



18 April 2017

Agenda Item:

REPORT OF CORPORATE DIRECTOR – PLACE

NEWARK AND SHERWOOD DISTRICT REF. NO.: 17/00187/CMW

PROPOSAL: ERECTION OF 3 EXTERNAL BUNDED STORAGE TANKS; NEW ROLLER SHUTTER DOORS; INSTALLATION OF INTERNAL PLANT/EQUIPMENT INCLUDING ODOUR CONTROL UNIT WITH EXTERNAL FLUE; AND VARIATION OF CONDITIONS 4, 5 (WASTE STORAGE AND TREATMENT OPERATIONS); 6 (TO ALLOW 24/7 ACCESS FOR VEHICLES); AND REMOVAL OF CONDITIONS 12 AND 13 (PERMITTED DEVELOPMENT RESTRICTIONS) OF PLANNING PERMISSION 3/97/0654 TO ENABLE THE SITE TO TREAT DOMESTIC AND COMMERCIAL LIQUID WASTES.

LOCATION: EUROTECH ENVIRONMENTAL LIMITED, NORTHERN ROAD, NEWARK

APPLICANT: EUROTECH WASTE TREATMENT LIMITED

Purpose of Report

1. To consider an application seeking planning permission to install various items of processing plant/equipment and new roller shutter doors to an existing building, along with the variation of existing planning conditions at Eurotech Environmental Ltd, Northern Road, Newark. These changes are required so to enable the company to process and treat domestic and commercial liquid wastes on site.
2. The key issues relate to the sustainable management of waste and assessments of potential noise, odour and amenity impacts. The recommendation is to approve planning permission subject to the conditions in appendix 1.
3. In accordance with the Council's scheme of delegation the application is being reported to Committee as it falls to be determined against the Environmental Impact Assessment (EIA) Regulations by virtue of the type of waste processing envisaged.

The Site and Surroundings

4. The site is situated on the Northern Road Industrial Estate in the north-eastern side of Newark and is the company base for Eurotech Environmental – the applicant company. The site fronts onto the western side of Northern Road and to the rear (west) is Northgate Station and the East Coast Main Line. The two station buildings are Grade II Listed. There are neighbouring light industrial and business units to the north, one of which is operated as a children's play centre (Jolly Jungle Playland). To the south is a large fitness centre (Sports Direct Fitness). A builder's merchants occupies a large site opposite (Turnbull's). The nearest residential properties are situated 70m to the east at Witham Close and Trent Way, which back onto the Turnbull's yard. The area is shown on plan 1.
5. The application site comprises a square plot of some 0.4 hectares, with one large and one smaller portal framed building, along with a single storey office building. These are served by a surrounding yard and vehicle parking area.
6. The main portal-framed building is centrally positioned facing onto Northern Road. It measures 30m by 15m and is 5m high to its eaves and 7.5m high to ridge. Three vehicle bays are open to the frontage whilst the southern end is enclosed and accessed through a large roller shutter door. The elevations are clad in a brown coloured sheet metal cladding above a lower red brick wall. The smaller building is sited on the site's southern boundary and is similarly clad in brown metal sheet cladding. The office building is positioned to the front and consists of a modular type building. Either side of this there are two vehicular gateways, one of which is currently unused.
7. The site is secured by green mesh fencing to the north and to the eastern frontage where there is also a small landscaping strip alongside the footway. The rear boundary with the railway and the southern boundary with Sports Direct are fenced with solid metal-panelled fencing. There are some self-set trees and scrubby vegetation on railway land to the rear.

Planning Background

8. Planning permission was originally granted by the County Council, acting as the Waste Planning Authority (WPA), in 1997 for a 'Waste Transfer Facility' subject to 13 conditions. Subsequently the applicant implemented the permission by erecting the buildings and laying the hardstanding and drainage, however the company chose not to undertake the waste treatment operations on the site, with the exception of some limited transfer activities. Hitherto they have operated the site as their main HGV operating yard and offices.
9. The company operates a fleet of 13 HGV tankers which serve domestic and industrial customers, collecting liquid waste such as septic tank wastes, trade wastes such as from vegetable processers or bakeries, and oily waters such as those pumped from interceptors and sumps. Currently these waste products are taken to third-party processing sites such as local sewage treatment plants or specialist processors further afield.

