

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02936/WAS
FULL APPLICATION DESCRIPTION:	Change of use to waste transfer, recycling station and haulage yard with enclosure of existing canopy, lean-to extension to the western elevation, parking and equipment store area, weighbridge and demountable buildings.
NAME OF APPLICANT:	HW Martin Waste Ltd
ADDRESS:	Land West of Drum Road, Chester-le-Street
ELECTORAL DIVISION:	North Lodge
CASE OFFICER:	Chris Shields, Senior Planning Officer, 03000 261394, chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site is an existing, large industrial premises (1.4ha) on the western edge of Drum Industrial Estate. There are existing industrial units to the north, south and east and a permitted but not yet built industrial development to the west. The site was formerly occupied by Simpson Bros as haulage depot (B8) and comprises of a purpose built building with service area to the south and a very large hard standing parking to the north. The site has 2 access points, from the south and the west both of which lead to the A693 road via Drum Road.
2. The site itself is generally flat and level, although in the east, the site slopes steeply down, and there is a depression/bowl-shaped area in the north-east of the site, which is covered in grass, shrubs and building rubble.
3. The nearest residential properties to the site are located approximately 375m to the west on Courtney Drive and 300m to the north at Ouston Villa Farm. There are no public rights of way within, or in the immediate vicinity of the site with the nearest being 150m to the west (Footpath No.7, North Lodge Parish), which would not be impacted by the development. There are no heritage assets within 1km of the site. The site is located within a mixture of Coalfield High and Low Risk Development Areas. The site is not within any landscape or ecological designations with the closest designations being Areas of High Landscape Value (AHLV) approximately 1.2km to the southeast and 2.4km to the north west, Pelaw Hill Railway Local Wildlife Site (LWS) 478m to the southeast at its closest point, and Walters Wood, Ouston LWS 1.2km to the northwest and Whitehill Hall Woods 1.1km to the southwest.

PROPOSAL:

4. This application seeks full planning permission for the proposed change of use of the existing industrial unit from B8 (Storage and Distribution) to Sui Generis, including Waste Transfer and Recycling Station, and Haulage. Proposed enclosure of existing front canopy, including lean to extension to the western elevation, proposed parking and equipment store area, weighbridge facility and demountable buildings for staff welfare facilities at the former Simpson Brothers Industrial Unit, Drum Industrial Estate, Chester-Le-Street.
5. The proposed development would consolidate the existing waste and recycling operations currently undertaken by Premier Waste Recycling Ltd, at their two existing sites. This includes their offices and Vehicle Operating Centre at Unit 34, Third Avenue, Drum Industrial Estate, which lies to the east of the application site, and a Waste Transfer Station at Monument Park, Washington, approximately 5 miles to the north-east of the application site. Waste and recycling operations proposed at the site would include shredding, baling and sorting of confidential waste, shredding of general waste and recyclable materials, vehicle workshops and vehicle fuelling.
6. Incoming waste from the applicant's network of managed sites would be transported to the proposed facility, predominately within caged, skip and roll-on, roll-off vehicles. These vehicles would contain mixed dry recyclables from residential and commercial sources. These would include glass, aluminium and steel can, plastics (including film), newspaper and magazines, textiles, paper and cardboard. The site would not accept soils and waste demolition material. For clarity, the site would not operate as a Household Waste Recovery Centre and there would be no public access.
7. The existing single storey building and front canopy on the building's southern elevation would remain and would be used for the storage and processing of imported waste materials. However, it is proposed to enclose the canopy by cladding the walls and incorporating two roller shutter doors to the main entrance. It is proposed this structure would be used for a Light Goods Vehicle (LGV) workshop and welding/fabrication bay. Additionally, a lean-to extension is proposed to the western elevation of the enclosed canopy, for storage. The lean-to would measure 21.8m by 4.9m with a height of 5m.
8. It is proposed the northern section of the rear yard would become a parking and equipment store for HW Martin's Traffic Management Company, who currently operate from this part of the site.
9. The area to the north of the existing building would incorporate a weighbridge facility, together with vehicle and equipment storage (skips and containers). It is expected that waste electrical and electronic equipment and textiles would be loaded directly to curtain sided HGV trailers in this area, rather than going for further processing within the building.
10. To the east of the existing building, three demountable buildings are proposed, providing staff welfare facilities including a driver's canteen, training room, washroom, and lockers. These buildings would be two storey measuring 12.4m by 4.2m with a height of 5.9m.
11. The proposed development would provide 44 no. parking spaces, including 2 no. disabled spaces. The 15 no. of existing HGV parking spaces at the site would be retained, and the service yard would also be utilised for HGV parking.

