

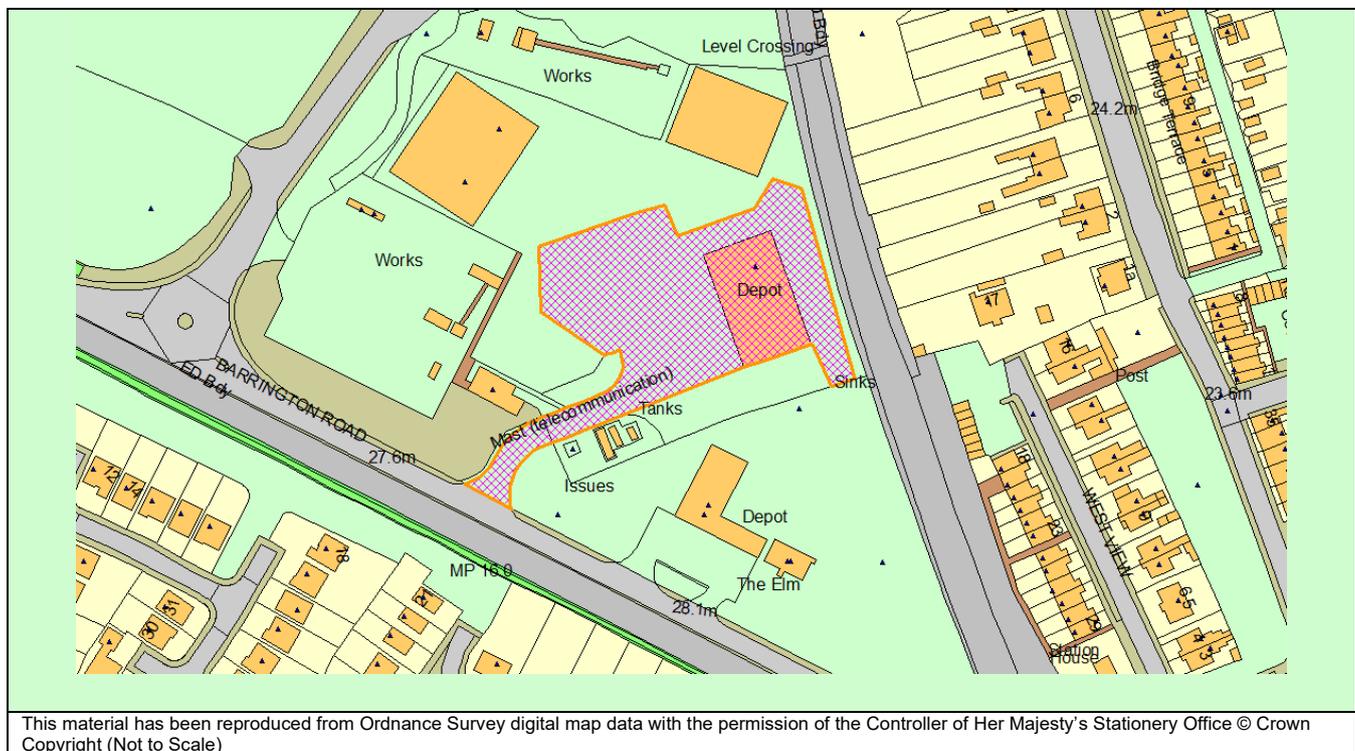


Northumberland County Council

Castle Morpeth Local Area Council 14th June 2021

Application No:	20/01768/FUL		
Proposal:	Change of use: vehicle depot to material recycling facility (B2 Use Classes)		
Site Address	Watsons Yard, Barrington Road, Bedlington, Northumberland NE22 7AH		
Applicant:	Mr Kevin Watson Watsons Of Bedlington, Watsons Yard, Barrington Road, Bedlington NE22 7AH	Agent:	Mrs Katie Wood 1 Meadowfield Court, Meadowfield Ind Est, Ponteland, Newcastle Upon Tyne, NE20 9SD
Ward	Stakeford	Parish	Choppington
Valid Date:	5 May 2020	Expiry Date:	18 February 2021
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1. This application is being referred to the Local Area Council for a decision following a 'call in' from a local councillor. It is considered that there is significant local interest regarding the application which warrants a Local Area Council decision. The application was previously considered at CMLAC on 21st April 2021 and was deferred at Members' request to allow a site visit to take place.

