

**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**2 December 2013**

Report of the Acting Strategic Director – Environmental Services

**1 PROPOSED CHANGE OF USE OF AN INDUSTRIAL BUILDING (FROM USE CLASS B1 AND B8) TO AN END OF LIFE VEHICLE DE-POLLUTING UNIT ON LAND AT UNIT 6, BELFIELD STREET, ILKESTON**  
**APPLIACNT: MR A HARPER**  
**CODE NO: CW8/0813/86**

**8.1096.1**

**Introductory Summary** The proposal results from the introduction of the End of Life Vehicle Directives which was introduced from 2000, as necessary measures to promote and increase recycling, and to further protect the environment by requiring the complete de-pollution of scrap motor vehicles. This application seeks permission to change the use of an industrial unit at Unit 6, Belfield Street, Ilkeston from a general industrial/storage use to an end of life vehicle de-polluting facility where scrap motor vehicles would have fluids and parts removed for re-sale and re-use prior to the vehicle shells being taken off-site for final recovery. The relevant development plan and Government policy is guided by the 'waste hierarchy' which assists sustainable waste management. In this case, I consider that the proposal achieves the identified key policy objectives and is an acceptable use of land in this location. I am therefore recommending that the application be approved subject to the conditions set out in my recommendation.

(1) **Purpose of the Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

**The Site and its Surroundings**

The site comprises of a single modern industrial unit, which is situated on the established industrial estate, off Belfield Street, Ilkeston, located on the northern outskirts of Ilkeston. The level site extends to approximately 0.1 hectares and is bounded to the south by an unenclosed yard area which fronts the building, Belfield Street and then further industrial units. Adjoining the application site to the east is an industrial unit (currently unoccupied), and

## **Public**

immediately to the west is a further similar unit which is occupied by a window manufacturer. To the north and the rear of the building, within a few metres, are the rear boundaries of the residential properties which front Springfield Gardens. All access into the site is from Belfield Street.

### **Planning History**

This small industrial estate has been established for over 20 years. The adjoining land is allocated in the Erewash Borough Local Plan, for employment purposes. The application site and the adjoining units currently have planning permission for:

- B1 (light Industry); and
- B8 (storage and distribution) uses.

### **The Application Details**

The application proposes to change the use of the building to an end of life vehicle de-polluting facility. It is proposed that specialised scrap vehicles are first sourced individually by the applicant and are brought to the site by transporter. The scrap vehicles are transferred to the building and are placed on ramps and fluids along with any recyclable parts removed by hand. Any reusable items would be inspected, cleaned and transferred to purpose built racking inside the building. The fluids would be removed into drums and transferred for reuse or treatment off site. Approximately 20% of the floor area of the building would be used for de-polluting vehicles, the remainder used for storage of parts. The applicant envisages that up to two vehicles could be de-polluted at the same time and that the process would take two days per vehicle. It is anticipated that typically no more than three vehicles per week would be de-polluted. Once de-polluted, the vehicle shells would be transferred to a small vehicle trailer and taken to a local metal recycling facility. Removed car components would be sold primarily via the internet and mail order.

The proposed hours of operation at the site would be:

0900 hours until 1700 hours weekdays; and  
0900 hours until 1300 hours Saturdays;

with no working Sundays and Bank Holidays.

All access to and from the site would be via the existing industrial estate road (Belfield Street), and it is anticipated that the proposal would generate daily (staff vehicles), up to a maximum of 5 motor vehicles (10 movements); transporter vehicles weekly, (maximum 1 vehicle) up to 5 movements, and a heavy goods vehicle (HGV) up to 3 movements per week.

## **Public**

### **Consultations**

#### **Local Member**

Councillor G Birkin has been notified of the application details.

#### **Erewash Borough Council (Planning and Environmental Health)**

No objections.

#### **Environment Agency**

No objections. It has advised that the proposal will require an Environmental Permit.

#### **Publicity**

The application has been advertised by site notice, neighbour notification and in the Ilkeston Advertiser with a request for observations by 18 October 2013. As a result of this publicity, a petition has been received which contains the signatures of 27 individual residents of the area. The petition raises objections which I have summarised as follows:

- The proposal will have a detrimental impact on the nearby residential area.
- Increase in noise and air pollution.
- Harmful fumes being released in the air.
- Impact on future house prices.

