

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 April 2009

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APPLICATION REF. NO:	09/00021/CU
STATUTORY DECISION DATE:	20 March 2009
WARD/PARISH:	HARROWGATE HILL
LOCATION:	Mewburn Road
DESCRIPTION:	Change of use of commercial vehicle training centre to waste transfer station including the erection of a detached building (amended description and amended plan received 18 March 2009)
APPLICANT:	Stonegrave Aggregates Limited

APPLICATION AND SITE DESCRIPTION

The application site was formerly used as a commercial HGV training centre located at the junction of Whessoe Road and Mewburn Road. The site is currently vacant and consists of two buildings on the Whessoe Road frontage, which were last used as garage/workshop and offices. The remainder of the site is hard standing. Vehicular access into the premises is via Mewburn Road.

The application site is bounded by Whessoe Road and the Darlington to Bishop Auckland rail line to the west; industrial units to the north; Drinkfield Nature Reserve to the east and the Council Civic Amenity tip to the south.

Stonegrave Aggregates Ltd have recently been successful in winning Darlington Borough Council's Domestic and Trade Waste contract for a period of eleven years. The contract also includes the management of the Council's Civic Amenity Tip adjacent to the application site. The purpose of the proposed Waste Transfer Station is to receive waste material from the adjacent Civic Amenity Site where it can be bulked for transportation. Waste will also be accepted from small commercial vehicles that have previously used the Civic Amenity Site. The waste would be a mixture of Municipal Solid Waste, pre sorted recyclables eg. Cardboard, green waste and mixed commercial waste. The applicant already operates an established recycling and waste disposal facility at Aycliffe Quarry, where all of the processing of the waste will take place.

The proposal also involves the erection of a new building at the rear of the site approximately 2,160m² in area, which will be used in conjunction to the existing buildings on the site. Material

will be placed into dedicated bays within the new building, from where it will be loaded into large bulk carriers destined for the Aycliffe Quarry Facility, or in the case of cardboard, could be dispatched direct for reprocessing.

Minimal sorting and separating will take place within the proposed Waste Transfer Station but the majority of this work will be carried out at the specialist plant at Aycliffe Quarry. The existing buildings in the Whessoe Road frontage would be retained and used as office space and storage space for equipment and valuable recovered items. The external hard standing area will be used to site containers and skips as well as vehicle parking for staff and operatives.

The hours of operation would be the same as the civic amenity site, which is 0700 to 2000 April through to September and 0700 to 1730 October through to March. It would be closed on Christmas Day and New Years Day.

The proposal is one that falls within the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999 (SI/1999/293) (the "Regulations"). As required by the Regulations, the Local Planning Authority is required to adopt a formal opinion as to whether or not an Environmental Impact Assessment (EIA) is required for the development. This process has been undertaken and, having taken into account the criteria set out in Schedule 3 of the Regulations, the Local Planning Authority has determined that the proposal does not constitute EIA development.

PLANNING HISTORY

The planning entries for the site all relate to its previous use as a HGV training centre, and are therefore not relevant to the determination of this application

PLANNING POLICY BACKGROUND

The following policies of the RSS (North East of England Plan - Regional Spatial Strategy to 2021) are particularly relevant:

- Policy 2 (Sustainable Development)
- Policy 45 (Sustainable Waste Management)
- Policy 46 (Waste Management Provision)

The following policies of the Borough of Darlington Local Plan are relevant:

- H15 (The Amenity of Residential Areas)
- EP2 (Employment Areas)
- EP17 (Waste Material Storage and Transfer)

National planning policies are contained within in Planning Policy Statement 10 - Planning for Sustainable Waste Management

RESULTS OF CONSULTATION AND PUBLICITY

Two letters of objection have been received raising the following concerns:

