

Agenda Item No. 4.3

DERBYSHIRE COUNTY COUNCIL
REGULATORY - PLANNING COMMITTEE

6 November 2017

Report of the Strategic Director – Economy, Transport and Environment

- 3 CHANGE OF USE FROM B2 TO A MIXED USE FOR END OF LIFE VEHICLE DEPOLLUTING, VEHICLE REPAIRS AND STORAGE, 20 CHATSWORTH AVENUE, LONG EATON, NG10 2FL**
APPLICANT: MC SALVAGE LTD
CODE NO: CW8/0617/25

8.1112.1

Introductory Summary The planning application site is within an established industrial estate in Long Eaton. It is proposed to change the use of an existing industrial unit to a facility for the depollution of motor vehicles (removal of engine/gearbox oils, brake/clutch fluids, power steering fluids, coolants, fuel, etc). All depollution activities would take place inside the unit. The drained fluids would be decanted into appropriate containers pending disposal or recycling off-site. This is an operation requiring Environment Agency authorisation for which there would be a strict monitoring and compliance regime.

The type of vehicles to be depolluted would be cars and light commercial vehicles, i.e. small vans or pick-ups and the maximum number of vehicles to be depolluted at any one time would be four due to the size constraints of the interior of the unit. Three persons are proposed to be employed at the site.

Ancillary uses would include vehicle repairs and the storage of vehicle parts (new parts associated with the proposed motor repairs, not salvage parts).

Adjacent east of the unit is a yard used for the storage of motor vehicles by the applicant. This is not within the planning application boundary, but is land within the ownership of the applicant.

The proposed development is recommended for approval subject to conditions.

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

(2) Information and Analysis

Site and Surroundings

The application site is within Long Eaton, being approximately 1 kilometre (km) to the south-east of the town centre. The site is within an established industrial/business area, Meadow Lane Industrial Estate, and is bounded to the north and south by existing industrial units, to the west by Chatsworth Avenue and to the east by a yard area which fronts onto Barton Road. This yard area is within the ownership of the applicant but is outside the application site. In general, the surrounding area contains predominantly B1 Business and B2 General Industrial uses. Barton Road to the east is a partly residential street, being wholly residential on its east side but predominantly commercial on its west side.

The application site comprises an existing pitched roof commercial unit with a smaller ancillary flat roofed office building attached to the rear of the unit at first floor level. The size of the application site is approximately 410 square metres (m²) and the footprint of the structure is approximately 260m². There is a hardstanded frontage onto Chatsworth Avenue adjacent west of the unit. The unit has a roller shutter door on the western elevation which is wide enough for access/egress of vehicles. At the rear elevation of the unit, where it abuts onto the yard adjacent east, there is a smaller roller shutter door, which is not wide enough to pass vehicles through, plus a pedestrian entrance.

The unit is presently used for the repair of vehicles and the frontage onto Chatsworth Avenue is used for the storage of vehicles, some of which are for sale.

The yard to the rear of the unit (land not within the application site but within the ownership of the applicant) is used for the storage of motor vehicles. This yard area has a separate vehicular access/egress onto Barton Road.

Planning History

There is no Derbyshire County Council planning history for this site other than the planning application, the subject of this report.

Erewash Borough Council (EBC) Planning Department. has provided some site history for the application site. The industrial estate was developed in the 1960s. The industrial unit, the predominant subject of this planning application, gained planning permission (EBC code no. LOE/1163/3) in January 1964 for a garage workshop and offices. Further planning permission (EBC code no. LOE/365/9) was gained in November 1965 for car sales and the use of adjoining land for the storage of cars for sale. Other uses have included plant and machinery storage, and storage of timber, etc.

The planning use of the unit is B2 General Industrial use class. Information provided from EBC includes an affirmation that the planning use of the yard area adjacent east of the application site (outlined in blue on the Location Plan as land within the ownership of the Applicant) is B8 Storage and Distribution.

Background

The applicant operates a vehicle salvage and repair business throughout the East Midlands. The yard area adjacent east of the planning application site under consideration is used to store cars that have been involved in road traffic accidents on behalf of a third party insurance company. Whilst a decision on the future of a vehicle from the motor insurance company is pending, the applicant stores the cars. Those that are written off are then either taken off-site for breaking/scraping or repaired and sold by the applicant.