Proposed Development

10. The applicant now wishes to establish their own waste water treatment operation within the current building to enable the collected wastes to be pre-treated before final disposal either to the foul sewer system or for disposal/treatment elsewhere. Due to the terms of the conditions placed on the current planning permission, the applicant requires planning permission for the proposed internal equipment and external storage tanks, along with the installation of additional roller shutter doors to enclose the open frontage. Additional flexibility is also sought with respect to the permitted hours for HGV arrivals/departures and with respect to reinstating permitted development rights for future. A full schedule of the works and variations are set out below:

Erection of 3 external bunded storage tanks

11. These would be sited in a row to the rear (west) of the main building and they would be contained within a bunded/walled area to contain any tank failure or leak. To the wall would be fitted a vehicular protection barrier. The plans show the tanks would be 8m high and 4m in diameter. Two tanks would be used to hold waste effluent awaiting processing, with the third holding treated water awaiting disposal. Plans 2 and 3 show the proposed additions.

Installation of new roller shutter doors

12. The application proposes to fully enclose the partially-open frontage to the main building by the fitment of a further three roller shutter doors. This would ensure that the building can be kept closed except for the delivery or collection of wastes by HGV tanker and would assist in limiting noise and odour. Their colour has not been decided, but dark brown to match the building could be considered.

Installation of internal plant/equipment including odour control unit with external flue

13. A range of processing plant and equipment is envisaged within the fully enclosed building, comprising a series of tanks and screening/separating units using several methods of a physical or chemical nature. An odour control unit would form part of this installation which would require a small venting flue to the outside.

Variation of condition 4

14. This condition states:

“There shall be no storage, emptying, transfer, processing or treatment of waste materials or their containers on open areas outside of the confines of the buildings and covered areas shown on Drawing No. 3 (Proposed Site Layout) submitted with the application.”

The applicant seeks to vary this condition in a manner so to enable the installation of the external storage silos and to enable HGV tankers to unload to and from the silos by vacuum pump when parked outside. All treatment would take place within the building.

Variation of condition 5

15. This currently states:

“Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to ‘permitted development’, the site and buildings shall not be used for any purpose other than for waste storage and treatment operations as described in the application.”

The waste treatment operations as originally described (and which were not implemented) are now considered to be different to the originally envisaged technologies and methods. Officers are also of the view that this historic condition wording would benefit from review.

Variation of condition 6:

16. *“Except in case of emergency, which shall be notified to the CPA, in writing, no operations on the site in connection with the development hereby permitted shall be carried out at any time on Sundays, Bank Holidays or Public Holidays nor outside the hours of 7.00am to 7.00pm Monday to Friday and 7.00am to 2.00pm on Saturdays.”*

The applicant seeks to maintain the above hours for the transfer of wastes (to and from HGVs) and for the processing of such wastes. It however seeks additional flexibility to make a distinction for the movement (arrival and departure) of its HGV tankers on a 24/7 basis.

Removal of conditions 12 and 13

17. *“Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to ‘permitted development’ the building(s) shall not be extended without the prior consent of the CPA.”*

“Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to ‘permitted development’ no buildings, plant or machinery, or structures or erections of the nature of plant and machinery shall be built, erected or placed on the land without the prior consent of the CPA.”

The above conditions remove permitted development rights which may otherwise be available as set out in legislation. They currently restrict the ability to erect the external storage tanks and install internal plant and equipment, hence why these items are included in the application for planning permission. The applicant seeks clarity and potentially the removal of these conditions which would reinstate the permitted development rights relating to small scale additions and changes to this waste management facility.

