

ITEM

Application Reference	DC/071027
Location:	Units 22, 23 And 24 Adswood Industrial Estate Adswood Road Adswood Stockport SK3 8LF
PROPOSAL:	Retention of existing uses and use of additional area for the recycling of non-hazardous waste, including the retrospective construction of a steel portal framed building and revised vehicular access at Unit 22, 23 and 24, Adswood Road Industrial Estate, Adswood Road, Stockport SK3 8LF
Type Of Application:	Full Application
Registration Date:	19.09.2018
Expiry Date:	19.12.2018
Case Officer:	Pippa Brown
Applicant:	Cheadle Skip Hire Ltd
Agent:	Oaktree Environmental Ltd

DELEGATION/COMMITTEE STATUS

The application is a Planning and Highways Regulation Committee decision as the change of use represents a departure from the development plan with the site currently being allocated for housing development.

DESCRIPTION OF DEVELOPMENT

The application seeks retrospective consent for the construction of a steel portal frame building, the construction of a new site access from Adswood Road, alterations to the site including the erection of a retaining wall to the north, close to the site boundary that incorporates aggregate bays, plus the retrospective change of use of the site (comprising units 22, 23 and 24 Adswood Industrial Estate) to a mixed use comprising waste transfer/ management (Cheadle Skip Hire) as well as general industrial (Bradshaw Aggregates) uses, for a temporary period of 5 years.

The waste site is open during the following hours for all waste operations, i.e. depositing, sorting, moving, storing and removing waste:

Monday to Friday - 08:00 – 18:00

Saturday - 08:00 – 14:00

Sundays, Bank/Public Holidays - closed

The Planning Statement explains the operation of the site as follows:

“The site will be operated as a separation and storage facility prior to transfer for skip waste inputs. Skips from builders and householders contain appreciable quantities of recyclables such as plastics, wood, metals, paper and cardboard, which will be separated both by hand and by the plant, the stored and sent on to other reprocessing facilities. Much of the remaining material following separation is classed as hardcore and soils, which can be reused/ recovered in certain building/ construction projects as a secondary aggregate”...

“Cheadle Skip Hire operates from Units 22, 24 and the majority of the open hardstanding area (with the exception of the product storage bays), whilst Bradshaw Aggregates largely occupy Unit 23 and the product bays within the north of the site. The offices within Unit 23 are utilised for both companies”.

Unit 24 within the middle of the site already benefits from a temporary consent (5 years) for a transfer station for inert and non-inert waste, which was issued in 2018 (variation of condition application DC068948).

SITE AND SURROUNDINGS

The site is located within a predominantly residential area and is identified as a housing site on the saved UDP Review proposals map. The site is located within Adswood Industrial Estate, an employment complex - the northern part of which the application site forms part was significantly affected by a fire in 2014 - bounded by Adswood Road to the south east and the railway line to the north east. Beyond the railway line are residential properties in Sandpiper Drive and Pintail Avenue, and across the other side of Adswood Rd is a park and further housing. To the immediate north is a vacant former employment site with two extant planning permissions for flats (full DC068342, and outline DC060605). The application site is located to the northern end of the Industrial Estate.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

HP1.1 HOUSING LAND ALLOCATIONS

CDH1.2 NON RESIDENTIAL DEVELOPMENT IN PREDOMINANTLY RESIDENTIAL AREAS

MW1.3 MINERAL AND WASTE SITES: SCHEMES OF WORKING, RESTORATION AND AFTERCARE

NE3.1 PROTECTION AND ENHANCEMENT OF GREEN CHAINS

LDF Core Strategy/Development Management policies

SIE-1 'Quality Places'

SIE-3 'Protecting, Safeguarding and Enhancing the Environment'

T-1 'Transport and Development'

T-2 'Parking in Developments'

T-3 'Safety and Capacity on the Highway Network'

AED-6 'Employment Sites Outside Protected Employment Areas'

Greater Manchester Joint Waste DPD

Policy 10 - Unallocated Sites

Policy 12 - Safeguarding Existing Waste Management Capacity

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) initially published on 27th March 2012, subsequently revised and published on 24th July 2018 by the Ministry of Housing, Communities and Local Government sets out the government's planning policies for England and how these are expected to be applied. The revised National Planning Policy Framework will be a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Para.1 "The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied".