The Proposal

The proposed development is for the change of use of the industrial unit for the de-polluting of end of life vehicles, vehicle repairs and the storage of vehicle parts. The principal use would be the de-polluting of vehicles. The vehicle repairs and parts storage would be ancillary to the main use. The vehicle parts stored would be new parts, not second-hand, used for repairs.

It is proposed to import up to four end of life vehicles per day to the unit for depollution, with each car being delivered individually by truck. Once depolluted, the applicant could remove up to three cars on one truck. The space available inside the unit for depollution activities limits the vehicles that would be capable of being depolluted to domestic cars and light commercial vehicles, i.e. small vans/pick-ups.

The vehicles would be raised using one of two hydraulic ramps within the unit to drain fluids and decant them into appropriate containers pending disposal or recycling off-site.

Three employees are proposed at the site. The proposed hours of operation are:

Monday to Friday 07:00 hours – 19:00 hours.

Saturday 07:00 hours – 19:00 hours.

No working on Sundays or Bank Holidays.

Three parking spaces for the employees are proposed on the hardstanding at the frontage to Chatsworth Avenue. An additional parking space is also shown on the submitted information for one depolluted vehicle whilst it is awaiting removal. The agent has affirmed that depolluted cars would be stored inside the unit pending removal but in order to provide a level of flexibility, the applicant wishes to have this fourth parking pay at the frontage. Any

depolluted vehicle occupying this parking space on the frontage would be removed before the end of each working day.

The submitted information states that the hard surfaced frontage on Chatsworth Avenue would not be used for the sale of motor vehicles should planning permission be granted for the depollution facility.

The application erroneously stated, in Paragraph 4.1.2 of the submitted Planning Statement, that part of the site was proposed for Heavy Goods Vehicles (HGV) MOT and servicing. The agent subsequently corrected this in correspondence and confirmed that there was no proposal for this.

Consultations

Local Member

Councillor Griffiths (Long Eaton) has been notified.

Erewash Borough Council (Planning)

EBC provided information relating to the authorised planning use of the yard to the rear of the application site (outlined in blue on the submitted site location plan, land within the ownership of the applicant). The information affirmed that the authorised use is storage and distribution (B8).

EBC responded on 24 August 2017 as follows:

“The yard off Barton Road is historically part of the same planning unit as the building which fronts onto Chatsworth Avenue and accordingly there has to be real concern that the proposed use, although ostensibly only of the building and its Chatsworth Avenue forecourt, for receiving and recycling end-of-life vehicles together with car repairs, will involve the linked use of the rear yard off Barton Road and that this may result in unacceptable harm to the amenities of the occupiers of those nearby dwellings principally through noise and disturbance from activities on the site, including delivery of vehicles for recycling which is likely to involve the use of breakdown lorries and car transporters.

Without adequate enforceable controls in place, this would be cause for objection. However, if the county planning authority can impose and enforce adequate controls (which would be feasible as the yard area is within the control of the applicant) then this potential concern may be sufficiently alleviated.”

Erewash Borough Council (Environmental Health Officer)

The Environmental Health Officer (EHO) commented as follows:

- 1) *"It appears from the supporting information that the repair and depollution of vehicles is to be confined to the building that is accessed from off Chatsworth Avenue. I understand that the applicant also has an interest in the adjacent land to the rear of the application site which is actually accessed off Barton Road. Some of the equipment used in vehicle repairs and dismantling can be noisy and to protect residents on Barton Road any consent should be conditioned to ensure that repair and depollution of vehicles takes place within the building accessed off Chatsworth Avenue.*
- 2) *Notwithstanding point 1 above I assume that the land accessed off Barton Road could be used in association with the Chatsworth Avenue application for the storage of vehicles awaiting repair or collection after repair and if so there may be potential for neighbouring residents to be disturbed by vehicle movements to and from this site particularly outside of "normal" working hours. It may be prudent to limit the operating hours of the Chatsworth Avenue Site to avoid such movements in the evenings and at weekends. Suggested times are:*

07:30 to 18:00 Weekdays
08:00 to 13:00 Saturday
No work on a Sunday, Bank or Public Holidays
- 3) *The supporting information makes reference to the carrying out of repairs to vehicles following road traffic accidents which will presumably involve the use of spray painting. If this is the case a suitable extraction system will need to be installed and the applicant should provide full details of this to the local planning authority for prior approval. The system should incorporate an appropriate filter system. The applicant should be made aware that if 1 tonne or more of solvent consumption occurs in any 12 month period they will be required to apply for a Part B permit from this authority (this consumption is unlikely with a small activity)".*

I can confirm that no complaints about the existing use of the site have been received by the Environmental Protection Section.