Proposed Operations

18. The above changes would enable the site to operate as a liquid waste treatment and transfer facility. The facility would have a throughput of circa 25,000 tonnes of hazardous and 49,999 tonnes on non-hazardous waste per year. Initially the plant would process around 100 tonnes per day increasing to around 250 tonnes per day. The processing plant would be run during the currently permitted daytime hours in condition 6 above.

19. There would be two streams of treatment plant, one each for hazardous and non-hazardous wastes. The hazardous waste stream would include any oily or fuel contaminated waters. The non-hazardous stream would include septic tank and biological wastes. On arrival to the site waste liquids would be piped from the HGV tankers through a screening stage into a holding tank or direct into the processing stream. This effluent would be passed through a separator stage to remove any oils, solids and water. In the case of the non-hazardous stream slightly different techniques would be used to separate materials. The treated solid residues such as rags and grit would be collected in skips sited within the building. Sludge residues would be collected by vacuum tanker. Oils would be collected into an IBC container. All of these would then be collected for disposal off-site to suitable facilities. The treated waters would be suitable for discharging into the mains sewage network in accordance with the conditions of a trade waste effluent discharge consent from Seven Trent Water.
20. In terms of vehicle movements, the company currently operates a fleet of 13 HGV tankers which leave the site in the morning and return by evening, equating to 26 vehicle movements per day. The application states that it envisages that when the plant is operational the number of movements may rise by a further 20 daily movements, so totalling around 46 movements per day.
21. The operation would support the direct employment of approximately 19 members of staff and the expanded operations could potentially lead to additional employment numbers through growth of the company.
22. The WPA has deemed the application to fall within Schedule 1 of the Environmental Impact Assessment (EIA) Regulations by virtue of the type of waste processing envisaged. A proportionate Environmental Statement has been included which includes, inter alia, a noise assessment; an Odour Management Plan; a Site Investigation Survey; a drainage survey and a Heritage Impact Assessment.

Consultations

23. **Newark and Sherwood District Council** – *No objection, but concerns raised.*

The Council is concerned about the increase to the access being 24/7 and the impact on the already heavily trafficked junction with Sleaford Road/Beacon Hill Road and Lincoln Road and wish for the County Council to consult with the appropriate highways colleagues on the resulting impact.

It should be ensured that the flue is appropriately assessed with regard to its odour control and abatement within the surrounding area as there are residential properties which adjoin the industrial estate to the east of the site.

24. **Newark Town Council** – *No objection.*

25. **Environment Agency** – *No objection.*

This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010, unless a waste exemption applies.

26. **NCC Noise** – *No objection.*

The context in this case is residential properties backing onto an industrial estate where there will be several other noise sources audible throughout the day. In addition, the East Coast Mainline is located to the west. The noise assessment has considered the impact of the proposed plant to be installed against the background noise levels at the nearest properties being on Witham Close approximately 120m to the east.

The worst-case Rating Noise level when effluent is being collected (which includes a combined 5dB penalty for impulsive and tonal noise) produces a noise level of 48-50dB. This gives a worst-case Rating Level of 5dB above background which indicates 'adverse impact' and 3dB above background when no collections are occurring, which is less than adverse impact. [These are within acceptable thresholds for the purposes of the assessment of noise under BS4142:2014]

The absolute level of noise at 45db LAeq,1hr [which excludes an impulsive and tonal noise penalty] also needs to be considered when discussing context and in this case, is less than the existing ambient noise levels of 48.9-51.2dB and is well below the WHO Guidance on Community noise threshold for the onset of annoyance of 50dB. As such the noise impact in this context would not be at such a level that could give rise to noise complaints.

The noise assessment has separately considered out of hours vehicle movements. Vehicles would simply arrive to park up on the site or depart the site and there would be no permitted off-loading or collection of effluent out-of-hours. The noise generated therefore would be akin to that of normal vehicle movements along Northern Road which being an industrial estate with many varying types of business and operation is likely to have vehicle movements, including HGVs, during the night.

To avoid disturbance, it is essential that the gate mechanism allows for smooth opening and closing without clanking/banging of padlocks/chains. Reversing alarms should be disabled outside of the operational hours and signage should be erected and information/training given to drivers.

