

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**6 OCTOBER 2014**

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSED ERECTION OF A BUILDING TO HOUSE A  
SKIP MAINTENANCE AND SKIP REPAIR FACILITY ON  
LAND ADJACENT TO THE ESTABLISHED DONALD  
WARD WASTE RECYCLING FACILITY, OFF MOIRA ROAD,  
WOODVILLE**

**APPLICANT: MR D WARD**

**CODE NO: CW9/0314/177**

**9.162.22**

**Introduction Summary** This planning application is in part retrospective and seeks permission to retain and complete the construction of an industrial building, to be used as a repair and maintenance facility for skips used in connection with the applicant's waste recycling activities. A temporary planning permission to allow skips to be repaired on the same site was granted by the County Council in 2010. The development commenced on site was not in accordance with that permission, and the permission has consequently expired. This application seeks permission to use the application site for the same purpose, but proposes a new building which is different both in size and its location on the site to the structure previously approved.

The proposal is to be determined by the County Council as the Waste Planning Authority, being ancillary to the use of the adjoining waste recycling site. In this case, I have based my planning considerations on the National Planning Policy Framework (NPPF) and policies of the South Derbyshire Local Plan (SDLP) and consider that there are no significant conflicts. I consider that the principles of the development remain acceptable and I am therefore recommending that the application be approved, subject to the conditions set out in my recommendation.

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

(2) **Information and Analysis**

### **The Site and its Surroundings**

The application site is an irregular-shaped, roughly level stone surfaced area of land which extends to approximately 0.1 hectare. Situated on elevated land, the site adjoins the established Ward Recycling facility, off Moira Road, Woodville. Along its eastern boundary the application site is dominated by an existing two-storey brick building (formerly a residential property), which fronts Moira Road. The southern boundary is formed by a 2 metres high brick wall, beyond which is a narrow yard area, and within a few metres is the former Woodville School building, now used as a Community Centre, and close by to the south-west is a single-storey building used as a pre-school facility. Beyond the northern and north western boundary, formed by a 2 metres high solid steel fence, is the Ward Recycling works yard. There are several mature trees on the eastern boundary, close to the building, and along the southern boundary there is a liberal covering of shrubs, undergrowth and an extensive area of Japanese Knotweed. Pedestrian access onto the land is via a narrow wooden gate on the eastern boundary and from the back door of the building. Vehicular (and pedestrian) access is also available from the adjacent works yard. The nearest residential properties lie to the east fronting Moira Road, within approximately 30 metres.

### **Planning History**

The Ward Recycling facility has been developed on adjacent land at Moira Road, Woodville, over the last 70 or so years, initially from a scrap yard/scrap metal works. Adjoining the works yard is the application site, which 25 years ago was a domestic garden attached to (then) occupied residential property. The former house and garden have been owned by the applicant company since 2001. In 2002, following the grant of planning permission by South Derbyshire District Council, the house was used by the applicant company for office accommodation. In 2006, the rear garden area, which had become unused and overgrown, was granted planning permission by the Waste Planning Authority for use as a car park associated with the adjacent waste recycling site. That permission was not implemented and a further permission was granted by this Authority in 2010 for use of the garden area to relocate, from within the existing works yard, a skip repair facility. This permission was for a temporary period of three years and approved the siting on the application site of a large metal container (18 metres long, 4 metres wide and 3 metres high), to be screened by a three sided canopied structure, to provide an area for use by one member of the applicant company's staff engaged in the repair of skips. Although some site works were commenced they were

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significantly different to the details considered and approved by the planning permission.

### **The Application Details**

This application also proposes the use of the former garden area for a skip repair facility, with the completion of the four sided building which it proposes (utilising the frame which has been constructed) would offer a larger and more weatherproof area within which to carry out the repairs. The revised site layout is intended to better accommodate vehicle movements. The industrial type, steel-framed building would extend to 12 metres long and 7 metres wide, with a mono-pitched roof rising from 4 metres on the southern elevation to 6 metres high on the northern elevation (facing into the works yard). The supporting walls would be constructed of brick and the roof would be clad in weather boarding with pantile panels. The walls and roof would be constructed so as to replicate the style of nearby buildings. Two large roller shutter doors are proposed in the north facing elevation of the building, with a third large roller shutter door in the east facing elevation and a personnel/emergency exit in the western elevation. It is proposed that the site surface would be concreted. Along the southern boundary planting in concrete containers would be introduced following the eradication of the extensive area of Japanese Knotweed infestation. As well as an existing access from the works yard, an additional access to and from the works yard is proposed on the northern boundary, to facilitate the safe flow of traffic into and out of the site.

