APPLICATION NO WD/2016/1556

**APPLICANT** Veolia ES (UK) Ltd

**DEVELOPMENT** Planning permission for construction and operation of a new

waste transfer station facility and associated development including new weighbridge facility, pump house, water holding

tank and relocation of existing wash bay

**LOCATION** Plot 13, Sunningdale Road, Bottesford, DN17 2TY

PARISH Bottesford

WARD Bottesford

CASE OFFICER Andrew Law

SUMMARY Refuse permission

**RECOMMENDATION** 

REASONS FOR Member 'call in' (Cllrs Len Foster, Margaret Armiger & John

**REFERENCE TO** Davison – significant public interest)

COMMITTEE Significant public interest

**POLICIES** 

**National Planning Policy Framework:** Paragraph 14 sets out that there is a presumption in favour of sustainable development which lies at the heart of the NPPF.

Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Paragraph 120 states that planning policies and decisions should ensure that new development is appropriate for its location and that the effects of pollution on health, the natural environment, general amenity and the sensitivity of the area or development to adverse effects from pollution should be taken into account.

Paragraph 121 further advocates that sites must be suitable for their new use taking account of ground conditions and land instability and that after remediation, as a minimum, land should not be capable of being determined as contaminated land.

Paragraph 122 states that local planning authorities should focus on whether the development itself is acceptable use of the land, and the impact of the use, rather than the control of processes or emissions which are subject to approval under pollution control regimes.

Paragraph 123 aims to protect health and quality of life by avoiding or mitigating noise impacts.

Paragraph 125 states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

# **National Planning Practice Guidance:**

Waste

Noise

# **National Panning Policy for Waste:**

When determining waste planning applications, waste planning authorities should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an upto-date local plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- recognise that proposals for waste management facilities such as incinerators that cut
  across up-to-date local plans reflecting the vision and aspiration of local communities
  can give rise to justifiable frustration, and expect applicants to demonstrate that waste
  disposal facilities not in line with the local plan, will not undermine the objectives of the
  local plan through prejudicing movement up the waste hierarchy;
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the local plan and not with the control of processes which are a matter for the pollution control authorities.
   Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;
- ensure that land raising or landfill sites are restored to beneficial after-uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

#### **North Lincolnshire Local Plan:**

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T14 (The North Lincolnshire Strategic Road Network)

Policy W1 (Applications for Waste Management Facilities)

Policy W2 (Groundwater Protection)

Policy W6 (Transportation of Waste)

Policy W8 (Protection Zones and Waste Management Facilities)

Policy W9 (Handling of Waste)

Policy W11 (Processing of Waste Materials)

Policy W13 (Waste Transfer Stations)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS11 (Provision and Distribution of Employment Land)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS20 (Sustainable Waste Management)

Policy CS25 (Promoting Sustainable Transport)

### Housing and Employment Land Allocations Development Plan Document

### **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Drainage:** No objection subject to conditions.

**Environmental Health:** Support refusal of the application on grounds of odour and noise. Should members be minded to grant consent, advise that further assessment is necessary prior to determination.

Severn Trent Water Ltd: No objection.

**Environment Agency:** No objection but comment that the location of the application site, combined with the likely prevailing wind direction, means that the proposed waste transfer

activities have the potential to create odour, noise and dust issues; these factors should be considered when determining the planning application.

#### **TOWN COUNCIL**

Bottesford: No response received.

#### **PUBLICITY**

Neighbouring properties have been notified by letter, and site and press notices posted.

A 300-signature petition has been received objecting to the application on grounds of noise, smell, vermin and pollution.

More than 100 letters have also been received objecting to the proposed development, raising the following concerns:

- smell
- noise from both operations on site and HGVs reversing and turning
- vermin
- health hazards
- fire risk
- the prevailing westerly wind direction will result in poor air quality and noise nuisance to neighbouring properties
- windblown litter
- added HGV traffic on unsuitable roads
- negative impact on already poor traffic flows along Scotter Road
- the proposed development is not appropriate in such close proximity to residential properties
- this industrial estate is for light industry only
- there are more appropriate sites available within North Lincolnshire
- the development will put extra demand on foul sewerage systems which already have problems
- impact on other businesses in the area
- could prejudice the viability and delivery of the allocated residential development to the north
- will have a negative impact on the adjacent football club

- will impact on the visual amenity of the area, particularly the consented dwellings to the north
- will overshadow and blight the backdrop of the new housing development to the north
- the development will have a negative impact on property value in the area.