- *We have major concerns with regard to the level of noise, which will be resultant from the day to day operation of the Waste Transfer Station. We note that the applicant has requested a license to operate seven days a week, which we find unacceptable. Currently Dupont , which is located next to the proposed site operate Monday to Friday but show consideration for their neighbouring properties by not operating at weekends when most families wish to enjoy peace and quiet in the privacy of their own gardens;*
- *Last summer in 2008, we had to endure severe noise pollution from heavy earth moving equipment which was operating at very unsociable hours and during a Bank Holiday; on the proposed site which is to be developed;*
- *We can hear the noise from Argos on Faverdale, which is considerably further away from us than the proposed waste transfer station. There could also be an issue with dust and debris, which would not be suitable for our young children when playing outside in our garden.*
- *The proposed trading hours would also prove to be disruptive to our children's sleep patterns;*
- *We also feel that there would be an increase in vehicles and machinery on nearby roads, hence again causing more noise and pollution along with traffic congestion;*
- *There is also a nearby nature reserve. What effect could this have on the wildlife at this nature reserve;*
- *This further noise and disruption could send the house prices further in decline*
- *Another point is what visual implications will there be to the surrounding area.*

Northumbrian Water

Northumbrian Water has raised no objections to the proposed development

Environment Agency

Environment Agency have raised no objections to the proposed development

Natural England

Natural England has raised no objections to the proposed development

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed change of use of the site is acceptable in the following terms:

- Planning Policy
- Visual Appearance
- Residential Amenity
- Highway Safety
- Wildlife Issues
- Tree Issues
- Land Contamination
- Other Matters

Planning Policy

The site is located in within the Whessoe Road employment area as defined by Policy EP2.8 (Employment Areas) of the Local Plan. The Local Plan encourages the recycling of waste materials and the provision of the necessary storage, processing and transfer facilities. Policy

EP17 (Waste Material Storage and Transfer) states that such uses are acceptable in employment areas provided that:

1. There are no adjacent Class B1 Uses;
2. The storage of materials is not visible from main rail and road routes or residential properties;
3. There is adequate screening of the site; and
4. There is no material adverse impact on the amenity of surrounding areas.

Consequently, there would be no local planning policy objection to the proposed development provided that the four criteria attached to Policy EP17 are met. There are no Class B1 uses in the locality and this report will consider the other remaining three criteria in more detail.

The principle of the encouragement of waste management facilities in appropriate locations, subject to necessary environmental and amenity safeguards, and particularly where they will lead to a reduction in journeys carried out by road, is also consistent with the more recent national and regional policies of PPS10 and the RSS for the North East.

Visual Appearance

At present there are two substantial buildings facing onto Whessoe Road and the site is enclosed by a mature hedgerow and fence. The proposal involves the retention of the two buildings and the erection of a detached building at the eastern end of the site. This building would measure 60m long; 38m wide with an overall height to the ridge of 11.10m. It would be a conventional steel framed structure constructed from facing bricks for the lower walls with industrial cladding for the upper walls. The roof covering will also be of cladding. Access to the building would be via three roller shutter doors on the west elevation.

There are a number of substantial industrial buildings in the locality and the proposed building would be in keeping with the character and visual appearance of the area. A suitable condition can be imposed to secure appropriate materials.

All activities will occur within the buildings and it is not envisaged that any waste would be stored on the outside, although containers will be placed on the hard standing area. The existing hedge and fencing around the site would be retained. The existing and proposed buildings would screen the outdoor areas from the rail line, the road network and residential properties and therefore it is considered that the proposed development would comply with criterion 2) and 3) of Policy EP17.

Residential Amenity

The immediate neighbouring buildings to the application site are commercial and industrial premises. The nearest residential dwellings (on the Harrowgate Farm development) are located approximately 190m to the east of the site.

As the main operation of waste recycling will take place at Aycliffe Quarry, it is anticipated that only a small amount of equipment will be in operation at the site. The extent of the machinery consists of two telescopic handlers; two loading shovels and one compactor, all of which will be within either the existing or proposed buildings.

Within the new building, low grade sorting will be undertaken which will involve the use of the two handlers and shovels. The operation of unloading and loading skips may at times take place outside on the central hard standing area but there would be no waste stored in this area.

