

## **STRATEGIC PLANNING BOARD – 18<sup>th</sup> November 2015**

**APPLICATION NO: 15/1247W**

**PROPOSAL:** Application to vary condition 11 of permission  
7/2006/CCC/11

**ADDRESS:** WHITTAKERS GREEN FARM, PEWIT LANE,  
BRIDGEMERE, CHESHIRE

**APPLICANT:** Mr F H Rushton

**This report replaces the version contained within the agenda reports pack in full.**

**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 sustainability role in that it enables greater volumes of green waste to be recycled, meeting EU waste policy targets and an identified need in the Cheshire East Waste Needs assessment 2014. It also helps to drive more volume of waste up the waste hierarchy in accordance with national and local waste planning policy objectives. The development supports a site that contributes to a wider network of sustainable waste management facilities within Cheshire East, helping to achieve the management of waste in accordance with the proximity principle and self sufficiency thus contributing to these principles; and the site serves local businesses, thereby providing benefits to the local economy.

This should be balanced against any potential harm to residential amenity, highway network and the environment resulting from the increase in vehicle numbers proposed. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and would not give rise to unacceptable impacts on the highway network, public rights of way, residential amenity or the environment. As such the scheme is considered to accord with policies of CRWLP, CNBLP, and the approach of the NPPW and NPPF.

**SUMMARY RECOMMENDATION:** Approve amendment to condition 11 of permission 7/2006/CCC/11

## PROPOSAL

The applicant has applied to vary condition 11 of permission 7/2006/CCC/11 to increase the permitted number of vehicle movements on Bank and Public Holidays (excluding during the Christmas period) during the period of 1 April to 31 October.

Condition 11 currently states *'No more than ten vehicle movements (5 in and 5 out) shall enter or leave the site on any day'*. The applicant seeks to increase the number of permitted vehicles during this period to 20 vehicles (10 in and 10 out).

In order to ensure consistency across the other planning permissions which are extant on the site, the existing provisions for vehicle movements on Monday to Friday, Saturday and Sunday would be replicated on any new consent. As such the full condition would read as follows (the relevant amended wording is underlined)

*'Between 1 April and 31 October:*

*- The maximum number of vehicle movements over 5.5 day week (Monday to Saturday) is limited to a maximum of 198 green waste vehicle movements (99 in, 99 out) of which no more than:*

- A maximum of 40 (20 in, 20 out) on any one day Monday – Friday*
- A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800-1200)*
- A maximum of 20 (10 in, 10 out) on Bank or Public Holidays (between 0830-1600)*

*No green waste vehicle movements on Sundays'*

*Between 1 November and 31 March:*

*- the maximum number of vehicle movements over a 5 day week (Monday to Friday) is limited to a maximum of 140 green waste vehicle movements (70 in, 70 out) of which, no more than;*

- A maximum of 32 (16 in, 16 out) on any one day Monday to Friday.*
- No green waste vehicle movements on Saturday or Sunday*
- A maximum of 10 (5 in, 5 out) on Bank or Public Holidays*

*Reason: To control the scale of the development; in order to safeguard the amenities of both the area and local residents and in the interests of highway safety; and to comply with Policy 28 of Cheshire Replacement Waste Local Plan, and Policy BE.1 of the Crewe and Nantwich Local Plan.*

## SITE DESCRIPTION

The application site is an existing green waste composting facility, located within the open countryside, approximately 13km south east of Nantwich and

1km south of Hunsterson off Pewit Lane. The surrounding countryside is slightly undulating, divided into medium sized fields and utilised for arable production.

The site has a weighbridge and small office and on-site facility building at its entrance. The reception of waste, shredding, composting and storage takes place upon a large sealed concrete pad.

There are a number of isolated properties and farm units widely spaced surrounding the compost site. The nearest residential property Fox Moss is 230 metres to the north east of the site, with Pewit House a further 200 metres away to the north east. The Uplands lies 440 metres away and Whittakers Green Farm is located 470 metres to the north of the application site. Woodend is 350 metres to the east of the site, and Woodfall Hall Farm is 670 metres to the south west.

The access track to the compost site passes a range of traditional brick outbuildings within the curtilage of Pewit House which is a Grade II listed building.

Hunsterson Footpath No. 22 lies immediately on the southern and eastern boundary of the compost site. This connects with Hunsterson Footpath No. 16 and broadly follows the route of the access track serving the site, also connecting with Hunsterson Footpath Numbers 4 and 5. A wider network of footpaths lie in the locality and part of Bridgemere Lane towards A529 forms a section of South Cheshire Way.