It is proposed that damaged skips would be transferred to the application site from the works yard. The applicant has indicated that this operation is currently carried out on the works yard area and the proposed hours of operation at the site would be as on the waste recycling site:

- 0715 hours until 1800 hours weekdays;
- 0715 hours until 1330 hours Saturdays;

with no working proposed on Sundays or Bank Holidays.

### **Consultations**

#### **Local Member**

Councillor Paul Dunn has been notified of the application details.

#### **South Derbyshire District Council and Environment Agency**

No objection.

#### **Woodville Parish Council**

No comments were received.

#### **Central Networks**

No objection but services may be present.

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### **Environment Agency**

No objections: operator should be informed that no waste should be stored in the skip repair area.

### **Publicity**

The application has been advertised by site notices, neighbour notification and in the Burton Mail. As a result of this publicity, two representations have been received; both raise objections to the proposal which I have summarised as follows:

- The development would be too close to residential properties.
- The development will be noisy.
- Hours of working not appropriate close to residential areas.
- The applicant company has on numerous occasions worked later hours than those permitted on the waste recycling site.
- Proposed working hours are unacceptable and would prefer a start time of 8.00am weekdays and 8.30am Saturdays.
- The skip repair building should be relocated away from residential properties.
- Conditions imposed previously to prevent use of the garden for expansion of the works.
- Site is close to a Derbyshire County Council Community Centre and play group for young children and the proposed use is inappropriate.
- Effective expansion of the works yard is unacceptable in the interests of neighbourhood amenity.

**Comment:** Where relevant, I refer to these issues in my 'Planning Considerations' section below. Concerning the specific allegation relating to the applicant company working early mornings and on Saturday afternoons at the recycling yard, the County Council has not received any complaints in this regard.

### **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 South Derbyshire Local Plan (SDLP).

### **South Derbyshire Local Plan**

The National Planning Policy Framework (NPPF) downplays the role of policies in the Local Plan, due to its age. However, they remain part of the statutory development plan, so must continue to be given weight as material planning considerations. I consider that the most relevant development plan policy against which to assess this proposal is:

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Employment Policy 1: Existing Industry which states that:

*"The expansion of industrial and business uses on or adjacent to their existing site, or the continuation of temporary uses, will be permitted, provided that the proposal is not detrimental to the character of the locality or residential amenity and does not cause environmental or traffic problems".*

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) also contains relevant policies that are material considerations to be taken into account when considering this proposal. I consider that the following paragraphs of the NPPF are of particular relevance:

Paragraph 14: Presumption in favour of sustainable development

Paragraph 17: Core planning principles

Paragraph 186: Decision taking

In addition to these planning considerations it is also relevant to consider that a temporary planning permission was granted by the County Council, for the use proposed under this application, ancillary to the larger established waste recycling facility. Although that permission was not implemented, this current proposal is very similar to that previously approved, although more significant in scale. I consider that the key issues to consider are therefore:

- the appropriateness of the proposed use of the application site in this location;
- the potential disturbance that could arise due to noise and vibration;
- the potential loss of amenity for the residents of the locality.

Although there has been little change in visual terms, the application site has been unused as the garden of a residential property for at least 12 years. Planning permissions have been granted for use of the land as a car park and latterly for skip repair and maintenance relating to the recycling works adjacent, although neither permission has been implemented.

Areas such as the application site, although small, are nonetheless important features as they help provide a separate identity and a clear boundary between the established industry and other land uses. I accept that whilst the application site is a narrow corridor of land, it nonetheless represents a distinct and strategic boundary between the residential properties of this part of Woodville, the Community Centre, and the works yard.

### Appropriateness of the Use

I acknowledge that the adjoining waste recycling site is limited for space, but as with the previously approved proposal, I remain concerned primarily that the waste recycling activities do not overflow their current boundaries and make the application site part of the intensively used waste recycling site.

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However, whilst I am mindful of the proximity of the Woodville Community Centre, the pre-school and the residential areas directly to the east, this proposed use, although clearly ancillary to the recycling works, does not involve the normal daily workings and associated noise, dust and vibration associated with waste recycling. I am satisfied therefore that the proposed use of the site is appropriate in this location.