The comments of the EHO were subsequently forwarded to the agent who stated on 5 September 2017 that the applicant wishes to seek permission for the original hours of working:

Monday to Friday 07:00 hours – 19:00 hours.
Saturday 07:00 hours – 19:00 hours.
No working on Sundays or Bank Holidays.

The applicant considers that the hours of use sought are acceptable and necessary for the business to succeed.

Environment Agency

The Environment Agency (EA) responded on 24 July 2017 and has no objections. The EA has made comments which are attached to this report as Footnotes (see below). The EA further responded on 23 August 2017 confirming that the application site is within Flood Zone 3. The EA considers that there is no proposed change to flood risk vulnerability and has no comments to make as the planning application under consideration is for the change of use of an existing building. The EA has recommended in this second consultation response that the applicant “*endeavours to make the building flood resilient where this is feasible*”.

Highway Authority

Derbyshire County Council, in its statutory role as the Highway Authority, responded on 19 July 2017 and has no objections subject to condition. The Highway Authority does not consider that the proposed vehicle movements to and from the application site would pose a threat to highway safety given the existing use of the site.

The Highways Authority suggested initially that the applicant provide four parking spaces within the application site to avoid further roadside parking on Chatsworth Avenue and recommended a suitably worded condition. The Highway Authority has also provided a ‘Note to the Applicant’ on the size and configuration of the parking bays and these are appended under Footnotes (see below).

A revised parking layout showing employee parking on the hard surfaced frontage at Chatsworth Avenue was submitted on 5 September 2017. The County Highways Authority was consulted on this and responded on 13 September 2017 stating that the three parking spaces to be provided for the three proposed members of staff was acceptable.

Lead Local Flood Authority

Derbyshire County Council, in its statutory role as Lead Local Flood Authority, had no comments to make.

Publicity

The application was advertised by site notice, which was posted on 14 July 2017, and by press notice which was published in the 14 July 2017 edition of the Derby Evening Telegraph. The deadline for responses was 4 August 2017.

As a result of the publicity, six representations, all objecting to the proposed development, were received. One of the objection letters contains three signatures.

The main areas of concern are summarised as follows:

- The impacts will be to the residential area of Barton Road and not Chatsworth Avenue as the applicant presently uses the vehicular access/egress on Barton Road for his vehicle storage yard.
- Detrimental effects to residential amenity.
- Detriment to house prices.
- If planning permission is granted there should be substantial recompense to all properties affected.
- The highways and parking situation on Barton Road is already strained.
- The proposed working hours of 0700 - 1900, six days per week would cause detriment to local residential amenity from increased noise and vehicle congestion.
- The applicant is already working seven days a week from these premises sometimes before 7am and recently until 11pm which is unacceptable.
- Meadow Lane scrapyard has had its working hours reduced because of noise pollution and that site is further away than Barton Road.
- Chatsworth Avenue is not within a flood plain but the access off Barton Road and the yard are.
- An attempt has been made at misdirection as the applicant would be using the access at Barton Road rather than the access at Chatsworth Avenue. All traffic would have to use the Barton Road access.
- The rear yard also contains some disused lorries.
- The applicant parks up to 20 vehicles on and around Chatsworth Avenue causing problems to other businesses in the area.
- The submitted information does not discuss the potential for fire risk/ explosions from the vehicles and the decanted fluids, nearby to housing.
- Barton Road cannot cope with HGV lorries coming and going all day.
- The proposed 5,000 tonnes per annum waste to be handled equates to approximately 100 tonnes per week which has to be removed and the only possible exit for this is through the gates on Barton Road.
- The existing yard has stacked vehicles which has already had a negative impact on the residents of Barton Road.
- Barton road has been blighted since the arrival of this organisation.
- Barton Road is a residential road, not a garage access to HGVs, scrap vehicles and waste collection.
- Barton Road contains a lot of families with children and the children like to play out on the road.

- The main work for depollution will be inside the building as stated in the planning application but the carriage and movement of waste is a concern to where it leaves the site (Barton Road).
- Existing businesses on Barton Road are reasonably noise free. The proposed use may create more noise.
- This proposal would be acceptable if the Barton Road access/ egress were closed with all traffic using the entrance on Chatsworth Avenue through a legal agreement.

