2011.

The relevant Saved Policies are: -

NE.5 Nature Conservation and Habitat  
NE.9 Protected Species  
NE.17 Pollution Control  
NE.19 Renewable Energy

BE.1 Amenity  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 and SD1 – Sustainable Development  
SD2 – Sustainable Development Principles  
SE1 – Design  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE8 – Renewable and Low Carbon Energy  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management

Other considerations

National Planning Practice Guidance  
EC Habitats Directive  
Conservation of habitats and species regulations 2010

Cheshire East's Ambition for All Sustainable Communities Strategy (2010-2025) identifies the need to promote sustainable energy sources.

Review of Geothermal Potential in Cheshire East.

In January 2015 the Council's Energy Framework identified Geothermal energy as a significant opportunity to help deliver affordable, sustainable and decentralised energy sources.

### **CONSULTATIONS:**

**Highways:** The well will be located within an existing car park at the northern end of the campus. Access to the site will take place using the existing access to the campus site, it is proposed to construct the well during the summer break and allow the car park to be available for car parking use for the 2015/2016 academic year.

In regard to traffic movements the site is predicted to have 16 maximum two way movements to the site during the construction period.

The proposal will not create any highway problems on the public highway network and no objections are raised to the application.

### **Environmental Health:**

The proposal is to establish a geothermal heating system. This would require 2 periods of 24 hours drilling activities during the construction phase. Drilling rigs of the scale required in this proposal are considered as high level noise sources and can particularly cause annoyance due to the night time operational aspect and the relative inability to mitigate the range of noise sources on a rig.

The proposed drilling site is located relatively close to residential properties. The noise assessment indicates that the noise levels during this phase could exceed levels inside bedrooms at these properties where sleep disturbance is possible. This section would normally seek to ensure that the night time equivalent noise levels at residential properties do not exceed LAeq 45dB (15 minutes). The noise levels due to drilling activities at properties on Lynbrook Road and Lyncroft Close are predicted to be in excess of this level by a significant margin the 2 drilling periods 5 days and 10 days respectively are relatively short for an operational of this scale.

To make this proposal acceptable to this section we would expect to ensure that noise mitigation measures are optimised where feasible and that noise impacts are reduced and managed extensively. The noise assessment considers mitigation through the erection of large and extensive noise barriers and it is shown that the positive impact of these measures would only just be perceptible. The financial outlay required for such measures is high and the cost per noise reduction element could be considered as disproportionate. It is still considered that some acoustic barrier should be installed to provide some attenuation for lower level (in height) noise sources. This would be in addition to noise mitigation on the drilling rig site from best practice measures, layout and orientation of noise sources. Noise and, if required, vibration monitoring should be carried out by the applicant. Noise monitoring should be compared against noise limits that are proposed below.

The applicant has carried out a local consultation session and letter drop to inform local residents of potential impacts. This engagement should continue throughout the construction process to inform, respond to complaints and, if necessary, aid any particularly vulnerable residents in arranging respite from noise impacts.

In summary, this section would find this proposal acceptable subject to the following planning conditions being attached to any planning permission.

Prior to the commencement of any development a noise management plan for controlling and containing drilling noise shall be submitted to and agreed by the Local Planning Authority. The plan shall include the following aspects:

- Details of acoustic barriers and other noise attenuation design
- Justification of site layout and orientation of noise sources
- Limiting of drill string tripping out activities from 0730 to 2100 hours
- Phasing of drilling works to avoid weekend working where possible
- Phasing of drilling works to avoid working during the period between Christmas Day and New Year
- Other best practice measures
- Planned duration of drilling operations



The free-field noise levels from drilling operations shall not exceed the levels at the first floor level at properties and at the times as indicated below.

Location	Night Time 23:00hrs to 07:00hrs LAeq 15 minutes dB
Properties on Ludlow Avenue	45
Properties on Lynbrook Road	59
Properties on Lyncroft Close	59

Prior to the commencement of any development a noise monitoring plan shall be submitted to and agreed by the Local Planning Authority. The monitoring shall allow the comparison of noise against the agreed limits and the findings reported to the LPA within 48 hours of completion of the monitoring.

Prior to the commencement of any development a noise communication plan for informing residents and responding to any noise complaints shall be submitted to and agreed by the Local Planning Authority. The plan shall include a provision for arranging respite to noise impacts for any vulnerable residents.

#### Lighting

Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

*Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area)*

#### Contaminated Land Officer:

No objection subject to the following comments. A Phase I Preliminary Risk Assessment has been produced for the site which shows a limited risk from contamination to the proposed development.

If any contamination is encountered, care should be taken during the drilling not to create pathways into underlying soils and groundwater (the borehole shall be cased off as per the method statement, especially in the upper strata).

There are differing accounts with regards to ground gas risks within the documentation provided in support of the planning application. However the Phase I Preliminary Risk Assessment states that: “the presence of hydrocarbons in the Sherwood Sandstone is not predicted by GEL or the drilling contractor (but has been encountered in similar geological settings)”. Therefore, as hydrocarbons have been encountered in similar situations, we will

require a robust risk assessment prior to development commencing which will detail how nearby receptors will be protected from any gas migration from lower strata. Although gas monitoring is proposed by the drilling operatives, if significant quantities of explosive or asphyxiant gases are released then we would require a firm methodology for how this is proposed to be dealt with, in order to protect public health.

As such, conditions are recommended in respect of:

Prior to drilling activities commencing:

- a) A Risk Assessment shall be carried out to assess potential risks from ground gases.
- b) If the Risk Assessment identifies that protective measures/actions are required, then a protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.

After the drilling stage of the development and prior to first operation of the geothermal plant:

- c) If protective measures/actions are required, a Site Completion Statement detailing the protective measures/actions involved in the development shall be submitted to, and approved in writing by, the LPA.

#### REASON RCLC9

To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development and having regard to policy BE.6 of the Crewe & Nantwich Borough Council Local Plan.

#### INFORMATIVE NCLC1

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

#### **Nature Conservation:**

The application site, which consists almost entirely of an existing car park, is located in close proximity to Valley Brook. It is however elevated above the brook and is quite wooded which would partly mitigate any potential disturbance of wildlife including bats associated with lighting and noise. Such impacts would be likely to be limited to the construction phase of the development. The application site is also located far enough away from the bank of the brook for there to not be any impacts on species such as water voles (if they were present).

The application site is of negligible value for great crested newts and the nearest ponds are isolated from the development, so based upon knowledge of the site it is not anticipated that there would be any significant impacts on this species.

There are no active badger setts on or adjacent to the site, there are however signs of badgers being active along the banks of valley brook immediately adjacent to the site. As badgers can excavate new setts in a short time scale it is recommended that if planning

consent is granted a condition should be attached requiring a detailed badger survey to be undertaken and submitted to the LPA prior to the commencement of the development.

It is not anticipated that it is necessary to remove any vegetation as part of the proposals however, as a precaution it is suggested that if planning consent is granted the following condition should be attached:

*Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.*

*Reason: To safeguard protected species in accordance with the NPPF.*

### **Landscape:**

Broadly agree with the identified overall significance of impacts for the MMU Campus, Residential areas, Valley Brook Corridor and Crewe Business Park and also agree that there would be no significant landscape or visual effects as a result of the proposed development.

**Environment Agency (EA):** Further to the submission of a Flood Risk Assessment, we are now able to remove our previous objection to the above application.

We can confirm its acceptance of the analysis and conclusions of the Assessment; in that the development is considered appropriate and in accordance with national planning policy requirements. No additional flood protection or mitigation measures are considered necessary.

### **United Utilities (UU):**

In accordance with the NPPF and Building Regulations, the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. No objections are raised subject to the following conditions: -

- no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.
- surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined public sewerage systems.
- Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow that mimics the existing site run off.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding.

### **Crewe Town Council:**

The Town Council welcomes the introduction of non-polluting energy sources into the town, but would like further consideration to be given to measures to mitigate the short term noise impacts on local residents during 24 hour drilling operations. If the application is approved, it should be accompanied by a condition requiring close and careful community consultation as recommended in section 8 of the Planning Noise Assessment submitted with the application.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

1 letter of objection has been received raising the following issues:

- Noise impacts on sensitive receptors including the nearby school associated with drilling process, especially given that 24 hour drilling is proposed.
- Above ground apparatus/structure would have a detrimental effect on the visual appeal of the area.
- Potential for the shaft to effect the water table, especially River Waldron, which already floods Macon Meadows several times a year.

1 letter of support has been received making the following comments:

- This is a good example of sustainable, green technology that we should all support
- The impact is minimal, and local residents and business will benefit.

Manchester Metropolitan University (MMU) also support the proposal; making the following comments:

- The university welcomes the opportunity to be part of a prestigious renewable energy demonstrator project and are pleased this new innovative technology is demonstrated on their campus;
- Could provide learning and research platform for schools, colleges, students and the local community;
- Could put Cheshire and MMU at the forefront of supporting the UK in meeting its future energy needs.

### **APPRAISAL:**

The key issues are:

- Principle of developing deep geothermal
- Impacts on amenity
- Control of environmental pollution
- Highway impacts

- Landscape and visual impacts
- Seismic risks
- Impact on proposal on nature conservation interests
- Heritage

### Principle of Development

The proposed development should be considered against the National Planning Policy Framework (NPPF) which identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

### Economic and Social Sustainability

The core planning principles in the NPPF include proactively driving and supporting sustainable economic development to deliver the homes, business, infrastructure and thriving local places that the country needs; and encouraging the use of renewable resources (for example, by the development of renewable energy (paragraph 17). Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system (Paragraph 19).

The NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Paragraph 97 of NPPF emphasises that in order to help increase the use and supply of renewable and low carbon energy, local planning authorities should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

It emphasises that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.

There is further guidance within the Planning Practice Guidance which states that whilst the NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

Equally policy NE19 states that proposals for the generation of power from renewable energy sources will be permitted where the development would cause no significant harm to the character and appearance of the surrounding area; there are no highway impacts; no unacceptable impacts on the amenities of neighbouring residential occupiers by reason of noise, disturbance, pollution, visual intrusion or traffic generation; and the proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest.

The Government has set an overall renewable energy target to generate 20% of all national energy from renewable sources by 2020 and 40% by 2050 (Energy White Paper 2003); and is committed to delivering new renewable energy technologies to meet its overarching renewable energy targets. The 2009 Renewable Energy Strategy (RES) sets out the

Government's intention to explore the potential for a deep geothermal energy sector in the UK.

It is noted that the Government is also prioritising the development of heat-only deep geothermal projects. In the Government's strategic framework for heat, it identifies the development of district heating networks, as an important part of the transition to low carbon heating, and deep geothermal as a potential heat source for those networks. Practical support and funding is also provided to encourage the deployment of heat networks, including through the work and funding of the Heat Networks Delivery Unit.