Para.2 "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".

Para.7 "The purpose of the planning system is to contribute to the achievement of sustainable development".

Para.8 "Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective*
- b) a social objective*
- c) an environmental objective"*

Para.11 "Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

Para.12 “.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.124 “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para.130 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Para.213 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

Reference: DC/068948; Type: VC; Address: Unit 24, Adswood Industrial Estate, Adswood Road, Adswood, Stockport, SK3 8LF; Proposal: Continued use of the site as a transfer station for inert and non-inert waste (change of use for a temporary period permitted by DC/011898 and DC/028768) for a further time period of 5 years (Variation of Condition 1 of DC/028768); Decision Date: 06-JUL-18; Decision: GTD

Reference: DC/028768; Type: FUL; Address: Unit 24, Adswood Industrial Estate, Adswood Road, Adswood, Stockport, SK3 8LF; Proposal: Continued use of site as a transfer station for inert and non-inert waste in contravention of condition 1 of planning permission DC011898; Decision Date: 27-MAR-08; Decision: GTD

Reference: DC/011898; Type: FUL; Address: Unit 24, Adswood Road Industrial Estate, Adswood Road, Stockport; Proposal: Change of use for waste management site to be used as a transfer station for inert and non-inert waste; Decision Date: 09-SEP-03; Decision: GTD

NEIGHBOUR'S VIEWS

The owner/occupiers of 26 surrounding properties have been notified by letter and the proposal has been advertised by way of site and press notices as it is a major and a departure from the development plan, to capture the wider community. To date one representation has been received from Network Rail as neighbour to the north. A summary of their comments is set out below within the consultee section.

CONSULTEE RESPONSES

Environment Agency

Thank you for referring the above application to the Environment Agency. We have no objection in principle to the proposed development, but would wish to make the following comments.

The applicant will require a new Environmental Permit or variation to an existing Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency.

Network Rail

Network Rail initially placed a holding objection on the proposal given the location and the nature of works adjacent to the existing operational railway and 25kv overhead power lines. Subsequently the agent entered dialogue with Network Rail who concluded that the works do not pose any risk to the railway, and so there is no objection to the planning application. As such the holding objection has been withdrawn.

Greater Manchester Waste Authority

No comments received.

Planning Policy

This site is currently allocated for housing on the adopted UDP Proposals Map. The Council is in the process of preparing a new Local Plan which will replace the UDP Proposals Map, saved policies, and Core Strategy. Given the need for housing land in Stockport, a longer term temporary permission may unreasonably prevent the redevelopment of the wider allocation, including this site, for housing during the proposed plan period. A 5 year permission would allow flexibility for the site to continue its current use and to be considered as a housing allocation in the emerging Local Plan. Therefore the approval of a temporary permission is support, but it is requested that a 5 year limitation is sought.

Highways Engineer

The application is for the retention of existing uses on the site and the retention of a vehicular access that was provided in 2014 following a fire at the site.

I have no concern with the continuation of the use at the site noting that it does not generate significant levels of traffic and public visits to the site are limited. There is no evidence of parking overspill problems and the site appears to operate without giving rise to traffic and parking related issues.

I do however have concern with regular occurrences of detritus that get tracked from this site onto the highway. Whilst I acknowledge the applicant advises that they undertake daily visual inspections, respond promptly and employ a sweeper vehicle such an approach is not ideal or acceptable. It is essential that preventative measures are in place to prevent detritus coming from the site, the reactive approach currently in place is effectively responding after committing an offence and this I cannot support. Any approval granted needs a condition that requires the provision of adequate wheel wash facilities and/or other detritus preventative measures.

The site is also of a scale that justifies the need for detailed consideration of travel options and promoting site accessibility and as such a travel plan should be provided. I note from the supporting information that the applicant comments they will promote and incentivise accessibility but no specific detail is provided. This matter can be dealt with by condition.

