

PLANNING COMMITTEE: 19th November 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1309

LOCATION: Site 7C Veolia ES (UK) Limited, Edgar Mobbs Way

DESCRIPTION: S73 Planning Application to vary Conditions 4 (Waste Throughput) and 6 (Hours of Operation) of planning permission 18/00044/WASFUL

WARD: St James Ward

APPLICANT: Veolia ES (UK) Ltd
AGENT: N/a

REFERRED BY: Head of Planning
REASON: The Applicant is a Council contractor

DEPARTURE: No

CONSULTATION BY NORTHAMPTONSHIRE COUNTY COUNCIL:

1 RECOMMENDATION

- 1.1 That Northampton Borough Council has **NO OBJECTION IN PRINCIPLE** to the proposal subject to the following:
- 1.2 Appropriate mitigation in respect of the impact upon the highway and there being no objection from the Local Highway Authority.
- 1.3 The imposition of conditions in respect of a Noise Management Plan as follows:
 - 1) Prior to occupation of the development hereby permitted a Noise Management Plan shall be agreed with the Local Planning Authority that specifies the internal and external sources of noise on the site and the provisions to be made for its control. The approved scheme shall be implemented prior to occupation and retained thereafter.

Reason: In the interests of amenity and to ensure a satisfactory standard of development in accordance with the requirements of Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

- 2) Within 3 months of occupation of the development hereby permitted, a Verification Report shall be submitted for approval in writing to the Local Planning Authority demonstrating that the design criteria as detailed in the approved Noise Management Plan has been achieved.

Reason: In the interests of amenity and to ensure a satisfactory standard of development in accordance with the requirements of Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

2 THE PROPOSAL

2.1 This is a consultation from Northamptonshire County Council (NCC) in relation to an existing planning permission for the erection of a waste transfer building (Use Classes B2 and B8) which was granted planning permission by Northamptonshire County Council on 15th February 2019 under reference 18/00044/WASFUL. The current application seeks to vary Conditions 4 and 6 of the above permission.

2.2 Condition 4 restricts the amount of imported waste to 45,000 tonnes per annum. The proposed variation seeks to increase the amount of imported waste to 65,000 tonnes per annum.

2.3 Condition 6 restricts the hours of operation of the site as follows:

‘All waste handling and recycling operations at the site shall be carried out between the following times (including the exceptions also referred to in this condition):

- 07:00 to 19:00 Monday to Fridays (except HGV departures from 04:00)
- 07.00 and 13:00 on Saturdays
- No activities on Sundays and Public and Bank Holidays

This application seeks to remove Condition 6 to allow for the facility to be able to operate 24 hours, 7 days per week.

2.4 This latest application does not seek to amend the design of the building, the scale of the building or any other physical aspects of the proposed development. It is only proposed to amend the wording of Condition 4 and remove Condition 6 which cover the way in which the facility operates.

3 SITE DESCRIPTION

3.1 The application site comprises an area of 1.2 hectares of land situated on Edgar Mobbs Way. It is located within the Northampton Waterside Enterprise Zone, forming part of a site known as Site 7C. The approved waste facility and ancillary office building approved by Northamptonshire County Council under permission 18/00044/WASFUL is currently under construction.

3.2 The surrounding area comprises a mix of industrial, commercial and warehouse units. The land to the north of the site, the remaining part of Site 7C, has been subject to a recent development granted permission in 2016 for the erection of a general industrial/storage and distribution building and associated office.

4 PLANNING HISTORY

4.1 19/00032/WASNMA – County Council application for a non-material amendment to the approved Waste Transfer Facility development. Approved 21/05/2019

4.2 18/00044/WASFUL – County Council application for the erection of a waste transfer building (Use Classes B2/B8), with associated two storey office/welfare building (Use Class B1), two weighbridges, vehicle fuel station, vehicle wash bay, sprinkler tanks and pump house, together with associated access from Edgar Mobbs Way, 44 car parking spaces, refuse vehicle parking, retaining wall structures and landscaping. Approved 15/02/2019.

4.3 N/2017/0887 – Reserved matters application pursuant to outline approval N/2016/0015, for the erection of three industrial buildings (Class B1, B2 and B8) with associated parking, landscaping and servicing. Approved in 10/10/17.

