

**Derbyshire County Council**

**Regulatory – Planning and Control Committee**

**31 October 2005**

Report of the Director of Environmental Services

**1 Section 73 Applications to Operate the Fridge Disposal Plant Without Complying with Conditions 5 and 8 of Planning Permission Code No. CW2/0503/22 at the Fridge Disposal Plant, Newbridge Lane, Chesterfield  
Applicant: Van Dalen UK Ltd  
Code No: CW2/0505/24**

2.682.3

**Introductory Summary** These are applications to not comply with the terms of a planning permission for a fridge dismantling plant in order to increase the number of fridges processed and to allow outdoor storage. Subject to the continuation of conditions similar to these applied to the original planning permission the proposals are considered acceptable.

(1) **Purpose of Report** To enable the applications to be determined by the Committee.

(2) **Information and Analysis** Planning permission for the construction of a facility to dismantle fridges in a controlled manner was granted by this Authority on 6 August 2002 (Ref: CW2/0502/29). Planning permission to use plant outside the main building and to increase the size of the main building was approved (Ref: CW2/0503/22) on 22 July 2003 subject to conditions including ones that required no storage of fridges outside the buildings and to restrict the number of fridges processed at the site.

Condition 5 limits the number of fridges brought onto the site to 50,000 a year and the condition was imposed in the interests of highway safety based on the information provided with the original application and the condition of the access road. Condition 8 requires that there shall be no open storage of fridges/freezers and was imposed in the interests of visual amenity.

The current Section 73 applications are to operate the fridge disposal plant without complying with conditions 5 and 8 of planning permission Code No: CW2/0503/22 by allowing up to 100,000 fridges to be processed at the plant a year and the storage of fridges in a designated area outside the buildings at the Fridge Disposal Plant, Newbridge Lane, Chesterfield. The application indicates that 100,000 is the maximum number of fridges that the plant could

process in a year. The proposals would not affect the existing method of operation.

This application also proposes the retention of a modular office and mess hall building and a toilet block. The two storey modular office/mess room measures 12 metres by 3 metres by 5.4 metres high and the toilet block 3.1 metres by 6.2 metres by 3 metres high. Both buildings are coloured light grey.

The application states that based on 100,000 fridges being processed at the site a year this would generate an average of two heavy goods vehicles a day importing fridges to the site. The export of the separated elements of the fridges (ie scrap metal, plastics, foam, gasses etc) would result in one additional vehicle movement a week. In addition smaller vehicles may deliver units that have been recovered from fly-tipping events. Such deliveries currently average less than one per week.

## **Consultations**

### **Local Member**

Councillor D stone has been consulted with a request to make any comments by 29 June 2005.

### **Chesterfield Borough Council**

No planning objection but requested that the restriction preventing use of the site by the general public is maintained and that the possibility of creating an alternative footpath linking Newbridge Lane, at its junction with Whitting Valley Road to the canal towpath be investigated.

The Environmental Health Officer stated that *"It is unlikely that this proposal will have impacts upon air quality or noise within the vicinity of the proposed area and therefore, do not object to this application."*

### **Environment Agency**

No objection but recommend that all fridges awaiting processing and other potentially polluting wastes should be stored on an impermeable surface with sealed drainage.

A relevant condition has been included under the suggested conditions.

### **Brimington Parish Council**

Requested to respond by 29 June 2005.

## Publicity

The application has been advertised on site with a request for observations by 21 July 2005. Four letters and one petition (246 signatures) have been received objecting to the development on the following grounds:

- Increase in traffic on inadequate road system creating dangers to pedestrians and cyclists and adverse impact on amenity of the area.
- Danger of leakages from the process and from outdoor storage affecting the ozone layer and the health of local residents.

**Comment:** These issues are addressed in the Planning Considerations section below.

## Planning Considerations

The initial planning permission to establish and operate a fridge disposal plant was granted by this Authority on 6 August 2002 (Ref: CW2/0502/29) and the current operation accords with a subsequent planning application (Ref: CW2/0503/22) issued on 22 July 2003. The use of the site and plant for the destruction/recycling of fridges has therefore been approved as being in accordance with the development plan. The type of plant used with process and the method of operation and site management would not be affected or altered by the current proposals. The main issue therefore, is whether or not the proposed increase in capacity and outside storage would have any greater level of impact on the area.