**Comment:** Where relevant, I refer to all these issues in my 'Planning Considerations' section.

### **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the development plan comprises the saved policies of the adopted Derby and Derbyshire Waste Local Plan (DDWLP) and the saved policies of the adopted Erewash Borough Local Plan (EBLP). The National Planning Policy Framework (NPPF) has relevant policies that must also be taken into account when considering this proposal and these are listed below. The policy considerations which the proposal gives rise to are therefore addressed by national policy and by local development plan policies set out below. Other material considerations include relevant Government guidance including the End of Vehicle Life Directive (2000/53/EC), End of Life Vehicle Regulations 2003 and End of Life (Producer Responsibility) Regulations 2005.

### **The Derby and Derbyshire Waste Local Plan (DDWLP)**

The relevant policies are:

W2: Transport Principles.

W4: Precautionary Principle.

W6: Pollution and Related Nuisances.

W8: Impact of the Transport of Waste.

W10: Cumulative Impacts.

### **Erewash Borough Local Plan (EBLP)**

The site is identified as being within an area allocated for employment purposes. The relevant policies are:

DC10: Design.

E6: Mixed Use.

### **National Planning Policy Framework (NPPF)**

The NPPF replaced many of the Planning Policy Statements; however, the Waste Planning Policy Statement (PPS10), which is a material consideration in determining this application, remains in force until the National Waste Management Plan for England is published. The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant.

In this case, the relevant references of the NPPF are:

Chapter 17: Core planning principles.

Chapter 69: Promoting healthy communities.

Chapter 186: Decision taking.

### **Planning Policy Statement 10 (PPS10)**

Still relevant is PPS10: Planning for Sustainable Waste Management which sets out guidance on how planning can contribute to the delivery of sustainable waste management (including the delivery of the Waste Management Hierarchy). It states that waste planning authorities, when determining applications, should consider:

- the wider environmental and economic benefits of sustainable waste management; and
- the likely impact on the local environment and amenity, including visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter and any potential land use conflict.

Paragraph 29 of PPS10 advises that in considering planning applications for waste management facilities, planning authorities should consider the likely impact on the local environment and amenity. Annex E of PPS10 also sets out more locational criteria as regards impacts on local environment and amenity including protection of water resources, visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter and potential land use conflict.

## **Public**

The waste hierarchy is a key element of all waste policy. This encourages the management of waste materials in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced. It is not applied as a strict hierarchy as many complex factors influence the optimal management for any given waste material. However, as a guide, it encourages the prevention of waste, followed by the reuse and refurbishment of goods, then value recovery through recycling and composting with landfilling of waste as the last resort.

### **End of Life Vehicle Directives (ELVD's) and End of Life Vehicle Regulations (ELVR's):**

ELVD's and ELVR's are waste stream specific which lay down measures which, as a first priority, are the prevention of waste from vehicles and reuse, recycling and other forms of recovery of end of life vehicles and their respective components so as to reduce the disposal of waste.

In addition to the objectives of the above policies, the fundamental aims in general terms are to secure sustainable patterns of development, which are essentially inclusive, environmentally sensitive, and utilise natural resources prudently. One of the key priorities of the County Council, shared both regionally and nationally, is to move waste up the waste hierarchy. This can only be achieved by recycling, recovery and reuse of waste materials. As a consequence, there is a continuing need to provide sustainable waste management facilities. This, of course, has to be balanced against the suitability of the proposed site and its potential impacts on this local environment.

Whilst the site is located in a well-established industrial estate that has developed over the last 20 years, the application site is integral to the complex and is surrounded by other industrial units and buildings. There are residential properties in close proximity to the site. This proposal seeks to change the use of an existing building from B1 (Business) to waste development. I consider that this location is appropriate, and is in accordance with PPS10 that supports waste development within existing industrial areas. In normal circumstances, an industrial estate location having a good access is the ideal situation for a facility of this nature. The particular circumstance here, however, is the proximity of the residential areas to this part of the industrial estate. To ensure that the amenities of the residents of these properties were not unduly threatened, the Borough Council, in first granting permission for the industrial use, imposed a B1 (light industrial) use class for these units. I am therefore not surprised that there is general concern from the occupiers of these properties regarding the proposed works. End of vehicle life de-polluting facilities of this particular scale, do not give rise to significant levels of noise, dust, vibration or odours. Bearing in mind the concerns raised, in my opinion, the key issues relevant to this proposal are:

## Public

- i. The impact of the proposed works on the amenity of this area.
- ii. The appropriateness of the facility and its compatibility within the industrial estate.