Conditions are recommended to; specify permitted hours of processing; require doors to be kept closed except for vehicle movements; controls on reversing alarms; and to set a noise limit of 5dB(A) above background noise levels, backed up with intervention powers should complaints be subsequently received.

27. NCC Reclamation - No objection.

The supporting information has addressed the initial concerns raised during the screening opinion and with the exception of some queries there is no reason to oppose the application, indeed the reuse of the site is as the submission says a sustainable approach to waste management and as such should be supported.

The application is supported by a Phase 1 and Phase 2 site investigation which relies upon a respectable number of samples and the testing is reasonably comprehensive. The recommendations of the report should be followed. Some granular hardcore, although it has been tested, could contain unexpected contamination.

All tanker connection points will be within the bunded area of the tanks, discharge point. The drainage system has been investigated and from the report indicates a level of drainage integrity.

The Environmental Statement and Odour Management Plan address the potential odour issues. It is noted that there are occasions when airflows are from the northeast, or in temperature inversion conditions and hence receptors to the west of the site may present problems with odour.

Vehicle engines could be turned off whilst idling in the interests of air quality.

28. NCC Highways – No objection.

The information submitted indicates that the treatment plant will operate between 0700hrs to 1900hrs Monday to Friday and between 0700hrs to 1400hrs Saturday, and the applicant now requires permission for 24/7 vehicle movements. There are an additional 20 vehicle movements per day to the site as a result of this proposal. There are no alterations proposed to the existing access points.

In view of the location of the site, this is not expected to have a significant impact on the public highway, therefore, there are no highway objections.

29. NCC Built Heritage Team –No objection.

The Heritage Impact Assessment (HIA) accompanying the application correctly identifies the heritage assets in the vicinity that might be affected by the proposals. The Conservation Officer is broadly in agreement with the content of the HIA. It is reasonable to conclude that the proposals will have a less than substantial harmful effect on the setting of North Gate Station grade II listed building. The impact is a view of the tops of the tanks from the platform outside. This impact can be mitigated through the choice of colour of the tanks. A light blue/grey colour is recommended to blend with the skyline.

30. NCC Nature Conservation Team – No objection.

Satisfied that it is very unlikely to give rise to any significant, direct ecological impact, given the current use of the site and its location.

Indirect ecological impacts could potentially occur as a result of discharges to the water environment. Appropriate advice should be sought as to the suitability of the drainage arrangements, which should be secured through a condition.

31. Natural England – No objection.

The proposal is unlikely to affect any statutorily protected sites or landscapes.

32. Network Rail – No objection.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, subject to requirements which must be met, due to the close proximity of an electrified railway. A Construction Method Statement should be subject of conditions for the reasons of the safety, operation and integrity of the railway.

33. **National Grid (Gas)** - *Has identified apparatus in the adjacent footway.*
34. **Western Power Distribution** - *Has identified underground cables in the adjacent footway.*
35. **Severn Trent Water Limited** and the **NCC Flood Risk Management Team** have not responded. Any response received will be orally reported.

Publicity

36. The application has been publicised by means of two site notices, a press notice and neighbour notification letters to five neighbouring businesses and to the 20 nearest residents at Witham Close and Trent Way, in accordance with the County Council's adopted Statement of Community Involvement Review.
37. Three letters of objection has been received from nearby residents raising the following points:
 - (a) Questions over the suitability of the site for a waste treatment plant;
 - (b) The site is too small to accommodate everything;
 - (c) Small businesses and a fitness centre are next door and a housing estate is about 200/250 yards away. Too close to the railway;
 - (d) On a very busy/congested road serving builder's merchant, car showrooms, gym;
 - (e) Lorry noise at night / proposed 24/7 working;
 - (f) Concerns about possible fumes or smoke;
 - (g) Concerns about odour;
 - (h) Potential lighting;
 - (i) Possible fire/explosion risk;
 - (j) Question what has changed since previous concerns were raised on the original application.
38. In accordance with the Environmental Impact Assessment Regulations a copy of the application and Environmental Statement has also be deposited with the National Planning Casework Unit acting on behalf of the Secretary of State.
39. Councillor Maureen Dobson has been notified of the application.
40. The issues raised are considered in the Observations Section of this report.