**RELEVANT HISTORY:** The site has a long complicated planning history. Permission was granted in 2004 (Ref: **7/P04/0124**) for the use of land for the composting of green waste; with a site extension then granted in 2007 (Ref: **7/2007/CCC/7**). A number of subsequent variations of the conditions on the development were then sought; the most relevant of which are as follows:

- Variation of permission 7/P04/0124 to allow importation of green waste on Bank Holidays granted in 2006 (Ref: **72006/CCC/11**)
- Variation of permission 7/P04/0124 to increase green waste vehicles from 10 to 40 a day refused 2008 (Ref: **7/2008/CCC/9**) and subsequent appeal dismissed due to level of traffic generated being unsuitable on the local highway network and which would harm the safe movement of traffic on the local roads; and unacceptable impact on local communities and the local environment with regards to increased noise and disturbance.
- Variation of permission 7/P04/0124 for increase in green waste vehicle numbers (but with seasonal variations in maximum vehicle numbers and restricted hours of delivery) granted March 2009 (Ref: **7/2009/CCC/1**)
- Variation of permission 7/2009/CCC/1 to remove the restricted hours of delivery imposed so to increase hours of operation to those permitted prior to the increase in vehicle numbers (Ref: **10/4485N**). Refused due to unacceptable environmental impact on the safe movement of traffic

on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.

- Variation of permissions 7/P04/0124, 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1 (Ref: **10/2984W**) to allow export of compost – appeal against non-determination dismissed due to the harm that the proposal would cause to the living conditions of local residents, with particular reference to noise and disturbance.
- Variation of 7/2009/CCC/1 to amend hours of working to resort back to that previously approved prior to the increase in vehicle numbers permitted, with slight variations to winter operational hours approved 2012 (Ref: **11/3389N**)
- Variation of permissions 7/P04/0124, 7/2006/CCC/1, 7/2007/CCC/7 and 7/2009/CCC/1 (Ref: **12/1445N**) to allow export of compost. Appeal against non-determination allowed March 2013
- Variation of permission 11/3389N for increase hours of operation in the winter period (Ref: **13/3774**) approved in December 2013

In addition permission was granted for a new access track to the site in 2009 (Ref: **7/2008/CCC/7**) subject to legal agreement regarding routing; and further permission for improvement and extension of track granted October 2009 (ref: **09/1624W**).

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14, and 17.

National Planning Policy for Waste (NPPW)

### **Development Plan:**

The Development Plan for this area is the Cheshire Replacement Waste Local Plan and the Crewe and Nantwich Local Plan.

The relevant Saved Policies are: -

### **Cheshire Replacement Waste Local Plan**

Policy 1 Sustainable Waste Management

Policy 2 Need

Policy 12 Impact of Development Proposals

Policy 16 Historic Environment

Policy 20 Public Rights of Way

Policy 23 Noise

Policy 24 Air Pollution

Policy 28 Highways

### **Crewe and Nantwich Local Plan**

Policy NE.2 Open Countryside  
Policy NE.17 Pollution Control  
Policy BE.1 Amenity  
Policy RT.9 Footpaths and Bridleways

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:

Policy MP1 Sustainable Development  
Policy PG 5 Open Countryside  
Policy SD1 Sustainable Development  
Policy SD2 Sustainable Development Principles  
Policy EG2 Rural Economy  
Policy SE1 Design  
Policy SE7 Historic Environment  
Policy SE11 Sustainable Management of Waste  
Policy SE12 Pollution, Land Contamination and Land Instability  
Policy CO1 Sustainable Travel and Transport

Other considerations

National Waste Management Plan for England  
National Planning Practice Guidance  
Cheshire East Waste Needs Assessment 2014

### **CONSULTATIONS:**

**Highways:** The transport impact of the proposal is not considered severe and the Head of Strategic Infrastructure has no objection to this planning application.

**Environmental Health:** The planning application effectively seeks to increase the maximum number of vehicles accessing the site from 5 to 10 on Bank Holidays between 1 April and 31 October (effectively between 3 and 5 days). Giving consideration to previous noise assessments and a lack of relevant substantiated complaints received by this department, whilst this increase may be noticeable to the small number of properties close to the access lane, it is not considered that such an increase in vehicle movements would be significant and lead to a loss of amenity.

However, it is important to note that this department would consider cumulative impacts should any further proposals to increase site related activities on Bank Holidays be submitted.

**Public Rights of Way:** Wish to note the following comments concerning the increased risks to safety for pedestrians.

The development has the potential to affect Public Footpath No. 4 16 & 22, as recorded on the Definitive Map of Public Rights of Way. The current proposals do not constitute any direct obstruction or alteration to the footpaths therefore we are unable to submit an objection.

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

In response to previous changes to the operating hours at this site, application no 13/3774W, our comments were to express concern for the safety of pedestrians where the path coincides with the access used by large vehicles during the hours of darkness.

Our current concern would be that the Bank Holidays between April and October are the days most likely to see increased numbers of people walking for recreation on the footpaths concerned. The access lane is narrow and in places only sufficient to accommodate the width of the vehicles in use. This is of increased concern when greater numbers are likely to be evident on spring/summer bank holidays. The South Cheshire Way also runs along part of Bridgemere Lane where pedestrians are likely to encounter the same vehicles.

**Built Heritage:** The proposed route down the track to the application site passes a range of traditional brick outbuildings within the curtilage of Pewit House which is a Grade II listed building. The outbuildings are brick built and fairly substantial and the presence of the grass verge should serve to distance the vehicles from the buildings to mitigate against potential damage resulting from vibration of physical impact to a degree dependent upon the width of the verges.

The protection afforded to the two storey outbuilding located by the narrow grass verge adjacent to the track leading to the application site will of course be more limited in this respect and increasing vehicle movements may therefore be more problematic in relation to this particular building.