The existing buildings on the site will be used for office space and also as a storage area for valuable items. One of these buildings would contain the compactor.

The hours of operation would be the same as the civic amenity site, which is 0700 to 2000 April through to September and 0700 to 1730 October through to March. It would be closed on Christmas Day and New Years Day.

A Noise Assessment carried out by Atkins accompanied the application and further discussions have taken place between the Noise Consultant and the Council's Environmental Health Officer, who has visited the site and monitored existing noise levels. It is considered that the proposed change of use will not have an adverse impact on the amenities of the neighbouring commercial buildings and the residential dwellings to the east provided that any grant of planning permission is subject to suitable planning conditions.

Existing background noise levels have been monitored from near to Marazion Drive, on the Harrowgate Farm estate. The Environmental Health Officer has requested the imposition of a planning condition to ensure that the Rating Level (as defined in BS 4142:1997) as a result of any operations from the site shall be at least 5dB(A) below the existing background noise level measurements taken from close to Marazion Drive. The applicant has confirmed that this can be achieved. Also, a satisfactory sound insulation scheme for the proposed building would lower the noise levels reaching the residential properties even further. The applicant has also agreed to carry out a sound insulation scheme on the existing buildings. Details of the sound insulation schemes would have to be submitted to and approved by the Local Planning Authority.

Even though the proposed building will afford some screening to the residential properties to the east and reduce noise emissions in that direction, it is considered appropriate to attach a planning condition to secure the submission of a Noise Management Plan which would include the management of fire exit doors, the roller shutter doors, vehicle reversing alarms, drop heights for scrap material and the loading and unloading of skips.

The equipment, which will be in operation on the site, will be housed within the existing and proposed buildings, which will all have been satisfactorily insulated for sound emissions. However, in order to retain future control over the type and extent of the equipment used on the site, it is appropriate to attach a planning condition to ensure that the Local Authority is informed of any additional or replacement equipment.

Further conditions can also be imposed which relate to the submission of a Dust Action Plan; the hours of operation; the location of waste, the control of odours and lighting schemes.

The Environmental Health Officer has concluded, *"to summarise my assessment regarding noise, I have checked the noise calculations in the consultant's report, and the calculations showed that the noise emissions reaching the receptors should not be problematical and should meet the criteria which I have recommended in a planning condition, which is 5dB(A) below the background noise level. The required scheme to sound insulate the existing and proposed buildings will lower the consultants calculated values even further, and provide a further safeguard against excessive noise emissions. The planning conditions, including the requirement*

for a Noise Management Plan, will be used to control specific possible noise sources such as the handling of skips externally and the drops heights.”

Highway Safety

The existing vehicular access off Mewburn Road would remain. The applicant has submitted a Transport Statement (TS) which concludes that the traffic generation from users of the Civic Amenity site will remain broadly as existing, however, by sorting and compacting the waste at the application site, the number of HGV movements to and from the Waste Disposal Facility at Aycliffe will be reduced by nine vehicles per day. The HGV Training Centre generated approximately 24 HGV trips per day and 36 car trips from staff and trainees. The proposed development would reduce the number of vehicle movements on the highway network, albeit by a small amount.

The Council's Traffic Engineer accepts the conclusions of the TS and also considers that the proposal should improve the operational efficiency of the civic amenity site and continue to direct HGV movements away from the residential properties on Whessoe Road.

A satisfactory visibility splay can be achieved at the Mewburn Road/Whessoe Road junction by repositioning an existing fence and cutting back the hedge on the Whessoe Road frontage. This can be secured by a planning condition.

Wildlife Issues

The application site does not contain any wildlife related designations, however, Drinkfield Nature Reserve is located to the east. A "Risk Assessment for the Waste Transfer Site and Surrounding Habitat in Mewburn Road, Darlington" has been submitted with the application and the document assesses the potential for any impact on protected species or other wildlife in the area from the proposed development. The Assessment concludes that no natural habitats were found on the site and the boundary hedge is of very little value. The new building would have no additional impact on the nature reserve or the wildlife of the general area as there is already a very high level of disturbance from other sources. It is considered to be a very low risk site.

