

Committee Report

Application No:	DC/18/01131/COU
Case Officer	David Morton
Date Application Valid	28 November 2018
Applicant	NWH Waste Services Ltd
Site:	Owen Pugh Properties Ltd Factory Road Blaydon NE21 5RZ
Ward:	Blaydon
Proposal:	Change of use of warehouse and integral offices with hardstanding for vehicle and materials storage and vehicle circulation (use class B8) to waste transfer station including waste recycling, storage of waste materials, storage of products, vehicle parking including vehicle operating licence (sui generis) (amended 22/02/19).
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:**1.1 DESCRIPTION OF APPLICATION SITE**

The application site is located on the south east side of the River Tyne, within the Blaydon/Derwenthaugh Primary Employment Area. The application site comprises of a warehouse building, parking to the south and west of the site and vehicle and materials storage in the yard area to the north and east. The site currently has two accesses to the east and west of the existing warehouse.

1.2 The site is bound to the north, south and east by industrial units, yards and offices, including metal scrap yards to the north and east. The closest office to the site is the Blaydon Communications Ltd office located on the opposite side of Factory Road.

1.3 The closest residential properties are 470 metres southwest of the site on Shibdon Road, with the A695 dual carriageway, a railway line and a commercial area in between the site and the properties.

1.4 DESCRIPTION OF APPLICATION

The application seeks consent for the change of use of the application site from the current storage and distribution use (Use Class B8) to waste transfer station (Sui Generis).

1.5 The application proposes to accept commercial and industrial waste from Newcastle and the surrounding area, the application site will provide a material recycling facility with materials being sorted into the appropriate waste stream

then moved to the appropriate licenced waste facility for further processing/recycling.

- 1.6 It is proposed for the site to handle the contents of skips/containers and vehicles that are returned from customers. The majority of the waste will be construction waste e.g. soil, bricks and concrete.
- 1.7 It is proposed that commercial and industrial waste would be delivered to the site using skip and hook vehicles where it would be processed/sorted using a grabber/excavator and stored in skips and containers within designated areas. Sorted materials would be loaded using a wheeled loading shovel.
- 1.8 The applicant has indicated that the intention would be for the site to operate 24 hours a day, however the site is only likely to accept waste deliveries between 0600 - 1800 Monday to Friday and 0700 - 1400 Saturday and Sunday.
- 1.9 It has been estimated that the application would employ approximately 15-20 people (equivalent to 10 full time staff).
- 1.10 RELEVANT PLANNING HISTORY
- 1.11 The planning history associated with the application site is summarised as follows;
 - 1431/88; Planning permission granted for 'Erection of warehouse (Use Class B8) with integral offices for storage of extruded plastic pipes and fittings.' Date; 07 March 1989.
 - 272/92; Planning permission granted for 'Erection of single-storey building to provide storage accommodation (use class B8).' Date; 30 April 1992.
 - 1226/93; Planning permission granted for 'Erection of single-storey building to provide storage accommodation (use class B8).' Date; 03 February 1994.
 - 156/02; Planning permission granted for 'Erection of warehouse for the storage and distribution of building materials (use class B8) and integral offices with hardstandings for materials storage and vehicle circulation.' Date; 08 March 2002.
 - DC/17/00355/COU; Planning application withdrawn for 'Change of use of warehouse and integral offices with hardstanding for vehicle and materials storage and vehicle circulation (Use Class B8) to commercial rental vehicle and maintenance premises (Sui Generis) and/or warehouse and integral offices with hardstanding for vehicle and materials storage and vehicle circulation (Use Class B8).' Date; 30 June 2017.

2.0 Consultation Responses:

Northumbrian Water	No objection subject to condition.
Environment Agency	No objection.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of five letters of objection have been received and are summarised as follows;

- The proposed development would lead to additional noise, dust, odour, traffic and vermin;
- Parking within the area is already an issue and the proposal will worsen this situation and;
- There are already a number of recycling sites on the industrial estate.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

JE1 Primary Employment Areas

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS21 Waste

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The main planning issues are considered to be the principle of the development within a primary employment area and its acceptability in terms of design, highway safety and the amenity of adjacent businesses and residents.

5.2 BACKGROUND

The proposed development is to be controlled through an Environmental Permit (by the Environment Agency).

5.3 The NPPG (Paragraph: 050 Reference ID: 28-050-20141016) states the following;

"There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body."