#### **ASSESSMENT**

#### Site

The application site forms part of an existing industrial site which is owned and operated by the applicants, Veolia. The site is located on the eastern edge of South Park Industrial Estate and is accessed from Sunningdale Road to the north. The current permitted use of the site is for haulage and storage purposes.

The site currently comprises a brick-built workshop and office building adjacent to the northern boundary and a large, hard-paved yard area. This site is presently used for the storage of empty bins/containers and vehicle parking, including overnight parking of waste delivery vehicles associated with the applicants' existing commercial waste collection contracts in and around Scunthorpe. The site is bounded by 2 metre high steel palisade fencing.

The surrounding area contains a mix of different uses. To the immediate south and west the site is bounded by existing industrial development which forms part of the South Park Industrial Estate. To the east the site is bounded by an existing social club and football ground. To north the site is bounded by the former Darby Glass site, which is allocated for residential development and benefits from an extant planning permission for the erection of 68 dwellings, some of which sit immediately adjacent to the northern boundary of the site. There are existing residential properties to the east, north-east and south-east of the application site, with the nearest properties located approximately 50 metres to the northeast on Ontario Road and Goodwood.

The application site is located within the development boundary of the Scunthorpe and Bottesford urban area, is not allocated for any specific land use and is not within, or adjacent to, any landscape or ecological designation. The western half of the site is located within flood zone 2/3a (tidal) of the Strategic Flood Risk Assessment (SFRA) for North and North East Lincolnshire, whilst the eastern half of the site is located within flood zone 1 (low risk) of the SFRA.

### **Proposal**

This application seeks full planning permission for the construction and operation of a new Waste Transfer Station including ancillary works. The proposed works consist of a new industrial building, a new in-grounded weighbridge and associated traffic lights, and a pump house and water tank.

The new industrial building is proposed to be sited adjacent to the northern boundary of the site, to the east of the existing workshop and office building. This building will have a floor space of approximately 600 square metres and a ridge height of 12 metres. The building will be constructed of pre-cast wall panels and will be clad in grey coloured steel sheeting. The building will be finished with red trims and guttering, including Veolia branding. The building will be accessed via roller shutter doors in its southern elevation.

The new weighbridge will be located at the site entrance, to the west of the existing workshop and office building and as there is only one entrance for access and egress a traffic light system will also be installed for the purpose of health and safety.

The new pump house and water holding tank are proposed to be located adjacent to the eastern boundary of the site and will be connected to a sprinkler system to be used in the event of a fire.

In addition to the above, the proposed development also includes the relocation of an existing wash bay which currently sits immediately to the east of the workshop and office building to the south-western corner of the site. The designated parking area for refuse collection vehicles will also be moved from its current position in the north-eastern corner of the site to the south-western corner, adjacent to the relocated wash bay.

It is proposed that the new building will enclose the Waste Transfer Station operation, which will act as a 'drop-off' point for approximately 20,000 tonnes per annum of non-hazardous commercial recyclable and general/residual waste materials. These waste materials will be tipped and bulked inside the building before they are transported off-site for further recycling and recovery. The building will contain a small number of separate waste bays, each of which will be designated for a specific type of waste. It is proposed to install a dust and odour suppression system within the building and cut off drains to the front of the building to intercept residue from the waste storage areas within the building.

It is stated that all waste materials will remain stored in their bays before they are bulked-up by a loading shovel and re-loaded onto a larger bulker vehicle. All operations are to occur inside the building and the bulked-up materials will then be transported off site and taken to other waste management facilities for further recycling or recovery. No recycling or processing of waste is proposed on site.

The applicants proposed to retain the existing 24/7 operating hours on site, although it is anticipated that the Waste Transfer Station operations will generally only take place between 7am and 6pm. The proposed use is expected to generate approximately 23 movements of refuse collection vehicles to and from the site during a working day.

### The key issues in the determination of this application are:

- whether the principle of the development is acceptable in this location;
- whether the proposed development would have an unacceptable impact on the amenity of existing and future residents of the area; and
- whether the proposal would be harmful to highway safety.

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations DPD (HELADPD) adopted in March 2016. Material considerations exist in the form of national policy and guidance contained within the

National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The development plan policies most relevant to establishing the principle of this development are policies W13 of the North Lincolnshire Local Plan and policy CS20 of the NLCS. Policy W8 of the NLLP is also relevant in this regard.

