

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 14 November 2012**

**Page**

---

<b>APPLICATION REF. NO:</b>	<b>12/00469/CU</b>
<b>STATUTORY DECISION DATE:</b>	<b>10 October 2012</b>
<b>WARD/PARISH:</b>	<b>LINGFIELD</b>
<b>LOCATION:</b>	<b>Stan Robinson (Stafford) Ltd, Morton Road</b>
<b>DESCRIPTION:</b>	<b>Change of use of land for storage and processing of construction waste</b>
<b>APPLICANT:</b>	<b>Mr Andrew Verity</b>

---

**APPLICATION AND SITE DESCRIPTION**

The application site is situated within the Yarm Road employment area and lies on the northern side of Morton Road. The site comprises an area of land to the rear of and within the Stanley Robinson haulage and distribution site. Vehicular access to the site is from Morton Road, shared with the Stanley Robinson business operation.

The proposal seeks permission for the use of the land for the storage and processing of construction waste.

It should be noted that the applicant will require a separate Environment Permit from the Environment Agency for the operation to be carried out at the site. In order for the applicant to apply for a permit, the Environment Agency require that a planning permission is in place.

**PLANNING HISTORY**

The site has a lengthy planning history only the most recent and relevant of which is listed below.

00/161 – Planning permission was granted in April 2000 for a change of use from Class B2 (General Industrial) to Class B8 (Warehouse and Distribution).

03/477 – A temporary planning permission was granted in September 2003 for the continued use of land for open storage of minerals on the land which is the subject of the current planning application. This permission was for a limited period of 3 years.

## **PLANNING POLICY BACKGROUND**

### **Borough of Darlington Local Plan**

EP2 – Employment Areas

### **Darlington Core Strategy Development Plan Document**

CS2 - Achieving High Quality, Sustainable Design

CS16- Protecting Environmental Resources, Human Health and Safety

### **Tees Valley Joint Minerals and Waste Development Plan Documents Policies and Sites DPD**

MWP10 – Construction and Demolition Waste Recycling

## **RESULTS OF CONSULTATION AND PUBLICITY**

Three letters have been received from occupiers/owners of adjoining business premises objecting to the proposal on the following grounds: -

- Health risk due to the amount of very fine dust present. It is obviously being inhaled by staff. Silica dust from concrete and stone is a known carcinogen and cause of lung cancer.
- As well as airborne dust the rain turns the ground to mud and creates a serious problem in Microcad's car park, causing them to park on the road at times.
- Noise.
- Traffic problems. Up to 150 wagons a day were visiting the site.
- Wagons visiting the site transfer mud onto the local roads.
- The business park seems to be turning back into an industrial estate.

**The Environment Agency** has no objection to the proposal but advise that an Environmental Permit will be require from the Agency for the operation and also comment that the applicant has made an approach to them to obtain a permit. The Agency has commented that the permit will require the operator to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health, the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property.

**The Council's Environmental Health Section** has no objection to the development but requested the following conditions: -

- A temporary dust management plan to be put in place within one month of any permission until an Environmental Permit from the Environment Agency is in place to cover any dust problems in the interim.
- No aggregates less than 3mm grade shall be stored at the site at any time.
- Restriction of the hours of operation to 07:00hrs to 19:00 hrs Mondays to Friday, and Saturdays 07:00 hrs to 16:00hrs and for the site to be closed on Sundays and Bank Holidays.

The Section has also considered the issue of noise but advise that due to the nature of the area in which the business operates and due to the lack of sensitive receptors in the vicinity a condition to control noise emissions is not considered appropriate. In any event the Section understand that a noise management plan will be required as part of the Environmental Permit.

**The Council's Traffic Manager** has no objection to the proposal subject to a condition to ensure the provision of a wheel washing facility to avoid material on the site being tracked onto the local highway network.

## **PLANNING ISSUES**

The main issues to be considered in the determination of this application are: -

- Planning Policy
- Impact on the environment and amenity of the area
- Highway Implications

### **Planning Policy**

Policy EP2 of the Borough of Darlington Local Plan identifies the application site as being within an Employment Area. This policy states that permission will be granted for B1 (Business) uses within the Area and B2 (General Industry) and B8 (Storage or Distribution) uses providing they do not harm the amenity of the area or nearby residential areas.