In respect of these points, the applicants highlight the benefits that the scheme presents; in respect of:

- enables the use of geothermal heat as a low emission, renewable heating solution for the University buildings, reducing energy demand from conventional sources
- has the potential to provide long-term secure, base-load energy and greenhouse gas reductions at the site;
- delivers renewable deep geothermal heat at low cost and low risk in a short timeframe;
- would initially supply approximately 1GWh per annum of renewable heat to four buildings on the Campus followed by further connections to additional buildings to supply a total of 2GWh per annum;
- for every one unit of electricity used by the pump, approximately 50 units of thermal energy can be delivered at the surface. The associated Carbon savings would be significant;
- puts Cheshire East at the forefront of deep geothermal heat development;
- Construction of the scheme would generate 15 full time equivalent jobs.

On the basis of the above considerations, subject to all environmental and amenity impacts being satisfactorily addressed, the scheme is considered to accord with the approach of the NPPF and CNBLP policy NE.19.

### **Environmental Sustainability**

#### Pollution Control and Water Resources

The NPPF states that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects of pollution on health, the natural environment or general amenity and the potential sensitivity of the area to adverse effects from pollution should be taken into account. The site should be suitable for its use, taking account of ground conditions and land instability.

CNBLP policy NE17 states that all development should ensure that measures are taken to prevent, reduce or minimise pollution. Development proposals will not be permitted which are likely to lead to any increase in surface water, ground water or air pollution. Similarly policy BE.1 does not support development that would lead to an increase in air, noise or water pollution insofar as this might have an adverse effect in other uses of land. Policy BE.4

requires there to be adequate drainage arrangements in place which do not cause any environmental problems as a result of the ultimate discharge; and proposals should not lead to an adverse impact on water resources in terms of their quantity, supply or ecological features they support. Development should not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination (policy BE.6)

The Phase 1 preliminary risk assessment summarises detailed geological characteristics underlying the drilling site, including the status of ground gas conditions and ground water. A conceptual site model and preliminary risk assessment have been completed to assess the risks posed to receptors at the site resulting from the proposed drilling works, operation of the geothermal well and decommissioning of the well.

It identifies potential sources of contamination to include fuels used during drilling works; hydrocarbon gases; and mineralised/saline water abstracted during testing and operation. A range of contaminant pathways are also identified including direct contact with contamination, lateral flow of contaminants over ground surface, vertical infiltration, uncontrolled release of fluids during drilling and migration of gasses to the ground surface.

The Phase 1 assessment identifies that multiple measures are embedded in the design of the proposed well to break any pathway for contamination or mitigate any potential to risk to the environmental and human health impact. An impermeable membrane will be placed across the drilling site to contain all site drainage in a sump and contain any spills of drilling fluids, abstracted water or fuel should any occur. Excavated soils will be handled as potentially contaminated and disposed of off site at a licensed facility, and during drilling any stockpiled material arisings would be damped down to reduce the risks to users of the Campus during dry and windy conditions. The well design and integrity (including requirements for monitoring including gas) will also be reviewed by an Independent Well Examiner (IWE). It is noted that the drilling and well construction will be regulated by the range of health and safety requirements/legislation which are applied to the onshore oil and gas industry and regulated by the Health & Safety Executive (HSE). Additionally the well will be drilled and constructed in accordance with an Environment Agency Groundwater Investigation Consent which controls the depth, drilling methods and limits the quantity of groundwater that can be abstracted.

The Phase 1 assessment identifies a number of pollutant linkages resulting from ground gases which may exist at depth, and which may flow to the surface as a result of drilling. The risk of this is considered to be moderate but there is a low likelihood of this occurring. Gas monitoring by drilling operatives at the well head is proposed during the drilling. The assessment identifies that if gas is detected during drilling, cementing sections of the casing is recommended to reduce the flow of gas towards the surface along this pathway. The adequacy of the cementing work would be subject to inspection by the IWE and any subsequent recommendations implemented.

If gas is detected during drilling, the assessment recommends that shallow gas monitoring wells are installed between the geothermal well and the adjacent buildings. These wells would be monitored following completion of the works for a period to be agreed with the Environmental Health Officer. A ground gas risk assessment would then be completed using the gas monitoring data and the results and recommendations provided the Council. This risk assessment for the decommissioned well would be updated following completion of the



drilling works. On the basis of the outlined mitigation, the assessment has identified no significant residual risks.

The Contaminated Land Officer advises that if any contamination is encountered, care should be taken during the drilling not to create pathways into underlying soils and groundwater and the borehole should be cased off as per the recommendations in the assessment, especially in the upper strata. They also note that the Phase I assessment identifies that whilst hydrocarbons are not predicted to be encountered, it has been encountered in similar geological settings. Therefore, the Contaminated Land Officer requires a robust risk assessment to be undertaken prior to development commencing to detail how nearby receptors will be protected from any gas migration from lower strata. Although gas monitoring is proposed by the drilling operatives, if significant quantities of explosive or asphyxiant gases are released then the Contaminated Land Officer would require a firm methodology detailing how this would be dealt with, in order to protect public health. As such conditions are recommended in respect of securing a ground gas risk assessment prior to any drilling commencing; and where necessary, a protection scheme to be submitted and implemented, along with a site completion statement. Subject to securing such conditions the scheme is considered acceptable in respect of impacts of contaminated land.

### *Drainage and water resources*

An impermeable membrane will be placed across the drilling site to contain all site drainage in a temporary on-site sump and contain any spills of drilling fluids, abstracted water or fuel should any occur. All rainwater collected would be drained into the existing combined sewerage system. Any spillage or accidental release of fluids during the construction phase collected in the sump would be removed from site by tanker vehicles, for off-site treatment or disposal. Risk of spillages and accidental release of drilling fluids would be minimised by rigorous site management, including toolbox talks for all staff, and the deployment of purpose-designed spill kits (the use of which would be an integral component of site induction briefings). No objections are raised from United Utilities subject to the imposition of conditions in respect of securing a scheme for foul and surface water disposal.

In respect of impact on water resources, the drilling operations will fall under a range of consents regulated by the Environment Agency. The well will be drilled and constructed in accordance with an Environment Agency (EA) Groundwater Investigation Consent which controls the depth, drilling methods and limits the quantity of groundwater that can be abstracted. The consent allows for the construction of the borehole, and testing by abstraction of groundwater at a rate not exceeding 7.2m<sup>3</sup>/hr with a maximum abstracted volume of 20m<sup>3</sup> in one day. The scheme will also require an abstraction licence as it will be abstracting more than 20 cubic metres of water a day. An Environmental Permit (for a groundwater activity) will also be required to discharge the water back to the borehole once it has passed through the heat exchanger. Depending on the heat characteristics of the well, a small proportion of water is rejected and not recirculated back into the well. This water is sourced from the formation surrounding the well and is therefore likely to have elevated mineral content and salinity. Such activities would be controlled by the Environment Agency under a groundwater abstraction licence. The water would be disposed offsite to an appropriately permitted facility or discharge to foul sewer under a sewerage undertakers consent. With regards to the impacts on groundwater, the EA raise no concerns.

On the basis of securing the above planning conditions and given the controls in place under other environmental legislation, it is considered that the scheme accords with the approach of the NPPF and policy NE.17, BE.1, BE.4 and BE.6 of CNBLP.

### *Flood risk*

Part of the application site is located within flood zone 3 on the Environment Agency's flood risk maps due to its location adjacent to Valley Brook which is land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) in any year.

The NPPF seeks to direct development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. A sequential, risk-based approach should be applied whereby more vulnerable development types are preferentially placed in areas at lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be permitted.

When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Policy NE20 of CNBLP also states that flood prevention proposals for new development, including the raising of land, in the indicative flood plain as shown on the proposals map, will only be permitted where: the proposal is supported by a flood risk assessment with appropriate flood prevention and mitigation measures; the proposal would not result in extensive and unacceptable culverting; the proposal would not create or exacerbate flooding elsewhere; and it does not adversely affect the integrity of, or prevent access for maintenance purposes to, a water course or underground services; in

determining applications for development and reviewing the local plan, the borough council will apply the risk based approach through a sequential test of the potential risk of flooding.

The Flood Risk Assessment (FRA) identifies that the application site is not at risk of surface water flooding from sources other than Valley Brook; and no other potential sources of flooding (e.g. tidal, reservoirs, canals) have been identified. The risk of ground water being brought to the surface by the drilling or operation of the borehole has been fully assessed and mitigated by the construction method and final design of the borehole as identified above.

In terms of the sequential approach advocated in the NPPF, due to the non-residential nature of the development, the scheme overall is likely to be considered 'less vulnerable' in terms of flood risk. The FRA identifies that the borehole and associated equipment in location would be fully sealed. All mechanical and electrical equipment at this site would be fully submersible in line with its operational requirements. As such the continual operation of the borehole would not be vulnerable to flooding and would suffer no negative impact should the site be fully inundated. The infrastructure is considered to be fully water-compatible. The FRA identifies that the water sensitive elements of the proposal (the heat exchangers) would be located outside of the floodplain.

The heat exchanger for the borehole would be located remotely in the Valentine Building, outside of Flood Zone 3. The Valentine Building is within Flood Zone 2 on the EA Flood Maps for planning. However the more detailed flood risk maps in the Crewe and Nantwich Strategic Flood Risk Assessment identify the building as being located in Flood Zone 1.

The FRA identifies that there is a minor risk that the above ground infrastructure or temporary works/plant might disrupt floodplain flows locally if a flood occurred; but the impacts on flood level would be very localised. To mitigate this risk, it is recommended that the infrastructure is located away from any obvious flowpaths/low points, on the highest ground available within the car park. Such measures can be secured by planning condition.

The Environment Agency consider that the FRA is acceptable and the development is considered appropriate and in accordance with national planning policy requirements. No additional flood protection or mitigation measures are considered necessary. On this basis and subject to conditions to secure the recommendations of the FRA, the scheme is considered acceptable and accords with the approach of the NPPF and policy NE20 of CNBLP.

### Noise

NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

Policy BE.1 of CNBLP states that new development should be compatible with surrounding land uses and should not prejudice the amenity of occupiers of adjacent property due to noise impacts.

The noise assessment identifies that noise levels without mitigation comply with relevant daytime thresholds but are in excess of night time and evening accepted thresholds and could give rise to potentially significant effects. Mitigation to address such impacts are identified, namely:

- 5m high solid acoustic fence along the north and east site perimeter.
- The above option plus acoustically absorbent equipment noise barriers around each section of plant (i.e. 6m barrier for the drilling rig, 4m barrier for the generator, and 3m barrier for the mud pumps)
- Perimeter fence barrier plus acoustic cladding panels built round and part-enclosing the shale shakers (5m barrier with no cantilever / lid); drill head section (12m barrier with no cantilever / lid); main drilling rig section (6m barrier with a 0.75m cantilever at 45 degrees); mud pumps (3m barrier, with a 2m cantilever lid overhang at 60 degrees); and generators (4m barrier with a 2m cantilever lid overhang at 60 degrees).