Comments from our highways colleagues on this aspect in relation to the proposed increase in days of operation and hence vehicle movements would assist.

The proposal is acceptable and justified, provided highways officers are satisfied on safety issues and the current proposals to intensify the days of operation which are already permitted.

Recommended conditions:

-size, width and number of vehicles and their operating hours should not exceed those currently in use on non Bank Holidays/week days, to mitigate against potential damage resulting from an increase in vibrations or impact

**Waste Management Authority (Ansa)** Ansa delivers garden waste collected as part of its kerbside collection service to a number of sites across Cheshire East. It recognises that the sites it delivers to do have constraints imposed by planning permissions. Having been operating within these constraints for several years we have developed working patterns that can accommodate these whilst ensuring the continuity of service delivery.

Therefore Ansa has scheduled these alternative arrangements into its collection cycles so it is not reliant on Whittakers Green Farm's availability on key days or affected by any vehicle movement limitations. As this is the case, Ansa neither supports nor objects to this application.

**Parish Council:** Hatherton & Walgherton Parish Council strongly object on the following grounds.

#### Previous planning decisions (21 in total)

The current permission relating to the permitted vehicle movements, 5 vehicles/day on Bank and Public Holidays, was a condition set in place in 2006, repeated in 2011 and again in 2013. No circumstances have changed to support the increased vehicle movements. On the contrary, 9 years on, there is more leisure traffic on Bridgemere Lane on Bank Holidays and there is a strong case to cease altogether waste site traffic on Bank Holidays. The consequences of waste vehicles injuring vulnerable Bank Holiday road users are unthinkable.

The applicant states on Para 4.11 of his supporting statement "The present limit on vehicle movements is also making it such that opening the site on Bank and Public holidays is becoming less viable." In that case, in the interests of road safety and Bank Holiday rural peace and tranquility, the site should be closed on Bank Holidays. ANSA have stated that they are not dependent on this facility being available.

The applicant's premise in support – "is to operationally assist the Waste Management Authority". This is untrue as, again, ANSA have confirmed that they are not dependant on this facility being available. We believe there is no justification in seeking an increase.

#### Loss of amenity

The Waste site is accessed from the A529 then along the narrow lanes of Birchall Moss Lane and Bridgemere Lane, both of which have houses close to the road which are affected by the noise and vibration from these large vehicles. Bridgemere Lane forms part of the South Cheshire Way walking route and the Cheshire Cycle route and is used daily by horse riders. Indeed, since 2006 there are more pedestrians, cyclists and horse riders using the road - especially on Bank Holidays when the peace and tranquillity of the countryside should be available to all residents and leisure road users.

### Highway safety

The above road users are vulnerable and will be placed in more danger. There are no roadside footpaths for them to use as the waste vehicles approach taking up most of the width of the road.

### Noise and Dust

On Bank Holidays, residents often like to enjoy the peace of their gardens, not having to endure the incessant clatter of HGVs bowling down the road to deposit the Green Waste. This week, a resident walking home along Bridgemere Lane from the bus stop, was showered in dust thrown up from the wheels of a passing Waste Site lorry.

### Resident's Liaison Committee

The waste site operators failed to notify the liaison committee of their intention to apply for increased vehicle movements in advance of the application being made. This committee was set up in April 2013 with a view to improving communications (condition 16 of PP 11/3389N).

For these reasons the Parish Council strongly object to any increase in vehicle movements

## **REPRESENTATIONS:**

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

In excess of 14 letters have been received objecting on the following grounds:

- The rural roads are busiest during bank/public holidays, with increased use by non motorised users;
- Roads are unsuitable, not wide enough for HGV vehicles, visibility is poor and there is increased risk to non-motorised users;
- The local road network is part of South Cheshire Way and a promoted cycle route;
- Impact on peace and tranquillity, need for respite on bank/public holidays;
- Intensification of use creating an industrial use in the countryside;
- Planning history has resulted in removal of planning conditions controlling scale of development;
- Reference made to earlier planning appeal decisions identifying concerns over sensitivity of countryside, rural character of the area and impact on amenity of local residents;
- Need for the development is not justified;
- All vehicles using the site could be large HGVs;
- Reference made to enforcement history on the site;
- All activity on bank holidays should cease;
- Development is not appropriate in a rural area.



A representation has been received from the local ward member raising the following issues on behalf of Hatherton & Walgherton Parish Council; Doddington & District Parish Council; and residents (Bridgemere Lane & Whittakers Green) and members of the Whittaker's Green Residents Liaison Group:

- Vehicles can all potentially be HGVs with 25t capacity
- Justification that proposal will assist Waste Management Authority is an unsubstantiated assumption
- No financial evidence to support statement by applicant that current planning restrictions make the business unviable and no evidence that the business is operating at maximum capacity
- There have been no material changes to the operations on bank/public holidays to justify the change proposed.
- The site is not essential to the Council's Bank Holiday Green Waste delivery activity
- Proposal will have significant amenity impacts as bank/public holidays are when there is the largest number of non-vehicular road users including cyclists
- There are regular cycle races in the local area
- Previous appeal decisions identify level of disturbance is higher than what would be expected from a rural area
- The conditions on hours and vehicle numbers are the only mechanism to control level of tranquillity and amenity.