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 relevant policies of the development plan are contained in the Derby and Derbyshire Waste Local Plan (2006) (DDWLP), the Erewash Core Strategy (ECS) (2014) and the Saved Policies of the Erewash Borough Local Plan (EBLP) 2005 (amended 2014). Other material considerations include statements of Government policy in the National Planning Policy Framework (2012) (NPPF), National Planning Practice Guidance (NPPG), the National Waste Management Plan for England 2013 and National Planning Policy for Waste (NPPW) (2014).

National Planning Policy Framework

The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Planning applications must still be determined in accordance with the development plan unless material considerations indicate otherwise. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states in its introduction that it does not contain specific waste policies and states that national waste planning policy will be published as part of the National Waste Management Plan for England. The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF so far as relevant.

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal is contained within the National Planning Policy for Waste (2014) document.

National Planning Policy for Waste

The NPPF replaced many of the Planning Policy Statements, and the Waste Planning Policy Statement (PPS10) has been replaced by the NPPW. This document sets out the Government's ambition to work towards a more

sustainable and efficient approach to resource use and management, and states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. Annex A of this document details the waste hierarchy.

National Planning Policy Framework and National Planning Policy for Waste

The relevant sections of the NPPF and NPPW are:

National Planning Policy Framework

Chapter 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Chapter 11: Conserving and Enhancing the Natural Environment.

National Planning Policy for Waste

Sections 4 and 5: Identifying Suitable Sites and Areas.

Section 7: Determining Planning Applications.

Annex A: The Waste Hierarchy.

Annex B: Locational Criteria.

Derby and Derbyshire Waste Local Plan and the Erewash Core Strategy/ Saved Policies of the Erewash Borough Local Plan

The relevant policies against which to assess the proposal are:

Derby and Derbyshire Waste Local Plan Policies

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

Erewash Core Strategy

Policy 1: Climate Change.

Saved Erewash Borough Local Plan Policy

DC7: Development and Flood Risk

The key planning considerations for this application are:

- Need for the development.
- Location of the development.
- Potential impacts on amenity and on the surrounding environment.

Need for the Development

The NPPW emphasises the need to divert as much waste as possible away from landfill so that society can manage its waste in a more sustainable

manner. In order to achieve this, the movement of waste up the 'waste hierarchy' by promoting the recycling and re-use of waste, rather than sending it to landfill, is essential. This is detailed in Appendix A of the NPPW: The waste hierarchy. At the top of the hierarchy is "Prevention", followed by "Preparing for re-use" followed by "Recycling" followed by "Other recovery", leaving "Disposal" at the bottom.

Driving waste management up the waste hierarchy should help to:

- minimise the amount of waste that is produced;
- prepare for re-use as much useful material as possible, where waste is still produced;
- recycle as much useful material as possible, where re-use is not possible.
- recover any useful energy that the waste can be used to generate, where re-use and recycling are not possible; and
- avoid landfilling of waste except as a last resort.

DDWLP Policy W1b: Need for the Development states that waste development will be permitted if the development would satisfy a need which could not be realistically met closer to the source of the waste.

The proposed End of Life Vehicle (ELV) depollution activities in this existing building would contribute towards the recycling of the motor vehicles. The fluids decanted from each vehicle would be recycled or disposed of elsewhere. Removing these fluids prior to the removal of the vehicles from this site, would put them into a suitable condition for being recycled by the breaking or scrapping elsewhere, for salvage parts, or for the metal and plastic to be re-processed. The repair of vehicles is proposed to be an ancillary use to the main use for depollution and would be of a relatively small scale.

In considering this planning application against the principles of the 'waste hierarchy', I am generally satisfied that the main use as a vehicle depollution facility would represent a waste recovery activity that would divert waste away from landfill and, therefore, move waste up through the waste hierarchy in accordance with the NPPW. There is an evident market demand for this type of facility and the applicant already operates a successful storage facility for cars subject to insurance claims in the yard to the rear of (adjacent east of) the building the subject of this change of this planning application. I am therefore satisfied that there is a need for the development which would cater for a local need and that it would accord with DDWLP Policy W1b and the sustainable waste management objectives of the NPPW.

Location of the Development

Section 4: Identifying Suitable Sites and Areas of the NPPW states that waste planning authorities should consider a broad range of locations for waste management facilities, including industrial sites, and look for opportunities to co-locate waste management facilities, together and with complementary activities.