The noise assessment considers that these measures represent very onerous and costly degrees of mitigation which would be unusual, particularly for such a short term, temporary project as the drilling proposal. It identifies that with the inclusion of the mitigation, noise levels would exceed the night time noise criteria at the surrounding dwellings, although only by a small amount in Ludlow Avenue. Due to the site geometry, it considers that the benefits of even extensive mitigation using barriers are relatively limited given the distances to the surrounding dwellings and the presence of the university buildings which serve to reflect noise from the plant back towards the dwellings to the north of the proposed site.

In view of the short duration of drilling (17 days), the noise assessment considers that a higher maximum night time noise level could be acceptable, subject to the operator implementing best practicable means of working and close and careful community liaison. This follows the World Health Organisation's (WHO) Night Noise Guidelines for Europe and the assessment concludes that achieving this may be challenging, but in view of the duration of the works, the potentially short period during which this level may be exceeded may be seen as acceptable for a few days, with careful and appropriate community engagement, when balanced against the long term environmental benefits provided by the resulting low carbon energy source that would be created.

The Environmental Health Officer advises that drilling rigs of this scale are high level noise sources which can cause annoyance due to the night time operations and the relative inability to mitigate the range of noise sources on a rig; and the predicted night time noise levels at properties on Lynbrook Road and Lyncroft Close would be in excess of the normally accepted levels by a significant margin; although the two drilling periods of 5 days and 12 days are relatively short for an operational of this scale.

In order to make these impacts acceptable, the Environmental Health Officer expects the proposal to ensure that noise mitigation measures are optimised where feasible and that

noise impacts are reduced and managed extensively. The officer notes that the positive impact of the identified mitigation measures would only just be perceptible and the financial outlay required for such measures is high and the cost per noise reduction element could be considered as disproportionate. Despite this and the conclusions of the noise assessment, the Environmental Health Officer advises that some acoustic barriers should be installed to provide some attenuation for lower level (in height) noise sources. This would be in addition to noise mitigation on the drilling rig site from best practice measures, layout and orientation of noise sources. Noise and, if required, vibration monitoring should also be carried out by the applicant and this should be compared against noise limits established by planning condition.

The applicant has carried out a local consultation session and letter drop to inform local residents of potential impacts. The Environmental Health Officer considers that this engagement should continue throughout the construction process to inform, respond to complaints and, if necessary, aid any particularly vulnerable residents in arranging respite from noise impacts.

Overall therefore, the Environmental Health Officer advises that the proposal would be acceptable subject to imposition of planning conditions:

- A Noise Management Plan to be submitted and approved prior to the commencement of development; detailing:
  - Details of acoustic barriers and other noise attenuation design
  - Justification of site layout and orientation of noise sources
  - Restriction of drill string tripping out activities from 0730 to 2100 hours
  - Phasing of drilling works to avoid weekend working where possible, and the period between Christmas Day and New Year
  - Other best practice measures
  - Planned duration of drilling operations
- Set noise levels to be achieved at Lyncroft Close, Lynbrook Road and Ludlow Avenue for the period of 2300 to 0700 hours
- Noise monitoring plan to be submitted allowing for comparison of noise against the agreed limits and the findings reported to the LPA within 48 hours of completion of the monitoring
- Noise communication plan to be submitted for approval detailing measures for informing residents and responding to any noise complaints; and provision for arranging respite to noise impacts for any vulnerable residents.

On the basis of securing the provisions identified above, and given the views of the Environmental Health Officer, on balance it is not considered that there are sufficient grounds to warrant refusal of the scheme due to noise impacts in this instance.

Impact on nature conservation interests

Policy NE9 of CNBLP does not permit development which would have an adverse impact on protected species or their habitats. Likewise NPPF requires new development to ensure there are no adverse direct or indirect impacts on nature conservation assets and where possible net gains to biodiversity are secured.

The application site is located on an area of hardstanding used as a car park within the campus site. Approximately 13m to the north/northeast of the site is a woodland corridor containing Valley Brook which is separated from the site by an area of amenity grass. The application site is elevated above the brook and Nature Conservation Officer advises that the woodland aligning the brook would partly mitigate any potential disturbance of wildlife including bats associated with lighting and noise arising from the development; and impacts would be limited to the construction phase of the development. Given the distance of the site from the banks of the brook, should any water voles be present there are no likely impacts anticipated.

The Nature Conservation Officer advises that the application site is of negligible value for great crested newts and the nearest ponds are isolated from the development; as such it is not anticipated that there would be any significant impacts on this species.

No active badger setts were observed on or adjacent to the site; however there are signs of badgers being active along the banks of valley brook immediately adjacent to the site. As badgers can excavate new setts in a short time scale the Nature Conservation Officer advises that planning conditions should be secured to require a detailed badger survey to be undertaken and submitted to the LPA prior to the commencement of the development. In order to protect nesting birds a planning condition is recommended for detailed survey for nesting birds prior to the removal of any vegetation. No objections are raised by the Nature Conservation Officer and as such the scheme is considered to accord with policy NE9 of CNBLP and the approach of the NPPF.

### Landscape and visual impacts

New development should not prejudice the amenity of the occupiers of adjacent property by reason of (amongst others) visual intrusion (CNBLP policy BE1) whilst the requirements of policy NE19 are noted in respect of ensuring against significant impacts on the amenities of neighbouring residential occupiers by reason of (amongst others) visual intrusion.

In terms of the potential for effects on the landscape and the visual amenity of local receptors, the Landscape Appraisal identifies that during construction there would be slight adverse effects on the University Campus and River Corridor. Views at residential receptors and the footpath from north east, south east and south west would have a slight to moderate adverse impact during the construction works; however due to the short term and temporary nature of the construction programme, no significant landscape or visual effects are predicted as a result of the proposed development during construction. Once operational, the proposed development is assessed as having a negligible effect on the character of the local landscape and on all identified receptors; and a negligible effect of receptors enjoying the setting of the Grade II Listed Delany Building. Overall no significant landscape or visual effects are predicted as a result of the proposed development. The landscape officer broadly agrees with the identified overall significance of impacts for the nearby receptors and also agrees that

there would be no significant landscape or visual effects as a result of the proposed development. No objections are raised by the officer.

Whilst it is accepted that there would be some moderate adverse impacts generated during the construction phase due to the erection of the drilling equipment and associated infrastructure, this is temporary and short term and on completion there would be no significant landscape or visual impacts. The Environmental Health Officer recommends that the details of lighting to be installed on site is approved prior to its installation to ensure that it minimises the potential loss of amenity caused by light spillage onto adjoining properties. This could be secured by planning condition. On balance therefore, the scheme is considered to be acceptable and complies with the overall approach of NPPF and CNBLP.

### Highway impacts

The development is predicted to generate a maximum of 16 two way movements to the site during the construction period. The Transport Statement identifies that the daily construction traffic movements would make a negligible contribution to existing traffic flows on the local highway network. The swept-path analysis identifies that all vehicles, including the drilling rig unit, would be able to access the application site without damaging existing buildings or infrastructure; and the site will be accessible to all delivery vehicles, using the main entrance to the Campus from the Electra Way/Crewe Road roundabout. In addition, a negligible impact is identified on the highway network associated with the permanent, operational infrastructure of the proposed development. The Highways Officer advises that the construction works should take place outside of term time to avoid disruption to the college traffic movements. In response the applicant has clarified that the works are proposed over the winter term break when there are no college vehicles present on site. The timing of works could be controlled by means of a planning condition. Overall the Highways Officer does not consider that the proposal will create any highway problems on the public highway network and no objections are raised.

On this basis the scheme is considered to accord with policies BE1 of CNBLP which does not support proposals which would generate such levels of traffic that the development would prejudice the safe movement of traffic on surrounding roads or have an adverse impact on neighbouring uses; and NPPF which states that development should only be prevented or refused on traffic grounds where the residual cumulative impacts of development are severe.

### Seismic risk and subsidence

Whilst no seismic hazard assessment has been submitted in support of the planning application; the applicant has submitted the following information in respect of the risk of the proposed drilling works and subsequent operation of the heat plant leading to induced seismicity. They advise that the proposed development would involve drilling a 2 km vertical well of almost identical construction to a well drilled at Southampton in the 1980s and that drilled at Newcastle Science Central in 2011. Neither project has been associated with any induced seismicity. The vertical well at this site would not re-inject water under pressure which is often associated with induced seismicity. Furthermore, the flow rates used at this site would be one tenth of that used at the Southampton project. During testing, no hydraulic stimulation of the well (hydro-fracking) would be required and therefore there would be no risk of induced seismicity during the drilling or testing phases.

The proposed single well system is not the same as other geothermal projects that require multiple wells (one injection and one abstraction). The single well system does not drill directional wells and does not require high flow rates that are reinjected into the ground at significant depth under pressure. It is the re-injection of fluids under pressure (whether during operation or stimulation) that can induce seismic events. As the proposed system does neither, the applicant considers that there is no seismic risk.

Government guidance (DECC) in respect of seismic risks from deep geothermal activity advises that it is very unlikely that micro-seismic events resulting from deep geothermal schemes would cause any damage. For deep geothermal EGS projects, where there is a need to enhance permeability, micro-seismic events can be produced during reservoir stimulation (which is only short term); however deep geothermal projects utilising hot sedimentary aquifers are very unlikely to create seismicity as stimulation is typically not required. There is no national planning policy guidance in respect of seismic risks associated with deep geothermal energy schemes; however the advice of DECC is noted and in the absence of any concerns raised by consultees, the scheme is considered to be acceptable.

In respect of risk of subsidence the Government advises that re-injection of extracted water is an integral part of deep geothermal heat projects which counteracts the reduction in pressure through removal of water and mitigates against the risk of subsidence. No concerns have been raised by consultees over the potential for risk of subsidence.

### Safety and decommissioning

Although strictly only relevant to hydrocarbon wells and not geothermal wells, the applicant and drilling contractor advise that they will adhere to the requirements of the Borehole Sites and Operations Regulations 1995 (BSOR) and the Installations and Wells (Design and Construction, etc) Regulations 1996 (DCR). The applicant has notified the HSE of their intention to drill and construct the proposed well. The IWE has been appointed to assess the well design and well integrity. Any measures and recommendations made by the well examiner will be implemented. Works will proceed with notification of the HSE and involvement of the Independent Well Examiner as required by BSOR and DCR.

The proposed well is intended to be used for a period of approximately 50 years. The well will be abandoned in accordance with the requirements at the time of abandonment. Abandonment of geothermal wells is currently not subject to specific regulations; however it is a requirement of Installations and Wells (Design and Construction, etc) Regulations 1996 that the well operator must design and construct the well with abandonment in mind and that the well is abandoned in such a way that there can be no unplanned release of fluids so far as reasonably practicable. The IWE will review abandonment proposals as part of the well design.