#### **APPRAISAL:**

The key issues are:

- Sustainable Waste Management
- Need for the proposal
- Intensification
- Impacts on local highway network
- Impact on non-vehicular road users
- Pollution control
- Impacts on built heritage

#### **Sustainability.**

The proposed development should be considered against the NPPF. The NPPF identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The NPPF defines sustainable development and states that 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. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.*

## **Economic Sustainability**

### Sustainable Waste Management

The NPPF includes a strong presumption in favour of economic growth. Paragraph 19 states that: *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*.

The National Planning Policy for Waste (NPPW) states that planning plays a pivotal role in delivering the country's waste ambitions through (amongst others) delivery of sustainable development and resource efficiency by driving waste management up the waste hierarchy and ensuring that waste management is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can make to the development of sustainable communities. It also emphasises that waste planning authorities should provide a suitable network of facilities to delivery sustainable waste management.

A key objectives of the Cheshire Replacement Waste Local Plan (CRWLP) includes protecting primary resources and making the best use of waste generated in Cheshire by promoting (in order of priority) increased re-use, recycling and composting, and energy recovery to reduce the quantity of waste being disposed to landfill.

The application site provides a recycling facility for green waste, offering a means of recycling waste higher up the waste hierarchy in accordance with national and local waste planning policy objectives. It also contributes to a wider network of sustainable waste management facilities within Cheshire East, helping to achieve the management of waste in accordance with the proximity principle and self sufficiency thus contributing to these principles. It

is also noted that the recent Review of Waste Policy and Legislation by the EU has introduced a range of higher targets for recycling and there remains a requirement under the Waste Framework Directive for a recycling target of 50% by 2020. This application would therefore enable greater volumes of waste to be delivered to this site, contributing to meeting European and national waste management targets. It also serves local businesses, thereby providing benefits to the local economy. In this respect the application accords with the approach of the NPPF, NPPW and CRWLP.

#### Need for the proposal

The Parish Council and objectors to the scheme state that the applicant has not demonstrated a need for the increase in vehicle numbers proposed, making reference to there being no change in circumstance to support the proposed increase in vehicle movements. They make reference to the supporting statement which says that the limit on vehicle number on the current permission is making it such that opening on Bank Holidays and Public Holidays is becoming less viable and consider that in these circumstances the site should be closed on bank/public holidays in the interests of road safety and to limit disturbance to peace and tranquility. In respect of this point it should be noted that the principle of vehicle movements on bank/public holidays has already been established by virtue of previous permissions and NPPG makes it clear that the local planning authority must only consider the disputed conditions that are subject of the application, it would not be reasonable to revisit the principle of operating the site on bank/public holidays.

The supporting statement makes the case that the proposal is sought in order to assist the operations of the Waste Management Authority. They note that green waste output is higher around the bank holiday period particularly from civic amenity sites and increased vehicle movements would provide additional waste management capacity. They also note that current restrictions on waste processing at the site on bank/public holidays mean that they employ a member of staff on these days solely to book in a maximum of 5 vehicles which has financial implications; and should it become unviable to operate on those days, the resulting reduction in capacity at this site on those days would have implications for the Waste Management Authority.

The Parish Council highlight communication from Ansa in March 2015 in which they confirm that they have not been in contact with the applicant and have not been asked to support any application. It clarifies that although some of the Council's green waste is deposited at the site, Ansa has no direct relationship with the owners and during bank holiday periods, Ansa are not dependent on the facility. With regards to this point the applicant has asked for members to be made aware of communication from Ansa Contracts and Procurement Officer to the Local Planning Authority in November 2014 seeking guidance on the scope of advice to provide to the applicant prior to submission of the application. The communication states that Whittakers Green Farm is used by Ansa for garden waste collected as part of the fortnightly waste collection service, and confirms that Ansa were asked by the

applicant to provide a letter in support of the forthcoming application. It states that the current restriction, limiting vehicle movements to 10, causes major operational difficulties and results in vehicles being re-directed sites in Sandbach and Scholar Green which is extremely costly.

The planning authority has sought clarification from Ansa on these points and their formal position is set out under the consultations section of this report.

In respect of any 'need' case being presented, Policy 2 of CRWLP states that the waste planning authority will consider the planning objections and benefits of all applications for waste management facilities. Where the material planning objections outweigh the benefits, need will be considered and if there is no overriding need for the development, the planning application will not be permitted. The NPPF also states that applicants should only be expected to demonstrate the qualitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan; and in such cases waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any need.

This is an existing waste management facility and this proposal would enable an increased volume of green waste to be recycled at the site. This offers benefits in terms of driving waste up the waste hierarchy, contributing to national waste management targets, assisting local businesses and households in the management of their waste and contributing to the waste management objectives of the proximity principle and self sufficiency. Subject to any potential impacts on residential amenity, built heritage, users of the public rights of way network, and highway impacts being adequately addressed as considered below, these benefits are considered to outweigh any potential policy conflict and accordingly, the 'need' for the proposal is not required to be demonstrated to outweigh harm caused by the development in order to satisfy CRWLP Policy 2.

