

DR/16/17

committee DEVELOPMENT & REGULATION

date 21 April 2017

MINERALS AND WASTE DEVELOPMENT

Proposal: **Continuation of use as a Waste Transfer Station without compliance with Condition 2 (compliance with submitted details) attached to planning permission reference ESS/26/16/HLW, to allow an additional use of the site for overnight parking of associated Heavy Goods Vehicles and trailers**

Location: **Waste Transfer Station, West Road, Harlow, CM20 2AL**

Ref: **ESS/06/17/HLW**

Applicant: **Veolia ES (UK) Ltd.**

Report by Acting Head of County Planning

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The full application can be viewed at www.essex.gov.uk/viewplanning



1. BACKGROUND

Planning permission ref ESS/38/11/HLW was originally granted for the construction of a waste transfer station at the application site in October 2011.

The planning permission was varied by permission ref ESS/26/16/HLW in September 2016 to amend the noise monitoring requirements of Condition 14.

The site has been operational since September 2014 and accepts a combination of residual black bag waste, food waste and co-mingled garden and food waste.

2. SITE

The application site is located on West Road at the junction with West Place, off the A414 Edinburgh Way in the Templefields Employment Area.

The site occupies the western 0.9 hectares of the former Kores Nordic site. The access road is included within the application area and extends to West Road.

To the north is a storage and office building, with industrial style buildings to the east on the other side of West Road.

To the south is a row of business/light industrial units and further south there is the Mark Hall North Conservation Area, which is predominantly residential and separated from the site by a tree belt approximately 50m wide at its narrowest point.

The nearest residential properties are located on Tany's Court and Tany's Dell, within the Mark Hall North Conservation Area, approximately 150m to the south of the application site. The boundary of Tany's Dell Community Primary School is located approximately 100m to the south west.

Further to the north is the remainder of the Templefields Employment Area, with the A414 running east-west through it. The site is surrounded by a variety of manufacturing, warehousing, storage, distribution, general and light industrial units and offices varying between 1 and 3 storeys high.

3. PROPOSAL

The application is for the overnight parking of 2 Heavy Goods Vehicles (HGVs) and 1 trailer associated with the Waste Transfer Station (WTS).

The vehicles would be parked adjacent to the transfer building itself and would be empty of waste.

All other aspects of the permitted development, such as working hours, would remain unchanged.

4. POLICIES

The following policies of the Essex County Council and Southend-on-Sea Borough

Council Waste Local Plan, (WLP), Adopted 2001, the emerging Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan, (RWLP), March 2016, and Schedule of Modifications, (SM), November 2016, the Adopted Replacement Harlow Local Plan, (RHLP), Adopted July 2006, (saved policies only) and the emerging Harlow Local Development Plan, provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>WLP</u>	<u>RWLP & SM</u>	<u>RHLP</u>
Development Management Criteria	W10E	Policy 10	
Noise Pollution			BE17

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

The NPPF combined and streamlined all planning policy except for waste. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

The level of consistency of the policies contained within the Replacement Harlow Local Plan and the Essex and Southend Waste Local Plan is considered further in the report.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the

emerging plan to the policies in the NPPF.

The Essex and Southend-on-Sea Replacement Waste Local Plan is currently subject to Examination, with final public consultation on a number of modifications having ended in February 2017. The submitted policies reflect the intention of the Waste Planning Authority towards waste-related development and it is considered that significant weight should now be given to the new Plan in respect of applications of the nature being contemplated in this report.

The emerging strategy for Harlow Council is yet to reach Pre-Submission consultation stage and the timetable is currently under review.

5. CONSULTATIONS

HARLOW DISTRICT COUNCIL – No objection. Recommends that Condition 3 attached to permission ref ESS/26/16/HLW is retained in order to control the permitted hours of working.

ENVIRONMENT AGENCY – No comments received.

HIGHWAYS ENGLAND – No objection.

ESSEX FIRE AND RESCUE – Comments that access for fire service purposes appears satisfactory. The applicant is reminded that it is the responsibility of anyone carrying out building work to comply with Building Regulations and that additional water supplies for firefighting may be required.

HIGHWAY AUTHORITY – No objection.

COUNTY COUNCIL'S NOISE CONSULTANT – Does not anticipate that the proposal would result in elevated noise levels. Notes that the site is currently controlled by noise limits and compliance noise monitoring.