### Heritage

The application site is located approximately 172m from the Grade II Listed Delany Building on the MMU campus; and separated by a range of other university buildings. In view of this, the Conservation Officer does not consider that there would be any impacts on the setting of the listed building. Whilst there is potential for impacts associated with vibration, the advice of



the Conservation Officer is that these are unlikely to be of any significance and do not require any further consideration. The proposal is therefore considered acceptable in terms of its impact to heritage assets and accords with the approach of the NPPF.

### Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report.

### **PLANNING BALANCE**

Taking account of Paragraph 14 of the NPPF there is a presumption in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal would satisfy the economic and social sustainability roles by enabling the use of geothermal heat as a low emission, renewable heating solution for the University buildings, reducing energy demand from conventional sources. It would provide long-term secure, base-load energy and would provide a valuable contribution to cutting greenhouse gas emissions and present carbon savings. It would also deliver renewable deep geothermal heat at low cost and low risk in a short timeframe. These benefits would accord with the Framework's core planning principles and renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development.

In respect of environmental sustainability, multiple measures are embedded in the design of the proposed well to mitigate any potential to risk from pollution to the environmental and human health; and a ground gas risk assessment could be secured to ensure nearby receptors are protected against gas migration. Adequate drainage arrangements would be in place to protect water quality and impacts on water resources associated with water abstraction would be controlled by relevant environmental legislation regulated by the Environment Agency. Additionally the drilling activities would be regulated by a range of health and safety requirements/legislation.

The development adheres to the sequential approach to flood risk with the water sensitive elements of the proposal located outside of the floodplain; and no adverse impact on nature conservation are anticipated. Likewise no adverse impacts are anticipated on the local highway network or to heritage assets.

Some moderate adverse impacts on landscape and visual amenity are anticipated for the construction phase, however this is temporary and short term, and on completion there would be no significant adverse landscape or visual impacts. With regards to noise impacts from the scheme, the predicted night time noise levels would in some cases be in excess of the normally accepted levels by a significant margin; although would only be carried out for relatively short periods of 5 and 12 days. A range of mitigation is also recommended by the Environmental Health Officer which would address to some degree the noise impacts to nearby receptors. The impacts in respect of noise, landscape and visual amenity must be balanced accordingly.

On the basis of the above and in respect of paragraph 14 of the NPPF, it is considered that the short term temporary adverse effects of the scheme are significantly and demonstrably outweighed by the long term social and economic planning benefits created in terms of the provision of renewable, low carbon energy. Accordingly it is recommended for approval subject to conditions.

### **RECOMMENDATION**

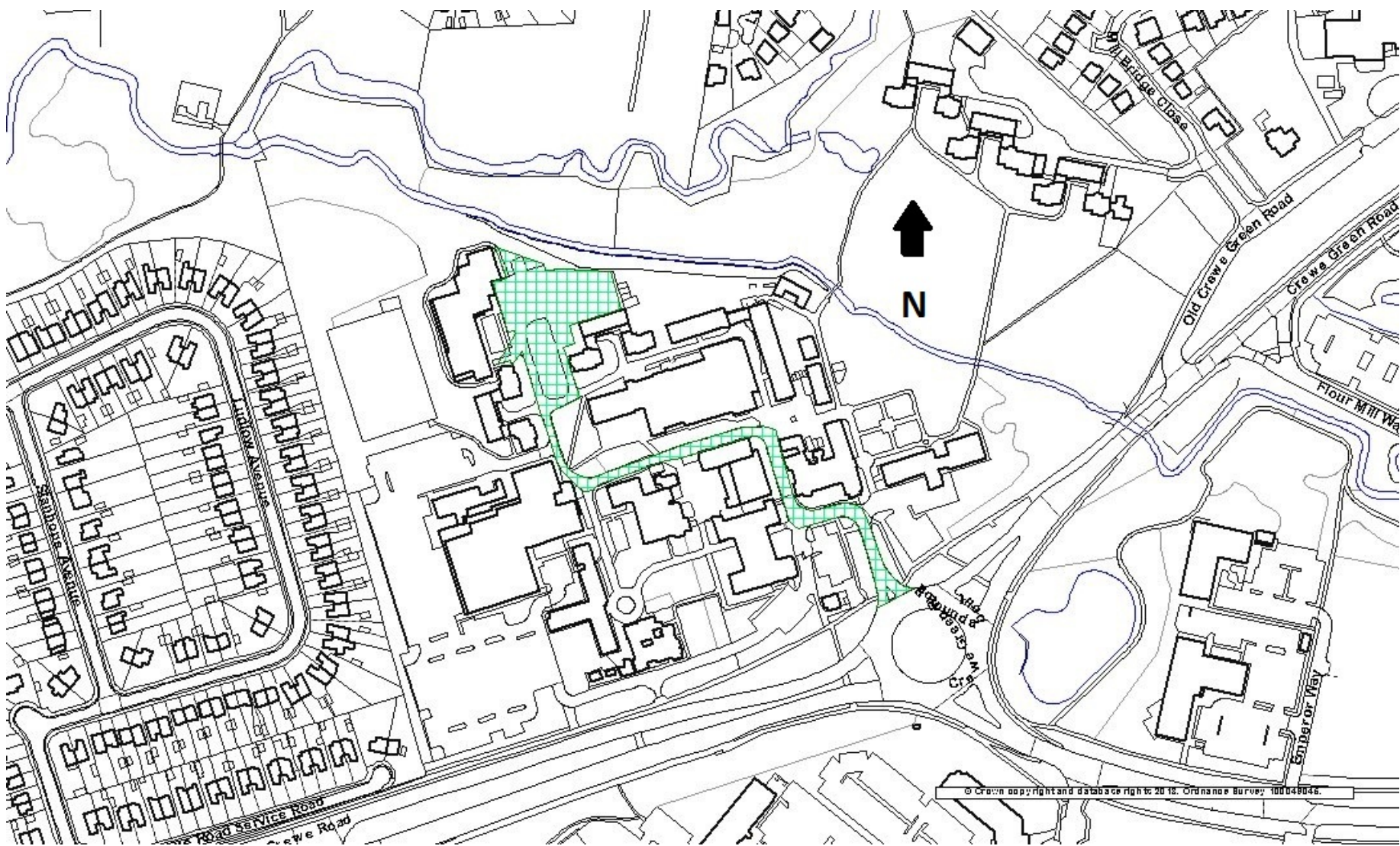
**That the application be approved subject to the imposition of planning conditions in respect of:**

- 1. Commencement of development**
- 2. Approved plans**
- 3. Noise management plan**
- 4. Noise levels**
- 5. Noise monitoring plan**
- 6. Noise communication plan**
- 7. Lighting scheme**
- 8. Ground gas risk assessment and mitigation**
- 9. Detailed badger survey**
- 10. Nesting bird survey**
- 11. Restricted vehicle movements in term time**
- 12. Implementation of flood risk mitigation**
- 13. Scheme for foul and surface water disposal and details of surface water drainage**
- 14. Removal of all construction infrastructure on completion of construction works**
- 15. Limit on number of vehicle movements**
- 16. Best practical means for control of dust**
- 17. Control of mud on highway**
- 18. Limits on timing of construction works (aside from drilling operations)**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**





Application No: 15/2576C

Location: PLOT 62, MIDPOINT 18, POCHIN WAY, MIDDLEWICH, CHESHIRE

Proposal: 14,402sq m Warehouse (B2 B8) with Office Accommodation to the First Floor, Associated Car Parking Service Yards, HGV parking and Gatehouse

Applicant: Pochin Developments Ltd

Expiry Date: 14-Sep-2015

**SUMMARY:**

This proposal would bring economic benefits through the delivery of new jobs within an established industrial park where the local plan allocates such uses. The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality.

The impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network.

Suitable provision has been made to enable the existing Middlewich Footpath no. FP19 to remain in situ. Subject to confirmation from the Council's Nature Conservation Officer that the submitted mitigation strategy is acceptable, the proposal is therefore considered to comply with the relevant policies of the adopted Congleton Borough Local Plan First Review 2005 and advice contained within the NPPF and emerging local policy.

The proposal is therefore found to be economically, socially and environmentally sustainable.

**RECOMMENDATION: Approve with Conditions****PROPOSAL:**

This application seeks full planning permission for the erection of a 14,402sq m distribution warehouse (B2/B8) with Office Accommodation to the First Floor, Associated Car Parking Service Yards, HGV parking and Gatehouse.

**SITE DESCRIPTION:**

The Proposed development will sit within an existing commercial estate off Pochin Way (accessed from the A54 Holmes Chapel Road), and to the north of ERF Way. The site presently comprises of scrubland but is situated on an established commercial / industrial trading estate at Midpoint 18 Industrial Park. The North East elevation will face onto an existing Tesco warehouse, the North West onto offices, to the West across open land is Brooks Lane industrial estate and to the South is a carpark and disused land. Middlewich Public Footpath no. FP19 passes across the site to the east.

### **RELEVANT HISTORY:**

31306/3 - warehousing & distribution facility with associated offices – approved with conditions 10<sup>th</sup> January 2000

31584/1 - Development Of Land For Employment Uses (Use Classes B1, B2 And B8), Together With Open Space Along Sanderson's Brook And The Continuation Of The Middlewich Eastern Bypass – approved with conditions 29<sup>th</sup> April 2002

37737/3 - Modifications of conditions 1,2,3,5 and 8 of outline planning permission 8/31584/1 – approved with conditions 12<sup>th</sup> October 2004

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

Of particular relevance are paragraphs 17 and 28.

#### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the Middlewich Settlement Zone Line under Policy PS4.

The relevant Saved Policies are: -

PS4 Towns  
GR1 New Development  
GR2 Design  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
NR1 Trees  
NR3 Habitats  
E3 Employment Development in Towns

### **Cheshire East Local Plan Strategy – Submission Version**

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy  
EG1 – Economic Prosperity  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land

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

### **CONSULTATIONS:**

**Highways:** The Strategic Highways Manager states that there are no highway objections raised to the application.

**Public Rights of Way Unit:** Amended plan received removes previous objection.

**Environmental Protection:** No objections, subject to conditions for piling details and method statement, floor floating method statement, travel plan, Electric vehicle infrastructure and informatives for contaminated land and construction hours

**Natural England:** Object on lack of information in relation to the SSSI – Sandbach Flashes and the impact on the bird habitat.

**Environment Agency:** No objections subject to a condition for remediation of unsuspected contamination

**Ramblers, Congleton Group:** We note that the submitted plans do not show the PROW, Middlewich FP19. Please let us have your assurance that this PROW will be respected before during and after the proposed development.