### **i) Impact of the proposed works**

Relative to these considerations are the respective policies of the DDWLP in particular Policy W4 which states that:

*'if there is reasonable cause for concern that a proposed waste development would give rise to a threat of serious or irreversible damage to the environment or to the use or enjoyment of land, the development will not be permitted unless conditions can be imposed or legal agreements made to ensure that precautionary measures are taken to minimise and seek to prevent such damage; and that the risk of such damage is outweighed by the potential benefits of the development.'*

Policy W6 states that:

*'waste development will not be permitted if the development would result in harm caused by contamination, pollution or other adverse environmental or health effects.'*

Policy W9 states that:

*'waste development will only be permitted if the development would not affect other development land uses to the extent that they would materially impede or endanger the social or economic activities or interests of the community'.*

This type of application which the members of the committee are familiar, is a result of the End of Life Vehicle Directive of 2000 and more recently the End of Life Vehicle Regulations 2003, which introduced necessary measures to promote and increase recycling, and to further protect the environment by requiring the complete de-pollution of scrap motor vehicles. There are many of these facilities now in operation throughout the County (predominantly located on industrial estates), and the applicant operates a similar facility on the TDG Midland Business Park at West Hallam. The primary function is to remove liquids (fuel, oils, screen-wash, radiator fluids, etc) and the respective car parts both internal and external.

### **Emissions to air (noise, dust, fumes and vibration)**

All emissions to air are a major concern and each type of waste management facility has to be assessed individually. Whilst it could be argued that any industrial process could increase emissions, in this case, due to the fact that the operations would be carried out inside a modern building and that the volume of vehicles to be treated would not be large, I do not feel that the proposed works would give rise to any significant or sustained environmental nuisance. The de-polluting process involves draining of all fluids to containers

## Public

and the careful manual removal of the relevant parts of cars such that the parts (and the majority of the fluids) can be reused or recovered. In addition, consultations have been carried out with the Environmental Health Officer and the Environment Agency, and it is considered that the proposal is acceptable in this location.

### ii) **The appropriateness of the facility and its compatibility within the industrial estate**

Policy E6 of the EBLP states amongst other things that:

*“Applications for mixed use development will be permitted subject to the Council being satisfied that the mixed uses are compatible in terms of noise, hours of working, access and egress, parking, emission of fumes, smell or dust, vibration and any other environmental parameters”.*

The site is an established industrial estate and there are businesses close by on Belfield Street, including a window manufacturer and an exhaust manufacturer. The proposed works relating to this application do not involve the installation and use of large machinery, nor is it proposed to fabricate or cut up metals (car bodywork) or store the vehicle shells outside. The proposed hours of working are not excessive; the access to and from the site is of a high standard and there is adequate room in front of the unit for parking and manoeuvring of staff cars. Due to the scale and magnitude of this current proposal, I do not feel that the proposed facility would be out of place and I feel the proposed use is compatible to the adjoining uses and, hence, acceptable in this location. If planning permission is granted, I consider that the controls imposed by planning condition and the Environmental Permit will ensure that any environmental impact would be reduced.

In my opinion, given the scale of the operation and that the proposal would be located within an existing industrial unit, I am satisfied that the change of use to a waste management facility accords with the relevant development plan policies. Subject to the conditions set out in my recommendation, I do not feel an objection in planning terms could be sustained.

(3) **Financial Considerations**      The correct fee of £335 has been received.

(4) **Legal Considerations**      This is an application 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 on Human Rights as a result of

## Public

this permission being granted subject to the conditions referred to in the Officer's 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 and diversity, human resources, property and transport considerations.

- (6) **Background Papers** Application details and associated drawings with subsequent amendments. Letters/emails from Erewash Borough Council dated 16 October and 24 October 2013. Letters/e-mails from the Environment Agency dated 5 November 2013. Petition dated 30 October 2013.