The current proposals are to allow the storage of fridges in the open air and to increase the maximum number of fridges allowed to be processed at the site to 100,000 a year. The applications also propose the retention of an office, mess room and toilet block that has been erected on site. The additional impacts of these proposals are therefore visual impact from the storage of fridges in the open and the additional buildings and the change in traffic movements generated by the import of additional fridges and export of the recycled material. Given that each stage of the destruction of fridges is carried out inside buildings or vacuum sealed plant and machinery, I do not consider that there would be any other significant impacts from the increase in operations outside the site boundary. The control of the process and emissions is dealt with by the Environment Agency under a Waste Management Licence. The Environmental Agency has indicated that it will have to reconsider the forms of the licence if planning permission is granted. The review would have regard to the need to control the period fridges could be stored outside at the site.

## **Traffic Impact**

The route for all traffic is via Whitting Valley Industrial Estate road onto Newbridge Lane then through Mick Hill's Scrap-yard to the site. Newbridge Lane is a narrow country lane with no separate footway between the site entrance and its junction with Whitting Valley Road. Newbridge Lane is the sole means of access to this site, Mick Hill's Scrap-yard and a number of residential properties. The lane also provides an access to the Chesterfield Canal/Cookoo Way. Due to the lack of footway on this section of Newbridge Lane there is a potential conflict between pedestrians and traffic. Other than the conflict on Newbridge Lane the site is well located in relation to the primary road network and to other industrial uses. The planning permission for the extension of the Mick Hill's Scrap-yard (CW2/0104/181 dated 14 June 2004) contained a condition requiring the widening of Newbridge Lane and the creation of passing places. The operator has widened the road but not entirely in accordance with the approved scheme. An update on the resolution of this situation will be provided at the meeting.

The original planning application indicated that estimates of vehicle movements were difficult to provide due to the uncertainty about sources of fridges and the number of units that would be delivered in any one visit. The applicant indicates, that in practice, the delivery system has proved to be very efficient, as most units are obtained from a centralised collection point. The number of vehicle movements has therefore been lower than the original estimates. Assuming the current delivery system is maintained the proposed 100,000 units could be brought to the site in only 400 deliveries per year, an average of two loads per day. In practice the number of deliveries could be slightly higher, allowing for occasions when the transport vehicle is not filled to capacity.

Overall the number of vehicle movements generated by the operation of the fridge plant is therefore very small in total and in relation to the level of movements in the area. The increase in movements arising from the proposal would also be insignificant in traffic terms. In light of this and the situation concerning the improvements to Newbridge Lane, which the applicant is not able to resolve, I do not consider it necessary to impose a similar condition if these applications are approved.

## **Visual Impact**

The site is located on land allocated for general industry and storage in the Chesterfield Local Plan. To the north of the site is a waste transfer operation and to the south and east a scrap-yard. Subject to the restriction of the storage of fridges to the proposed area of open storage to the north of the main building and the height of storage, I do not consider they would have a

significant detrimental visual impact on the area. The mess room block, office and toilet buildings are appropriate in scale and colour for this site and area.

With reference to the concerns raised by objectors regarding the danger of leakages from the process and from outdoor storage affecting the ozone layer and the health of local residents, I am satisfied that the proposal would not give rise to such adverse impacts. These issues were addressed in respect of the original application where the proposed installation was considered to provide an environmentally acceptable method of disposing of fridges. The method of operation would not be affected by the proposed increase in throughput. The units would only be stored in the open for a temporary period awaiting processing. The environmental effect would be no different or greater than that arising from storage at the collection points. The Environment Agency and the Chesterfield Borough Council Environmental Health have raised no objections subject to the inclusion of standard conditions on any permission.

There are no other public rights of way footpaths affected.

I am satisfied that the development accords with the Derby and Derbyshire Joint Structure Plan Environment Policy 17: Design Quality and Waste Management Policy 3: Environmental Criteria, the adopted Derbyshire Waste Local Plan Policy W1b: Need for the Development and the Regional Spatial Strategy for the East Midlands (RSS8).

(3) **Financial Considerations** The correct fee of £135 has been received.

(4) **Legal and Human Rights Considerations** These are applications submitted under Part III of the Town and Country Planning Act 1990 which falls to this Authority to determine as the Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention of Human Rights as result of the permission being granted subject to the imposition of the conditions referred to in the Officer Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality of opportunity; personnel and property considerations.