The determinant issue for me is the retention of the access on Adswood Road. The access was constructed on a temporary basis following a fire at the site in 2014 and has been in place since. In principle I consider the access is appropriately located, benefits from good visibility to and for emerging vehicles and has evidently operated without significant concern for a number of years. This access is better located to that which previously served the site which was on the inside of a bend, has restricted visibility and is close to junctions and a School.

Whilst I am accepting in principle of the access I do have some concern with the actual detailed design and construction. The Adswood Road footway which fronts the site should have priority where it crosses the access as opposed to the arrangement that exists where the footway is severed with dropped kerbs and tactile paving provided. I also have some reservation with the gradient of the access and the risk that this causes to vehicles skidding or slipping on approach or egress from the site. Whilst I appreciate the access has apparently operated without difficulty, the gradient is steep and risk does exist and is influenced by weather conditions. As such I consider some measures, perhaps rumble strips or a higher skid resistant surface should be introduced. Again I consider this is a matter that is capable of conditional control.

In summary, subject to conditions which cover improvements and alterations to the access, the provision of wheel wash/cleaning measures and the provision of a travel plan, all of which should be undertaken as soon as possible/within 3 months of the date of any permission, then I would raise no objections.

Environmental Health Officer (Contaminated Land)

Could I please just request the con2 informative for the decision notice.

Environmental Health Officer (Noise)

I have assessed the above application and I do not object to the development. I have assessed the noise report and it does advise that levels will be above those

stipulated within BS4142:2014 however it does provide some mitigation measures to reduce the noise levels from site.

The report advises that noise levels should be met as long as the mitigation measures below are implemented within the development.

A That all skip lorries operated by Cheadle Skips are fitted with chain socks in order to reduce the noise caused by the loose chains banging on the side of the skip.

B That all vehicles owned and operated by Cheadle Skips –and indeed Bradshaw Aggregates –are fitted with 'white noise' reversing alarms.

C That the sites operation is controlled by Condition – as is the operation of the Trommel so that its operation is outside 'sensitive times' early morning and late afternoon.

D The Shredder be re located at a greater distance from the residential property than it is at present.

Environmental Health Officer (Air)

I have looked at this application in particular the dust assessment and have no objections. The mitigation measures within the plan should be implemented. The Environment Agency will enforce dust through their permit also.

Nature Development Officer

I have the following comments to make: -

- The application site abuts Green Chain (saved UDP Policy NE3.1) on three boundaries; to the north-west along the railway line, the north semi-natural recolonised ground, and; to the east by amenity grassland.
- It is my opinion however, that the retention of the current proposal would not detrimentally impact the Green Chain.
- If landscaping is to be required to the frontage of the scheme – in addition to the roadside tree planting – then I would suggest that it includes locally native species which have flower, fruit, berry or nuts. This will be of benefit to the area's local wildlife and provide enhancement to the Green Chain.
- I have not visited the site but from what can be observed on our GIS system the adjacent area to the north (outside the edge red) supports a dense stand of Japanese knotweed (Schedule 9 Wildlife & Countryside Act 1981, Environmental Protection Regulations 1991). It is not possible to ascertain if the application site supports this highly invasive species, but I would suggest an **informative** is used to alert the applicant to the legislation in regard to this species and to indicate that it is an offence to cause it to spread in the wild. This includes allowing to spread outside of their boundary, as recent caselaw has highlighted.

I have no further comment to make on the proposal and hope that this is helpful. If you have any queries please get in touch.

ANALYSIS

Construction of a new Building

Following a significant fire at Adswood Industrial Estate which impacted a large proportion of the northern part of the estate back in 2014 (much of which remains vacant), a new building was constructed without the benefit of planning permission. The structure covers a similar footprint to the previous building on site, and is of a similar form, massing and appearance to other remaining buildings on the industrial

estate. In view of the above points, the building is considered acceptable and compliant with policy SIE1.