Despite this it is however noted that the recent Cheshire East Waste Needs Assessment identified that 41,151 tonnes of green waste was collected in Cheshire East in 2013/14. The total organic waste arisings until 2030 are forecast at between 82,000 – 91,000 tonnes per annum; however the corresponding available waste management capacity is forecast at 48,000 to 2030, leaving a potential annual capacity gap of 43,000 tonnes. This application therefore would make a contribution to the overall waste management capacity provision, thus helping to meet the overall approach of NPPW which requires waste planning authorities to identify sufficient opportunities to meet the identified needs of their area for the management of waste. As such, it is considered that the proposal is considered to accord with the approach of CRWLP and NPPW.

Any economic benefits of the development should be balanced against the impacts of increased vehicle movements on residential amenity, users of the public rights of way network and the Environment. These are addressed below.

### Intensification of use

Residents have raised concerns that the proposal will further intensify a commercial business in the open countryside and that the previous planning history has resulted in removal of planning conditions controlling the scale of the development. As identified above the application presents a number of benefits in terms of sustainable waste management. Whilst it would result in an increase in vehicle movements on bank/public holidays and thus the volume of waste being imported, it is not considered that this development would amount to a fundamental change in the character of the development for which previous planning permissions have been granted. The proposal is supported in the NPPF in that it supports an existing rural business, enhancing the rural economy.

## **Environmental and Social Sustainability**

### Impacts on the Local Highway Network

Policy 28 of CRWLP does not support proposals that would generate a level and type of traffic that would exceed the capacity of the local road network or present an unacceptable impact on amenity or road safety.

At present during the April to October period, the site is permitted a maximum of 198 vehicle movements (99 in, 99 out) over a 5.5 day week; of which no more than 40 movements (20 in, 20 out) are permitted on a weekday, a further 18 (9 in, 9 out) on Saturday mornings, and 10 (5 in, 5 out) on bank/public holidays.

This application seeks to double the permitted vehicle movements on bank/public holidays to 20 (10 in, 10 out); which would be delivered during 0830 to 1600 hours. The level of vehicle movements proposed would remain well within weekday allowances (being half of that permitted) and would be not dissimilar to that established for Saturdays. On Saturdays, vehicle movements are restricted to a 4 hour period, whereas on bank/public holidays they would be spread across a 7.5 hour day. It is therefore the specific impacts on the highway network arising from an additional 10 movements (5 in, 5 out) on bank holidays (of which there are on average between 3 and 5 in the period of April to October) over the course of 365 days which is of consideration.

### *Adequacy of road network*

The nature of the road network surrounding the site is typical of those in rural areas; narrow with poor visibility and not ideally suited to large vehicles. However, the character of traditional agricultural activities leads to larger vehicles visiting farms frequently and utilising the roads in the area.

It has already been accepted that up to 40 movements (20 in, 20 out) can be accommodated on the local road network on any weekday by virtue of previous planning permissions. It is also noted that Bridgemere Lane is subject to a weight restriction preventing the green waste vehicles from travelling east from the site towards A51, and as such it is assumed that the

roads which serving the site (Bridgemere Lane west to A529) has been assessed as being adequate to accommodate such large vehicles.

In the appeal decision regarding the export of compost in 2013 (Ref: 12/1445N) the Inspector notes that the Council's Senior Development Engineer agreed with the views of the appellant's highways witness that the local network *'can easily accommodate the volume of traffic and can deal with HGV traffic safely. All vehicles including HGV traffic and large agricultural vehicles with trailers negotiate this route safely at low speed with little or now hold up in traffic flow'*. Similarly the appeal decision in 2012 (Ref:10/2984W) identifies that there was no substantial evidence to show that the increased vehicle movements permitted had caused significant highway safety problems. No concerns are also raised by the highways officer with regard to the impact of increased vehicles on the highway network.

#### *Impact on non-motorised road users*

Local residents raise concerns over the potential for increased harm to non-motorised users on bank holidays as there would be larger numbers using local roads. Audlem cycling club object due to the potential increase in risk of accidents involving cyclists. The public rights of way officer raises concerns over potential conflicts between footpath users and large vehicles on the narrow access track serving the site during these times when there are likely to be larger number of users. The potential for further conflicts on South Cheshire Way which runs along part of Bridgemere Lane towards A529 is also raised.

Additional mitigation for footpath users on the access track was secured under permission 13/3774W, including the erection of speed restriction signs and signs warning of pedestrians on the access track. There are also some speed restriction ramps in place on the metalled section of the access road. This was considered to assist in reducing the potential for conflict between vehicles and pedestrians, and no objections were raised by the public rights of way officer. In respect of this application, the Public Rights of Way officer is not able to quantify the level footpath users on the local footpath network on bank holidays and no qualitative or quantitative assessment of the potential impacts to these users has been undertaken in support of their views. As such it is difficult to establish the level of potential impact that a further 5 vehicles on up to 5 days over a year would present to these users.

With regard to cycling, there are no formal designated cycle routes on Bridgemere Lane, however there are 3 promoted cycle routes which pass this section of the highway network, and objectors note that this area is used for local cycling events. The views of the Highways officer are noted in that no concerns are raised over road safety or impacts on non-vehicular road users; nor is any record of personal injury accidents in this area noted.