Section 7: Determining Planning Applications of the NPPW states that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B: Locational Criteria of the NPPW.

Annex B: Locational Criteria of the NPPW sets out factors for waste planning authorities to consider in determining planning applications in terms of location:

- Protection of water quality and resources, and flood risk management.
- Land instability.
- Landscape and visual impacts.
- Nature conservation.
- Conserving the historic environment.
- Traffic and access.
- Air emissions, including dust.
- Odours.
- Vermin and birds.
- Noise, light and vibration.
- Litter.
- Potential land use conflict.

Paragraph 100 of the NPPF, under Chapter 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change seeks that development in areas at risk from flooding should be avoided by directing development away from areas at the highest risk of flooding. Policy 1: Climate Change of the ECS presumes in favour of development that avoids areas of current and future flood risk and which do not increase the risk of flooding elsewhere. Saved EBLP Policy DC7: Development and Flood Risk presumes in favour of development within areas of flood risk where the development would have no adverse effect on the management of that risk.

Paragraph 120 of Chapter 11: Conserving and Enhancing the Natural Environment of the NPPF states that planning decisions should ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and that cumulative effects of pollution on health, general amenity and the natural environment should be taken into account.

Paragraph 122 of Chapter 11 of the NPPF also states that planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to pollution control regimes.

It is considered that the proposed depollution facility and the ancillary vehicle repairs accord with the surrounding B2 General Industrial uses by the nature of the processes involved. The existing unit is surrounded by light engineering workshops, car repair garages, builders yards, etc. It is considered that the proposed change of use is acceptable within this existing industrial unit which is itself within a long established industrial estate. The control of processes involved in the depollution activities would require authorisation under the EA permitting regime and would be strictly controlled and monitored under such. This therefor accords with guidance contained within Paragraph 122 of the NPPF.

It is considered that the proposed development accords with the requirements of Chapter 4 of the NPPW. The vehicle depollution and ancillary repairs would be carried out within the existing unit where the proposed use is to be located within an existing industrial area and is considered to be complementary to the surrounding existing uses.

I have considered the locational criteria provided in Annex B of the NPPW. Of the list, only flood risk management and traffic/ access are pertinent to this planning application. I do not envisage there being potential issues of noise, dust, odours, light, vibration, etc, given the nature of the industrial estate area and existing industrial uses, and take into account that there is a residential street to the east of the application site (Barton Road, several residents of which have made submissions in objection), provided that permission is granted subject to conditions as recommended below.

The EA has confirmed that the application site is within Flood Zone 3. Regarding this change of use planning application, the EA considers that there would be no change in flood risk vulnerability. The EA has provided a standard comment which recommends that the applicant endeavours to make the building flood resilient where this is feasible but has not been more specific. The premises would be subject to an EA Environmental Permit by which all processes to remove vehicle fluids and the storage of such would be regulated and controlled, with regular EA inspections. The applicant has stated that the throughput would be up to 5,000 tonnes per annum which is the threshold for an EA standard rules permit. It is therefore considered that the EA recommendation in respect of the applicant making the building flood resilient where feasible should be addressed under the environmental permitting regime, to ensure that the location/height above ground of fluid storage receptacles could not be affected by potential flood events.

In respect of flood risk, I consider that the proposed development accords with the requirements of Section 4: Identifying Suitable Sites and Areas of the NPPW, Chapter 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change of the NPPF, Policy 1: Climate Change of the ECS and Saved EBLP Policy DC7: Development and Flood Risk.

It is important to note that the planning application under consideration is the existing unit and a hard surfaced area at the Chatsworth Avenue frontage.

The majority of the objections in respect of this planning application are concerned with existing problems of vehicular access/egress onto Barton Road from the yard adjacent east of the unit and fears about these problems increasing. The yard is within the ownership of the applicant and is outside of the planning application boundary. The district planning authority (EBC) has affirmed that its use for the storage of motor vehicles is authorised.

The vehicles to be depolluted would be brought into the application site from the yard, having been delivered to the yard via Chatsworth Avenue. Vehicles are stored on behalf of insurance companies and, once it has been decided to write one off, the applicant purchases that vehicle from the insurance company for either repairs or scrapping.

The applicant has confirmed that no car sales would take place on the hard surfaced frontage on Chatsworth Avenue if planning permission was granted for the depollution facility.