2. Description of the Proposals

- 2.1 Planning permission is sought for the change of an existing vehicle depot into a construction and demolition waste recycling facility at Watsons Yard, Barrington Road, Bedlington.
- 2.2 The existing premises is currently vacant but was last occupied by Roadsafe who used it as a depot for the storage and maintenance of their vehicles. The site is approximately 0.4 hectares in size and vehicular access is onto Barrington Road.
- 2.3 The existing building is bounded by neighbouring units to the North, South and West whilst residential properties are located to the East. There would be no alterations to the external elevations of the building.
- 2.4 The application site is located within designated general employment land as defined by the Wansbeck District Local Plan.
- 2.5 Whilst the use classes order was amended on 1st September 2020, the proposal remains in use class B2 following these changes.

3. Planning History

Reference Number: 00/00036/COU

Description: Change of use from garage to vehicle spraying unit

Status: Permitted

Reference Number: 04/00479/MAST

Description: Installation of telecommunication apparatus comprising: 15 m. monopole with antennas and associated cabinets with a secure fenced compound

Status: Permitted

4. Consultee Responses

Choppington Parish Council	Concerns regarding environmental impacts and existing building condition. Consideration needs to be given to traffic and pedestrian movement on site.
Strategic Estates	No response received.
Highways	No objection subject to recommended conditions.
Public Protection	No objection subject to recommended conditions.
East Bedlington Parish Council	Concerns relating to environmental impacts arising from odour, noise, dust and vehicular movement.
Environment Agency	No objection; environmental permit required.
Network Rail	No objection. Condition and informative recommended.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	37
Number of Objections	71
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

71 objections were received against the application from neighbouring residents and members of the public. Concerns were raised regarding:

- Adverse impact on residential amenity;
- Environmental impacts (pollution, dust, noise);
- Proximity to residential dwellings;
- Highway safety implications;

These material planning considerations shall be assessed within the below appraisal.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QBTD0XQS0CI00>

6. Planning Policy

6.1 Development Plan Policy

Wansbeck District Local Plan (WDLP) (2007)

Policy GP1 - Location of development

Policy GP4 - Accessibility

Policy GP5 - Landscape character

Policy GP22 – Flood risk and erosion

Policy GP23 – Development causing pollution and nuisance

Policy GP24 – Pollution

Policy GP25 – Noise generating development

Policy GP26 – Development exposed to noise

Policy GP29 – Land contamination

Policy GP30 – Visual impact of development

Policy EMP1 – General employment areas

Policy T3 - Provision for cyclists

Policy T4 - Provision for walking

Policy T6 - Traffic implications of new development

Policy CF7 - Planning conditions and obligations

Northumberland Waste Local Plan (adopted December 2001) (NWLP)

Policy S3 - Protecting communities and the environment

Policy EP2 - Protecting local communities

Policy EP21 - Encouraging alternatives to road transport and mitigating impacts

Policy EP23 - Ensuring acceptable site operations

Policy RE3 - Material recycling facilities

Policy RE5 - Recycling construction and demolition waste

Policy SM1 - Ensuring good site management

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2020)

6.3 Other Documents/Strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19) including proposed minor modifications (NLP)

Policy STP 1 – Spatial strategy (Strategic Policy)

Policy STP 2 – Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 – Principles of sustainable development (Strategic Policy)

Policy STP 4 – Climate change mitigation and adaptation (Strategic Policy)

Policy STP 5 – Health and wellbeing (Strategic Policy)

Policy ECN 1 – Planning strategy for the economy (Strategic Policy)

Policy ECN 4 – Round 2 Enterprise Zones (Strategic Policy)

Policy ECN 6 – General employment land allocations & safeguarding (Strategic Policy)