Retention of the Site Access onto Adswood Road

The access was constructed on a temporary basis following a fire at the site in 2014 and has been in place since. The Highways Engineer considers this access to be appropriately located, benefitting from good visibility to and for emerging vehicles, and it has evidently operated without significant concern for a number of years. (It should be noted that this access is better located than that which previously served the site, which was on the inside of a bend with restricted visibility and close to junctions and a school).

Notwithstanding the principle of the access being acceptable, the Highways Engineer has raised concern about its detailed design and construction. The Adswood Road footway which fronts the site should have priority where it crosses the access as opposed to the current arrangement whereby the footway is severed with dropped kerbs and tactile paving provided either side of the access. Some reservations are also raised about the gradient and the risk that this causes to vehicles skidding or slipping on approach or egress from the site, which is influenced by weather conditions. Measures, perhaps rumble strips or a higher skid resistant surface, should be introduced to address this.

Both of these matters are however capable of conditional control. So, subject to conditions to address these issues with the detailed design and construction of the access, the application is considered acceptable and compliant with the relevant highways related policies, in this regard.

Construction of a Retaining Wall with Integrated Aggregate Bays & Other External Areas

Aggregate bays constructed of concrete blockwork have recently been introduced close to and along a large proportion of the northern site boundary. This forms the boundary with the adjacent site which benefits from extant consents for flats. The neighbouring site is located at an approximately 3m higher ground level than the current application site, so the blockwork effectively forms a retaining wall with the adjacent site sat above. It is understood that these bays will be used in association with Bradshaw Aggregates more so than the waste use.

The appearance of the aggregate bays and the other external areas is generally in keeping with the established character of the wider industrial estate, so does not conflict with the provisions of policy SIE1. Given the proximity of these bays to future residential, however, ensuring that their use does not impact detrimentally on residential amenity is critical, and this will be a matter for conditional controlling of the hours of use. Matters relating to residential amenity will be dealt with in more detail the 'noise/ residential amenity' section.

The Change of Use:

The Principle

The application site is located on an industrial estate within a predominantly residential area. Although the proposed use is generally in keeping with the character of the industrial estate, the site is part of a wider allocation for housing development (saved UDP Review policy HP1.1). The Council is in the process of preparing a new Local Plan that will replace the UDP Proposals Map, saved policies, and Core Strategy DPD. Given the need for housing land in Stockport, a permanent

or long term temporary permission for the waste facility could not be supported at this time, as it may prejudice potential redevelopment of the site (and that of the wider allocation) for housing during the proposed plan period. This issue is particularly pertinent given policy 12 of the Greater Manchester Joint Waste DPD states that sites with planning permission for waste management purposes are protected to continue in the same use unless it can be demonstrated that there is no longer a need for the facility, that the capacity will be met elsewhere in Greater Manchester, or that there is an overriding need for the non-waste development in that location.

Taking into account the current housing allocation, the current industrial nature of the site/ wider estate, the early stage that the Council is at in respect of the preparation of the Local Plan, the GM Waste Plan; and no objection being raised in principle by either the Environment Agency or Greater Manchester Waste Authority, it is considered that the change of use could be supported, but that this would need to be temporary and for a short to medium term timescale i.e. 5 years. This would regularise the current use of the wider site whilst not prejudicing future plans for the site/ area in the longer term.

It should also be noted that a temporary change of use (restricted by condition) would not prohibit the applicant applying once again, but would allow the continued use to be reviewed at that time, taking into account the current policy position as well as residential amenity.

Highway Safety/ Parking

The Planning Statement identifies that 75,000 tonnes of waste is delivered to the site per annum, which equates to 100 vehicle movements per day in total, and there are no. 25 full time employees on site. The Highways Engineer has assessed both the submission and the current situation on site given that the application is retrospective, and raises no concern with the continuation of the use at the site, noting that it does not generate significant levels of traffic, public visits to the site are limited, and there is no evidence of parking overspill problems. In view of the site appearing to operate without giving rise to traffic or parking related issues, the change of use is considered compliant with the relevant highways related policies in this regard.

It should also be noted that given the scale of the site a travel plan will be required by condition.