Observations

Principle of the development

41. The proposal relates to an established waste management company located within the main industrial and commercial area of Newark. Eurotech have been established in Newark for 25 years and established their present base on Northern Road following the grant of planning permission by this Authority in 1997. It is pertinent to note however that the treatment and transfer of waste has not been implemented as was the original intention. Instead the site has been used primarily as a base for the parking of the firm's fleet of HGV tankers as well as the site for the company offices. Whilst the full waste transfer operations were not developed, officers are satisfied that the 1997 planning permission was implemented and remains extant. The buildings, hard surfacing and drainage were completed and form the basis for the alterations sought in this proposal.
42. The application falls to be determined against the policies of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1: The Waste Core Strategy (WCS), the saved environmental policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and any relevant District level policies contained within the Newark and Sherwood Local Development Framework documents. The National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW) are material considerations.
43. The principle of a waste management facility has been established with the current planning permission, notwithstanding the fact that full operations have not to date been undertaken. Since then however waste policy has moved on and it is pertinent to note that the present WCS sets out a continuing requirement for additional waste treatment capacity within the County for the foreseeable future, particularly in order to deal with commercial and industrial wastes. There is an ever greater focus today on the sustainable management of waste and there is a County-wide target of achieving the recycling or composting of 70% of all waste by 2025. Policy WCS3 prioritises new or extended recycling facilities to support this aim.
44. The proposed operations would deal with a niche type of waste in which the firm specialises- liquid wastes. These can include septic tank wastes, waters from industrial users or food processors and oily liquid wastes from drainage systems, to give some examples listed in the application. Currently these wastes are tankered to local sewage treatment works or to other commercial facilities for treatment and disposal, sometimes involving substantial distance out of the area to destinations at Lincoln, Sheffield and Coventry. The applicant believes that such wastes can be treated or pre-treated at the Northern Road site thereby resulting in savings in vehicle mileage and disposal costs. Some treated waters would be suitable for discharge to mains sewer under the terms of a discharge licence, whilst others could still be disposed at sewage treatment works, but in a cleaner state so that less loading would be placed on the works in the first instance.
45. The application proposes a throughput of 75,000 tonnes per annum which can be construed as a large scale facility, albeit one sited on a medium scale plot. Whilst Policy WCS4 seeks to steer large proposals to the main Nottingham and Mansfield/Ashfield area, it should be recognised that this site is the company's established home from which its vehicles serve an established customer base in roughly a 25 mile radius. The site is also an entirely suitable one in terms of compliance with the general site criteria in Policy WCS7, it being on an

established industrial estate with good road access. Policy WCS8 also supports the redevelopment/improvement of existing facilities where this would increase capacity and improve waste management methods, which this new facility would.

46. Reference to District-level policies also sees support from Spatial Policies 1 and 2 (Newark and Sherwood Core Strategy) which identify Newark as the focus for sustainable growth and Core Policy 6 in terms of supporting the growth and investment plans of SMEs (Small and Medium Sized Enterprises) and enabling the expansion of the business and the generation of additional employment opportunities. Whilst strictly waste management uses fall outside of employment Use Classes (B1,B2 and B8) the development is broadly comparable and wholly compatible with Core Policy 6. The site also lies within the Newark Industrial Estate Policy Area as set out in the Newark and Sherwood Allocations and Development Management Policies Document. Policy NUA/E/1 encourages new employment development in this area but seeks to ensure there is satisfactory provision of access and parking; appropriate boundary treatment and screening of open storage areas and that development should not 'impact' on adjacent residential areas.
47. There is an operational, economic and sustainability rationale for developing the site further and for treating certain collected wastes on site. This will support and sustain the company and the jobs directly employed. The company's waste collection services clearly make a useful contribution to the sustainable waste management aims of the WCS and provide a service to domestic customers who are off mains sewerage as well as non-domestic customers generating contaminated effluents. The company is a specialist in handling these wastes and considers it can develop the business further with the current plans.
48. Objectors have questioned the suitability of the location for the proposed waste treatment operations, however in principle planning policy terms it is considered that there is a very strong and established case for the development to proceed. However the policy requires applications to demonstrate that the operations would not lead to an unacceptable impact to aspects of environmental quality or to the quality of life of those living and working nearby (Policy WCS13 and NUA/E/1). The saved policies of the WLP then deal with such individual impacts be that of noise, odour, water pollution and such like as may be relevant. These are considered further below before any overall conclusion is reached.