The impact of green waste vehicles on non-vehicular road users has previously been considered through various consents and deemed acceptable. In the 2012 appeal decision (Ref: 10/2984W concerning export of compost) the Inspector notes that *'a number of local people have raised*

*concern that for non-vehicular road users, HGV traffic associated with the site can be intimidating and give rise to a fear of accidents....'* and these were considered to be material planning considerations. However the Inspectors Report goes on to state *'on balance the concerns raised that HGVs using the local highway network can be intimidating and give rise to a fear of accidents would not be sufficient on their own to justify withholding planning permission in this case'*. Likewise the later appeal decision concerning export of compost in 2013 (Ref: 12/1445N) notes that the highway authority confirmed that there is no record of any personal injury accidents occurring along the route from the site to Audlem Road.

On this basis, given that there are no record of safety issues associated with the existing 5 vehicles permitted on bank/public holidays; in the absence of any objection from highways officer or public rights of way officer; and given the conclusions of the previous Inspectors in relation to this issue, it is not considered that there is sufficient evidence to demonstrate that the impacts of 5 additional vehicles on non-vehicular road users is of such significance as to warrant refusal on this basis alone. On the basis of these points it is considered that the proposal would accord with policies 20 and 28 of CRWLP and the approach of NPPW and NPPF.

#### Pollution control

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. CRWLP Policies 23 and 24 does not permit developments which would give rise to any unacceptable levels of noise pollution or where the impact of dust would have an unacceptable impact on the amenity of nearby residents or the occupiers or users of other nearby buildings or land. In determining waste planning applications NPPW states that waste planning authorities should consider the likely impact on the local environment and on amenity against a range of locational criteria which includes noise, air emissions and odour. It states that considerations will include the proximity of sensitive receptors, potential for noise and vibration from waste operations and from vehicle movements associated with the site; the extent to which adverse emissions or odour can be mitigated.

Additional vehicles travelling to and from the site are likely to generate additional noise and disruption on the site and on the local roads serving the site. An earlier Inspectors Report into application 10/2984W noted that the dwellings on the access track occupy a relatively isolated position in the open countryside, away from public highways and so are likely to be particularly sensitive to increases in traffic noise likely to be associated with passing HGVs.

It is noted however that that the impacts from noise and disruption associated with the higher level of 40 movements (20 in, 20 out) has previously been deemed acceptable and the vehicle movements are half of what is permitted; and such impacts would be limited to a small number of days out of the year (between 3-5 on average).

The Environmental Health Officer raises no objection and gives regard to the noise assessment submitted for previous application which did not identify any significant adverse noise impacts on sensitive receptors from the transport of vehicles to and from the site. The lack of relevant substantiated complaints of noise and disruption from the existing operations received by the Council is also noted. Overall the officer considers that whilst this increase may be noticeable to the small number of properties close to the access lane, it is not considered that such an increase in vehicle movements would be significant and lead to a loss of amenity. On this basis, it is considered that the application would not give rise to any unacceptable levels of noise pollution and would accord with CRWLP policy 23, the NPPW and NPPF.

In respect of concerns over increased dust and odour, given that the level of dust and odour arising from existing permitted vehicle movements has previously been deemed acceptable and no changes are proposed to the current operations on site, it is not considered that such impacts would have an unacceptable impact on the amenity of nearby residents or the occupiers or users of other nearby buildings or land. As such the application is considered to accord with policy 24 of CRWLP and the approach of the NPPF and NPPW.

#### Impact on Built Heritage

The access track serving the application site passes Pewit House, a Grade II listed building situated on the junction of Pewit Lane. It is a sixteenth century timber framed building with brick infill panels which is set back from Pewit Lane by a courtyard to its foreground. The courtyard is enclosed by a group of traditional one and two storey brick outbuildings which lie within the curtilage of the listed building. The outbuildings are included within the listing by virtue of the fact that they would have been present within the curtilage of Pewit House prior to 1948.

The two storey wing of the outbuildings lies immediately adjacent to the access track serving the application site and is separated from the track by a narrow grass verge. The part one to two storey group of outbuildings have a wider grass verge separating them from Pewit Lane.

NPPW requires consideration to be given to the impacts of waste management proposals on the historic environment, particularly the potential effects of the significance of heritage assets and any contribution made by their setting. Corresponding policies in CRWLP require the full impacts of proposals on the historic environment to be evaluated, and mitigation identified to avoid, reduce or remedy unacceptable impacts (Policy 12). Regard should be given to the effect that a development will have on a listed building and its setting. Where there would be unacceptable impacts on a listed building, the development should not be approved (Policy 16). The NPPF also provides for a similar level of protection for listed buildings and states that regard should be given to the desirability of sustaining and enhancing the significance of heritage assets.



In respect of these considerations, the impacts of vehicle movements passing the listed building have previously been deemed acceptable in the grant of permission 7/2009/CCC/1 and the development remains well within the maximum level of vehicle movements which were permitted by that consent. It is also noted that the Built Heritage Officer, in the consideration of application 12/1445N, identified that there is a grass verge separating the building from the access track which is considered to provide a degree of mitigation against potential for damage from passing vehicles. In addition, the existing speed restrictions on the access track are considered likely to offer further protection to this built heritage asset. In view of the above, and the lack of any objection from the Built Heritage Officer is not considered that the scheme would conflict with Policies 12 or 16 of CRWLP, or the approach of NPPW and the NPPF.