12. The proposed facility would operate 24 hours a day 7 days a week for haulage, although receipt of waste materials would be dependent upon operational hours of the collection sites.
13. It is estimated that the vehicle movements to the proposed site would equate to a peak hourly rate of 24. All vehicles would access the site via the existing access point with cars diverted to the car park and HGVs to the proposed weighbridge before reversing towards the dock levellers under the automatic access doors.
14. The application predicts that the proposed facility would generate up to 64 full time jobs, although this would largely be through relocation from the 2 existing sites.
15. This planning application is being reported to the County Planning Committee because it involves major waste development.

PLANNING HISTORY

16. Planning permission for the erection of a storage/distribution centre incorporating ancillary offices, car parking, lorry parking and landscaping works was approved on 11 February 2011 (Ref 01/00432/FUL).
17. A further application (Ref 02/00496/FUL) to amend the siting and means of access referred to in the above application was approved on 19 December 2012.
18. An application for the front canopy and reception/office was approved 12 October 2005 (Ref 05/00443/FUL).

PLANNING POLICY

NATIONAL POLICY

19. A revised National Planning Policy Framework (NPPF) was published in February 2019. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
20. In accordance with Paragraph 213 of the National Planning Policy Framework, 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 the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
21. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

22. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
23. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
24. *NPPF Part 9 – Promoting sustainable transport* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
25. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
26. *NPPF Part 15 – Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

27. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regard to: determining a planning application, floodrisk, waste, noise, natural environment, transport, and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

28. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the

waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations.

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

LOCAL PLAN POLICY:

County Durham Waste Local Plan (2005) [WLP]

29. *Policy W2 – Need* – requires the demonstration of need for a particular development which cannot be met by an alternative solution higher up the waste hierarchy.
30. *Policy W3 – Environmental Protection* – states that proposals for new development will be required to demonstrate that the natural and built environment and the living conditions of local communities will be protected and where possible enhanced.
31. *Policy W4 – Location of waste management facilities* – states that proposals for new waste management facilities will be determined having regard to protection of the environment and local amenity, traffic impacts, opportunities to integrate with other facilities or developments which will benefit from the recovery of materials and to extend or develop existing waste management facilities.
32. *Policy W7 – Landscape* – states that proposals for waste developments which would result in the loss of important landscape features or which would have a significant adverse effect on the character of the landscape will not be permitted
33. *Policy W9 – AHLV and Heritage Coast* – requires waste proposals to demonstrate that the operational requirements cannot be met from a less sensitive site, will not have an unacceptable detrimental effect on the special character of the area and that high environmental standards will be maintained.
34. *Policy W13 – Nature Conservation (Local)* – Waste development likely to have an adverse effect on Local Nature Reserve, a County Wildlife/Geological Site or a Regionally Important Geological/Geomorphological Site, will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature of the conservation value of the site.
35. *Policy W17 – Nature Conservation (Minimisation of Adverse Impact)* – states that proposals should incorporate measures to ensure that any adverse impact on the nature conservation interest of the site is minimised.
36. *Policy W26 –Water resources* – Proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to: the quality of surface or groundwater resources; and the flow of surface or groundwater at or in the vicinity of the site.
37. *Policy W29 – Modes of transport* – requires that waste development incorporate measures to minimise transportation of waste.
38. *Policy W31 – Environmental impact of road traffic* – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities

is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.

39. *Policy W32 – Planning obligations for controlling environmental impact* – states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.
40. *Policy W33 – Protecting local amenity* – requires that suitable mitigation measures are incorporated into proposals to ensure that any harmful impacts from noise, odour, litter, vermin, birds, dust, mud, visual intrusion and traffic and transport are kept to an acceptable level.
41. *Policy W36 – Locations for Waste Recovery Facilities* – states that unless it can be clearly demonstrated that any environmental impacts can be effectively mitigated proposals for new or the expansion of existing waste management facilities should be fully contained within well designed buildings or enclosed structures appropriate to the technology or process and appropriate in scale and character to their surroundings.
42. *Policy W38 – Waste Transfer Stations* - states that proposals for Waste Transfer Stations and Materials Recovery Facilities will be permitted where it can be demonstrated that the development will assist the efficient collection and recovery of waste materials, and they can be satisfactorily located: a) on land identified for general industrial use; or b) on previously developed land in sustainable locations; or c) as part of an existing waste management facility; or d) where the proposal forms part of an integrated waste management facility.