5.4 Therefore, it is important to ensure that the planning application does not seek to duplicate matters controllable through other consent regimes. This also applies in regard to the imposition of planning conditions, Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The NPPG provides further guidance on conditions and sets out that a condition must not be used to control matters where there are specific controls outside planning legislation (in the case of this application it would be the permit regulated by the Environment Agency).

5.5 PRINCIPLE

The site is located within the Blaydon/Derwenthaugh Primary Employment Area, allocated by policy JE1. Policy JE1 seeks to prevent change of use to non-employment uses. Non-employment uses are usually categorised as those outside B1, B2 and B8 use. However, there are some uses which fall outside B-use classes which can be considered compatible, in principle, with employment uses. The latest Employment Land Review recommended that the application site is retained within the Blaydon Employment Area proposed for allocation within the emerging MSGP.

5.6 While the proposed sui generis use is not within the definition of B-use development defined within policy JE1, it may be noted that waste transfer/recycling facilities operate within several of Gateshead's employment areas, including within Blaydon/Derwenthaugh. Such facilities can often be

appropriately accommodated within employment areas, provided that they do not have a detrimental impact on other uses, most notably residential uses. Accordingly the proposed change of use is considered broadly compatible with the Council's approach to the use of employment land.

5.7 The proposed development is therefore considered to be an acceptable addition to the Blaydon/Derwenthaugh Primary Employment Area and accords with the aims and objectives of the NPPF, saved policy JE1 of the Council's UDP and policy CS6 of the CSUCP.

5.8 DESIGN

The proposed development proposes a minimal amount of physical development (placing of a weighbridge and setting out of storage areas) and as such would retain the appearance of an industrial facility which is considered appropriate in the context of the wider area. It is, however, considered necessary to set a height limit on the storage of materials to ensure no unacceptable impact would occur (Condition 3). Subject to conditions, the proposed development is considered to be acceptable from a visual perspective and accords with the aims and objectives of the NPPF, saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

5.9 HIGHWAY ISSUES

Given the nature of the proposed development the application has been supplemented by a Transport Statement (TS) and a Travel plan (TP).

5.10 The TS provides information on the expected hourly flows in and out of the site with maximum movements of 15 to 20 movements per hour in the 0700 to 0800 period. The daily movements at the site are expected to be around 80 to 100 departures; this figure will include site based vehicles that may make multiple trips to and from the site.

5.11 It is considered by Officers that the trips generated as part of the new use of the site are unlikely to be greater than that of the established storage and distribution use (Use Class B8).

5.12 Regarding parking levels, the application proposes 20 spaces to the front of the site. Officers are of the view that this would provide adequate parking for the 15 to 20 staff; this arrangement can be monitored through the TP and the applicant has allowed for an additional parking area if required.

5.13 The submitted TS has estimated that the number of articulated vehicles accessing the site will be approximately four per day. The routing plan submitted within the TS has indicated that these vehicles will access the site from Patterson Street to the west; on this basis, it is considered that the proposal would not have an unacceptable impact on highway safety.

5.14 Improvements to accessibility by sustainable means are dealt with within the TP which carries out an assessment of the site for access by sustainable means. The bus services are approximately 400 metres from the site with train

station some 200m further. The final details of the TP including targets would need to be agreed via planning condition (Conditions 4 and 5).

5.15 It is also considered that final details of the cycle parking to be provided ought to be secured via planning condition (Conditions 6 and 7).

5.16 Based on the above assessment and subject to appropriate conditions, it is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.

5.17 AMENITY ISSUES

The planning application has been supplemented by a Noise Impact Assessment (NIA). The NIA concludes;

"... noise from the site will be within WHO Guidelines for Community Noise during daytime hours; predicted internal noise levels will meet the recommended criterion suggested in BS 8233 for sleeping in bedrooms at night with windows open for ventilation purposes; and Internal noise levels at the offices closest to the site are not expected to exceed the recommended BS 8233 criterion for executive offices, even with windows open."

5.18 Officers are in broad agreement with the submitted NIA, however there are some concerns in regard to 'impulsive noise' during the evening i.e. banging and clattering. It is considered that the report lacks some detail in this regard, however it is noted that there are no residential properties close to the application site that are likely to be effected.

5.19 Further to the above, the day to day management of noise from the site is primarily regulated by the Environment Agency through the permit for the site.