Natural England has stated that the proposed development does not raise any issues relating to their remit that would cause concerns. The Council's Countryside Team agree that from a risk to protected species point of view, the Assessment seems to establish very little impact. They would agree with this and suggest the development is able to proceed without a licence to do so.

In the Ecologist Report, it is stated that the existing boundary hedgerow is of little value as a wildlife habitat. The applicant has agreed to upgrading the eastern part of the hedge, which fronts the Nature Reserve, to create a more desirable habitat. This can be secured by a planning condition.

Tree Issues

The site has been inspected by the Council's Senior Arboricultural Officer. There is a Mature Black Poplar, in reasonable condition and form located to the east of the vehicular access of Mewburn Road. Whilst this tree would only be a Category C specimen (a tree of low quality and value), it would need to be protected in accordance with BS5837 2005 if it was to be retained. If the applicant intends to remove the tree, the Senior Arboricultural Officer has requested that a replacement tree, of an appropriate species, should be planted. The applicant has confirmed that

the tree will be removed but they are willing to plant a replacement and this can be secured by the imposition of a planning condition.

Land Contamination

The planning application was accompanied by a Site Contamination Statement. However, the Environmental Health Officer has requested the imposition of a planning condition requesting the submission of a Desk Top Study.

To conclude it is considered that the proposed use is appropriate for this location and, subject to the imposition of suitable planning condition, it would accord with the four criteria attached to Policy EP17 of the Local Plan.

Other Matters

One of the concerns of the objectors relates to being disturbed by earthmoving works in 2008. Officers can confirm that this work took place on a site adjacent to the application site. This operation is currently being investigated by the Council.

The issue of the impact that the development may have on the value of the residential dwellings is not a planning matter or material consideration.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The proposed change of use would comply with criteria points 1), 2), 3) and 4) of Policy EP17 (Waste Material Storage, Processing and Transfer) of the Borough of Darlington Local Plan. A Noise Impact Assessment has been submitted with the application which concludes, that subject to specific mitigation measures secured by planning conditions, the proposed development would not create any unacceptable noise levels to the detriment of the nearby commercial buildings and residential dwellings to the east of the site. On balance, it is considered that the proposed change of use, the proposed building and the mitigation measures, would be acceptable in this location, The following planning policies have been taken into consideration

RSS (North East of England Plan - Regional Spatial Strategy to 2021):

- Policy 2 (Sustainable Development)
- Policy 45 (Sustainable Waste Management)
- Policy 46 (Waste Management Provision)

Borough of Darlington Local Plan

- H15 (The Amenity of Residential Areas)
- EP2 (Employment Areas)
- EP17 (Waste Material Storage and Transfer)

National planning policies are contained within in Planning Policy Statement 10 - Planning for Sustainable Waste Management

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A3 – Implementation Limit
- B4 – Details of Materials
- J2 – Contamination
- The Rating Level (as defined in BS 4142:1997) as a result of site operations associated with this planning permission shall be at least 5 dB(A) below the background noise level at the noise monitoring position 1 as specified in section 3 of the Atkins Noise Assessment Report (Document Ref. Jan/1/5079044/IU, dated January 2009), when measured in accordance with BS 4142:1997. The background noise levels to be used shall be agreed with the Local Planning Authority prior to the approved use commencing.

REASON: In interests of amenity

- Prior to the commencement of the development, precise details of a sound insulation scheme for the existing and proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include an assessment of the sound reduction achieved by the proposed sound insulation scheme, taking into account the machinery and processes that will be operated. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To prevent noise and disturbance to nearby properties.