- 4.4 N/2016/0015 – Outline application with all matters reserved apart from access for removal, levelling and remodelling of earth mounds and development of the site for B1, B2 and B8 uses. Approved 22/08/16.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, and the Minerals and Waste Local Plan.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Section 2 – Achieving sustainable development
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy E1- Existing employment areas
Policy SA –Presumption in favour of sustainable development
Policy S7 - Provision of Jobs
Policy S8 - Distribution of Jobs
Policy S10 - Sustainable Development Principles
Policy S11 - Low Carbon and Renewable Energy
Policy BN2 - Biodiversity
Policy BN7- Flood Risk
Policy BN9 - Planning for Pollution Control

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 Design of New Development

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

5.6 Other Material Considerations

None

6 CONSULTATIONS/ REPRESENTATIONS

6.1 **Public Protection (NBC)** – has reviewed the BWB Noise Impact Assessment dated November 2018 in the context of the proposed changes and to introduce operations through a full 24-hour period. Advise that as this represents the most sensitive hours when residents are likely to be sleeping, there are some areas where further clarity is required with respect to conclusions of the BWB report. Suggest it may be appropriate to add a Noise Management Plan condition to identify noise management measures that will be used onsite through the hours of 11:00pm and 07:00am to any approval to secure clarity on the areas identified below:

- There is no reference in the report to vehicle reversing noise. It is assumed that this will not involve tonal reversing sirens as no account has been made of “tonality and intermittency” in the BS4142 assessment. Request further details within noise management plans confirming the reversing techniques to be used onsite to prevent noise nuisance but secure safe systems of work as vehicle reversing is not discussed in the report.
- Request further clarity on noise from fixed plant and equipment be introduced and whether it meets the noise limits set by the BWB report.
- The report has assessed the car wash as running 24 hours, but no details have been provided of the source data and modelling inputs. Request further details in the noise management plan of the noise levels modelled and the intended use of this outdoor equipment.
- It appears the modelling has been undertaken assuming a “door shut” scenario for the main waste transfer building. If this is the case is this practical and how will this be managed? Can the wheel loader be shut inside this building to secure the noise levels in the report?

With the above clarifications in mind, a practical way forward would be to secure this information, in the form of a detailed noise management plan for site with particular reference to the night-time periods. A total of four conditions are proposed to cover this information.

7 APPRAISAL

Principle of development

- 7.1 The principle of a Waste Transfer Site in this location is already established by a previous planning permission granted by Northamptonshire County Council in February 2019. This proposal seeks to amend the details of two conditions applied to that permission.
- 7.2 The use of the site as proposed remains in accordance with the extant permission, although seeks to amend the amount of waste allowed per year in tonnes. The principle continues to accord with relevant policies and continues to represent a sustainable form of development which will bring economic and environmental benefits to the locality.
- 7.3 The variation/removal of conditions as proposed relate to the manner in which the facility will operate. The material considerations affected by these proposals are therefore restricted to highway issues and noise.

Highway Issues

- 7.4 The applicant’s submitted supporting statement identifies that when the proposals for the building were developed it was on the basis of 45,000 tonnes of commercial waste and 20,000 tonnes of municipal waste. The design of the building, in terms of internal storage and manoeuvring space

was on the basis of 65,000 tonnes overall and the vehicle movements were calculated on that basis.

- 7.5 It had been anticipated by the applicants that any restrictions placed on the proposal would be on vehicle movements, not on total tonnage. As such, the site has already been designed for the higher capacity of 65,000 tonnes and the updated Transport Statement by BWB concludes that there will be a total of up to 355 trips to and from the site per day, which remains significantly less than the 885 trips permitted on the previously approved industrial use for the site.
- 7.6 In addition, this latest application is subject to consultation with the Highway Authority, the comments of which will be directed to the relevant Planning Officer at the County Council for consideration. Subject to appropriate mitigation in respect of highway impacts to the satisfaction of the Highway Authority it is not considered that the proposal would lead to any unacceptable impacts on existing highway conditions.

Noise

- 7.7 The proposal to remove Condition 6 of the planning permission to allow the site to operate 24 hours per day, seven days per week will result in the site being used at times when any noise generated would be at the quietest times of the day. Public Protection (NBC) have been consulted on the proposal and have suggested conditions that would secure a Noise Management Plan and ensure its implementation. The Noise Management Plan would have a particular focus upon the night-time period.
- 7.8 It is considered that the noise impact can be sufficiently addressed by condition and the proposed wording suggested by Public Protection (NBC) will be provided to the Planning Officer at Northamptonshire County Council for consideration with the application.

8 CONCLUSION

- 8.1 The proposal to amend Condition 4 and remove Condition 6 of 18/00044/WASFUL is considered acceptable in principle and would continue to represent a sustainable form of development, particularly in respect of highways issues and noise. The applicant's own supporting information demonstrates that the site as previously approved has been designed to accommodate 65,000 tonnes of waste per annum and the altered wording of the condition proposed would not result in the facility being operated at a level that it is not designed for.
- 8.2 It is considered that allowing the site to operate 24/7 would have operational advantages which would, in turn, mitigate the impact of the facility at busier periods of the day. Subject to the conditions recommended at paragraph 1.3 of this report, it is not considered the proposed alterations to operational hours would lead to any unacceptable impact on surrounding amenity.