**Health and Safety Executive:** Do not advise against

**Cheshire Brine Subsidence Compensation Board:** As the site is located outside of the consultation area the Board would not normally make any comments. However please be aware that there may be stability considerations relating to natural dissolution which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation.

**Flood Risk Officer:** No objection subject to conditions all the buildings to located in flood risk zone 1, surface water drainage details, scheme for the management of overland flow from surcharging of the sites surface water drainage system.

**United Utilities:** No objection subject to a drainage condition.

### **TOWN COUNCIL:**

The Town Council supports the application subject to the following concerns:

- The incremental impact on the traffic situation through the centre of Middlewich because of the additional vehicle movements both within and outside peak hours as identified in the planning application; for this reason the Town Council requests that any permission should include a condition that HGVs use Centurian Way as far as possible and also requests that the applicant be required to make a contribution towards the by-pass;
- The impact on the Public Right of Way (PROW) – the Council requests that a condition is added to any permission requiring a diversion to the PROW;

The impact on any breeding birds - the Council requests that any permission should be subject to an Environmental Report stating that there is no effect on breeding birds in the Sandbach Flashes as suggested by Natural England.

### **REPRESENTATIONS:**

Representations have been received from the occupiers of 2 properties.

- Impact on A54 – inappropriate development and traffic
- Additional noise and pollution
- Numbers of vehicles movements (16 to 17) per day seem very low for the size of the proposed warehouse
- Incorrect information on the application form, PROW, moto cycle parking,
- Lack of sustainable energy features

### **APPRAISAL:**

#### **Principle of Development**

The site is located within an existing employment area within the Middlewich Settlement Boundary. The site was allocated as an Employment commitment in the Local Plan under Policy E2, however this policy was not saved and therefore the sites designation reverts to the general settlement boundary policy. Local Plan Policy E3 allows for the redevelopment of sites for employment purposes providing that the development is appropriate to the local character in terms of its use, intensity, scale and appearance and complies with all other relevant local plan policies. The proposal is for 14,402sqm of floor space for a distribution warehouse (B2/B8). The site would sit amongst other commercial and industrial uses and therefore would conform to the surrounding land uses.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably. Furthermore, this view is further supported in the Council's emerging Local Plan Strategy Submission Version, namely Policy EG1. The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

#### **Design**

Policy GR2 (Design) states that proposals should not adversely affect the street-scene and where possible, should enhance the environment. The design, scale and layout of the building is typical of modern industrial units with shallow pitched roofs and profile sheet cladding. The



floor-space will be distributed across 2 floors and the building will measure 16.5 metres high to the ridge of the apex roof.

The proposed building would be well set back into the site with the foreground given over to a wildlife zone with the building constructed in the middle of the site. The car parking is sited to the west and north of the site. It must be acknowledged that the character of the street is one of industrial premises with similar arrangements and similarly designed frontages. The buildings are uniform and utilitarian in appearance and are designed for functionality rather than form. The building is similar in design and size to other units in the vicinity, albeit on the larger side, and it is considered that it will not appear as an alien or incongruous feature within the street-scene. The proposal complies with policy GR2 (Design).

### **Amenity**

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The area is predominately industrial in character being positioned on the edge of Midpoint 18. There are no residential properties in the immediate vicinity of the site and as such, it is not considered that a refusal could be sustained on grounds of incompatibility with neighbouring uses or impact on neighbouring residential amenity.

The Council's Environmental Protection Unit have raised no objections to the proposal, only suggested a number of conditions in relation to piling details and method statement, floor floating method statement, and an informative on construction hours. The proposed conditions are considered to be appropriate for the scale of development and therefore it is considered to be appropriate and as such the proposal is in accordance with policy GR6 (Amenity and Health).

### **Highways**

The site is located on Pochin Way, Middlewich and is adjacent to an existing distribution centre. There a single access proposed that is located on the northern end of the site with Pochin Way. There is a large car park consisting of 194 car parking spaces and parking for HGV's and Service yards within the site.

There have been previous applications submitted at Midpoint 18 although they are historic applications and there have been material changes in regards to both approved developments and levels of congestion on the network especially routing through Middlewich. In regard to the figures presented, the forecast traffic generation has been taken from the Trics database and the trip generation figures of 17 and 16 movements in both the AM and PM are considered low. A CEC Trics assessment of the site proposals resulted in higher generation figures at some 30 peak hour trips.

As part of this application the applicant submitted a Transport Statement (TS) to assess the highway impact of the application. Given the scale of the proposal the submitted information needed further work to assess the wider impact of the site on the road network and include

traffic associated with recently committed large development schemes in the vicinity of the site.

The applicant has therefore undertaken further assessments on the traffic impact of the development on the local road network specifically at the A54/Pochin Way roundabout and at the signal junction at Leadsmithy St/Kinderton St. The results indicate that there are no capacity problems at the Pochin Way roundabout and the additional trips passing through the signal junction will have a negligible impact on the operation of the junction.

Pochin Way has been designed to accommodate industrial development and there will be no link capacity problems on Pochin Way as a result of the proposed development.

The traffic impact of the development has been assessed on the road network and although there is congestion at the important signal junction the development does not have a severe impact at this junction that would warrant refusal.

In regard to financial contributions from this development to fund infrastructure improvements, the original S278 Agreement for Pochin Way states that no contributions can be secured for this site. Therefore, there are no highway objections raised to the application.

With respect to the proposed use, it is considered that the site is located in a sustainable location and can be reached by a variety of modes of transport. Therefore, it is considered that the proposed car parking spaces are sufficient to cater for the demand. There is sufficient space within the site for vehicles to enter and leave in a forward gear. The proposal is therefore considered to be acceptable in terms of highways and parking.

### **Public Right of Way**

Middlewich Public Footpath FP19 crosses directly through the north of the site. The applicant have been in discussions with the Council's Public Rights of Way Unit (PROW) and have agreed an amended plan which will include a 3m strip available for the public to pass. The proposal is therefore now acceptable and will not have a adverse impact on the Public Right of Way.

### **Ecology**

The application is supported by an extended Phase 1 habitat survey. There is a pond nearby which does support Great Crested Newts (GCN). Accordingly, there is a mitigation strategy and suite of 'reasonable avoidance measures' (RAMs). The Council's Nature Conservation Officer (NCO) has assed the application and has made comments on the report which largely agree with the considerations and the mitigation measure posed, other than the loss of grassland habitat where there is outstanding negotiations on this matter. An update will be made to the committee in this regard.

Sandbach Flashes SSSI - Natural England have requested that additional information be submitted to enable an assessment to be made of the potential impacts of the proposed development upon the Sandbach Flashes SSSI. It is advised that this further information must be submitted and Natural England reconsulted prior to the determination of the application.

Grassland habitats - Area of grassland habitat on site have been identified a supporting sufficient botanical diversity to be designated as Local Wildlife Sites. These areas are Grassland G5 (Undetermined species rich grassland) and Grasslands G1 and G6 which would qualify as Restorable Grassland. The submitted ecological Assessment identifies these grasslands as being of Local Value together with the other semi-natural grasslands on site. The Councils Ecologists advises that grasslands G5, G1 and G6 should be considered to be of County value as a consequence meeting the Local Wildlife Site selection criteria which were produced to identify habitats of value in the context of the Cheshire region. The survey was undertaken in May which is an acceptable time of year, however a further survey in high summer may have been likely to record additional species within the grasslands. The proposed development would result in the loss of grassland G5 and G1 and some minor loss of G6.

The submitted ecological assessment has recommended the enhancement of the retained area of G6 grassland to compensate for the loss of habitat associated with the proposed development. The Councils ecologist advises that the enhancement of this grassland would require on-going management. The management treatment required to enhance the botanical value of the grasslands may be in conflict with that required by great crested newts. The Council's ecologist raises concerns that the enhancement of the retained area of G6 would not provide sufficient benefits to fully compensate for the loss of grassland habitats associated with the development. The Council's ecologist recommends the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology. An assessment of this type would both quantify the residual ecological impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the residual ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund off-site habitat creation/enhancement works.

This matter is still outstanding and any commuted sum will be required to meet the CIL regulations. This matter will be detailed as an update to the planning committee.

Hedgerows - There would be a loss of hedgerow associated with the proposed development. The submitted newt mitigation plan includes the provision of a new native species hedgerow. The Council's Ecologist advises that if planning consent is granted the new hedgerow would be adequate to compensate for that lost. The hedgerow would however need to be established and managed appropriately to maximise its nature conservation value.

Great Crested Newts - There are numerous ponds in the vicinity of the proposed development. Many of these ponds have previously been identified as supporting breeding populations of great crested newts.

The most recent great crested newts surveys have identified small populations of great crested newts at the three ponds located within 250m of the proposed development. The surveys were undertaken late in the survey season which may mean that the size of the population has been underestimated slightly. The Conservation Officer advises however, that

this does not significantly constrain the assessment of the potential impacts of the proposed development.

In the absence of mitigation the proposed development will result in the loss of an area of terrestrial habitat that is likely to be utilised by great crested newts and significantly the loss of a pond known to be used for breeding by this species. The proposed works would also be likely to result in the disturbance, killing and injury of any newts present on site during the construction process.

The potential impacts associated with the development would be likely to be of a High magnitude.

Outline proposals have been provided for the provision of two replacement ponds and the removal and exclusion of newts from the footprint of the proposed development. The submitted plan also includes proposals for the retention and enhancement of a suitable area of great crested newt terrestrial habitat.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons. The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations").

The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England. The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions. It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met. If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused.

Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this instance it is considered by the Council's Ecologist that the proposed mitigation and compensation proposed are likely to be sufficient to maintain the local great crested newt population, subject to the following condition;

*The proposed development to proceed in strict accordance with the submitted plan Figure A Outline Great Crested Newt Mitigation proposals and the recommendations of paragraphs 6.8 - 6.16 of the submitted Ecology report prepared by PAA Ltd dated May 2015.*

*Reason: to safeguard protected species in accordance with the NPPF.*

Grass snakes and toads - These two protected/priority species are also likely to occur on site. The Council's ecologist advises that the formulation of an acceptable great crested newt mitigation strategy would also be likely to address the potential impacts of the proposed development upon these two species.

Lesser Silver Diving Beetle- An acceptable survey/assessment for these protected species has been undertaken and the Council's Ecologist advises that this species is unlikely to be present or affected by the proposed development.

Badgers - An outlying badger sett is present on the application site. The application site is likely to be used by badgers for the purposes of foraging. It appears feasible to retain the badger sett as part of the proposed development and the retention of the grassland habitats to the south of the proposed development will assist in mitigation the potential impacts associated with the loss of foraging habitat.

It is further advised that the level and type of badger activity on a site can change within a short timescale. It is therefore advised that if planning consent is granted a condition should be attached requiring a further badger survey be undertaken and a revised impact assessment and mitigation proposals be submitted to the LPA prior to the commencement of development.