### **Noise, Dust and Vibration**

The applicant contends that the proposed daily workings at the application site will not give rise to significant levels of noise, dust and vibration. I have discussed these issues in detail separately with the Environment Agency (EA) and the Environmental Health Officer (EHO) and, subject to the proposed use being limited to that of mending and repairing skips within the building, and the appropriate soundproofing of that structure, then no objections are raised. Given these responses, it would be difficult to argue that the proposal would have a significant impact such to warrant refusal of this application on these grounds.

### **Visual Impact**

The application proposes the erection of a purpose made, brick structure to resemble the nearby existing buildings. For the residential properties on Moira Road this would be, in some respects, advantageous in visual terms as when constructed, together with the proposed and substantial screen of trees and shrubs, this would provide an effective visual screen along the southern site boundary, thereby obstructing and screening views across the larger works yard and associated piles of scrap metals and machinery which, at times, could be unsightly. Improving the appearance of waste sites is likely to be one of the goals of future Waste Plan Strategy in Derbyshire. Overall, therefore an argument based on loss of amenity on visual grounds, could not be sustained.

### **Hours of Operation**

Although the working hours proposed on the application are designed to coincide with the established opening and closing times of the recycling facility, I agree with the objection raised that a 07:15 start time could cause disturbance due to the proximity of the residential properties off Moira Road. In view of this, and to avoid any undue adverse impact for these residents, I consider that a slightly later start time for the skip repair facility would be appropriate. I am therefore recommending that the working hours of the facility should be limited to:

08:00 hours to 1800 hours weekdays; and  
0800 hours until 13:30 hours Saturdays

### **Conclusion**

On balance I take the view that the environmental impacts raised by this proposal would not be significantly detrimental to the character of the locality if implemented in accordance with the proposed conditions and hence would be

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acceptable in the context of the policies of the SDLP and NPPF. The increased size of the proposed building should in visual terms provide improved screening and limitation of views across the waste recycling facility. Any minor impacts with regard to noise and dust can, in my opinion, be controlled and managed in such a manner that the overall environmental harm would be minimal. Detailed consultations have been undertaken with both the EHO and the EA, and both these authorities have concluded that, subject to appropriate controls being imposed in this location, this proposal is acceptable. The site accords with the Authority's on-going responsibility to provide such waste management facilities and, in general terms, I do not feel there is conflict with development plan policy. Subject to the conditions set out in my recommendation, in my opinion, an objection in planning terms could not be sustained.

(3) **Financial Considerations** The correct fee of £770 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.

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** File No. 9.162.22  
Application details and associated drawings with subsequent amendments. Planning permission code no: CW9/0910/95. Letter/email from South Derbyshire District Council dated 20 June 2014. Letters/e-mails from the Environment Agency dated 20 May 2014. Two letters of representation dated 24 May and 5 June 2014.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **granted** subject to the imposition of conditions substantially similar to those listed below:

## Conditions

### Form of Development

- 1) The development hereby permitted shall unless otherwise modified or amended by conditions of this permission be carried out in accordance with the details set out in the application for planning permission, supporting information and plans, which shall comprise:
  - Plan Ref No:3215/101 dated August 2013
  - Plan Ref No:3215/102 dated August 2013
  - Plan Ref No:3215/103A dated August 2013
  - Plan Ref No:3215/104A dated August 2013
  - Plan Ref No:3215/105A dated August 2013
  - Plan Ref No:3215/106A dated March 2013
  - DW1: Japanese Knotweed Eradication Scheme
  - Design and Access Statement (dated 30 04 2014)

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

### Approved Details

- 2) At all times during the operation of the site, a copy of this permission and all plans and associated documents hereby approved in accordance with this permission shall be kept available on site for inspection during the prescribed working hours.

**Reason:** To assist the site operators and the monitoring of the site works.

- 3) No waste materials shall be imported to or stored in or on the application site.

**Reason:** To minimise the impact of the development on the local environment and to protect the amenity of the area.

- 4) No outdoor lighting shall be installed at the site other than in accordance with the application details as shown on reference plan 3215/106 dated March 2013.

**Reason:** To minimise the impact of the development on the local environment and to protect the amenity of the area.

### Control of Noise

- 5) Within one month of receiving any relevant notice in writing from the Waste Planning Authority, the operator shall undertake and submit to the Waste Planning Authority a BS4142:1997 noise survey, to assess



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whether noise arising from the development exceeds the daytime criterion of 5db(A) above the existing background noise level, after the addition of the 5db(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997 at the nearest residential receptor. Should the relevant criterion be exceeded the survey shall be accompanied by a scheme of noise mitigation measures for the written approval of the Waste Planning Authority. The scheme, as approved, shall be implemented within one month of such approval.