ECC WASTE MANAGEMENT – No comments received.

LOCAL MEMBER – HARLOW – Harlow North – Any comments received will be reported.

6. REPRESENTATIONS

347 properties were directly notified of the application. 7 letters of representation have been received. These relate to planning issues covering the following matters:

Observation

Overnight parking would generate significantly more traffic, safety and security problems in the neighbourhood.

Comment

See appraisal.

The WTS would create additional traffic in West Road and odour in the area.

The WTS itself has been operational since September 2014. See appraisal.

Existing odour/flies, especially in summer.	The Waste Planning Authority has not received complaints relating to odour/flies at the application site. However, this would be a matter for the Environment Agency.
Existing odour problems would be exacerbated by lorries parked overnight.	The Waste Planning Authority has not received complaints relating to odour at the application site. However, this would be a matter for the Environment Agency. See appraisal.
Attraction of vermin.	Vermin control would be a matter for Environmental Health. However, the vehicles would be parked empty so vermin is not considered to be a potential issue.
HGVs currently obstruct the highway.	See appraisal
HGVs currently are poorly loaded and rubbish escapes.	See appraisal.
Current disregard for speed limit on South Road.	See appraisal.
A letter dated 15/08/11, addressed to Hertford Planning Service, objecting to a WTS at the application site on grounds of odour, traffic congestion, vermin and noise, devaluing the area, proximity to schools and housing.	This letter does not relate to the proposal currently before Members.
The WTS was originally granted subject to no waste outside of the building.	This requirement is proposed to remain in the event that planning permission is granted.
Increased diesel emissions from vehicles manoeuvring to park.	The vehicles currently attend site already. Additional manoeuvring is not considered to be significant. See appraisal.
Containers would be loaded prior to parking to save time in the morning.	The vehicles would be parked empty. See appraisal.
The loaded vehicles won't be sealed, thereby attracting birds overnight.	The vehicles would be parked empty. See appraisal.

Photos attached with the description of loading bulkers with the building doors open; vehicles using Central Road instead of West Road; and sorting waste in the road.

The representation is not directly related to the proposal currently before Members.

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Amenity Impact
- C. Traffic & Highways

A NEED

The applicant has applied for planning permission to enable the parking of 2 HGVs and 1 trailer overnight at the application site.

The vehicles would be solely those used in connection with the contract that the applicant has with Essex County Council for the operation of waste transfer stations and Household Waste Recycling Centres (HWRCs) across Essex.

The vehicles currently collect bins from the HWRCs and deliver them to the WTSs. The vehicles and trailers are currently parked at a depot in Basildon. In order to reduce the number and length of journeys at the beginning and end of the day, it is proposed that the parking of the HGVs is relocated from the depot to the Harlow WTS.

The vehicles would service the Harlow, Chigwell and Waltham Abbey HWRCs. All of these HWRCs are closer to the Harlow WTS than the Basildon depot. The following table summarises the difference in the distances travelled in miles:

	<u>Harlow HWRC</u>	<u>Chigwell HWRC</u>	<u>Waltham Abbey HWRC</u>
Harlow WTS	1.82	20.9	15.8
Basildon Depot	30.2	24.6	27.5
Difference	-28.4	-3.7	-11.7

The difference indicated relates to the first collection and final return journey to park overnight. All other journeys would remain as existing. The total mileage saving as a result of this planning application would therefore be:

Vehicles parked x days worked x mileage x 2 journeys.

Max saving = 2 x 265 x 28.4 x 2 = 30,104 miles.

Min saving = 2 x 265 x 3.7 x 2 = 3,922 miles.

This saving would result in a corresponding reduction in fuel consumption, emissions and costs, which complies with the aim of the NPPF to achieve sustainable development.

B AMENITY IMPACT

WLP Policy W10E (Development Management Criteria) requires, in summary and among other requirements, that satisfactory provision is made in respect of the effect of waste development on the amenity of neighbours.

RWLP Policy 10 (Development Management Criteria), in summary and among other requirements, permits waste management development providing that it does not have unacceptable impact on local amenity.

RHLP Policy BE17 (Noise Pollution) requires, in summary, that potentially noisy developments are located in areas where noise will not be such an important consideration, or adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.

Hours of operation

For the protection amenity, hours of operation of the WTS are not proposed to change.