Chester-le-Street Local Plan (2003) [CLP]

43. Policy IN3 – Prestige Industrial Estates - proposals which involve the conversion or extension of existing units, or the development of new premises on the Drum Industrial Estate, will only be approved for business (Class B1), general industrial (Class B2) or storage and distribution (Class B8) uses subject to design, operation and access criteria.

EMERGING PLAN:

The County Durham Plan

44. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/How-we-currently-make-planning-and-development-decisions> (County Durham Waste Local Plan and Chester le Street Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

45. *Highways Authority* – raises no objections in respect of access, trip generation and onsite parking.
46. *Environment Agency* – raises no objection. The Agency advises that the development would require a permit under the Environmental Permitting (England and Wales) Regulations 2016. Officers advise that an application has been made and is awaiting assessment.
47. *Coal Authority* – raises no objection. It is, however, recommended that details be submitted in respect of mine gas mitigation as part of the building regulations application.

INTERNAL CONSULTEE RESPONSES:

48. *Environment, Health & Consumer Protection (Nuisance)* – raises no objections noting that the information submitted in the Noise Assessment Report demonstrates that the application complies with the thresholds set out in the Technical Advice Notes (TANS). Officers have recommended a condition for a further noise assessment to confirm that operational noise is within the predicted levels.
55. *Environment, Health & Consumer Protection (Air Quality)* – raises no objections noting that the nearest receptors are beyond a distance of 200m with background levels of PM10 particulates below 28µg/m³. Vehicle movements for the site would be below the threshold levels where an air quality assessment is required. Officers have suggested that a condition to cover the types of materials that it is intended to receive at the facility is included.

PUBLIC RESPONSES:

49. The application was advertised in the press, on site and notification letters were sent to neighbouring properties. One letter of objections has been received from a neighbouring business stating the proposal would have a detrimental impact upon amenities, be unsympathetic to the appearance and character of the local environment, would have inadequate parking and access and would cause statutory nuisance through odour and noise.

APPLICANTS STATEMENT:

50. H.W Martin Waste Limited and Premier Waste Recycling Limited form part of the H.W Martin Group of Companies and manage a variety of waste and recyclable materials for households and businesses, right across the UK. We work with organisations of all sizes, including multinational businesses, local authorities, major contractors and small companies.
51. H.W Martin Traffic Management also forms part of the H.W Martin Group of Companies and is one of the UK's largest independent providers of special traffic management on motorways and high speed roads.

52. The presence of the H.W Martin Group in this area has already created important employment locally and the aim is to not only retain this but to also develop and create further employment.
53. The application site is located to the west of Drum Road on Drum Industrial Estate providing easy access to the A1 (M), and the wider regional transport network.
54. The site comprises a bespoke warehouse/facility measuring 41,417 square feet, built circa 2002/03, being of steel portal framed construction under a barrel vaulted roof. The elevations and roof are double skinned, insulated cladding with translucent roof panels. Approximate eaves height of 8.5m rising to 11m at the apex. The building is contained within an extensive secure site offering potential for expansion, together with scope for vehicle/trailer parking and external storage in 3.5 acres of land.
55. The site has a Fire Prevention Plan approved and an Environmental Permit issued (EPR/GB3306CL) for the site by the Environment Agency.
56. The wider surrounding area comprises predominantly of commercial land with the closest residential properties can be found on Arundel Walk which is 350m to the West of the site.
57. There are no (i) protected or priority species, (ii) designated sites, important habitats or other biodiversity features or (iii) features of geological conservation importance local to the site.
58. The application proposes that the existing building be used for the transfer and recycling of waste, the current canopy be enclosed and include a lean-to extension be installed to the western elevation, the inclusion of a weighbridge facility and some demountable buildings for use by site staff and, that the site continues to be used for Company and staff parking together with some storage space on the northern elevation. Vehicular access will continue at the front and rear of the site as previously used.
59. The development will have no significant material impact upon the outlook, amenities and privacy of the occupiers of adjoining and nearby properties.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFO76SGDFMC00>

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, landscape, residential amenity, access and traffic, flood risk and drainage, coal mining risk and biodiversity.