### Other matters

With respect to suggestions that vehicles delivering to Whittakers Green Farm are causing damage to the roads and the verges, previous appeal decisions at this site note that some degree of erosion associated with all large vehicles in rural areas is not uncommon. It is also noted that the highways authority is responsible for repairs on the public highway large vehicles.

Audlem cycling club have expressed concern that the proposal will set a precedent and lead to further applications for increases in traffic movements. The local planning authority are obliged to consider any planning application submitted to them, however each application must be determined in accordance with the Development Plan and each would be considered on its own merit.

### 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**

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 enable greater volumes of green waste to be recycled, meeting EU waste policy targets and an identified need in the Cheshire East Waste Needs assessment 2014. It also helps to drive more volume of waste up the waste hierarchy in accordance with national and local waste planning policy objectives. The development supports a site that contributes to a wider network of sustainable waste management facilities within Cheshire East, helping to achieve the management of waste in accordance with the proximity principle and self sufficiency thus contributing to these principles; and the site serves local businesses, thereby providing benefits to the local economy

Balanced against these benefits must be the negative impacts arising from the scheme, particularly in terms of any potential harm to residential amenity, highway network and the environment resulting from the increase in vehicle numbers proposed.

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 Board agrees to the amendment of condition 11 of permission 7/2006/CCC/11; to read:**

***‘Between 1 April and 31 October:***

***- The maximum number of vehicle movements over 5.5 day week (Monday to Saturday) is limited to a maximum of 198 green waste vehicle movements (99 in, 99 out) of which no more than:***

- A maximum of 40 (20 in, 20 out) on any one day Monday – Friday***
- A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800-1200)***
- A maximum of 20 (10 in, 10 out) on Bank or Public Holidays (between 0830-1600)***

***No green waste vehicle movements on Sundays’***

***Between 1 November and 31 March:***

- *the maximum number of vehicle movements over a 5 day week (Monday to Friday) is limited to a maximum of 140 green waste vehicle movements (70 in, 70 out) of which, no more than;*
- *A maximum of 32 (16 in, 16 out) on any one day Monday to Friday.*
- *No green waste vehicle movements on Saturday or Sunday*
- *A maximum of 10 (5 in, 5 out) on Bank or Public Holidays*

**Reason:** To control the scale of the development; in order to safeguard the amenities of both the area and local residents and in the interests of highway safety; and to comply with Policy 28 of Cheshire Replacement Waste Local Plan, and Policy BE.1 of the Crewe and Nantwich Local Plan.

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.

**Appendix 1: Copy of permission 7/2006/CCC/11**

**Notice of Permission**

Application No. 7/2006/CCC/11

CHESHIRE COUNTY COUNCIL

**Town and Country Planning Act 1990**

---

To Mr F H Rushton  
Whittakers Green Farm  
Pewit Lane  
Hunsterson  
NANTWICH  
CW5 7PP

---

**Particulars of Development Application to vary condition 13 of permission 7/P04/0124 to allow importation of green waste on Bank Holidays except for Christmas; at Whittakers Green Farm, Hunsterson, Nantwich, CW5 7PP.**

In pursuance of their powers under the above Act, the Council hereby PERMIT the above development to be carried out in accordance with the application and accompanying plans submitted by you, subject to compliance with the condition(s) specified hereunder.

PLEASE SEE ATTACHED CONDITIONS

The reason(s) for the Council's decision to grant permission for the development subject to compliance with the condition(s) hereinbefore specified are:

PLEASE SEE ATTACHED CONDITIONS

SEE NOTES ON REVERSE

---

Date: 06 December 2006

Address: BACKFORD HALL  
CHESTER  
CHESHIRE  
CH1 6PZ

Signed.....  
COUNTY PLANNING OFFICER

*Alan S. Thornley*

**PLANNING APPLICATION NO: 7/2006/CCC/11**

**APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT  
(AS AMENDED) TO VARY CONDITION 13 OF PERMISSION 7/P04/0124 TO ALLOW  
IMPORTATION OF GREEN WASTE ON BANK HOLIDAYS EXCEPT FOR CHRISTMAS  
AT WHITTAKERS GREEN FARM, HUNSTERTON, NANTWICH**

**CONDITIONS**

**Commencement of development**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) At least seven days prior written notice of the commencement of development under this new permission granted under Section 73 of the Town and Country Planning Act shall be given to the County Planning Authority.

**Approved documents**

- 3) The development hereby approved shall only be carried out in accordance with the following documents, except where these may be modified by the conditions below:-
  - (a) Planning application forms
  - (b) Planning Supporting Statements numbers 1, 2, 3 and letter dated 16<sup>th</sup> March
  - (c) Plan view 4, Front view plan 5, side view plan 6, details of tank plan 7, Location plans 8 and 9.
- 4) In the first planting season following the commencement of development, planting shall be undertaken along the topsoil mounds along the northern and western boundaries of the site, and along the eastern boundary of the site. The planting shall be carried out in accordance with a scheme of details to be submitted for the approval of the County Planning Authority within 3 months of the date of this permission. The scheme shall provide full details of the location, species, size, spacing, method of rabbit protection, and maintenance. All plants shall be maintained for a period of five years following planting, and any failures replaced, in accordance with details to be submitted in the scheme.