Kingfisher, Otter and Water Vole - No evidence of these species was recorded during the submitted surveys and the Council's Ecologists advises that water voles are not reasonable likely to be present or affect by the proposed development. Otters were however recorded on Sanderson's Brook about 5 years ago and so there is the possibility that this species may occur on the brook in the future. This similarly applies to kingfisher as the brook does appear to provide suitable nesting sites.

It is therefore recommend that if planning consent is granted a condition should be attached requiring a further otter and kingfisher survey to be undertaken and submitted to the LPA prior to any works being undertaken within 20m of the brook.

Nesting Birds - Furthermore, the Council's ecologist considered that if planning consent is granted standard conditions will be required to safeguard nesting birds.

## **Landscaping**

The build aspect of the site contains no significant or potentially significant high value tree cover considered worthy of formal protection. Subject to ecological issues a net gain can be achieved in terms of a specimen planting scheme compared to what exists on site at present. This can be addressed by a standard landscape condition.

## **Flood Risk**

The site is located within flood zones 1, 2 and 3 with the main source of flood risk being Sandersons Brook (statutory main river) along the western boundary. The submitted flood risk assessment (ref: C1124-Z0104-REV B) dated May 2015 indicates that all development will be located within flood zone 1. The Lead Local Flood Authority (LLFA), support the siting of development in the lowest flood risk areas of a site and therefore the application is considered to be acceptable in terms of flood risk.

## **PLANNING BALANCE & CONCLUSIONS**

This proposal would bring economic benefits through the delivery of new jobs within an established industrial park where the local plan allocates such uses. The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality.

The impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. The ecological impacts of the development can be satisfactorily mitigated.

Suitable provision has been made for the existing Middlewich Footpath no. FP19. The submitted mitigation strategy is acceptable, the proposal is therefore considered to comply with the relevant policies of the adopted Congleton Borough Local Plan First Review 2005 and advice contained within the NPPF and emerging local policy.

The proposal is therefore found to be economically, socially and environmentally sustainable.

## **RECOMMENDATION:**

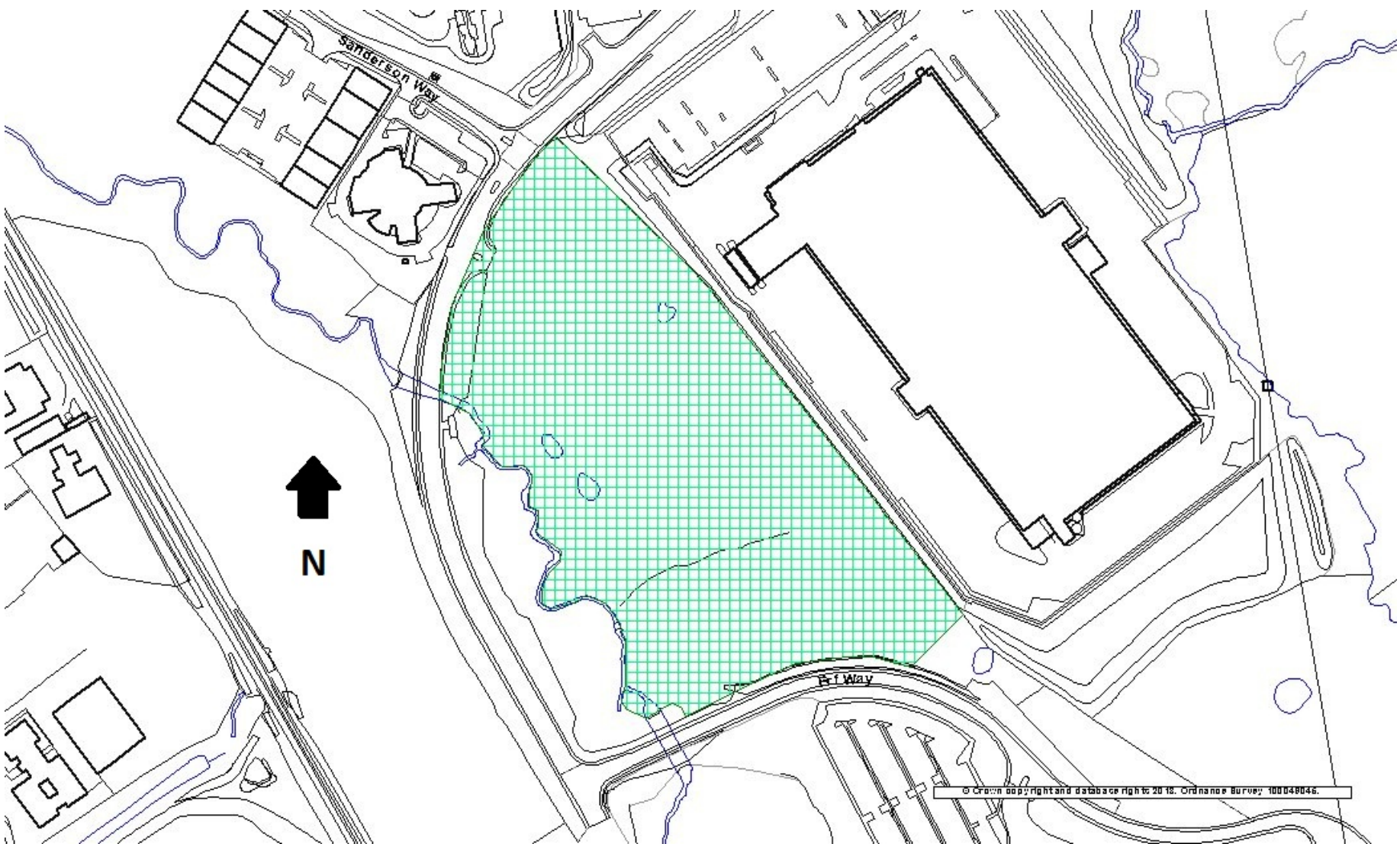
**Approve subject to the following conditions:**

- 1. Standard time limit (3 years)**
- 2. Accordance with plans**
- 3. Accordance with submitted materials**
- 4. Parking provided prior to first use**
- 5. Access constructed in accordance with submitted details prior to first use**
- 6. The proposed development to proceed in strict accordance with the submitted plan Figure A Outline Great Crested Newt Mitigation proposals and the recommendations of paragraphs 6.8 - 6.16 of the submitted Ecology report prepared by PAA Ltd dated May 2015.**
- 7. Survey for nesting birds**

8. a further otter and kingfisher survey to be undertaken and submitted to the LPA prior to any works being undertaken within 20m of the brook.
9. further badger survey be undertaken and a revised impact assessment and mitigation proposals be submitted to the LPA prior to the commencement of development
10. Management plan for improved grassland
11. Details of foul water drainage to be submitted
12. Surface water drainage strategy to be submitted
13. Landscape to be submitted
14. Landscape implementation
15. Piling and method statement
16. Floor floating method statement
17. Travel plan to be submitted
18. Electric vehicle infrastructure

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 (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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Application No: 15/2943N

Location: LAND OFF CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE

Proposal: Reserved Matters application pursuant to outline planning permission ref. 13/0336N for the construction of 370 dwellings, associated on site highways infrastructure, car parking and pedestrian routes, formal and informal open space provision and associated works.

Applicant: Taylor Wimpey UK Limited

Expiry Date: 25-Sep-2015

### **SUMMARY:**

The principle of development has already been accepted by the outline approval on the site.

#### Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral as the impact on education would be mitigated through the provision of a contribution secured as part of the outline application. The provision of public open space and the proposed play area is acceptable, with the amount and type proposed having previously been agreed at the outline stage.

#### Environmental Sustainability

The design, layout and landscaping of the scheme are considered to be acceptable.

The ecological impact is considered to be neutral as mitigation would be secured.

The proposed access point is acceptable and the traffic impact of the development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered acceptable.

#### Economic Sustainability

The redevelopment of the site would provide a number of economic benefits in terms of medium term job creation and in terms of direct and indirect contributions to the local economy.

It is considered that the planning balance weighs in favour of the development.

<b>RECOMMENDATION:</b> <b>APPROVE subject to conditions</b>
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**PROPOSAL:**

This is a reserved matters application pursuant to outline planning permission ref. 13/0336N for the construction of 370 dwellings, associated on site highways infrastructure, car parking and pedestrian routes, formal and informal open space provision and associated works. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The development will be accessed via Crewe Road and the spine road as agreed within the outline permission.

The development will comprise:

- A total of 370 dwellings, including 93 affordable homes;
- A mix of dwelling types and sizes, including one bedroom properties, two to five bedroom family homes and apartments;
- POS including a Multi Use Games Area [MUGA], a Local Equipped Area for Play [LEAP] with 6 pieces of equipment, and Trim Trail with 10 pieces of equipment; and,
- Two substations

**SITE DESCRIPTION:**

The site extends to 11.90 hectares and is situated on land known as Basford West, to the south and east of Crewe Road on the edge of the Crewe urban area.

The land comprises a series of former agricultural fields. The road and drainage infrastructure to serve the residential development has recently been constructed by Goodman (the developers of the wider site) following the granting of outline consent.

It is bounded:

- To the north by the Crewe Road and the development of 40 units currently under construction by Taylor Wimpey Manchester;
- To the south by the A500 beyond which lies open countryside and the village of Shavington;
- To the east by the remainder of the development site including the new spine road which has recently been constructed and will form the boundary of this development; and,
- To the west by trees, open countryside which will be used to deliver recreational open space. The Ecological Mitigation Area & Woodland Area for the wider Basford West scheme is provided further to the east.

**RELEVANT HISTORY:**

13/0336N - Outline application for residential development (up to 370 units), Offices (B1), local centre comprising food and non-food retail (A1) and restaurant/public house (A3/A4), hotel (C1), car showroom and associated works including construction of new spine road with accesses from Crewe Road and A500, creation of footpaths, drainage including formation of SUDS, foul pumping station, substation, earthworks to form landscaped bunds, provision of public open space and landscaping – Approved subject to S106 Feb 2014.

## **POLICIES**

### **National Policy:**

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

### **Development Plan:**

The Development Plan for this area is the Crewe and Nantwich Replacement Local Plan 2005. The application site forms part of 55 hectares of land of land known as Basford West, which under policy E.3 of the Borough of Crewe and Nantwich Replacement Local Plan, are allocated for development as a Regional Warehouse and Distribution Park. The former Borough Council also published the Basford West Development Brief which was adopted in April 2004.