5.20 Management measures through the environmental permit are set up to be responsive to local conditions and changing circumstances and therefore provide important flexibility. Whilst consideration has been given to whether planning conditions are required to control noise, these would have to impose fixed specifications of noise control measures given the need for planning conditions to be precise. The disadvantage of this approach is that it cannot provide the flexibility of changing circumstances on the site. Therefore, the flexibility of the permit would be the most appropriate to control the impact of noise from the site.

5.21 In terms of the physical development taking place, it is considered that there is sufficient distance between the proposed development and residential properties to ensure that no unacceptable level of impact would occur. While there are other commercial properties located close to the development, it is considered that the form of development would not be alien to the area and would not lead to any significant loss of amenity to neighbouring occupiers.

5.22 Officers are of the view that given the industrial nature of the area some level of noise disturbance is to be expected and any potential. As such the residual levels of noise would not be so significant as to warrant refusal in this locality as

it is considered unlikely that the development would have any significant impact on the living conditions of residential properties.

5.23 It is therefore considered that the proposed development is acceptable from an amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the CSUCP.

5.24 ECOLOGY

A Preliminary Ecological Appraisal has been submitted in support of the application which confirms the site is generally of low ecological value, but recognises the local value of the area of habitat situated along the length of the site boundary adjacent the River Tyne LWS.

5.25 The submitted ecology report makes a number of recommendations for biodiversity enhancements, including the provision:

- tree mounted nest (bird) boxes;
- building mounted swift boxes; and
- tree mounted bat boxes.

5.26 Officers agree with the recommendations set out within the submitted ecology report and it is recommended that a condition requiring the final details of the proposed bird and bat boxes (Conditions 8 and 9).

5.27 Therefore, subject to the recommended conditions above, it is considered that the proposal would be acceptable in terms of impact on ecology and is in accordance with the aims and requirements of saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

5.28 LAND CONDITIONS

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use.

5.29 No Preliminary Risk Assessment (PRA) to assess the condition of the land has been submitted by the applicant. However, given the proposed application proposes a change of use and would not require any ground breaking it is considered that the development would not represent any risk to human health.

5.30 Therefore, the proposal therefore complies with the aims and objectives of the NPPF and saved policy ENV54 of the UDP and policy CS14 of the CSUCP.

5.31 DRAINAGE

The application has been supported by a Flood Risk Assessment, Officer agree with the broad conclusions of the document. However, it is considered that subject to conditions requiring the final detail of the drainage system (Conditions 10 and 11) and conditions pertaining to an evacuation plan (Conditions 12 and 13) the application is acceptable from a flood risk perspective.

5.32 Subject to the conditions cited above, it is considered that the proposal does not conflict with the aims and requirements of policy CS17 of the CSUCP or the NPPF.

5.33 **COMMUNITY INFRASTRUCTURE LEVY**

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related.

5.34 **OTHER MATTERS**

Concerns have been raised in regard to the number of recycling site within the local vicinity, It is considered by officers that this matter isn't material to the decision-making process and as such the application has been considered on its individual merit.

5.35 It is considered that all material planning considerations raised by objectors have been addressed within the main body of the report.

6.0 CONCLUSION

6.1 It is clear that there are a number of environmental impacts from the site such as noise which have potential to impact upon neighbouring businesses in the area. It is considered that these impacts are to be primarily controlled by the permit for the site which is regulated by the Environment Agency. The NPPG is clear that planning should not duplicate the role of the pollution control body.

6.2 Taking all the relevant issues into account it is considered that the proposed development accords with national and local planning policies. It is therefore recommended that planning permission be granted subject to the planning conditions below.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

NWH/036/PLAN/001

NWH/036/PLAN/002

NWH/036/PLAN/003

NWH/036/PLAN/004

NWH/036/PLAN/005

NWH/036/PLAN/006

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the

plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

All materials on site shall be stored to a maximum height of four metres (from existing ground level).

Reason

To ensure that no unacceptable impact on the amenity of neighbouring properties or the wider area would occur in accordance with Policies ENV3 and DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

4

The use hereby approved shall not commence until a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures.
- Appointment of a travel plan.
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the approved Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

Reason

In order to promote sustainable travel and accord with the NPPF and policy CS13 of the CSUCP.

5

The Travel Plan approved under condition 4 shall be wholly implemented in accordance with the approved details for the life of the development

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.