Policy W13 guides proposals for new waste transfer stations (WTS). Such developments will be supported where the site is an existing industrial (or similar) site, or is within an area of land that has been disturbed by permanent development; it is suitably located in relation to the existing network of transfer station sites; and the proposals will not give rise to an unacceptable impact on local communities or the environment.

The impact on local amenity and the environment are considered below; however it should be noted that an objection has been received from the council's Environmental Health Officer (EHO) on these grounds.

Policy W8 (Protection Zones and Waste Management Facilities) suggests a separation of 250 metres to neighbouring existing or proposed sensitive uses. In this case the nearest existing housing is approximately 50 metres away and a consented and allocated residential development is directly adjacent the northern boundary of the site. Notwithstanding this, policy W8 does state that no two sites are the same and each site will be judged on its merits following consideration of all the relevant environmental and land use implications.

Policy CS20 of the NLCS outlines a hierarchical approach to the identification of new waste management and treatment facilities. This policy identifies Scunthorpe as one of the broad strategic areas where new and enhanced waste management facilities will be considered. The application site is considered to comply with the hierarchy set out in policy CS20 as it is located in the Scunthorpe and Bottesford urban area and it makes use of previously developed land on an established industrial site, which are identified as preferable types of site. It has also been stated that the proposal will allow the applicants to manage commercial recyclable and general/residual waste materials from areas in and around Scunthorpe.

It is concluded that the application is acceptable in principle and complies with policy CS20 of the NLCS. Compliance with policy W13 of the NLLP is dependent upon the acceptability of the scheme when assessed against environmental and visual harm and the loss of residential amenity.

The suitability of the location for the proposed use must also be assessed against the Locational Criteria at Appendix B of the National Planning Policy for Waste (NPPW), which superseded Planning Policy Statement 10 on 16 October 2014. The subsections below all assess this application with due regard to this guidance. The NPPG also provides guidance on waste developments and more specific guidance on related subjects such as noise.

### Visual impact

The application site is industrial in nature and consists of a workshop and office building, a wash bay and a hard-paved storage/parking area. Furthermore, the site is bounded by industrial structures and uses to the south and west. The proposed building is industrial in both size and design; however, given the industrial nature of the site and the mixture of surrounding uses and structures, it is considered that the design of the building is

appropriate for its context. It should also be noted that the site does not fall within, or adjacent to, any landscape designation. On this basis it is considered that the proposed development will not have a significant impact on the character or appearance of the area.

### **Amenity**

Saved policies W1, W9 and W13 relate to waste management and handling development, including waste transfer stations. These policies all have a common thread running through them, which is that proposals for new waste facilities will only be supported where it can be demonstrated that they will not give rise to unacceptable impacts on local communities or the environment. Saved policies DS1 and DS11 are more generic policies which require that all new developments do not result in unacceptable loss of amenity or adverse environmental conditions likely to affect nearby developments.

In addition to the aforementioned polices, saved policy W8 of the North Lincolnshire Local Plan requires that there are adequate protection zones between waste developments and neighbouring existing or proposed sensitive uses. Whilst policy W8 does not prescribe a specific distance for protection zones, the supporting text identifies that guidance suggests a 250 metre minimum buffer zone, although it does go on to state that a more flexible approach is required as no two sites are the same. On this basis, the supporting text to policy W8 states that each site will be judged on its merits at the planning application stage following consideration of all the relevant environmental and land use implications.

The application site is located on the edge of the South Park Industrial estate; however, there are a mix of uses surrounding the site, including residential development. Of particular concern is the allocated and consented residential development located immediately to the north of the site, with no buffer/protection zone in between. Development has recently commenced on this adjacent residential development, which will have dwellings located close to the northern boundary of the site, with gardens running adjacent to the boundary. There would be a distance of approximately 15 metres between the proposed waste transfer station (WTS) building and the approved dwellings, and only a couple of metres between the WTS and the rear gardens.

The proposed development involves the construction of an industrial building close to the northern boundary of the site with a ridge height of approximately 12 metres and an eaves height of approximately 10 metres. This is a large, imposing building to be located in such close proximity to residential properties, particularly as the building will stand directly to the south of the new dwellings, thereby overshadowing their rear gardens. Furthermore, the WTS will be used for the delivery, storage, bulking and distribution of waste on site. By its very nature this type of development has the potential to result in loss of amenity and adverse environmental impacts to neighbouring residential properties, which is why policy W8 advocates an appropriate buffer/protection zone.