The relevant Saved Policies are: -

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
NE.5 (Nature of Conservation and Habitats)  
NE.9 (Protected Species)  
NE.10 (New Woodland Planting and Landscaping)  
NE.17 (Pollution Control) and NE.20 (Flood Prevention)  
TRAN.1 (Public Transport)  
TRAN.3 (Pedestrians)  
TRAN.4 (Access for the Disabled)  
TRAN.5 (Provision for Cyclists)  
TRAN.9 (Car Parking Standards)

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 (Presumption in favour of sustainable development)

PG1 (Overall Development Strategy)  
PG2 (Settlement Hierarchy)  
PG5 (Open Countryside)  
PG6 (Spatial Distribution of Development)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
IN1 (Infrastructure)  
SC2 (Outdoor Sports Facilities)  
SC4 (Residential Mixes)  
SC5 (Affordable Homes)  
SE1 (Design)  
SE3 (Biodiversity and Geodiversity)  
SE4 (The Landscape)  
SE5 (Trees, Hedgerows and Woodland)  
SE6 (Green Infrastructure)  
CO1 (Sustainable Travel and Transport)  
CS2 (Basford West Crewe)

**Other Considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
North West Sustainability Checklist

**CONSULTATIONS:**

**Strategic Highways Manager:** no objections subject to conditions regarding Construction management plan, Travel Plan and Access details as per approved plan

**Nature Conservation:** no objection subject to clarification on whether a fence is also proposed along the boundary of the residential scheme and the ecological mitigation area to the west, clarification regarding the position of the proposed footpath in relation to ecological mitigation areas and subject to the imposition of conditions regarding nesting and breeding birds.

**Cheshire East PROW:** no objection subject to adequate provision of walking and cycling routes and such routes being provided prior to occupation of the dwellings, cycle store facilities and information on walking and cycling routes to be provided to householders.

**Environment Agency:** no objection subject to measures regarding flood risk and ecology agreed at outline stage having been/are to be provided.

**Natural England:** reference to standing advice.

**Housing:** no objections. The residential mix is acceptable and meets identified housing need. The location of the affordable housing is acceptable and sufficient pepper-potting.

**United Utilities:** refer to drainage comments submitted in relation to the outline permission and provide general comments regarding water supply.

**Environmental Health:** no objections/comments to be raised and it is noted there are conditions (18-26) on the outline application 13/0336N

**Newcastle under Lyme Borough Council:** no comments to make.

**Ansa Open Space:** proposals generally acceptable but some concerns raised with regard to the specified play equipment and railings.

**Landscape:** formal comments awaited.

**Forestry:** no objections.

**Network Rail:** comments awaited.

### **VIEWS OF THE PARISH/TOWN COUNCIL:**

**Shavington cum Gresty Parish Council:** no objections.

**Weston and Basford Parish council:** The Parish Council raises no objection to the principle of this proposal. However, it notes that the scheme is very high density and in layout terms is concerned that the narrow and tortuous nature of the estate road layout along with limited access points onto the main spine road and spur could potentially create future on street parking obstruction problems and access problems for emergency vehicles. Weston & Basford Parish Council have first-hand experience of this type of issue in relation to the Wychwood Village which is the source of constant resident complaint.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and site notices erected.

3 letters of objection have been submitted to date raising the following concerns:

- Over development
- Against policy of green gaps between settlements
- Gresty Road already at capacity
- Negative impact on TPO's
- Negative impact on public footpaths
- Will result in excessive parking
- Increased traffic and congestion
- Query eco credentials of proposed houses
- Query walking/cycling measures and cycle parking facilities

### **APPLICANT'S SUPPORTING INFORMATION:**

The following documents have been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Highways Statement
- Landscape Statement
- Affordable Housing Statement

## **APPRAISAL**

### **Principle of the development**

The principle of residential development of up to 370 dwellings has already been accepted following the approval of the outline application (13/0336N). The matters to be considered by this application relate to appearance, landscaping, layout and scale.

### **Affordable Housing**

The S106 associated with application 13/0336N secured an affordable housing provision of:

- A minimum of 21% of the first 200 dwellings (i.e. 42 units) to be affordable housing; and,
- A maximum of 30% of the remaining 179 dwellings (i.e. 51 units) to be affordable Housing.

This equates to a maximum provision of 93 units of Affordable Housing (i.e. 25% of the development). As it is proposed to provide 93 units of affordable housing, the scheme is in accordance with the objectives of the S.106.

There is also a requirement in the S.106 to designate 35% of affordable housing units for intermediate tenure and 65% of the units as affordable rented tenure. The tenure split proposed accords with this requirement. It is proposed that 33 units will be intermediate tenure and 60 units will be social rented tenure.

No objections are raised to the proposal by the Council's Housing department who are satisfied with the amount, tenure split, type and location of the affordable housing.

### **Highways**

The strategic highway issues associated with the proposed development were considered as part of the outline application and were also addressed within the S106 agreement and via conditions attached to the outline consent.

The only highways related matters to be considered as part of this application relate to the road layout and parking associated with the proposed residential development.

The Head of Strategic Infrastructure (Highways) has been consulted on the application and raises no objections to it subject to the imposition of conditions regarding a Construction management plan, Travel Plan and Access details as per approved plan noting that the location of the two access points, one from Crewe Road and other taken from the recently constructed spine road were determined at the outline stage. The detail submitted in regards of the design meets design standards and visibility requirements and is considered to be acceptable.

It is noted that the internal road layout proposed is a mix of standard residential roads with squares and cul-de-sacs, the infrastructure design is one that will promote lower traffic speeds and is an appropriate design. The main road carriageway width is a 5.5m carriageway with 2m footways, the cul-de-sacs are proposed at 4.5m.

The provision of off-street parking is an important element of the design as it reduces the need for on-street parking that causes obstructions to traffic flows within the site. The applicant has provided car parking in accordance with our current standards which are:

1 bed – 1 space  
2/3 bed - 2 spaces  
4+ bed - 3 spaces

A Construction Management Plan has been submitted and this will be conditioned. A condition requiring the submission of a Travel Plan was attached to the outline consent and as such there is no need to attach one to any consent granted by this application. Similarly the accesses have already been formed and are covered by the outline permission and do not therefore need to be conditioned. However it is considered necessary to condition the retention of garaging proposed to ensure adequate parking facilities across the site.

### **Design/Visual Impact**

This is a reserved matters application for 370 dwellings including apartments. Outline planning approval was granted under planning reference 13/0336N for up to 370 units.

In terms of height the development would be mainly two-storey dwellings although there would be some taller units in the form of two-and-a-half storey dwellings and 2 apartment blocks of three-storeys in height. The dwellings and apartments would mainly be constructed from facing brick, under slate tiled roofs though render will also be used to introduce variety. A variety of different house types are also proposed.

This application follows extensive pre application discussions and negotiations with the applicants in an attempt to improve the layout and appearance of what is a relatively high density residential development (38 units/hectare). Amendments made during the course of the application have involved the re-location of a substation from the site entrance, amendments to layout and materials, the introduction of a broader palette of materials for roads and paths and the introduction of more soft landscaping within the development and along its boundary with the spine road.

Following the amendments made, it is considered that the design and layout of the proposal is appropriate having regard to its location and density and it is not considered that it will have any adverse impact on the character and appearance of the area.

### **Amenity**

Apart from the northern part of the site, the proposed residential development is not within close proximity of other residential properties. The northern part of the development is adjacent to another residential development that has been granted planning permission and is currently being

built. However, the relationships between the permitted dwellings and the proposal are acceptable.

With regard to the development itself, whilst the proposed layout is quite dense, in the main the distances between dwellings broadly complies with the space standards of 21m between directly facing principal windows and 13.5m between principal windows and flank walls. However, with regard to a few plots, it is considered that the spacing distances need to be increased. This issue has been raised with the applicant who is re-visiting the layout to see whether the relationships can be improved. A further update on this issue will be provided to Committee.

In light of the dense nature of the scheme it is considered necessary to remove permitted development rights for extensions to dwellings. This is in order to protect the amenity of residents of the development.

### **Trees and Hedgerows**

The Council's Arboricultural Officer has been consulted on the application and it is noted that no significant arboricultural implications were raised with regard to the outline application (13/0336N); the main part of the site being cleared of hedgerows and trees under previous applications with a hedgerow and protected hedgerow trees with what was to be the western boundary of the employment development land retained.

Some concern has been raised by the landscape and design officers in relation to the removal of a stretch of existing hedgerow to the north of the proposed MUGA. This was previously shown to be retained at the outline stage. The hedgerow has previously been defined as overgrown (about 8 metres), previously maintained at a height of 1.5 metres comprising of Hawthorn, Holly, Elder and Dog Rose. The current status of the hedgerow has been described as poor by the applicant and it is proposed as part of the landscape scheme that the hedgerow is replaced in about the same position with a mixed native species. The landscape scheme proposes 60-80 cm high seedlings which is small Nursery Stock. It would be preferable that should the existing hedgerow be removed, replacement planting should be of a larger Nursery Stock size than 60-80cm and that the new hedgerow be protected until establishment. This matter has been raised with the applicant who has agreed to amend the specification for the replacement hedge as requested.

The Council's Arboricultural Officer raises no principle objection from an Arboricultural perspective to the proposed layout which he notes appears to be generally in accordance with what was proposed at outline.

A condition requiring development to be carried out in accordance with the submitted Tree Removal Plan and Arboricultural Method Statement is recommended. Subject to this, no arboricultural objections are raised to the proposal.

### **Landscape**

During the course of the application amended plans have been secured in terms of the landscaping for the site. These plans show an improved landscape provision within the site with the retention of more hedgerows and a greater degree of tree planting within the site. It is considered that the landscaping scheme is of an acceptable form.



## **Ecology**

The Council's Nature Conservation Officer has been consulted on the application and has provided the following comments/advice:

### Hedgerows

A new hedgerow is proposed along the western boundary of the application site. This boundary performs an important function in delineating the boundary between the open space associated with the proposed housing and the established ecological mitigation area to the west. The mitigation area is sensitive to impacts associated with public access. It is therefore important that the boundary treatment in this location forms an effective boundary as soon as possible. As such, it is recommended that a fence is also proposed in this locality to form an effective barrier whilst the hedgerow matures.

A fence along this boundary has been agreed as part of the discharge of conditions associated with the outline permission. No further control over the proposed fence is therefore required in association with this application.

### Nesting Birds

Two planning conditions are recommended regarding nesting birds if planning consent is granted.

### Proposed Footpath/Cycle way

The submitted landscape statement states that the proposed footpath/cycleway will 'provide connection' to the community woodland and ecological mitigation areas. The Nature Conservation Officer states that he is unclear what is meant by this but that it is imperative that public access to the mitigation area is avoided. Therefore if the proposed footpath is currently intended to provide access to the mitigation area he advises that the proposed route of the footpath must be amended.

The submitted plans and those approved as part of the discharge of conditions associated with the outline consent do not show a path providing access to the mitigation area.

Subject to the conditions recommended, there are no ecological concerns regarding the proposal.

## **Public Open Space**

The amount and type of Public Open Space proposed was agreed at the outline stage. It is in the form of a MUGA, a LEAP, an amenity grassland area and informal kick about and a trim trail, all located on the western part of the site adjacent to the ecological mitigation area.