Condition 3 attached to the extant permission ref ESS/26/16/HLW states:

'Operations authorised by this permission, including waste vehicles entering or leaving the site, shall be restricted to the following times:

*0700 – 1830 hours Monday to Friday; and
0700 – 1830 hours on the first Saturday following a Bank Holiday*

And shall not take place on any other Saturdays, Sundays or Bank/Public Holidays unless otherwise authorised in writing by the Waste Planning Authority.'

Noise

Vehicles are currently fitted with white noise reversing alarms. In order to reduce any potential noise impact during early morning hours (from 7am), HGVs would be reverse parked in the evening to allow manoeuvre from site in forward gear in the morning.

Noise monitoring has been taking place in accordance with the extant planning permission ref ESS/26/16/HLW. There have been no concerns raised as a result of this monitoring.

It is noted that the County Council's Noise Consultant has raised no objection to the proposals and it is considered that the proposals would not generate noise additional to that already at the site.

Odour

The HGVs and trailer would be emptied of waste prior to overnight parking. In order to ensure the vehicles are parked empty, it is proposed that a new condition

is imposed relating to this point, in the event that that permission is granted. With the addition of this condition it is not considered that there would be any additional significant odour impact associated with the proposal.

Whilst some representations have been received relating to existing odour, this is not for consideration through the current planning application. It is noted, however, that the Waste Planning Authority has not received complaints relating to odour to odour at this site previously, and it has not been noted to be odorous during routine monitoring. The Environment Agency would be the appropriate body to investigate odour.

Visual

The HGVs and trailer would be parked to the adjacent north and south of the transfer building itself. The vehicles would therefore not be easily visible from outside of the site due to the location of the site offices and the surrounding buildings on adjacent sites.

It is suggested that a condition is imposed to ensure the HGVs and trailer are parked within the areas shown on the submitted drawings for the avoidance of doubt and protection of amenity. With the addition of this condition it is considered that there would be no significant visual impact as a result of the proposals.

It is therefore considered that the proposal to park 2 HGVs and 1 trailer overnight at the site would have no significant impact on amenity, in compliance with WLP Policy W10E, RWLP Policy 10 and RHLP Policy BE17..

C TRAFFIC & HIGHWAYS

WLP Policy W10E (Development Management Criteria) requires, in summary and among other requirements, that satisfactory provision is made in respect of the impact of road traffic generated by the development on the highway network.

RWLP Policy 10 (Development Management Criteria), in summary and among other requirements, permits waste management development providing that it does not have unacceptable impact on the safety and capacity of the road network.

Representations have been received relating to the way that HGVs are currently driven and operated off site. These are operational matters. As such, the concerns have been forwarded to the Waste Disposal Authority for their consideration.

The application under consideration is for the parking of 2 HGVs and 1 trailer only. The number of HGV movements at the site would remain the same, since the HGVs currently visit the site already. There would be up to 2 additional staff vehicles visiting the site resulting from the drivers of the HGVs. There are currently 3 members of staff based at the site and 7 car parking spaces, so there would be enough parking within the site to accommodate the drivers.

It is considered that the potential 4 movements per day resulting from staff

vehicles would not have any significant highway impact.

The Highway Authority and Highways England have raised no objection.

It is therefore considered that the proposed development would comply with WLP Policy W10E and RWLP Policy 10.

8. CONCLUSION

In conclusion, it is considered that the proposal would be a sensible and cost-saving solution which would reduce fuel consumption and associated impact on the environment. The development is considered to constitute 'sustainable development' for the purposes of the NPPF. As such, there is a presumption in favour of approval.

The proposal is solely for the parking of 2 HGVs and 1 trailer empty overnight at the application site. Conditions are proposed to ensure that the vehicles are emptied prior to overnight parking within the specific area proposed. It is considered that the development would have no significant impact on amenity, including noise, odour and visual impact, in compliance with WLP Policy W10E, RWLP Policy 10 and RHLP Policy BE17.

There would be no additional impact from HGV movements and a very small increase in staff vehicles (potential 2 vehicles per day). Therefore it is considered that there would be no detrimental impact on the highway, in compliance with WLP Policy W10E and RWLP Policy 10.

Overall, the proposals are considered to be small-scale and there are no Planning reasons to refuse the development.