The application has been accompanied by technical assessments and correspondence from professional consultants with regard to the potential environmental impacts of the development, including the potential impact on neighbouring properties. These documents include a Noise Assessment, an Air Quality Assessment and an Environmental Risk Assessment and conclude that the proposed development will have no unacceptable impact. The council's Environmental Health department has been consulted on the application and has reviewed the suite of documents submitted on behalf of the applicants.

The council's Environmental Health Officer (EHO) has identified the environmental sensitivity of the site and that there is an onus on the applicants to demonstrate to the local planning authority that the site will have adequate controls in place to render the development suitable for its proposed location. The EHO has acknowledged that the site will be subject to an Environmental Permit (EP), but has confirmed that such controls may need to go beyond those required via an EP in order to protect local amenity, as required by the aforementioned development plan policies. It should also be noted that whilst the Environment Agency does not object to the development, they do raise concerns that the location of the site, combined with the likely prevailing wind direction, means that the proposed WTS has the potential to create odour, noise and dust issues.

The EHO has raised concerns that there is some uncertainty over the exact types of waste which are proposed to be handled on site as there is inconsistency between the range of wastes presented in the Environmental Risk Assessment (ERA) and that put forward in the original application and covering letter from the applicants. There are waste types identified in the ERA which are of increased concern as they have the potential to give rise to malodourous compounds when left for any period of time. These waste types include biodegradable wastes, mixed municipal wastes and wastes from markets. Wastes of this nature are considered to be unsuitable for storage in this location due to the close proximity of residential properties.

Further to the above concerns, there is no detail contained within the application documents to identify how old or putrescible the waste will be on arrival to the site and it is unclear how long it may be retained on site once received. It is suggested that the aim will be to remove waste on a daily basis; however, it is not clear whether this will be achieved. The ERA sets out no clear time frames for waste storage that could be used to control this part of the operation via a planning condition.

It is proposed that the WTS operation will take place entirely within the new building, which will have its windows and doors closed except for the purposes of access and egress. It is also proposed that a misting system will be installed within the building to control odours. However, no technical justification for the choice of the misting system has been provided and as such it is not clear that these proposals would afford sufficient protection to local residents. The council's EHO has confirmed that they are aware of similar sites that operate with misting systems, in close proximity to residential properties, which give rise to high levels of complaints due to odour. The EHO has confirmed that there is no robust or quantified evidence to demonstrate that the proposed misting system will protect the amenity of local residents and it is considered unlikely that this proposal could operate effectively without the use of extractive odour abatement technology.

In addition to the above comments with regard to odour, the EHO has commented that the submitted ERA has assessed odour in line with EA guidance relevant to Environmental Permit applications; it has not considered the appropriate planning guidance for odour assessment and control – Institute of Air Quality Management Guidance on the Assessment of Odour for Planning, May 2014.

The submitted Noise Assessment concludes that there is no reason for refusal on grounds of noise. The evidence presented is the assessment is based on measurements taken from other sites. A sample of measurements taken from a waste transfer site in Manchester, over approximately a one hour period on one day, has been provided. It is unclear that the conditions and the noise levels provided are representative of all the activities to be carried out on the application site. The EHO has confirmed that it is very difficult to acoustically

replicate the entire waste recycling operation of other sites in terms of frequency content, the number, size and movement of plant and machinery, all of which have a significant effect on the propagation of sound to the nearest receptors. The EHO raises other concerns with the submitted noise assessment and a lack of clarity on certain points. In conclusion, the council's EHO confirms that there is insufficient information provided to satisfy their concerns that the amenity of the local area would be unacceptably affected.

With regard to the potential impact on air quality, the EHO has confirmed that, due to the nature of the proposed activities, dust generation potential will be limited. Furthermore, it is proposed that all activities will be enclosed and doors are to be kept shut with additional mitigation in the form of vehicle sheeting and the installation of a misting system. However, details of the misting system have not been provided and therefore, at this time, it is not possible to conclude that this technique will be adequate to control emissions of dust from the site.