Noise and its Impact on Residential Amenity

The Environmental Health Officer has assessed the noise report (and subsequent addendum) submitted with this application. Noise levels will be above those stipulated within BS4142:2014, however the report does propose the following mitigation measures to reduce the noise levels from site:

- 1) That all skip lorries operated by Cheadle Skips are fitted with chain socks in order to reduce the noise caused by the loose chains banging on the side of the skip.
- 2) That all vehicles owned and operated by Cheadle Skips – and indeed Bradshaw Aggregates - are fitted with 'white noise' reversing alarms.
- 3) That the site's operation is controlled by condition – as is the operation of the trommel (see site plan) - so that its operation is outside 'sensitive times' early morning and late afternoon.
- 4) That the shredder (see site plan) be relocated at a greater distance from the residential property than it is at present.

The above mitigation matters can be implemented/ controlled by condition, so the EHO raises no objection and the application is considered compliant with policies SIE3 and CDH1.2. This is an established industrial estate where historically there have not been limitations in terms of hours, for example. Imposition of these mitigation matters (including control of the operational hours of the site as outlined in the application) by condition, will help regulate the use of this particular part of the estate and improve the relationship between the various uses, which is critical in a residential area.

Dust Management

The Dust Assessment submitted concludes that residual dust impact, taking into account the mitigation and controls that are in place under the Environment Agency's environmental permit for the waste recycling use, will be 'not significant'. The EHO has assessed the submission and raises no objection subject to the implementation of mitigation measures within the plan, which can be dealt with by conditional control.

Notwithstanding this however, the Highways Engineer has concerns about the operation of this site in this regard, and the regular occurrences of detritus being tracked from this site onto the highway. Whilst he acknowledges that the applicant advises that they undertake daily visual inspections, respond promptly and employ a sweeper vehicle such an approach is not ideal or acceptable, he is of the view that it is essential that preventative measures are in place to prevent detritus coming from the site rather than taking a reactive approach as is currently in place. In view of this a condition will need to be imposed that requires the provision of adequate wheel wash facilities and/or other detritus preventative measures on site.

Subject to conditions, the application is considered compliant with policies SIE3 and CDH1.2 in this regard.

Green Chain & Nature Development

The application site abuts a Green Chain on three boundaries: to the north-west along the railway line, the north semi-natural recolonised ground, and to the east by amenity grassland. The Nature Development Officer has assessed the application and advises that it would not detrimentally impact the Green Chain. In view of this the application is considered compliant with policy NE3.1.

Given that Japanese knotweed (Schedule 9 Wildlife & Countryside Act 1981, Environmental Protection Regulations 1991) is present on neighbouring land, Nature Development propose an informative is used to alert the applicant to the legislation in regard to this species and to indicate that it is an offence to cause it to spread in the wild. This includes allowing to spread outside of their boundary, as recent case law has highlighted.

Summary - 'Sustainable Development'

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three overarching objectives to sustainable development – economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways.

In this instance there are several benefits that weigh in support of the proposal, most notably that the proposals involve the reuse of an underused industrial site; and will not prejudice the current housing allocation subject to the change of use being limited to five years; that the application provides an opportunity to secure appropriate operational hours for part of this historic industrial estate within a

predominantly residential area, taking into account residential amenity; and that the facility will help support national recycling targets.

Conclusion/Reasons

In considering the planning merits against the NPPF as a whole the proposal represents sustainable development and therefore Section 38(6) of the Planning and Compulsory Purchase Act 2004 applies and requires that the application be granted subject to conditional control.

RECOMMENDATION

It is recommended that PHRC resolve to GRANT planning permission, subject to conditions including – but not limited to - the change of use being limited to five years.

UPDATE - CENTRAL AREA COMMITTEE – 31ST January 2019

The Planning Officer introduced the report. Cllr Davies acknowledged that Area Committee had looked at this site previously, and he raised no issues noting that the application was for a 5 year temporary period. The Planning Officer clarified that the 5 year limitation related to the change of use only. Members resolved to recommend GRANT.