9 BACKGROUND PAPERS

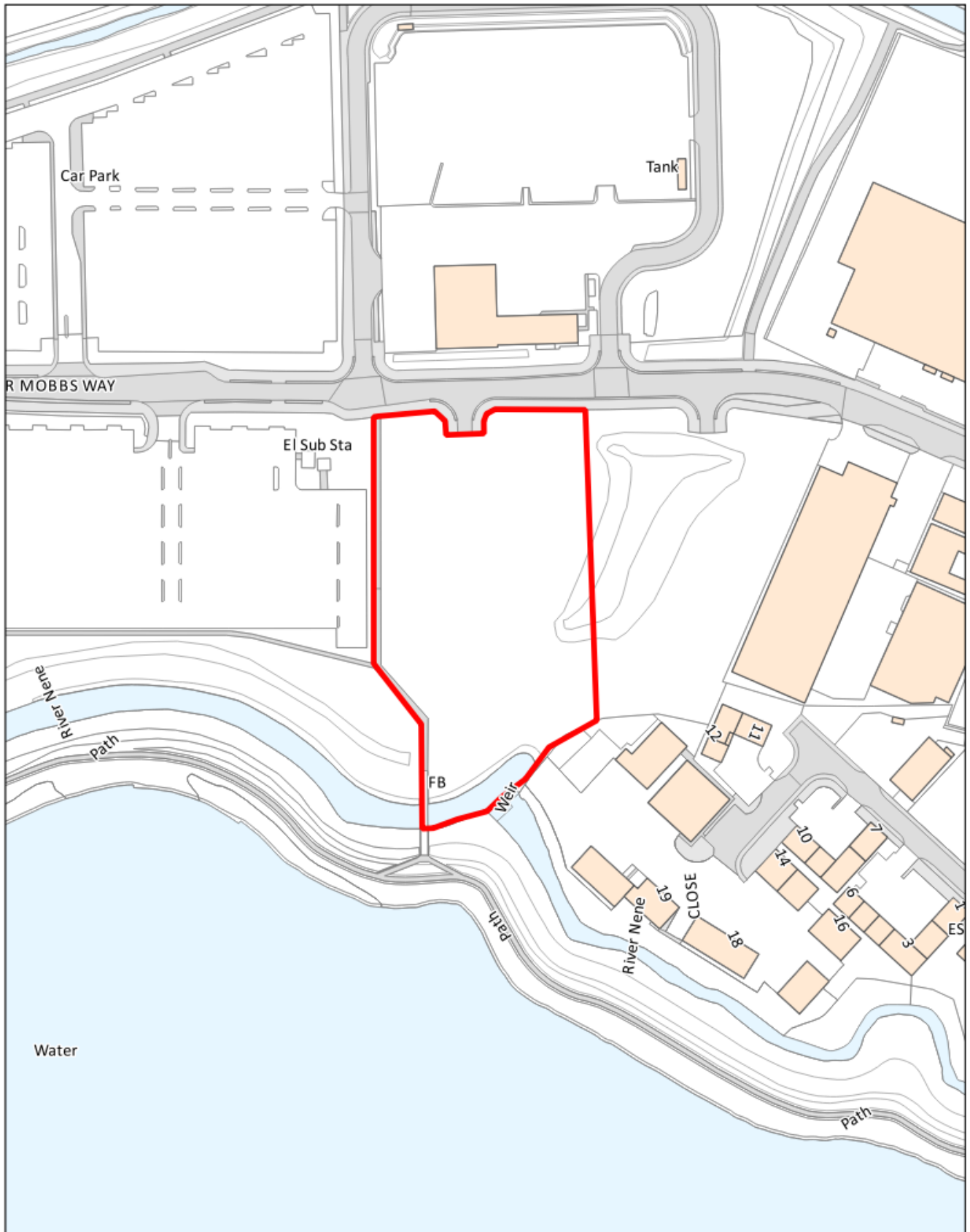
- 9.1 N/2019/1309

10 LEGAL IMPLICATIONS

- 10.1 The development is not CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Site 7C, Edgar Mobbs Way**

© Crown copyright and database rights 2019 Ordnance Survey licence no. 100019655

Date: 08-11-2019

Scale: 1:2,000

Drawn by: -----