Principle of Development

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Waste Local Plan (WLP) remains a statutory component of the development plan and is the starting point for determining applications as set out at Paragraph 2 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends on the degree of consistency with the NPPF.
62. The WLP was adopted in 2005 and was intended to cover the period to 2016. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.
63. Paragraph 11 of the NPPF establishes 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.
64. The key policies for the determination of this application are WLP Policies W2 (Need), W3 (Environmental Protection), W4 (Location of waste management facilities), W38 (Waste Transfer Stations) and CLP Policy IN3 (Prestige Industrial Estate). In addition, there are a number of applicable environmental protection policies.
65. National and local planning policies are generally supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. The NPPW sets out in the waste hierarchy that prevention of waste and re-use of materials should be considered before recycling, recovery and final disposal of waste. This is reflected in WLP Policy W2 requiring developments to demonstrate an established need for the facility and to show that they would make a contribution to the County's sustainable waste strategy and achieve overall environmental benefits, and move waste up the Waste Hierarchy. Furthermore, the Policy seeks to prevent unnecessary importation of waste into the County. The proposal would accept and process waste collected at the applicants sites across the region, which would lead to a degree of importation from outside of the County but this would not be unsustainable and the rationalisation of two transfer stations to one would improve operational efficiency.
66. Paragraph 7 of the NPPW says that applicants should only be expected to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up-to-date Local Plan. The WLP is thirteen years old and there have been significant changes in the production, management and treatment of waste during the intervening period. As a result the

Plan as a whole can no longer be considered to be up to date and there can be no requirement to demonstrate that there is an established need for the facility. The waste materials to be brought to the site would be from household waste sites which would then be sorted and bulked up for recycling, further processing or final disposal. This would have the effect of moving the management of waste up the waste hierarchy with clear benefits. The management of waste up the waste hierarchy is a requirement of Section 3 of the NPPW and this aspect of Policy W2 is still relevant and in this context the Policy is not out-of-date.

67. Drum is identified in supporting text to the WLP as a prestige industrial estate not appropriate for waste development. The supporting text to the WLP advises that ideally preference should be given to general and local industrial estates before prestige industrial estates but only where the proximity principle would not be compromised and there would not be a greater impact upon the environment. However, CLP Policy IN3 identifies Drum as being suitable for B1, B2 and B8 uses subject to design, operational and access criteria. The environmental impacts of the proposed development are considered below. The applicant currently operates the same business from another site on Drum and there are several other hauliers and similar heavy industries on the estate. The waste management process would be contained within the existing building on the site and it is therefore considered that the proposal would not conflict with the allocation. CLP Policy IN3 is partially consistent with the NPPF as it adds additional restrictions to employment land but as the proposal would comply with the relevant criteria it is not an issue in this case.
68. WLP Policy W4 refers to the location of new waste management facilities and criteria to be considered including protection of local amenity, minimising the transportation of waste, integration with other facilities, environmental benefits and the safe and free flow of traffic on the highway network. These criteria are reflected in Appendix B of the NPPW which also includes protection of water quality and resources, land instability, landscape and visual impact, nature conservation, traffic and access, air emissions, odours, noise and light. Those applicable to this development and location are considered in this report. WLP Policy W29 reinforces the need to minimise the transportation of waste. WLP Policy W4 is considered to be consistent with the NPPW, as the criteria in the Policy are similar to those in Appendix B of NPPW. WLP Policy W29 is also considered to be consistent with the NPPW and both Policies can be afforded weight in the decision making process.
69. The change of use would enable the installation and operation of a waste recycling and processing facility and ancillary infrastructure, as a result WLP Policy W38 is relevant to this proposal. WLP Policy W38 states that proposals for the recovery of waste materials will be permitted provided they can be satisfactorily located at existing waste transfer stations, on land identified for general industrial use, on previously developed land in sustainable locations or as part of an integrated waste management facility. In addition supporting text supporting Policy W38 states that these facilities will normally require industrial style buildings and accommodate a large tipping hall to deposit and load material and accommodate equipment to process the materials.
70. The proposed development would take place within an existing building with ancillary external operations. Paragraph 4 of the NPPW refers to the appropriateness of industrial sites and existing or other proposed waste developments as locations for new waste facilities. It also seeks to give priority to the re-use of previously developed land. These are the same locations as listed in WLP Policy W38. The proposed location and the proposal would also accord with WLP Policy W38. Policy W38 is consistent with the NPPW and can be afforded weight in the decision making process.

71. The waste transfer element of the proposal would operate in conjunction with a haulage business. The site has a long established B8 use and would accord with CLP Policy IN3 in this respect.
72. Although there are aspects of the WLP policies no longer relevant, it is considered that the policies most important for determining the application are not out of date. The proposal should, therefore be judged against the development plan. Accordingly, Paragraph 11d of the NPPF is not engaged.