6

Prior to the commencement of use hereby permitted final details of cycle storage for staff, including details of the locking mechanism and/or anchor point shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy.

7

The cycle storage provision approved at condition 6 shall be provided prior to the commencement of the use hereby permitted and retained thereafter.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy.

8

Prior to the commencement of the use hereby permitted full details including the number, specification and precise location of building and tree mounted bat and bird boxes to be installed on site, shall be submitted to and approved in writing by the LPA.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF and Saved UDP policies CS18, DC1(d) and ENV46.

9

The bat and bird box details approved at Condition 8 shall be implemented in full prior to the use hereby approved and retained for the life of the development.

Reason

To ensure the maintenance of the local bat and bird populations at or above its current level in accordance with the NPPF and Saved UDP policies CS18, DC1(d) and ENV46.

10

The use hereby permitted shall not commence until full details of the drainage scheme have been submitted and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, timetable for implementation and health and safety assessment in accordance with the Council's SuDS Guidelines

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

The final drainage scheme shall be carried out in full accordance with the details approved under condition 10 (including timings for implementation).

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

The use hereby approved shall not commence until an emergency flood warning and evacuation plan for the site which includes:

- a. details of the flood warning procedures
- b. details of the emergency flood access and egress routes
- c. identified places that people could be evacuated to
- d. flood response procedures

has been submitted to and approved in writing by the Local Planning Authority.

Reason

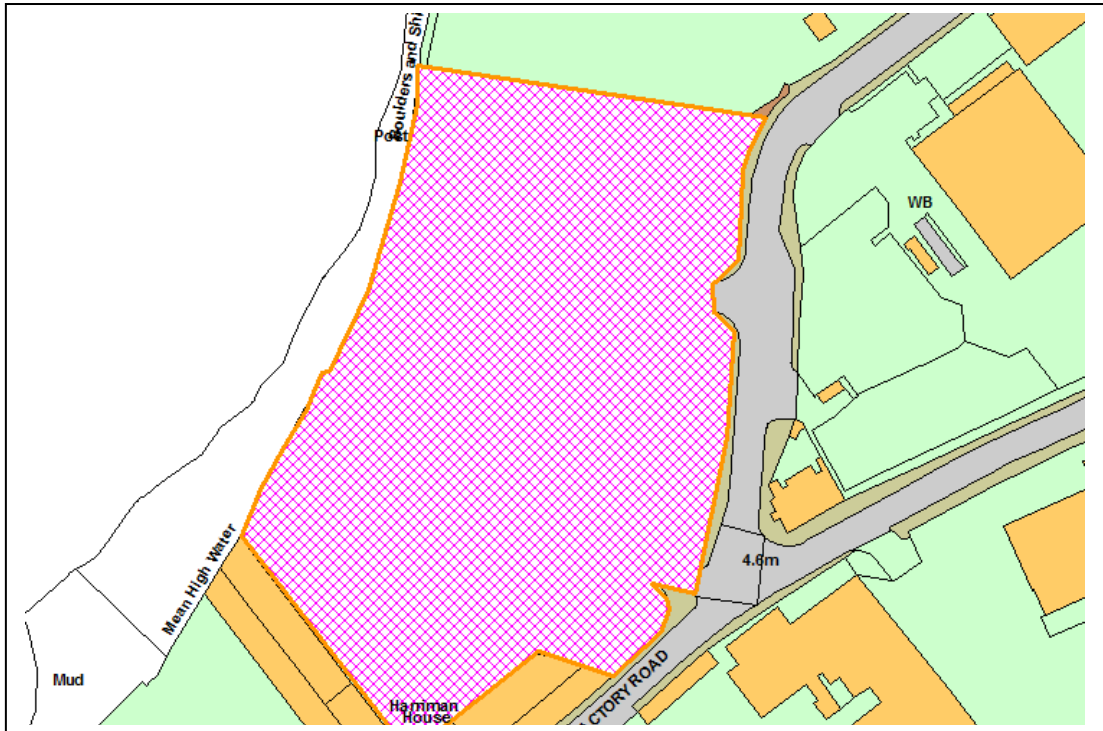
To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13

The emergency flood warning and flood evacuation measures approved under condition 12 shall be implemented prior to the use hereby approved commencing and retained as such in accordance with the approved details thereafter.

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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