The Council's Greenspace Officer has been consulted on the application and whilst the proposals are generally considered to be acceptable, there are concerns about the play equipment and railings proposed. The applicant has agreed to make the necessary changes to the play equipment and railings and an update on this issue will be presented to Committee.

## **Education**

This issue was dealt with as part of the outline application where a financial contribution was secured as part of the S106 Agreement.

### **Public Rights of Way**

No objections have been raised by the Council's PROW team subject to adequate provision of walking and cycling routes. Connectivity through the site and to the adjacent wider site is considered to be acceptable and was largely considered at the outline stage. It is not considered appropriate to condition information for householders as suggested by the PROW but rather to deal with this issue as an informative.

### **Flood Risk and Drainage**

No objections are raised to the proposal by United Utilities or the Environment Agency with matters of flooding and drainage having been considered at the outline stage.

### **Other Matters**

The points raised in objection have been fully considered but for the reasons set out within the report, the proposal is considered to be acceptable. Many of the points raised were addressed at the outline stage.

### **PLANNING BALANCE**

The principle of development has already been accepted by the outline approval on the site.

#### Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral as the impact on education would be mitigated through the provision of a contribution secured as part of the outline application.

In terms of the POS provision, this is considered to be acceptable.

#### Environmental Sustainability

Design, layout and landscaping are considered to be acceptable.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The development is acceptable in terms of its impact upon trees on the site.

#### Economic Sustainability

The redevelopment of the site would provide a number of economic benefits in terms of direct and indirect contributions to the local economy.

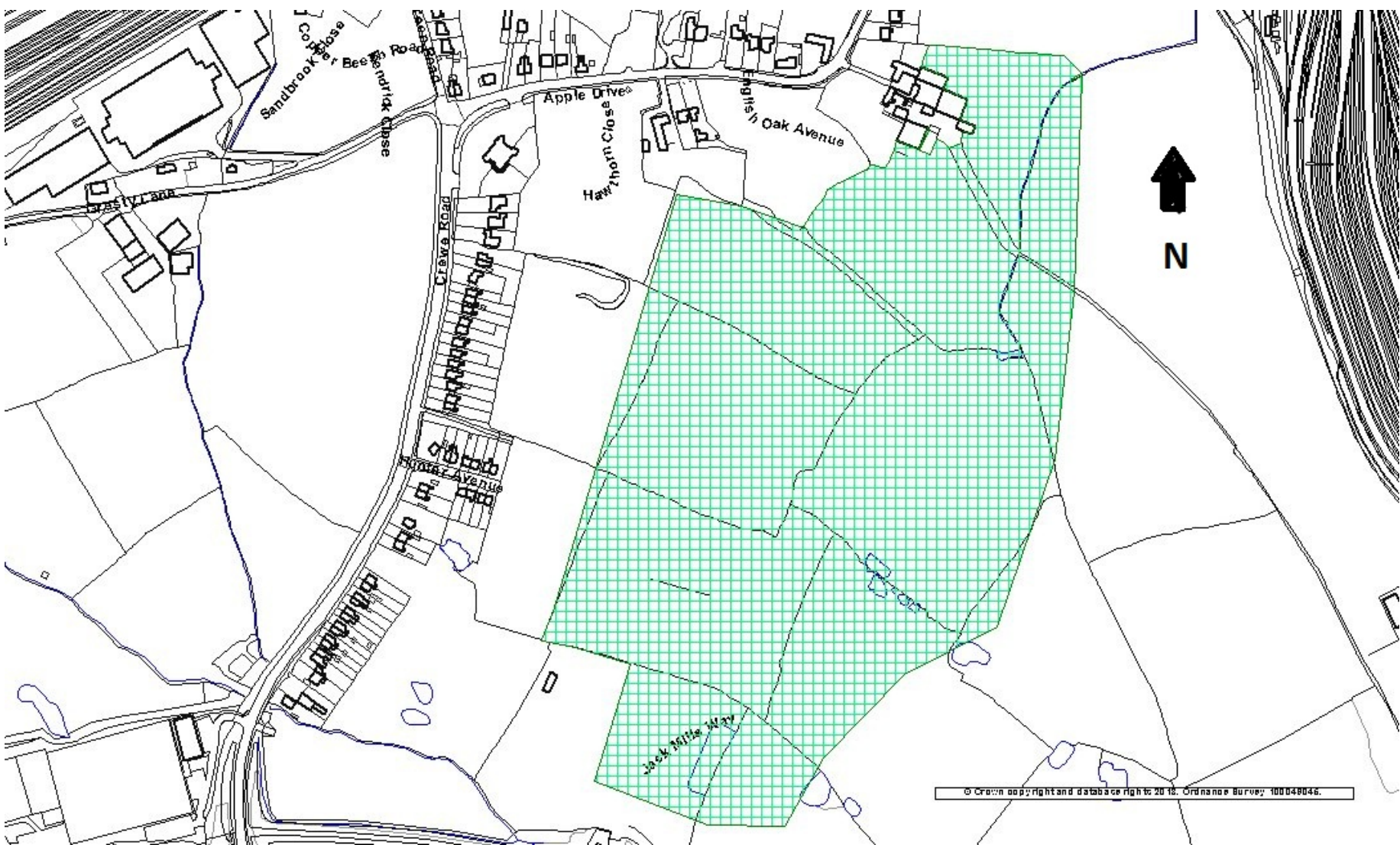
Taking account of appropriate planning policies, the presumption in favour of sustainable development within the NPPF, it is considered that the planning balance weighs in favour of this proposal. As such, subject to the receipt of revised plans addressing the outstanding issues discussed within the report, the application is recommended for approval.

### Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A02RM - To comply with outline permission
2. A01AP - Development in accord with approved plans
3. A32HA - Development to be carried out in accordance with the approved construction method statement
4. A06NC - Protection for breeding birds
5. A04LS - Landscaping (implementation)
6. A01GR - Removal of permitted development rights
7. Materials as submitted
8. Garaging to be retained and not to be converted to living accommodation without permission from the lpa
9. Features for breeding birds
10. Develoepment to be carried out in accordance with submitted Tree Removal Plan and Arboricultural Method Statement

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



## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of Committee:** 23 September 2015  
**Report of:** David Malcolm – Head of Planning (Regulation)  
**Title:** Outline application for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works

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#### **1.0 Purpose of Report**

- 1.1 To consider amending the reasons for refusal relating to full planning application 14/5579C for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works

#### **2.0 Decision Required**

- 2.1 To agree to amend one of the reasons for refusal in respect of the impact on the listed building in the light of legal advice.

#### **3.0 Background**

- 3.1 On the 1<sup>st</sup> July 2015, Strategic Planning Board considered an outline application for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works
- 3.2 The application was refused for the following reasons:
1. *The proposed residential development is located within the Open Countryside and the Jodrell Bank Consultation Zone, and will result in impairment to the efficiency of the Jodrell Bank Radio Telescope. The proposal is therefore contrary to policies PS8, PS10 and H6 of the Congleton Borough Local Plan First Review 2005 and national guidance in the NPPF. These factors significantly and demonstrably*

*outweigh the economic and social benefits of the proposed development in terms of contribution to boosting housing land supply, including the contribution to affordable housing.*

2. *The proposal will result in harm to the setting of the Grade II listed building, Swanwick Hall. The harm is considered to amount to "less than substantial harm" as defined in the National Planning Policy Framework. The public benefits of the proposal, when taken as a whole, are not considered to be sufficient to outweigh this harm to the heritage asset. The proposed development is therefore contrary to policy BH4 of the Congleton Borough Local Plan First Review 2005 and national guidance in the NPPF.*

#### 4.0 Legal Advice

- 4.1 The application is now the subject of an Appeal and the Council has begun work on preparing its case. As part of this process the barrister advising the Council has been advised by its Counsel that the wording of the second reason for refusal should be reflected to amend recent case law relating to the impact on listed building as defined in the Barnwell Manor case.
- 4.2 In that case, renewables developer West Coast Energy had proposed four turbines on the site, which was in the vicinity of 40 designated heritage assets, including the Grade I National Trust property Lyveden New Bield.
- 4.3 East Northamptonshire District Council, the National Trust and English Heritage had opposed the scheme, but it was granted permission by a planning inspector in March 2012. The inspector had concluded that, while the four turbines would appear as an "alien and incongruous feature in the landscape, especially one with such historic and literary association", the renewable energy benefits of the proposal would outweigh the harm to the setting of the assets, which he deemed "less than substantial".
- 4.4 Following a High Court battle, the case reached the Court of Appeal, where judges described the planning inspector's decision as "fatally flawed". The Court of Appeal cited the Planning (Listed Buildings and Conservation Areas) Act 1990, which says decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out a balancing exercise in planning matters.
- 4.5 Lord Justice Sullivan said he agreed with the High Court that the inspector did not give "considerable importance and weight" to this factor.
- 4.6 The Court of Appeal ruling is an important decision. The Court of Appeal has confirmed that, in considering whether or not to grant

planning permission to developments, decision-makers must give considerable weight to any harm caused to a listed building or its setting.

- 4.7 It is considered that in the light of this recent case law, the reason for refusal should be rephrased .

## 5.0 Recommendation

- 5.1 To agree to amend the second reason for refusal to read as follows:

***The proposal will result in harm to the setting of the Grade II listed building, Swanwick Hall. The harm triggers the “strong presumption” against granting permission as established by the Court of Appeal in the Barnwell Manor case; the public benefits of the proposal when taken as a whole would not rebut this strong presumption. In addition, the harm is considered to amount to “less than substantial harm” as defined in the National Planning Policy Framework. The public benefits of the proposal, when taken as a whole, are not considered to be sufficient to outweigh this harm to the heritage asset. The proposed development is therefore contrary to policy BH4 of the Congleton Borough Local Plan First Review 2005 and national guidance in the NPPF.***

## 6.0 Risk Assessment and Financial Implications

- 6.1 Although changing a reason for refusal can result in a successful claim for appeal costs against the Council on the grounds of unreasonable behaviour, the change relates only to the wording and does not change the substance of the Council's case. Furthermore, the case law is an important material consideration as the interpretation of policy is now a matter for the courts. It would therefore need to be taken into account by the Inspector in any event and by making clear to the Appellant early in the case how the Council intends to structure it's argument the risk of any costs award can be minimised.

## 7.0 Consultations

- 7.1 None.

## 8.0 Reasons for Recommendation

- 8.1 To avoid the costs incurred in pursuing an unsustainable reasons for refusal at Appeal

***For further information:***

*Portfolio Holder:* Councillor Ainsley Arnold

*Officer: David Malcolm – Head of Planning (Regulation)*  
*Tel No: 01625 383702*  
*Email: david.malcolm@cheshireeast.gov.uk*

***Background Documents:***

*Applications 14/5579C*