Traffic, Access and Parking

49. The site is situated on Northern Road which is a main route through the industrial estate. It is a straight road, lit and subject to 30mph speed limit. Footways are present on either side. The application site has two entrance gateways to the front, one of which will be reopened so to provide separate entrance and exit points for vehicles. There are areas for the parking of HGVs and for 20 employees' cars. The applicant's fleet of 13 tankers are typically parked on-site overnight.
50. The proposed treatment and transfer operation would involve the fleet of tanker HGVs, which in effect are already on the highway network in undertaking collections/ pump outs from customers and deliveries of wastes to disposal and

treatment facilities. Depending on the nature of the waste, currently this is taken to the local Sewage Treatment Works or, in the case of some trade effluents, taken further afield to locations including at Lincoln.

51. By being able to deal with and process liquid waste on-site the applicant will be able to reduce vehicle mileage and journeys to these treatment facilities. This results in commercial and operational benefits as well as environmental benefits in terms of savings on fuel and vehicle emissions. This approach complies with one aim of Policy WCS11 which seeks to promote the best use of the existing transport network and minimise the distances travelled in undertaking waste management. In this case it is impracticable to require investigation of non-road transport means, as the business is set up to serve a wide customer base.
52. Under the proposed business expansion plans and its new services, it is possible that the vehicle fleet would be able to serve more customers and undertake more collections. The applicant advises that an additional 20 daily HGV movements may be possible on a typical weekday in such a case. The applicant states that they can comfortably accommodate such movements and can avoid several tankers all arriving at the site at the same time as they are fitted with trackers enabling their positions to be monitored at the office. This provides the applicant with the ability to stall or divert drivers as they return to the site. The implementation of a one-way system on site would also help. The numbers of vehicles allowed on site is regulated by a HGV operator's licence, currently this allows for 15 HGVs on site.
53. Newark and Sherwood District Council, whilst not objecting, do raise concern with the potential impact on the already busy junctions of Northern Road with Lincoln Road and with Beacon Hill Road. Concern about the proposed 24/7 access is also noted but is not explained further.
54. The applicant does seek additional flexibility with the permitted hours of operation so to make an allowance for the HGV movements. The Highways Officer raises no objection to this variation or the application in general. Given its location on the industrial estate there are no highway reasons to refuse this, however consideration in terms of noise impact is considered further below.
55. WLP Policy W3.14 states that the likely vehicle movements to be generated need to be able to be satisfactorily accommodated on the highway network without causing unacceptable disturbance to communities. The assessment of this issue clearly shows that the site is suitable for the proposed operations, subject to noise and amenity considerations.

Noise

56. Although situated on an established industrial and commercial estate, a residential area does lie in relative close proximity- the nearest properties are 120m to the east at Witham Close (measured building to building). The applicant has therefore commissioned a Noise Impact Assessment in accordance with the relevant British Standards.
57. The assessment has undertaken a baseline survey of noise at a site at Witham Close. The background noise was found to be influenced by traffic noise and some noise from the builder's merchants and from residences. Representative measurements were also taken on the application site of the tanker pumping

and HGV engine noises. Noise emanating from the proposed processing equipment has been calculated on the manufacturer's specifications and on a worst case scenario of all plant running simultaneously.