**Reason:** To avoid undue adverse impact on the amenity of the local area.

- 6) All work on the site shall be carried out as appropriate in accordance with Section 5 'Control of Noise of Part 1 of BS 5228 (1997) 'Noise and Vibration Control on Construction and Open Sites' or its equivalent Replacement

**Reason:** To avoid undue adverse impact on the amenity of the local area.

### Reversing Alarms

- 7) Reversing warning devices on all plant and vehicles used on this site shall be either non-audible, ambient-related or low-tone devices.

**Reason:** To ensure that the amenities of the residents of the area are protected.

- 8) At all times, 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. There shall be no maintenance or testing of vehicles outside the permitted hours of operation.

**Reason:** To ensure that the development together with the adjacent waste management facility does not have an adverse impact on local amenity.

### Landscaping

- 9) Within one month of the date of this planning permission, a scheme illustrating the following shall be submitted for the approval of the Waste Planning Authority:

- Programme of works for the eradication of Japanese knotweed on the site
- Details of all the landscaping/tree planting on the boundaries of the site (to include a minimum of a 1.5 metres wide corridor on the southern boundary of the site) to be planted with trees and shrubs.

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- The location of planting, tree and plant species, planting and regular watering schedule, and a suitable tree management and aftercare plan including a replacement plan for any trees and shrubs that may be removed, or damaged or become diseased and a ground maintenance schedule.

The scheme/s shall then be implemented in accordance with the details as approved in writing by the Waste Planning Authority.

**Reason:** To ensure that the facility is screened effectively to limit any adverse impact on local amenity.

### Drainage and Pollution Control

- 10) Within one month from the date of this permission, a surface water drainage scheme for the site, based on sustainable drainage principles, shall be submitted to the Waste Planning Authority for approval. The scheme shall subsequently be implemented in accordance with the scheme, as approved, before the development is completed. The scheme to be submitted shall demonstrate:
- the utilisation of holding sustainable drainage techniques;
  - the limitation of surface water run-off to a betterment of current brown-field rates and;
  - the responsibility for the future maintenance of drainage features.

**Reason:** To prevent the increased risk of flooding, and to ensure the future maintenance of the sustainable drainage structures.

### Sound Proofing

- 11) No further building works shall take place until the Waste Planning Authority has approved details, submitted by the site operator, for the sound proofing of the building. The details shall then be implemented in accordance with the details as approved in writing by the Waste Planning Authority.

**Reason:** To ensure that impact of the development and general loss of amenity is minimised.

### Environmental Protection

- 12) Outside the building all skips awaiting repair and skips that have been repaired shall not be stacked more than three high at any one time and shall be positioned as illustrated on plan ref no 3215/105A.

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

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- 13) There shall be no fires on the site.

**Reason:** To avoid undue adverse impact on local amenity.

- 14) Other than the temporary storage of skips awaiting repair (and removal of skips following repair) in the locations identified on plan 3215/105A, the areas of the site outside the building shall not be used for any other development.

**Reason:** To avoid undue adverse impact on local amenity.

### **Control of Dust, Smoke, Fumes and Waste**

- 15) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust.

**Reason:** To avoid undue adverse impact on the local amenity

- 16) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and stored in an appropriate container until it is removed from the site to an appropriate licenced facility. This shall include any waste from the skips being repaired.

**Reason:** To avoid wind-blown wastes or litter leaving the site so as to prevent undue adverse impact on the local amenity

- 17) At all times during the operation of equipment for the mending and repairing of skips the doors on the building shall be kept closed.

**Reason:** To avoid undue adverse impact on local amenity.

### **Hours of Operation**

- 18) All activities authorised or required under this permission, including the movement of vehicles and skips and the maintenance of any plant or equipment, shall be carried out within the following hours

0800 hours to 1800 hours Monday to Fridays; and  
0830 hours to 1330 hours Saturdays.

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

**Reason:** To avoid undue adverse impact on local amenity.

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### Drainage and Pollution Control

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

**Reason:** To ensure that the site drains efficiently.

- 20) There shall be no discharge of foul or contaminated drainage from the site into the ground, ground water or any surface waters, whether direct or via soakaways. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system or underground strata.

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure the future maintenance of the sustainable drainage structures.

### 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 the following information is brought to your attention:

- 1) 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 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)

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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)

- 2) Letter from the Environment Agency dated 20 May 2014 (attached)

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**



PLANNING APPLICATION CW9/0314/177 MOIRA ROAD WOODVILLE



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