Landscape

73. WLP Policy W7 states that proposals for waste developments which would result in the loss of important landscape features or which would have a significant adverse effect on the character of the landscape will not be permitted. Paragraph 170 of the NPPF seeks to protect valued landscapes and Appendix B (criterion C) sets out the requirement to consider landscape character. WLP Policy W36 sets out the need to fully contain waste management facilities within buildings or enclosed structures appropriate to the technology or process, appropriate in scale and character to their surroundings.
74. The proposed development is not within or adjacent to a landscape designation. An Area of High Landscape Value lies over 1km to the east of the site and would not be impacted upon by the proposal. As the proposed development is not within this designation WLP Policy W9 is not relevant. The development would be carried out within an existing building with minor modifications made to the building in terms of the addition of a lean to extension, the enclosing of a canopy and 3 two storey cabins for the operation of the proposed facility. These additions would be subservient to the main, existing building and would have very limited impact on appearance of the area. External storage of vehicles and skips would be partially screened by the existing building to views from the south. The site is primarily only visible from within the industrial estate and, due to the vegetation on the eastern edge of Perkinsville, it would only be visible from the upper floors of properties on Courtney Drive and therefore public views are limited. The intervening topography and vegetation would restrict any views of the site from the settlement of Pelton. If the consented building to the west is constructed then this limit views even further. It is therefore considered that the proposal would not conflict with WLP Policies W7 and W36, Part 15 of the NPPF or Appendix B of the NPPW. WLP Policies W7 and W36 are considered to be consistent with the NPPF and NPPW.

Residential Amenity

75. The nearest residential properties to the site are located approximately 375m to the west on Courtney Drive and 300m to the north at Ouston Villa Farm. The site is bounded by other employment uses, in both office and heavy industry types.
76. Paragraph 170 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the effects of pollution on health, general amenity and the potential sensitivity of the area to adverse effects from pollution. WLP Policy W3 requires proposals for waste development to demonstrate that the living conditions of local communities will be protected and where possible enhanced. WLP Policy W33 seeks to ensure that mitigation is provided to ensure that harmful impacts from development are kept to an acceptable level. Paragraph 7 of the NPPW provides advice in respect of determining planning application, including specific reference to amenity. WLP Policies W3, W33 and

W36 are all considered to be consistent with the NPPF and NPPW and can be given weight in the planning balance.

77. The application relates to a change of use of a large existing industrial unit from B8 to sui generis incorporating waste transfer and haulage. The building is sited on an existing industrial estate where it is expected that higher levels of noise are likely to be generated and tolerated and where there are other similar uses on the site. The existing building has previously been used for general storage and distribution. The existing building is not subject to any regulatory control associated with hours of use and there are no records of complaint in relation to the previous uses of the building.
78. As with the previous use of the site, the applicants existing business and other hauliers on Drum Industrial Estate it is anticipated that the facility would have unrestricted use.

Noise

79. The site would operate 24 hours a day with the main noise sources would be noise arising from HGV/telehandler movements, general activities within and outside of the building, from external plant and from staff vehicles arriving and leaving. A neighbouring business has objected to the proposal due to the potential for noise impact to cause statutory nuisance.
80. A noise assessment report has been submitted in support of the application. The assessment includes a baseline assessment of background noise conditions for the nearest sensitive receptors (NSRs) at Courtney Drive and at Ouston Villa Farm and concludes that there would be low impact during the daytime and night time at nearby receptors with predicted noise levels well below the measured background levels. To ensure that the actual operations meet with that predicted in the noise assessment it is recommended that a condition be imposed requiring a further assessment be carried out following commencement of the development to check levels.
81. Environmental Health and Consumer Protection officers have assessed the noise impact assessment and consider that the proposal would not have an adverse impact on amenity, nor would it be likely to cause statutory nuisance. It is therefore considered that, subject to the proposed condition, the proposal would not conflict with WLP Policies W3 and W33, Part 15 of the NPPF and Appendix B (criterion J) of the NPPW in respect of noise impact.

Odour

82. The waste transfer element of the facility would handle mixed waste materials and there is potential for a degree of odour from this activity. A neighbouring business has objected to the proposal due to the risk of odour from the site. Whilst the nearest residential properties are unlikely to be affected by odour from the development it is important to consider the working conditions of neighbouring employers as well. WLP Policy W33 requires proposals to demonstrate that odour impact can be controlled or mitigated and to support this WLP Policy W36 requires waste development to be located within buildings appropriate to the process and in keeping with the character of the area.
83. The proposed development would utilise a large existing building for the storage and processing of any potentially odorous waste. The waste types to be received at the site incorporate mixed dry recyclables from residential and commercial sources

including glass, aluminium and steel can, plastics (including film), newspaper and magazines, textiles, paper and cardboard. Whilst these materials are unlikely to generate odour, the building is fully enclosed and of adequate size to manage this risk. No objections have been raised by Pollution Control officers or the Environment Agency in respect of odour and it is therefore considered that the proposal would accord with WLP Policies W3, W33 and W36 and Part 15 of the NPPF.