**Materials to be composted**

- 5) Only those waste materials specified in the application, namely 'green' garden wastes, shall be imported to, deposited, processed or stored at the site.
- 6) Any material contained within the waste deliveries which falls outside of the above description shall be removed from the 'green' waste, and stored in a designated covered container, prior to removal from the site.

**No exportation of compost**

- 7) No compost shall be exported from the area edged in blue on plan 9.

Matters requiring approval should the site be exempt from the Waste Management Licensing Regulations

- 8) Should the site be exempt from the Waste Management Licensing Regulations a scheme for the monitoring of bioaerosols at the site shall be submitted for the written approval of the County Planning Authority. Such a scheme shall provide for biannual monitoring of bioaerosols arising from the composting process, at locations around the site. The scheme shall have sufficient flexibility to ensure that the most appropriate monitoring methods are adopted, and shall make provision for any necessary remedial measures to be carried out should levels exceed the relevant emission limits. The approved scheme shall be implemented to the satisfaction of the County Planning Authority for the duration of this planning permission.

#### Hours of operation

- 9) The importation of material and unloading shall only take place within the following periods;
- 0800 -1800 Monday to Friday
  - 0800-1200 Saturday
  - 0830-1600 Bank or Public Holidays

No importation of materials or unloading is permitted outside of these hours or on Sundays or Bank or Public Holidays during the Christmas period.

- 10) The shredding, turning and screening of waste or compost products, shall only take place within the following periods:
- 0800 -1800 Monday to Friday
  - 0800-1200 Saturday

None of the listed activities shall take place outside of these times.

#### Vehicle movements

- 11) No more than ten vehicle movements (5 in and 5 out) shall enter or leave the site on any day.

#### Frequency of shredding

- 12) Green waste shall be shredded at sufficient frequencies to ensure no noticeable odours are apparent from unshredded waste stockpiled at the site.

#### Heights of storage

- 13) The maximum height of any stockpiles, windrows or storage mounds of material shall not exceed 3 metres.

#### Operational details

- 14) All plant, machinery and vehicles used at the site shall be silenced, operated and maintained in accordance with the manufacturer's specifications at all times.
- 15) No lighting of the site shall be installed without the prior written agreement of the County Planning Authority.

- 16) Green waste shall be shredded at sufficient frequencies to ensure no noticeable odours are apparent from unshredded waste stockpiled at the site.

#### Drainage

- 17) Prior to any green waste being imported to the site, the concrete pad shall be formed and completed, and connected to the drainage system and storage tank as outlined on plans 4, 5, 6 and 7 or as otherwise agreed in writing with the County Planning Authority.

#### Heights of storage

- 18) The maximum height of any stockpiles, windrows or storage mounds of material shall not exceed 3 metres.

#### Operational details

- 19) All plant, machinery and vehicles used at the site shall be silenced, operated and maintained in accordance with the manufacturer's specifications at all times.
- 20) No lighting of the site shall be installed without the prior written agreement of the County Planning Authority.
- 21) No burning of materials shall take place at the site.

#### Restoration

- 22) In the event that composting of green waste ceases for a period of six months or longer, the concrete pad and ancillary equipment shall be removed from the site, the stripped soil replaced and the land restored to agricultural use.

#### REASONS FOR CONDITIONS

- |         |   |
|---------|---|
| 1       | In the interests of highway safety and to comply with Policy GEN3 of the Cheshire 2011 Replacement Structure Plan.  |
| 2       | To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.  |
| 3,4     | For the avoidance of doubt, to ensure the development is carried out in accordance with the approved documents, and to comply with the provisions of Policy R9 of the Cheshire 2011 Replacement Structure Plan. |
| 5,6,7,8 | In the interests of visual amenity and to comply with Policy GEN3 of the Cheshire 2011 Replacement Structure Plan.  |
| 9,10    | To control the types of waste that may be handled at the site, in the interests of amenity; and to comply with Policy R7 of the Cheshire 2011 Replacement Structure Plan.                                       |

12,13,15,16 In the interests of amenity; and to comply with Policy R7 of the Cheshire, 19,20,21,22. 2011 Replacement Structure Plan.

11,14,18, To control the scale of the development; and to comply with Policy R7 of the Cheshire 2011 Replacement Structure Plan.

17 To prevent possible water pollution; and to comply with Policy R7 of the Cheshire 2011 Replacement Structure Plan.

Informative:

If any European protected species are discovered during the construction process then all work must cease and English Nature be contacted.

**Circular 08/2003 (Amendments to GDPO and Listed Buildings and Conservation Areas Regulations)**

**Reasons for Granting Planning Permission**

In accordance with Section 54A of the Town and Country Planning Act 1990, the application has been determined in accordance with the development plan for the area. The development plan consists of the following plans:

Cheshire 2011 Replacement Structure Plan (1999)

Replacement Borough of Crewe and Nantwich Local Plan 2011 Second Deposit (2003)

Cheshire Waste Disposal Local Plan (1987)

The summary of reasons for granting planning permission are as follows:-

"The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision be made otherwise."