Policy MWP 10 of the Minerals Waste Plan specifically relates to proposals such as this. The Policy identifies a number of priority locations but goes onto say that: -

“Proposals for construction and demolition waste recycling on other waste sites, including the use of mobile plant will be required to satisfy the following criteria:

- The site is located close to the sources of construction and demolition waste arisings;
- There will be sufficient space for both plant required for the recycling operations and the stockpile areas required for the waste materials and the materials produced; and
- Traffic associated with the proposals will not lead to unacceptable impacts on the local highway network.

Proposals for construction and demolition waste recycling facilities will only be permitted where it can be demonstrated that there will not be significant adverse impacts on public amenity or the environment arising from the development. Considerations will be given to the potential for impacts to arise in accumulation with those from existing developments”.

It is considered that in principle the proposed development is acceptable in this location. Issues concerning impact on the local highway network, amenity and environment are considered below.

### **Impact on the Environment and Amenity of the Area**

The site is located at the rear of the Stanley Robinson premises, a substantial building, which together with a building (NTC Microcad) occupied by one of the objectors, screens the site from the south to a large degree. It is masked to the west by the Tensor building on Lingfield Way. A concrete batching plant lies to the north and there are no clear views from any public vantage

points from this direction. To the east lies land identified for future employment development in the Borough of Darlington Local Plan. Apart from views along a nearby right of way which crosses the land the site is not readily visible looking from an eastern direction. Overall, it is considered that in visual terms the development would not result in any harmful visual effects on the appearance of the locality.

Issues relating to dust and noise associated with the development, and potential impacts on public health, are matters covered by the Environment Permit previously mentioned above in the Environment Agency's consultation response on the application. The Council's Environmental Health Section has no objection to the proposal subject to the imposition of conditions mentioned earlier in this report.

### **Highway Implications**

There are no highway objections to the proposal subject to the imposition of a condition requiring the provision of a wheel washing facility.

### **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**

It is considered that the proposed development performs an important role in recycling previously used materials and is acceptable in this established employment area. Furthermore it would not have an adverse impact on the amenity of the area. The proposal does not raise any issues in respect of highway safety or crime prevention

### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

1. A3 – Implementation Limit (Three Years).
2. B5 - Detailed Application
3. The site shall be used for recycling and processing of material and not for the general storage of waste.

REASON – To avoid the unnecessary accumulation of material on the site.

4. Within 28 days from the date of this permission, details of a wheel washing facility for traffic associated with the use and exiting the site, shall be submitted to, and approved by, the Local Planning Authority. The agreed wheel washing facility shall be installed within 28 days of any approval. The facility shall be maintained for permanent use thereafter.

REASON – To ensure that adequate measures are available to prevent the depositing of material from the site onto the public highway in the interests of road safety.

5. Within 28 days from the date of this permission, a dust management plan shall be submitted to, and approved by the Local Planning Authority. The agreed dust management plan shall be implemented within 28 days from the date of any approval. Thereafter the site shall operate in accordance with the approved management plan. Upon the issue of an Environmental Permit from the Environment Agency and implementation of the measures therein, the dust management plan shall be superseded by the Permit.

REASON – To ensure that nearby premises are not adversely affected by dust.

6. No aggregates less than 3mm grade shall be stored at the site at any time.

REASON – In order to limit dust emissions from the site in the interests of local amenity.

7. The hours of operation of the site shall be 07:00hrs to 1900hrs Mondays to Fridays, 07:00hrs to 16:00 hrs, Saturdays, and not at all on Sundays or Bank Holidays.

#### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

It is considered that the proposed development is acceptable in this established employment area and would not have an adverse impact on the amenity of the area. The proposal does not raise any issues in respect of highway safety or crime prevention. Consequently the proposal is considered to comply with the relevant policies in the development plan.

#### **Borough of Darlington Local Plan** policy:-

EP2 – Employment Areas

#### **Darlington Core Strategy Development Plan Document** policies -

CS2 - Achieving High Quality, Sustainable Design

CS16- Protecting Environmental Resources, Human Health and Safety

#### **Tees Valley Joint Minerals and Waste Development Plan Documents Policies and Sites** **DPD** policy -

MWP10 – Construction and Demolition Waste Recycling