Access and Traffic

84. Vehicular access to the site is provided 2 access points, from the south and the west both of which lead to the A693 road via Drum Road. No change to the access arrangements are proposed. The site has good access to the strategic road network via the A693 with the A1 being some 1.5km to the east. The site is accessible via walking, cycling and bus. A neighbouring business has objected to the proposal on the basis that parking provision would be inadequate.
85. Paragraph 108 of the NPPF states plans and decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; improvements can be undertaken to limit significant impacts of development. Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
86. Paragraph 111 of the NPPF requires that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
87. A Transport Statement (TS) has been submitted in support of the application that details theoretical vehicle movements from the site as a haulage depot (it has not been in operation for some years) and predicted peak hour vehicle movements. The TS shows typical peak hour vehicle movements for the existing use as being 22 (11 in and 11 out) and for the proposed use it would be 24 (12 in and 12 out), therefore equating to an hourly increase of 2 vehicle movements.
88. The locational criteria in NPPW Appendix B include traffic and access considerations: 'Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports'. WLP Policy W29 seeks to ensure that measures are incorporated into developments to minimise the transportation of waste and Policy W31 requires proposals to demonstrate that traffic generated by the development can be safely and conveniently accommodated on the highway network without causing detrimental impact to local amenity. WLP Policy W32 sets out means of mitigation that should be secured to ensure that development does not result in harm to the highway network.
89. The proposed site would provide 44 parking spaces, which is a net reduction of 11 spaces over the applicants existing 2 sites but it has been calculated that the maximum operational requirement would be 42 spaces. The parking provision would therefore be adequate, however, if additional parking is required there is a very large hardstanding area to the north of the site associated with the former use as a haulage yard.
90. The Highway Authority raises no objections to the proposal but have advised that current parking standards require 1 car parking space with an electric charging point, which would be secured by condition. It is therefore considered that the proposal

would accord with WLP Policies W29, W31 and W32 and Part 9 of the NPPF or Appendix B of the NPPW. WLP Policies W29 and W31 are considered to be consistent with the NPPF and NPPW and although W32 is only partially consistent, as it does not fully reflect Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. However, the CIL Regulations only apply in relation to legal agreements and in this case no mitigation is considered necessary to address potential impacts and the policy can be afforded weight in this circumstance.

Flooding and drainage

91. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 15 of the NPPF takes account of the impact of any development upon the natural environment as does the locational criteria in Appendix B (criterion A) of the NPPW relating to protection of water quality and flood risk management.
92. A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. The assessment identifies that the site is located within flood zone 1 and although there are parts of the existing site that are at risk of surface water flooding they do not affect the development proposals. The drainage strategy advises measures to be taken as part of the development and it is recommended that this be secured by condition. The Environment Agency has raised no objections to the proposal. Subject to proposed condition it is considered that the proposal accord with WLP Policy W26 and Part 15 of the NPPF and the NPPW. WLP Policy W26 is considered to be consistent with the NPPF and NPPW and can be given weight in the decision making process.

Coal mining risk

93. The site is also located within a mixture of Coal Mining High and Low Risk Development Areas. A coal mining risk assessment was provided in support of the application and this was supplemented by additional information relating to the precise location of mine shafts within the site boundary. These shafts are located to the north of the site, away from the proposed and existing buildings. The Coal Authority has raised no objections to the proposal but has advised that mine gas mitigation should be submitted as part of any building regulations application. This is not, however, a requirement of planning and would only be included as an informative along with standing advice for development in coal mining areas. The development is considered to accord with Paragraphs 178 and 179 of the NPPF.

Biodiversity

94. Although not within an ecological designation, Pelaw Hill Railway LWS is located 478m to the southeast and Walters Wood LWS, is located approximately 1.2km to the northwest. No vegetation would be lost as a result of the proposed development as the proposed lean-to extension and demountable cabins would be located on existing hardstanding and carpark areas.
95. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests and sets out the Government's commitment to halt the overall

decline in biodiversity by minimising impacts and providing net gains where possible. Specifically, Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, that planning permission should be refused. WLP Policy W17 requires all waste development to incorporate appropriate measures to ensure that any adverse impact on nature conservation is minimised. The locational criteria in NPPW Appendix B includes criterion D concerning nature conservation and requiring appropriate measures to be incorporated into proposal to ensure any adverse impact on nature conservation interest is minimised. WLP Policy W17 is considered to be consistent with the NPPF and NPPW and can be afforded weight in the decision making process.