In addition to the comments of the EHO relating to the specific proposal which is the subject of this planning application, they have raised concerns that other Waste Transfer Stations have given rise to considerable local complaint due to their close proximity to houses. The EHO concludes that, in their opinion, the two end uses (WTS and residential) are not compatible in such close proximity and therefore the proposed development is not considered to be a suitable use of land. They support refusal of the application on the grounds of odour and noise.

### **Highway safety**

It is proposed that the development will make use of the existing access to the site via Sunningdale Road. This access is well established and currently serves the site in its use for the storage of waste vehicles. A new weighbridge is proposed at the site access which will be used by vehicles as they enter and exit the site. As there is only one access/egress, it is also proposed to install an internal traffic light system to avoid conflict between vehicles that are entering and exiting the site.

Approximately 8 refuse vehicles currently park at the application site after returning from their waste collection rounds. The existing vehicles, which currently park on site overnight, will remain associated with the proposed facility and will continue to park overnight after their final tip at the proposed WTS building. It is anticipated that approximately 23 movements of waste collection vehicles will be generated by the proposed operation per day, which includes existing movements.

The council's Highways department has been consulted on the application and has raised no objection to the proposed development subject to conditions. The site is already industrial in nature and the local highway network is considered to be suitable for this use.

#### **Drainage**

The site is an existing non-permeable industrial site with drainage in place. It is proposed that the new building will be connected to mains drainage for both foul and surface water and no objection has been received from the drainage body or the council's drainage team. Cut-off drains will be installed at the openings, or the front elevation of the new building, to capture any potential leachate from the waste contained within. Furthermore, a surface water management scheme is proposed to be implemented on site, which will include additional gullies in the yard area that will be connected to a surface water attenuation tank

and an interceptor. It is considered that the proposed drainage arrangements are adequate.

#### **Benefits**

The applicants anticipate that, should the proposed development be approved, it would result in the generation of three full-time jobs. It is also stated that this development would contribute towards North Lincolnshire's capacity to manage commercial waste materials higher up the waste hierarchy.

#### Conclusion

It is considered, given the extreme proximity of proposed residential properties to the site, that the waste transfer station would constitute an inappropriate form of development which would have the potential to result in unacceptable impacts on local residents by virtue of noise and odour. Insufficient evidence has been provided to demonstrate that these adverse impacts could be successfully mitigated and these impacts would outweigh any benefits of the scheme. It is also considered that the new building would harm the amenity of neighbours through overshadowing and domineering impact.

# **RECOMMENDATION** Refuse permission for the following reasons:

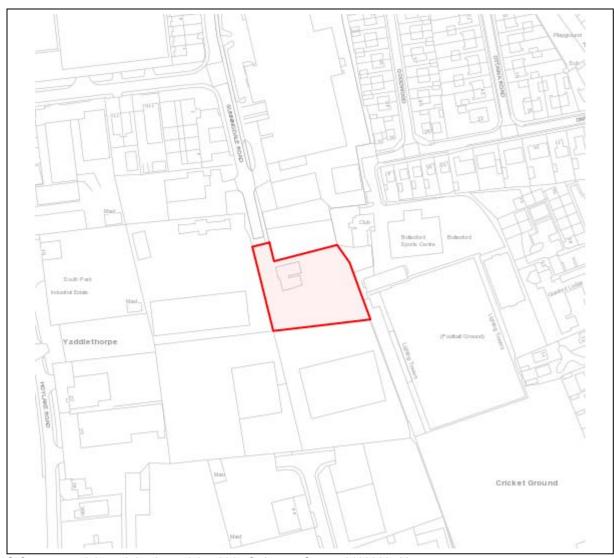
1. The proposed waste transfer station is sited immediately adjacent to a consented residential development to the north, with no protection zone provided between these two uses. Insufficient evidence has been provided to demonstrate that the proposed development would not result in unacceptable impacts on the amenity of these proposed, and existing, neighbouring residential properties as a result of noise and odour. The proposal is therefore contrary to policies DS1, DS11, W1, W8, W9 and W13 of the North Lincolnshire Local Plan.

2. The proposed waste transfer station building would, by virtue of its height, scale, massing and proximity to the party boundary, have an unacceptable impact on the amenity of the consented dwellings to the north as a result of overshadowing and domineering impact. The proposal is therefore contrary to policies DS1, DS11, W1, W9 and W13 of the North Lincolnshire Local Plan.

#### Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

# **WD/2016/1556 - Site Location**



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