- Operations shall not commence on the site until a Noise Management Plan has been submitted to, and approved by, the Local Planning Authority. The details of the Noise Management Plan shall be agreed with the Local Planning Authority but it will include details regarding the management of fire exit doors, roller shutter doors, vehicle reversing alarms and drop heights for scrap material. and control of noise from the external loading and unloading of skips. It will also provide details of all machinery and operations that are to take place within the buildings and external parts of the site.

REASON - To prevent nuisance from noise in the interests of amenity

- The proposed use shall not operate outside of the hours detailed in “Draft Planning Statement – Proposed Waster Transfer Station at Premises at Mewburn Road, Darlington, DL3 0XE for Stonegrave Aggregates, Aycliffe Quarry, Aycliffe Village, Darlington, DL5 6NB”

REASON: In the interests of amenity

- Only the machinery specified in Atkins Noise Assessment Report (Document Ref: Jan/1/5079044/IU dated January 2009) shall be used on the site. Any additional or

replacement machinery shall only be used with the prior approval of the Local Planning Authority. Full details of any such machinery, including an updated Noise Impact Assessment, shall be submitted to, and agreed with, the Local Planning Authority.

REASON - To prevent nuisance from noise in the interests of amenity

- Prior to commencement of development, a Dust Action Plan, including all measures from the construction and operational phases of the development shall be submitted to and agreed by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - To ensure that nearby properties are not adversely affected by dust.

- The hours of construction and demolition (if required) are restricted to 0730 to 1700 Monday to Friday and 0730 to 1400 on Saturday. No work shall take place on Sundays or Bank Holidays

REASON: In the interests of amenity]

- No waste or other contaminated material shall be stored outside of the buildings on the site unless otherwise agreed by the Local Planning Authority

REASON: In the interests of amenity

- Prior to the commencement of the development, precise details of any lighting scheme, including lux contour plans and a light impact assessment, shall be submitted to and approved by the Local Planning Authority. The proposed development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of amenity

- There shall not be any offensive odour from the development beyond the site boundary, as assessed by the relevant Local Authority Officer.

REASON: In the interests of amenity

- Notwithstanding the details shown on the approved plans, details of a secure cycle storage area shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order to encourage the use of cycles.

- The proposed visibility splay must be carried out in accordance with Drawing No HN/22508 (10) 02 and the splay must be maintained free of obstruction at all times thereafter. Notwithstanding the details shown on the Drawing, precise details of the new boundary fence shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interest of highway safety

- Notwithstanding the details shown on the approved drawings, a tree-planting scheme to replace the existing Black Poplar tree shall be submitted to and approved by the Local Planning Authority prior to the occupation of the application site. The scheme shall include details of timescales for the replacement tree.

REASON: In the interests of the visual amenity of the locality

- Prior to the occupation of the application site, a scheme shall be submitted to and approved by the Local Planning Authority to upgrade the hedgerow on the eastern boundary.

REASON: To enhance the wildlife and biodiversity of the application site and the surrounding area.

- B5 – Detailed Drawings

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed change of use would comply with criteria points 1), 2), 3) and 4) of Policy EP17 (Waste Material Storage, Processing and Transfer) of the Borough of Darlington Local Plan. A Noise Impact Assessment has been submitted with the application which concludes, that subject to specific mitigation measures secured by planning conditions, the proposed development would not create any unacceptable noise levels to the detriment of the nearby commercial buildings and residential dwellings to the east of the site. On balance, it is considered that the proposed change of use, the proposed building and the mitigation measures, would be acceptable in this location, The following planning policies have been taken into consideration:

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Ms.P.Goodwill 01325 388760) to discuss naming and numbering of the development.

In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considers issues relating to controlled waters. The site lies on the major magnesian limestone aquifer and is therefore in a sensitive location. The Environment Agency considers that discharge to mains sewers is an acceptable means of surface water disposal at the site. Should surface water drainage from the proposed development not be disposed of to mains sewer the Environment Agency would then wish to be re-consulted.

The applicant should ensure that suitable pollution prevention measures are considered and adopted at the site in order to ensure protection of sensitive groundwater resources within the vicinity of the site.