96. WLP Policy W13 seeks to protect sites of local interest advising that development will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature of the conservation value of the site. WLP Policy W13 is considered to be consistent with the NPPF and the NPPW and can be afforded weight in the decision making process.
97. Although there are ecological designations in the vicinity of the site it is considered that these would not be adversely affected by the proposal due to significant distance. Given the nature of the proposal with no additional land take the proposal would not result in the loss of valuable habitat or harm to protected species. It is therefore considered there would not be any impact upon the ecology of the area. The proposal would therefore not conflict with WLP Policies W13 and W17 and Part 15 of the NPPF or Appendix B of the NPPW.

CONCLUSION

98. The proposed development would make use of an existing building and hardstanding area that was purpose built for industrial use. This change of use would facilitate the relocation and consolidation of two existing waste and haulage depots on to a single, large site.
99. Planning policy is generally supportive towards sustainable waste management initiatives and seeks to locate waste management facilities within fully contained well designed buildings. The proposal would be located within an existing building with ancillary development adjacent with good access to the strategic road network. The proposal would not conflict with the locational criteria set out in Appendix B of the NPPW and relevant WLP policies. The proposal would assist with recycling, therefore contributing towards diverting waste materials up the waste hierarchy, away from landfill in accordance with Government guidance and initiatives whilst securing up to 64 full time jobs.
100. The environmental effects of the proposal have been considered and found to be acceptable with appropriate conditions which would provide the requisite environmental protection and control. In particular, it is considered that the proposed development would not have any adverse impacts on residents or neighbouring uses subject to appropriate conditions.
101. The proposal has generated a limited amount of public interest and the issues raised have been addressed through the application process. The proposal is considered to broadly accord with the relevant policies of the County Durham Waste Local Plan and Chester-le-Street Local Plan and meet the aims of national planning guidance contained within the NPPW and relevant sections of the NPPF.

RECOMMENDATION

That the application is **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
 - Drawing No. 3432-CAU-XX-XX-DR-T-1801 P2 'Existing Canopy, Elevations and Site Plans'
 - Drawing No. 3432-CAU-XX-XX- DR-T-1802 P3 'Proposed Canopy, Elevations and Site Plans'
 - Drawing No. 3432-CAU-XX-XX-DR-T-1803 P2 'Proposed New Portakabins Plan and Elevations'
 - Drawing No. 3432-CAU-XX-XX-DR-T-1800 P1 'Site Location Plan'
 - Section 6.3 'Site Drainage Strategy' of the submitted Flood Risk Assessment and Drainage Strategy dated August 2018.
 - Air Quality Assessment Appendix 1 – Dust Management Plan – Spire Environmental dated January 2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with County Durham Waste Local Plan Policies W2, W3, W4, W7, W9, W13, W17, W26, W29, W31, W32, W33, W36 and W38, Policy IN3 of the Chester-le-Street Local Plan, Parts 9, 14 and 15 of the National Planning Policy Framework and Appendix B of the National Planning Policy for Waste.

3. The materials and finishes used in the erection of the lean-to extension, new canopy walls and demountable buildings shall match those of the existing building on site.

Reason: To ensure the development is of standard appropriate for the prestige status of the industrial estate in accordance with Chester-le-Street Local Plan Policy IN3 and Part 6 of the National Planning Policy Framework.

4. Prior to the development being brought into use a minimum of 1 car parking space shall be fitted with electric vehicle charging point and allocated to electric vehicles thereafter.

Reason: To comply with parking standards and to comply with County Durham Waste Local Plan Policies W29 and W31 and Part 9 of the National Planning Policy Framework.

5. Importation of waste materials shall be restricted to glass, aluminum and steel can, plastics (including film), newspaper and magazines, textiles, paper and cardboard and electrical and electronic equipment. All materials are to be stored within the building or inside sheeted trailers.

Reason: To ensure the development is of standard appropriate for the prestige status of the industrial estate in accordance with Waste Local Plan Policy W36 and Chester-le-Street Local Plan Policy IN3 and Part 6 of the National Planning Policy Framework.

6. Within 28 days of the commencement of development a noise validation assessment shall be carried out and a report submitted in writing to the Planning Authority. The aim of the validation shall be to ensure that the noise levels at the nearest residential receptors stated in Noise Assessment report produced by Spire Environmental Consultants (Ref:R19.1310-1-AG 9th January 2019) can be achieved

Should the predicted noise levels not be met then a scheme of noise mitigation measures shall accompany the aforementioned report for approval in writing by the Planning Authority. Once approved the mitigation measures shall be implemented in full and to the satisfaction of the Local Planning Authority.