Policy ECN 7 – Key general employment areas for B-class uses

Policy ECN 9 – Additional flexibility in general employment areas

Policy ECN 15 -Tourism and visitor development

Policy QOP 1 – Design principles (Strategic Policy)

Policy QOP 2 – Good design and amenity

Policy QOP 4 – Landscaping and trees

Policy QOP 6 – Delivering well-designed places

Policy TRA 1 – Promoting sustainable connections (Strategic Policy)

Policy TRA 2 – The effects of development on the transport network

Policy ENV 1 – Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy POL 2 – Pollution and air, soil and water quality

Policy WAS 1 – Principles for location of waste re-use, recycling and recovery facilities

Policy WAS 2 – Development management criteria for waste re-use, recycling and recovery facilities

7. Appraisal

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material

considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Wansbeck District Local Plan (WDLP). The main considerations in the assessment of this application are:

- Principle of development;
- Design and visual character;
- Residential amenity/public health;
- Highway safety;
- Environment Agency.

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the NLP (including proposed minor modifications May 2019) can therefore be given some weight in the assessment of this application.

Principle of development

- 7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The development plan comprises the Wansbeck District Local Plan (2007). This document is the starting point for determining applications as set out in the NPPF. However, the NPPF advises that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
- 7.3 In accordance with the NPPF weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The latest version of the NLP was submitted to the Secretary of State for examination in May 2019 and the examination in public into the Plan has recently concluded. Relevant policies in this document are a material consideration in determining this application and it is considered that such policies can be afforded some weight at this time.
- 7.4 For the purposes of WDLP Policy GP1 the site lies within the defined settlement boundary of Bedlington Station and seeks to bring an existing, vacant premises back into use. The WDLP also identifies the application site as being located within a general employment land area where *'proposals for development in classes B1, B2 and B8 will be permitted'*.
- 7.5 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

- 7.6 The proposal therefore represents an acceptable form of development in accordance with both local and national planning policy.

Design and visual character

- 7.7 Policy GP5 of the WDLP stipulates that *'development must respect the character of the District's landscape'*. Policy GP30 further states that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character and quality of the surrounding environment will be refused.
- 7.8 Moving onto national planning policy, NPPF paragraph 170 further advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside. NLP Policy ENV3 reflects the above Local Plan and NPPF policy.
- 7.9 No external alterations are proposed to the existing building therefore, the proposal would not represent any impacts upon the design and visual character of the area. An existing wall is proposed to be removed within the site with an additional wall proposed to the East of the site, closing off an area that is currently open at present. Supporting information included within the proposals states that recycling operations will be undertaken within the existing building. Recycled CD&E waste (rubble, bricks, timber and concrete) would be stored within the curtilage of the site in existing aggregate bays whilst recyclable material will be stored within the building before it is sent to a separate facility for onwards recycling. Any material which cannot be recycled will be stored in a separate part of the building until it is removed for disposal at landfill.
- 7.10 The proposal therefore accords with local and national planning policy in regard to design.

Residential amenity/public health

- 7.11 Policy GP23 of the WDLP states that *'When determining planning applications, the authority will consider whether a proposed development has the potential to cause pollution or nuisance. Planning permission will not be granted for development liable to cause significant harm to either:*
- a) human health and safety*
 - b) the amenity of local residents and other land users*
 - c) the quality and enjoyment of all aspects of the environment'*
- 7.12 Policy GP24 mirrors these provisions, more specifically focusing upon how the source of pollution may impact upon users of the proposed development. Policy GP25 outlines that the local authority must consider the levels and characteristics of any noise which may be generated as a result of permitting the development. Proposals which could cause significant harm will be refused.
- 7.13 Whilst full weight cannot yet be given to policies within the emerging NLP, Policy POL 2 mirrors provisions of the WDLP where it states *'Development*

proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported’.