Section 5 of the NPPW: Identifying Suitable Sites and Areas, states that waste planning authorities should assess the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential. DDWLP Policy W10: Cumulative Impact seeks to avoid detrimental impact on the environment of local communities from cumulative waste impact. There is a car breaking facility elsewhere within this industrial estate but it is not considered that this existing scrapyards, together with the proposed vehicle depollution unit, would amount to cumulative impact. Therefore it is considered that the proposal is not discordant with NPPW guidance or Policy W10 of the DDWLP in this respect.

Policy W6 of the DDWLP: Pollution and Related Nuisances, states that waste development will be permitted only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects to people or communities, the site of the development, nearby land uses or the wider environment. Policy W9: Protection of Other Interests of the DDWLP states that waste development will be permitted only if the development would not affect other land uses to the

extent that it would materially impede or endanger the social or economic activities or interests of the community.

Paragraph 109 of Chapter 11 of the NPPF: Conserving and Enhancing the Natural Environment, states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 123 of Chapter 11 of the NPPF: Conserving and Enhancing the Natural Environment, states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. This paragraph also states that there should be recognition that development from businesses will often create some noise.

Paragraph 34 of Chapter 4 of the NPPF: Promoting Sustainable Transport, states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe.

Policy W2 of the DDWLP: Transport Principles, states that waste development, which would be likely to result in an overall significant increase in the number or distance of waste-related journeys, will not be permitted if there is a practicable, environmentally better alternative.

It is not considered that any problems regarding pollution, including noise, dust or odours, should arise from the proposed depollution and ancillary repair activities. The processes involved in extracting fluids out of a vehicle or repairing a car would not be any noisier than the noise created by previous uses within the unit or some of the light engineering uses nearby. The EBC EHO notes that some of the equipment used in vehicle repairs and dismantling can be noisy and seeks that the repair and depollution of vehicles takes place within the building. The proposed development is for these activities within the building only. The depollution process would be subject to the EA environmental permitting regime.

The EBC EHO also recommends shorter hours of operation than that sought by the applicant. The EBC EHO comments were forwarded to the applicant which maintains that the requested hours of use are necessary. However, I recognise the relevance of the concerns which have been expressed by local residents over the proposed hours of use. In this respect I consider that the hours of use recommended by the EBC EHO to be appropriate and would recommend that a relevant planning condition reflecting this be imposed on any planning permission. The EBC EHO has also recommended that a suitable fume extraction system be installed if car repairs include spray painting.

The rear of the unit backs onto the yard, adjacent to the east which, whilst not the subject of this planning application, is the subject of much concern from local residents. A reoccurring concern is that the applicant would use the existing vehicular access on Barton Road to bring in vehicles, which would then be brought into the rear of the unit. At present there is a small roller shutter door at the rear elevation of the unit but this is not wide enough to pass a small car through. A planning condition withdrawing permitted development rights, to prevent the applicant from providing a new and larger roller shutter entrance, is considered appropriate and is included in the Officer's Recommendation below.

The submitted information states that the proposed change of use would generate a maximum of eight light goods vehicles (LGV)/HGV movements per day. All deliveries would be via the Chatsworth Avenue entrance to the unit. The applicant anticipates bringing four vehicles per day to the unit to the Chatsworth Avenue frontage. Each vehicle for depollution would be brought individually on a low-loader/transporter type vehicle. When the vehicles are depolluted up to three can be loaded onto one truck for despatch off-site.

It is not anticipated that there would be a substantial increase in vehicle movements collecting the vehicles from the yard at the rear and transporting them to the main unit entrance at Chatsworth Avenue.

Conclusion

It is considered that the proposal for the change of use of the industrial unit to an ELV depollution unit with ancillary vehicle repairs would not have any significant environmental or amenity impacts if subject to appropriate conditions under any permission. Therefore, it is considered that the development is acceptable within the context of national and local development plan policies.

Subject to the recommended conditions, I consider that the proposal does not conflict with national or local planning policies and it is recommended for approval.

(3) **Financial Considerations** The correct fee of £385 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 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.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

- (6) **Background Papers** File No. 8.1112.1

Application documents received from MC Salvage Ltd (agent: Bond Planning Ltd.) dated 19 June 2017, Planning Supporting Statement Version 1.0 dated June 2017 (author: Bond Planning Ltd.), Site Location Plan (no reference number) dated 3 June 2017, Parking Layout Plan (no reference number) dated 5 September 2017.

Letter from Agent (Bond Planning Ltd.) clarifying car parking, used car sales, vehicle movements and hours of use dated 5 September 2017.