(6) **Background Papers** File 2.682.3

Application from Clifford Rance Associates on 16 May 2005 on behalf of Van Dalen Ltd. Letters from Chesterfield Borough Council dated 13 June and 14 July 2005. Letter from the Environment Agency dated 15 June 2005.

(7) **Officer Recommendation** That the Committee resolve that planning permission be **granted** subject to the following conditions:

- 1) Except as otherwise required by the other conditions attached to this permission the development shall be in accordance with the applications details submitted on the 31 May 2002 and 13 May 2003 as amended by the details contained in the letter from Clifford Rance Associates dated 5 May 2005.
- 2) The foul and surface water arrangements for the site shall be in accordance with the details approved in accordance with Condition 3 of Planning Permission Code No: CD2/0502/29.
- 3) Odour monitoring for the site shall be in accordance with the details approved in accordance with Condition 13 of Planning Permission Code No: CD2/0502/29.
- 4) The landscaping of the site shall be in accordance with the details approved in accordance with Condition 14 of Planning Permission Code No: CD2/0502/29.
- 5) Unless otherwise agreed in writing by the Waste Planning Authority no more than 100,000 fridges/freezers per year will be brought to the site for processing and disposal and the site shall not be open to the public.
- 6) No vehicle shall leave the site unless its wheels and chassis are clean to ensure that mud or dirt is not deposited on the public road.
- 7) The stock pile of fridges on any area of open land at the site shall not exceed three metres.
- 8) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls with a sealed drainage system with no discharge to any watercourse, land or underground strata. The volume of the bunded compound shall be equivalent to at least 110% of the capacity of the largest tank or of any interconnected tanks whichever is the largest volume. All filling points, overflow pipes, vents, gauges and sight glasses shall be located within the bund and, where relevant, detailed to discharge downwards into the bunded compound.

- 9) All fridges awaiting processing and other potentially polluting wastes should be stored on an impermeable surface with sealed drainage system in accordance with a scheme that has been submitted to and approved in writing by the Waste Planning Authority. If there is a discharge it should be to fowl sewer only.
- 10) There shall be no open storage of fridges/freezers other than on the designated area shown on drawing number 100 Rev A attached to this permission.
- 11) No operations or vehicle movement shall take place outside the hours of:  
  
0700 to 1830 hours Mondays to Fridays;  
0700 to 1330 hours Saturdays.  
  
There shall be no operations or vehicle movements at the site on Sundays or public holidays.  
  
This condition shall not prevent the carrying out of quiet, essential maintenance of the disposal plant outside these hours.
- 12) Records of daily vehicle movements and loads associated with the disposal plant shall be kept at the site and made available to the Waste Planning Authority on request.
- 13) Details of any outside lights shall be submitted to and approved in writing by the Waste Planning Authority before they are installed.
- 14) Noise from activities at the site shall not cause any increase in the background noise level of 48dB(A) L90 (1 hour) at the nearest houses on Newbridge Lane.
- 15) At all times such reasonable measures as may be necessary shall be taken to minimise the emission of odours resulting from any operations authorised or required by this permission.
- 16) In the event of the fridge processing plant ceasing operation the processing plant shall be removed and so all remaining fridges shall be cleared from the site within three months of the date of cessation. For the avoidance of doubt the date of cessation shall be notified in writing to the Waste Planning Authority.

## **Reasons for Conditions**

- 1-5) For the avoidance of doubt and to clarify the details approved to enable the Waste Planning Authority to monitor the development in the interests of the amenity of the area.
- 6) In the interests of highway safety.
- 7) In the interests of the visual amenity of the area.
- 8 & 9) To protect the water environment.
- 10-15) To protect the amenities of local residents.
- 16) In the interests of the amenity of the area and to ensure that the site is capable of being developed for an alternative use.

## **Reasons for Approval**

The planning applications have been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The development accords with the relevant development plan policies, which are listed below. There are no other material considerations which indicate that the applications should be determined otherwise than in accordance with the development plan.

## **Policies**

The principal planning policies relevant to this grant of planning permission are:

Adopted Derby and Derbyshire Joint Structure Plan Environment Policy 17: Design Quality and Waste Management Policy 3: Environmental Criteria.

Adopted Derbyshire Waste Local Plan: Policy W1b: Need for the Development.

Regional Spatial Strategy (RSS8).

## **Footnote**

Consultation letters from Chesterfield Borough Council Environmental Health dated 13 June 2005 and the Environment Agency dated 15 June 2005 required that certain matters are brought to your attention and copies of their letters are attached to this permission.