58. Taken together the assessment finds that the main noise sources generated would be from the running of the processing plant and the loading (pumping) and unloading of HGVs. The assessment finds that noise levels associated purely with the movement of HGVs in and out of the site is low (at residential receptors) when compared with ambient noise levels.
59. Measures are proposed to limit the escape of noise from the building and the site. In particular the open front to the building would be fully enclosed with new roller shutter doors and any small gaps would also be sealed. Unloading of HGVs would be done externally to the rear of the building, whilst the loading of processed liquids requiring transportation would take place with the HGV reversing into the building and the doors would be closed. There is no requirement for loading or unloading outside of the current permitted hours. The plant would only operate within the day time hours and the out of hours use of the site would be for vehicle movements only to allow increased business flexibility.
60. The noise assessment finds that the resultant noise generated from the proposed operations would be 43-45dB at the nearest residential properties which would be well below the ambient noise levels of 49dB in the middle of the day and 51dB in the evening. The County Noise Engineer concludes that this would not be at a level likely to lead to noise complaints and is also below the World Health Organisation guidelines/thresholds. On a different measurement of noise if a tonal or impulsive penalty was added to the equation to represent operation of plant and machinery then this would result in a Rating Noise of between 48-50dB which would be +3/+5dB above background noise of level of 45dB LA90 which is within acceptable thresholds. No objection is therefore raised, but conditions are requested to ensure the development and operations remain within the predicted noise levels.
61. With respect to allowing HGVs to arrive and depart at unlimited hours (but not to load/offload) the Noise Engineer is in agreement with the Noise Assessment that such traffic would be similar in nature to the existing traffic, including commercial traffic, using Northern Road at all hours. The only concern raised by the Noise Engineer is that vehicles arriving/departing out of hours should disable any audible reversing alarms (a condition is recommended) and the company should be mindful of noise as the gate is operated/locked.
62. In conclusion the assessment of noise has shown that the facility can be operated without leading to unacceptable noise impacts to nearby sensitive receptors and that subject to conditions the application complies with Policy W3.9 of the Waste Local Plan.

Operating Hours

63. Operating hours are currently set out in condition 6 of the extant planning permission. These stipulate that 'operations' are undertaken between 7am to 7pm Mondays to Fridays and 7am to 2pm on Saturdays. The WPA considers that these terms currently apply to operations in the wider sense i.e. to include

vehicle/HGV movements. In response the applicant seeks to make a full allowance for such vehicles to allow flexibility. However all processing and loading and unloading would remain within the extant hours above.

64. The assessment of noise above shows that there is no noise or amenity justification for limiting the arrival and departure of HGVs and as such the proposal to de-restrict such movements should be agreed to within a revised condition. However this is subject to the further condition requiring reversing alarms to be disabled outside of the operational hours.

Odour/air emissions

65. Due to the nature and types of liquid wastes which would be transferred and treated in the proposed facility, there is some potential for fugitive odour releases from the site if not adequately controlled. The control of odour emissions though is primarily a matter which would fall under the Environmental Permitting regime with the Environment Agency. A permit will be required in order to operate the proposed facility. As a requirement of this odour would have to be contained within the site. Paragraph 122 of the NPPF makes clear that Planning Authorities should assume that pollution control regimes will operate effectively and planning authorities should focus on whether the development itself is an appropriate use of the land.
66. The layout and proposed operations have been informed by an Odour Management Plan which sets out a range of measures which would control odour and identifies any sensitive receptors. The Odour Management Plan acknowledged that there are sensitive residential receptors nearby at Trent Way and Witham Close and which are down-wind of prevailing conditions to the east. There are also residential properties at Lincoln Street to the west. The Odour Management Plan also advises that educational and leisure facilities can also be sensitive to odour, but that individuals can have a differing levels of sensitivity.
67. The Reclamation Officer has reviewed the Odour Management Plan and is broadly content that it addresses the potential impacts and identifies measures to control odour. It is noted that in certain meteorological conditions local residential receptors to the west, in Lincoln Street, could experience odour (if not controlled). Again the permit will require odour not to leave the site.
68. From a planning perspective the key point is that the operations would be undertaken within an enclosed building, with the doors kept closed. This would include when transfer is taking place into a waiting HGV tanker when reversed into the building. Deliveries to the site however would take place externally in the rear yard and would entail a straight-forward pumping between the vehicle and a storage tank. Filters would be used to stop odour releases.
69. The plant itself would have an inbuilt odour control unit to scrub releases to the air. Any solid residues arising from the processing would be stored internally in skips or containers. These would be sheeted or enclosed when taken away for disposal. The applicant has stated they do not propose to undertake the washing out of the inside of the HGV tankers on site. Only the exteriors would be washed. Staff would monitor and keep records of odour and a complaints procedure would be put in place so that action can be taken to correct any