Email correspondence from the Agent (Bond Planning Ltd), dated 18 July 2017 clarifying the number of employees, and 23 August 2017 clarifying error in Planning Supporting Statement regarding no proposals to undertake MOT and servicing of HGV's.

Letters from the Environment Agency dated 24 July 2017 and Erewash Borough Council Planning Department dated 24 August 2017.

Emails from Derbyshire County Council's Flood Risk Management Team dated 24 July 2017, Erewash Borough Council's Environmental Health Department dated 10 August 2017, the Environment Agency dated 23 August 2017, and Derbyshire County Council's Highway Authority dated 19 July and 13 September 2017.

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

Commencement

- 1) The development hereby permitted shall be begun within three years of the date of this permission. Written notification of the commencement of development shall be provided to the Waste Planning Authority at least seven days prior to the commencement taking place.

Reason: The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended.

Form of Development

- 2) The development shall be carried out in accordance with the details set out in the application for planning permission from MC Salvage Ltd (agent: Bond Planning Ltd) dated 19 June 2017, Planning Supporting Statement Version 1.0 dated June 2017 (author: Bond Planning Ltd),

Site Location Plan (no reference number) dated 3 June 2017, Parking Layout Plan (no reference number) dated 5 September 2017.

Reason: To ensure conformity with the details of the application that is approved and to clarify its scope.

Availability of Plans

- 3) A copy of this planning permission, including all documents referred to in them, and any further submissions to, and approvals by the Waste Planning Authority under these conditions, shall be kept available for inspection at the site office during the prescribed working hours.

Reason: To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of development.

Restriction on Permitted Development Rights

- 4) Notwithstanding the provisions of Part 7, Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no buildings, plant structures, erections or alterations to existing structures on-site other than those hereby permitted shall undertaken at this site without the prior written approval of the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon the landscape and built form in the area.

Restriction on Car Sales

- 5) There shall be no sales of new or used vehicles undertaken from the site.

Reason: For the avoidance of doubt.

Records of Vehicles to be Depolluted

- 6) No more than four vehicles shall be imported and depolluted, repaired or stored at the site at any one time. The operator shall keep accurate records of the vehicles arriving at the site for depollution purposes and leaving the site, and this record shall be made available for inspection by the Waste Planning Authority on request.

Reason: The use of the site at a higher rate of input could raise environmental and amenity issues not considered in the determination of this proposal, and could be detrimental to the amenity of the area.

- 7) The sole vehicular access to the building shall be via the access on Chatsworth Avenue, as described in Paragraph 2.1.1 of the Supporting Statement. There shall be no vehicular access to the site via Barton Road.

Reason: To restrict the routes for accessing the site in the interest of Highway Safety and local residential amenity, and in accordance with Policy W8 of the Derby and Derbyshire Waste Local Plan.

- 8) No oil, grease, mud, dirt or debris shall be carried out from the site on to the public highway.

Reason: In the interest of Highway Safety and in accordance with Policy W8 of the Derby and Derbyshire Waste Local Plan.

Hours of Operation

- 9) All operations authorised by this permission, shall only be carried out between:

0730 hours to 1800 hours Mondays to Fridays; and
0800 hours to 1300 hours Saturdays.

No operations shall be carried out on Sundays, Bank Holidays or other Public Holidays.

Reason: In the interests of local amenity.

Environmental Protection

- 10) No spray painting activities shall be undertaken at the site until a scheme detailing such proposals and including details of a suitable extraction and filter system have been provided in writing to, and approved by, the Waste Planning Authority.

Reason: To provide for the control of odour impact in the interest of local amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

- 11) All rubbish, debris, scrap and other waste material generated on the site shall be regularly collected and stored in a suitable container until disposed of off-site in a suitable facility.

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

- 12) There shall be no burning of waste on the site.

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

- 13) All vehicle depollution and car repairs undertaken by virtue of this permission shall only take place within the building.

Reason: In the interest of local and residential amenity.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

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 had engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application.