9. RECOMMENDED

That planning permission be **granted**, subject to conditions updating those attached to planning permission ref ESS/26/16/HLW, covering the following matters:

- 1) An amended Condition 2 as follows:

The development hereby permitted shall be carried out in accordance with the details of the application dated 27/07/2011, together with:

- Drawing number 26310/HA/A/CVD/004/D dated 05/07/11;
- Drawing number 26310/HA/A/CVD/006/C dated 19/07/11;
- Drawing number 26310/HA/A/CVD/008/A dated 12/10/10;
- Drawing number 26310/HA/A/CVD/009/C dated 14/07/11;
- Drawing number 26310/HA/A/CVD/010/B dated 20/07/11;
- Drawing number 26310/HA/A/CVD/012/A dated 16/06/11;
- Drawing number 26310/HA/A/CVD/013/B dated 19/07/11;
- Drawing number 26310/HA/A/CVD/014/A dated 17/06/11;
- Drawing number 26310/HA/A/CVD/015/A dated 05/09/11;
- Drawing number 26310/HA/A/CVD/016/A dated 05/09/11;

- Drawing number 26310/HA/A/CVD/017/A dated 05/09/11;
- Drawing number 26310/HA/A/CVD/021/A dated 20/07/11;
- Drawing number 26310/HA/A/CVD/022/A dated 20/07/11;
- Drawing number 26310/HA/A/CVD/031/A dated 06/06/11;
- Drawing number 26310/HA/A/CVD/040/B dated July 2011;
- Drawing number 26310/HA/A/CVD/100/B dated 19/07/2011;
- Drawing number 26310-06/A/CVD/002/A dated 01/10/2010;
- Supporting Planning Statement dated July 2011;
- Arboricultural Impact Appraisal and Method Statement dated 4/2/2011;
- BREEAM Assessment dated July 2011;
- Consultation Statement dated July 2011;
- Daylight and Sunlight Assessment dated July 2011;
- Draft Site Waste Management Plan dated July 2011;
- Drainage Assessment dated July 2011;
- Ecology Survey (Extended Phase 1 Habitat Survey) dated July 2011;
- Land Quality Report dated July 2011;
- Noise Assessment dated July 2011;
- Odour Assessment dated July 2011;
- Transport Assessment dated July 2011;
- Utilities Statement dated July 2011;
- Letter dated 21 September 2011 from Chris Hooper (Amec)
- Emails from Brian Hamilton (Amec) dated 6 September 2011 and 23 September 2011;
- Email from Gavin Cunningham (Amec) dated 7 September 2011;
- Email from Clare Heeley (Amec) dated 21 September 2011;
- Emails from Tim Perkins (Amec) dated 8 September 2011, 9 September 2011 and 22 September 2011; and,
- The contents of the Design and Access Statement dated July 2011

AS AMENDED BY those details reserved by condition of Planning Permission ref No.ESS/38/11/HLW and as amended by Non Material Amendments ref No's. ESS/38/11/HLW/NMA1, ESS/38/11/HLW/NMA2 and ESS/31/11/HLW/NMA3

AND AS AMENDED BY For ESS/26/16/HLW those details as set out in:

- Application Form from Veolia Environmental Services dated 16.06.2016;
- Veolia Environmental Services Planning Statement entitled S73 Planning Application to vary the wording of condition 14 relating to noise monitoring of planning permission No. ESS/38/11/HLW dated June 2016;
- Drawing VES_P_HLWWTS_001 dated June 2016

AND AS AMENDED BY For ESS/06/17/HLW those details as set out in:

- Application Form dated 02/11/16;
- Cover letter from Veolia dated 02/11/16 (and amended 06/04/17);
- Supporting Statement for Harlow Waste Transfer Station: Planning application for overnight parking of HGVs by Veolia dated 11/01/17 (and amended 06/04/17); and,
- Drawing number VES_P_HLWWTS_001 Rev A dated 08/10/16 'Planning Application Site Boundary'

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions: -

- 2) That an additional Condition 30 be imposed to ensure the HGVs and trailer are emptied of waste prior to overnight parking.
- 3) That an additional Condition 31 be imposed to ensure the HGVs and trailer are parked only in the areas shown on drawing ref VES_P_HLWWTS_001 Rev A dated 08/10/16.
- 4) That all other conditions attached to permission ref ESS/26/16/HLW be updated and re-imposed as appropriate.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located 'adjacent to' a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report concerns only the determination of an application for planning permission. It does, however, take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

HARLOW – Harlow North.