- (7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **granted** subject to the imposition of the following conditions:

### Commencement

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

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.

### Form of Development

- 2) The development shall take place in accordance with the details contained in the application dated August 2013, supporting information and plans, unless otherwise modified or amended by conditions of this permission.

**Reason:** To enable the Waste Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) Written notification of the date of the commencement of works shall be sent to the Waste Planning Authority within seven days of such commencement.

**Reason:** To ensure that the Waste Planning Authority can monitor the development accordingly.

### Approved Details

- 4) At all times during the operation of the site, a copy of this permission including all plans and associated documents hereby approved in



## **Public**

accordance with this permission shall be kept available on site for inspection during the prescribed working hours.

**Reason:** For the avoidance of doubt.

- 5) The site shall be used as a vehicle de-pollution facility only in the manner described in the application. The site shall not be used for scrap metal dealing or processing.

**Reason:** To protect local amenity and to ensure that the development is restricted to the approved use only.

### **Hours of Operation**

- 6) Except in an emergency, which shall be notified to the Waste Planning Authority as soon as practicable, no operations shall be carried out outside the following hours:

0900 hours to 1700 hours Monday to Fridays;  
0900 hours to 1300 Saturdays.

There shall be no working on Sundays, Bank Holidays or other National Holidays.

**Reason:** To ensure that the waste management facility and related operations do not have an adverse impact on local amenity.

### **Environmental Protection**

- 7) The de-polluting works shall be carried out inside the building only.

**Reason:** To protect residential amenity.

- 8) Efficient silencers shall be fitted to, used, and maintained in accordance with the manufacturers' instructions on all vehicles, plant and machinery used on the site. Machinery shall not normally be operated with covers open or removed.

**Reason:** To ensure that the waste management facility and related operations do not have an adverse impact on local amenity.

- 9) There shall be no burning of materials on the site.

**Reason:** To ensure that the waste management facility and related operations do not have an adverse impact on local amenity.

- 10) Reversing alarms used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

## Public

**Reason:** To ensure that the waste management facility and related operations do not have an adverse impact on local amenity.

- 11) At all times, such reasonable measures as may be necessary shall be taken to minimise the emissions of noise, dust and odours resulting from any operations authorised or required by this permission.

**Reason:** To protect local amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

## Highway Safety

- 12) The end of life vehicle facility shall not be taken into use until space has been provided within the site for the parking/loading/unloading and manoeuvring of service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

**Reason:** In the interests of highway safety.

- 13) No mud or other debris shall be carried from the site onto the public highway.

**Reason:** In the interests of highway safety.

## Drainage and Pollution Control

- 14) The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water, install oil and petrol separators, and seal roof drainage at ground level, has been submitted to, and approved in writing by, the Waste Planning Authority. The scheme shall be implemented as approved.

**Reason:** To ensure that the site is drained efficiently.

- 15) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be directed to discharge downwards into the bund.

**Reason:** To prevent pollution of surface and ground waters.

## Public

- 16) The site operators shall ensure that all surface water drainage operates in an efficient manner.

**Reason:** To prevent pollution of surface and ground waters.

- 17) There shall be no external storage of scrap cars or shells of de-polluted vehicles at any given time.

**Reason:** In the interests of the protection of visual amenity

### **Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant did not engage in pre-application discussions with the Authority prior to the submission of the application.

### **Footnotes**

Consideration of the application involved consultation with a number of authorities who have requested that information is brought to your attention. The comments are as follows:

- 1) The development will require a permit under the terms of the Environmental Permitting Regulations 2010.
- 2) Ilkeston Public Footpath No 24 abuts the north-western boundary of the site. You are advised, therefore, that this route must remain open and unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of this route without prior authorisation from Derbyshire County Council. Consideration should be given to the members of the general public using this route at all times. Temporary closure may be granted to facilitate public safety subject to certain conditions and further information can be obtained from Derbyshire County Council. If a structure is erected adjacent to the route of the footpath it should be installed such that the width of the footpath route is not encroached upon. A copy of the relevant information is attached for your considerations.
- 3) The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and

## **Public**

problems can occur in the future, particularly as a result of development taking place. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

**Mike Ashworth**  
**Acting Strategic Director – Environmental Services**