Footnotes

Environment Agency

Permit Requirements

The site currently has no authorisations for vehicle dismantling. In order to undertake any End of Life Vehicle dismantling, the relevant authorisations will be required:

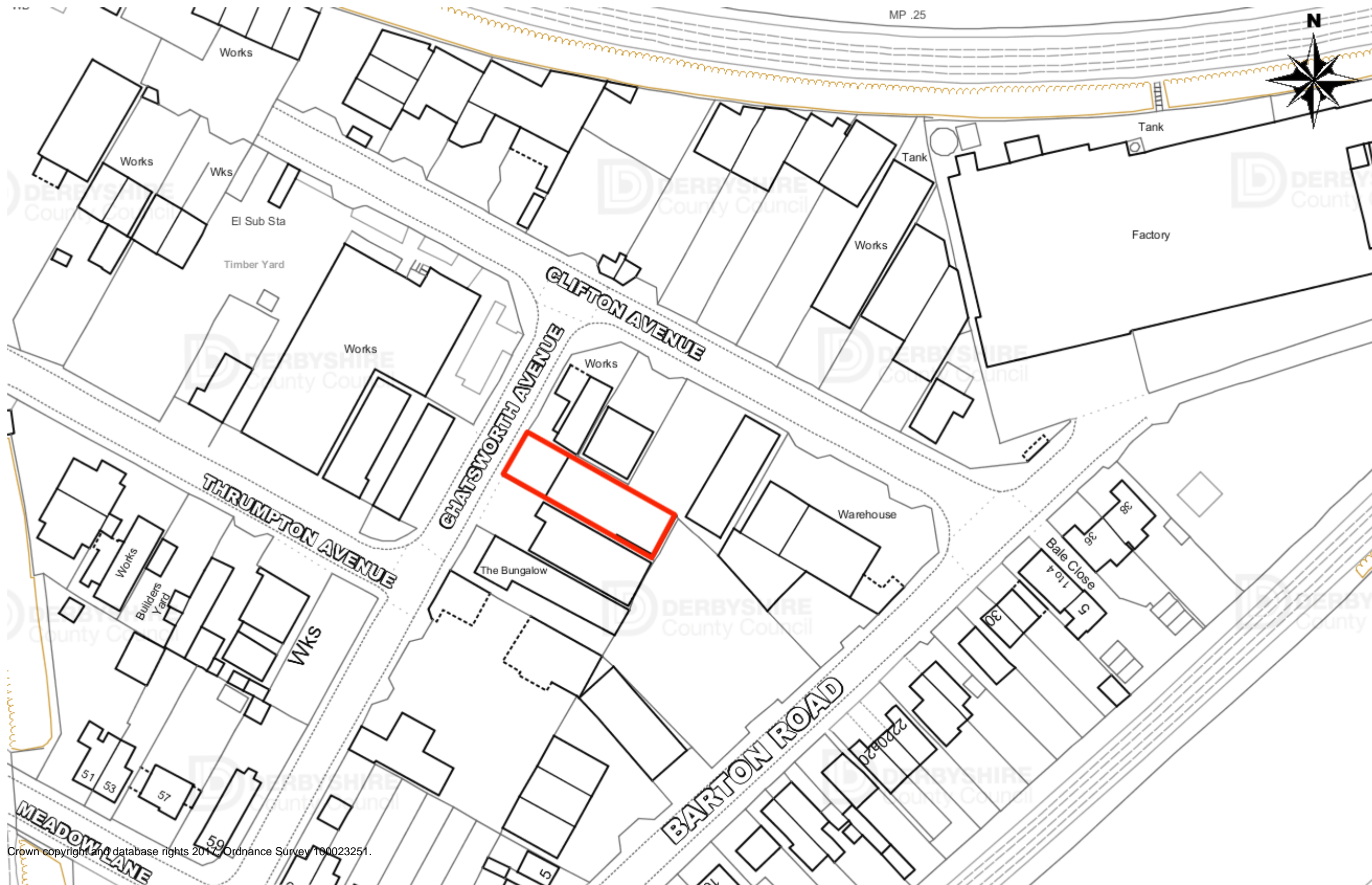
Drainage Requirements

- 1) Activities will need to take place on an impermeable surface.
- 2) The site will require sealed drainage facilities (or consent to discharge to a combined sewer and surface water drain).
- 3) An oil interceptor of the appropriate type and capacity will be required if there is going to be any discharge to controlled waters (either direct or via a surface water sewer).

Erewash Borough Council Environmental Health Officer

If paint spraying is taking place and if 1 tonne or more of solvent consumption occurs in any 12 month period, the applicant will require a Part B permit from the Erewash Borough Council Environmental Health Department.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



Crown copyright and database rights 2017 Ordnance Survey 100023251.

20 m

Scale = 1 : 865.620

18-Oct-2017