- 7.14 Paragraph 127, part f) of the NPPF states that planning decisions should ensure developments *‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users’*. Paragraph 170, part e) seeks for planning decisions to contribute to and enhance the local environment *‘preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality’*.
- 7.15 The application site is located within designated general employment land thus determining the principle of the proposed use acceptable. Nevertheless, the LPA still need to give consideration regarding amenity implications and how they may be impacted upon by the proposals. The existing building is bounded by neighbouring units to the North, South and West with residential properties located to the East. The closest residential property is approximately 50 metres East of the site with further dwellings to the North East approximately 75 metres from the site, an existing railway line separating the 2no sites.
- 7.16 Consultation was undertaken with the local authority’s Public Protection department who, following the submission of additional information, raised no objection to the proposals subject to recommended conditions. The application submission consists of a noise assessment statement, and memorandum, along with dust management details, existing lighting plan and a planning statement outlining the proposed operations on site.
- 7.17 The proposed change of use to form a recycling facility would be an intensification of activity at the existing commercial site. Public Protection has engaged extensively with the planning agent on behalf of the LPA to clarify the nature of the proposal and any potential risk to the health of neighbouring residents. Public Protection has readily identified aspects of the development where it is appropriate to control risks through suitably worded conditions. Planning Conditions are deemed to be necessary to control any potential dust, light, odour, smoke and noise. Furthermore the Environment Agency’s enforcement role in requiring the operator to apply for and hold a live permit is also acknowledged. The Standard Rules permit which is sought is limited to enforcing waste activities.
- 7.18 The proposal can therefore be considered in accordance with relevant local and national planning policy in regard to residential amenity, subject to appropriate conditions.

Highway safety

- 7.19 Policy GP4 of the Wansbeck District Local Plan states that new development should be located to reduce the need to travel and to minimise journey length. It should be accessible to all users by a choice of means of transport including

buses, walking and cycling. Policy T6 states that when planning applications are determined, the volume and character of traffic likely to be generated by and attracted to the proposed development will be considered. Proposals will only be permitted if: a) the existing highway network is adequate to cope with any additional traffic resulting from the development or necessary improvement works will be carried out before the development goes ahead; b) the proposed arrangements for access and egress will allow the safe and efficient movement of vehicles; c) internal circulation arrangements will be able to absorb vehicular traffic entering the site without queues forming on existing roads and will include measures to achieve safe traffic speeds; and d) adequate provision is made, in terms of safety and operating efficiency, for servicing and deliveries and for other heavy vehicles such as buses and emergency vehicles. A Transport Assessment, including a travel plan and an assessment of accessibility where appropriate, will be required to be submitted with proposals for development that will have significant transport implications.

7.20 Policies TRA1 and 2 of the emerging Local Plan reflect the above WDLP Policies.

7.21 Consultation was undertaken with Highways Development Management who, following the submission of additional information, raised no objection to the proposals subject to recommended conditions. The imposition of conditions and informatives in regard to controlling vehicle movements at the site would address potential issues that may arise in relation to highway safety. Whilst full details in relation to car parking have not been provided as part of this application submission, such information can be conditioned with the information required prior to the change of use being implemented.

7.22 A condition is also recommended restricting the number of heavy good vehicle movements at the site in the interests of highway safety. Subject to recommended conditions, the proposals accord with relevant local and national planning policy in regard to highway safety.

Environment Agency

7.23 As referenced within the consultation response provided by Public Protection, the applicant will require an environmental permit from the Environment Agency prior to the proposed use being brought into action on site. This is a matter to be dealt out with the planning process between the applicant and the Environment Agency.

Equality Duty

7.24 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.25 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.26 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.27 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.28 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The proposal represents an acceptable form of development in accordance with both local and national planning policy, subject to recommended conditions. The application is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

- 1) Location plan drawing no. BL_004_SB (received 15th June 2020)
- 2) Proposed site plan drawing no. BL_003_SB (received 15th June 2020)
- 3) Existing lighting plan drawing no. BL_005_SB (received 15th June 2020)
- 4) Dust management report version 1 standard operations (received 28th September 2020)
- 5) Noise management report version 1 standard operations (received 28th September 2020)

Reason: To ensure the development is carried out in accordance with the approved plans.