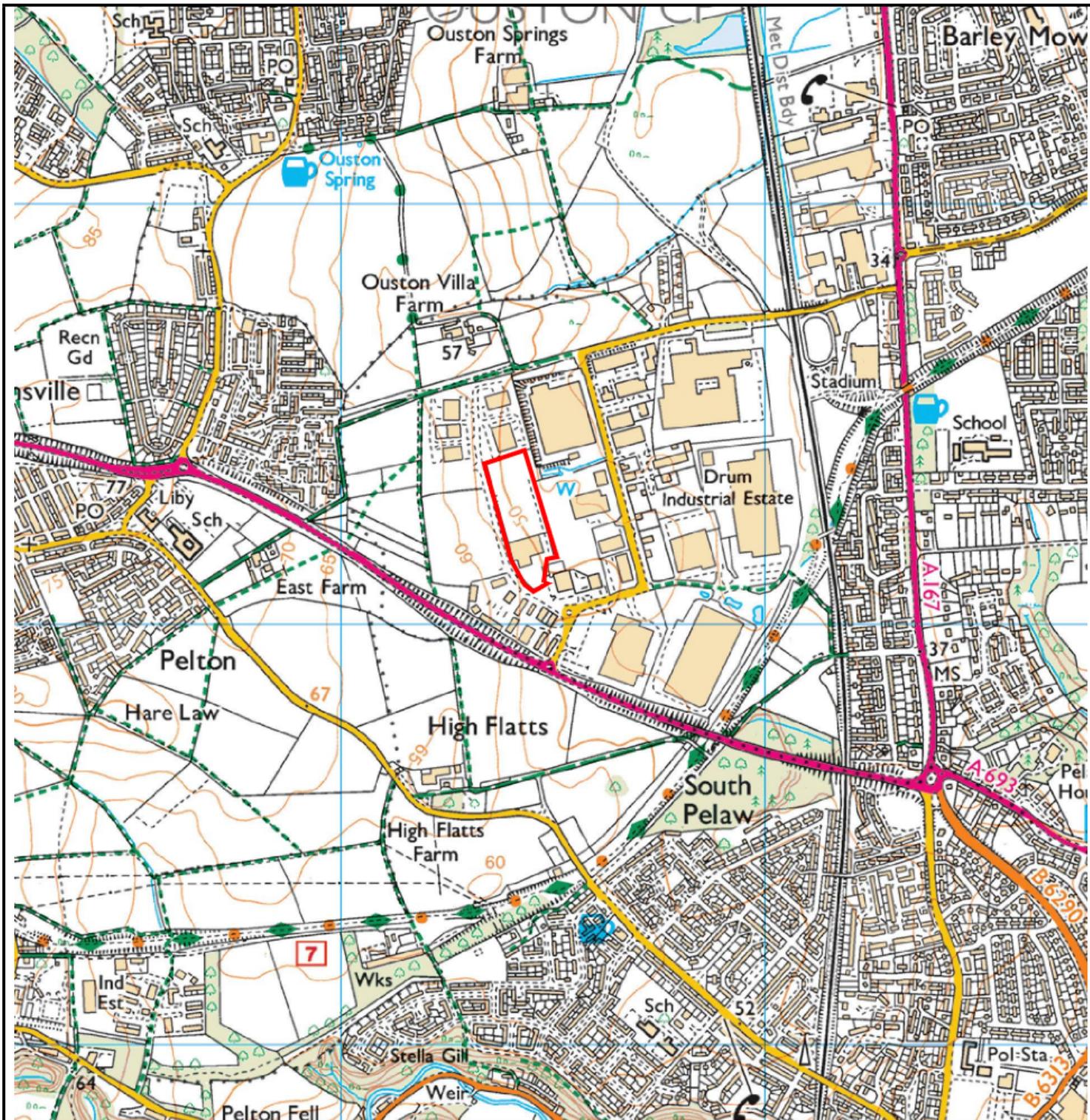
Reason: To ensure that residential amenity is protected in accordance with County Durham Waste Local Plan Policies W3 and W33 and Part 15 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans supporting documents provided by the applicant.
- County Durham Waste Local Plan (2005)
- Chester-le-Street Local Plan (CLP) (2001)
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- National Planning Policy for Waste
- Statutory, internal and public consultation responses.



Planning Services

DM/18/02936/WAS

Change of use to waste transfer, recycling station and haulage yard with enclosure of existing canopy, lean-to extension to the western elevation, parking and equipment store area, weighbridge and demountable buildings.

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Comments

Date May 2019

Not to scale