03. The maximum number of movements of Heavy Goods Vehicles exceeding 7.5t unladen weight associated with the export of recycled and/or residual material shall not exceed 12 two-way movements (6 in / 6out) per week and 400 two-way movements (200 in / 200 out) per annum.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

04. Prior to the change of use being implemented, a route management plan for all Heavy Goods Vehicles exceeding 7.5t unladen weight associated with the export of recycled and/or residual material shall be submitted to and approved in writing by the Local Planning Authority. The route management plan shall indicate the routing of such vehicles to and from the development site and the measures to ensure such vehicles adhere to the plan, including a vehicle log. Thereafter, the approved details shall be adhered to at all times.

Reason: In the interest of highway safety, in accordance with the National Planning Policy Framework.

05. Notwithstanding the details submitted, prior to the change of use being implemented details of car parking and manoeuvring for the development including adjoining units on the northern side of the site shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking areas shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

06. Within one month of the date of this planning permission details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented within 3 months of the date of this permission and thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework.

07. The premises shall not operate outside the hours of Monday to Friday 08:00 – 18:00 and Saturday 08:00 – 13:00 with no working on Sunday or Bank Holidays

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

08. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

09. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00
Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

10. During the construction phase no dust or debris caused by construction activity is permitted to be blown into the curtilage of a residential dwelling. An enforcement officer authorised by Northumberland County Council is the appropriate person to determine by their vision if dust or debris is being blown into the curtilage of a residential dwelling.

Reason: To protect residential amenity and provide a commensurate level of protection against dust and debris.

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument amending or replacing it, the Site shall not be used for any purposes other than that which is the subject of this permission or permission

Reason: To protect residential amenity and provide a commensurate level of protection against pollutants with the potential to cause harm.

12. No waste other than inert, solid, non-biodegradable, non-putrescible waste shall be imported, stored, stockpiled or processed on the Site.

Reason: To protect residential amenity and provide a commensurate level of protection against pollutants with the potential to cause harm.

13. No waste, recycled or recyclable materials shall be burned on the Site at any time.

Reason: To protect residential amenity and provide a commensurate level of protection against pollutants with the potential to cause harm.

14. The site must comply with the following Standard Operations Procedures:
- Noise Management – Standard Operations Procedure SOP/1.10/NM September 2020
 - Dust Management – Standard Operations Procedure SOP/1.14/DM September 2020

Reason: To protect residential amenity and provide a commensurate level of protection against pollutants with the potential to cause harm.

15. The rating level of sound emitted from activities at the use hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 0800 - 1800 (taken as a 15 minute LA90 at the nearest sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the LA90 time interval and the nearest sound-sensitive premises stipulated above shall be agreed in writing with the local planning authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

16. Stock must not be piled higher than the external walls of the bay and must not be forward of the bay.

Reason: To protect residential amenity and provide a commensurate level of protection against windblown dust and debris.

17. No additional or replacement external lighting units may be installed on-site, other than those present as existing (shown on plan: Existing Lights Plan BL_005_SB 14- 9-2020) without the written consent of the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against light.

18. Within 21 days from receipt of a written request from the Local Planning Authority notifying the operator of a justified noise complaint the Operator shall, employ a competent independent acoustic consultant to assess the level of noise emissions from the development at the complainant's property. The assessment shall be undertaken in accordance with the methodology described in BS 4142:2014 (or later revisions of the same British Standard). The operator shall submit a report based on the consultant's findings to the Local Planning Authority for written approval. Where the noise levels from the

development exceeds the level stated in condition 15, at the complainant's property, appropriate mitigation measures shall be agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

19. Prior to the change of use being implemented, the applicant must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Reason: To ensure public safety

Informatives

- 1) Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on streetworks@northumberland.gov.uk for Skips and Containers licenses
- 2) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway
- 3) In all cases, the Council retains its rights under the Section 79 & 80 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.
- 4) It should be noted that because of the nature of the proposals, Network Rail would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

Date of Report: 1st February 2021

Background Papers: Planning application file(s) 20/01768/FUL