problems. The Odour Management Plan would be a working document and continually reviewed alongside operations.

70. Policy W3.7 enables conditions to be imposed on any grant of planning permission to control odour. In order to give the WPA some authority of control over odour, conditions are recommended to require best practice measures to be employed to limit odour. These include ensuring that waste is only contained within the building, or within the dedicated storage silos, or within parked HGV tankers and for the maintenance of the odour control plant.
71. It is noted that one of the adjacent business units to the north is in operation as the 'Jolly Jungle Playland' and which includes a small external area. This use could be considered sensitive to odour, however no representation has been received from this business. Planning permission was granted (Ref 01/00144/FUL by Newark and Sherwood District Council) for the change of use to a children's adventure play unit in 2001, i.e. 4 years after the grant of permission for the waste transfer station at Eurotech. Like the present application this permission envisaged and included waste processing, albeit that this element was not subsequently undertaken. The current proposals would incorporate an odour reduction unit to scrub air before it is emitted via a proposed small flue. The plans indicate this being affixed to the northern elevation, however the final position can be controlled by a planning condition and the applicant has indicated the southern elevation (i.e. away from the neighbouring units) would be acceptable. The emissions would be fully regulated under the terms of an Environmental Permit to protect the environment and public health. As such it is considered that the application is not incompatible with the operation of the Jolly Jungle Playland.
72. In terms of other emissions to the air, the site is not within an Air Quality Management Area and the proposed operations are unlikely to generate any significant emissions to the local air environment, over and above those already generated by the current HGV movements. Good practice can ensure that idling vehicles are shut down. The chosen processing plant would also be electrically powered as opposed to using diesel generators.

Appearance and visual impact

73. The existing facility comprises a steel portal framed main building set back from the road frontage along with a smaller building to the southern boundary and a small office building to the frontage. The main buildings are of appropriate form and appearance in this setting and with the exception of the office building are clad in a dark brown coloured cladding. Modest changes and additions are proposed to the existing main building in terms of new doors and a flue as well as three silos sited to the rear.
74. The fitment of the roller shutter doors to the current openings is likely to improve the overall appearance of the building, subject to specifying a matching colour (dark brown) by planning condition.
75. The proposed flue is shown in the application plans extending up from the northern elevation of the main building to rise a metre above the roof ridge. This form of flue is acceptable in this context. A condition can be imposed to require

the flue to instead be sited to the southern end of the building and its final appearance can also be agreed by condition.

76. The storage silos to the rear have been proposed at 8m, at which height they would just exceed the ridge height of the building and could result in some glimpsed views from Northern Road. Views from the railway station to the west would be partly screened by scrubby vegetation and the boundary fence, but otherwise the silos would be an appropriate form of development in this industrial setting and they would not result in an unacceptable visual impact.
77. The applicant has since indicated that the silos could be reduced in height so that they would not exceed the height of the building and would be happy to control this by planning condition, along with the choice of colour. This is considered beneficial in terms of preserving the setting of the adjacent railway station listed buildings, as considered further below, and conditions are therefore recommended to agree and control these final details.
78. The proposals are designed so to ensure buildings, plant and associated storage areas are of satisfactory appearance, designed and located to minimise visual intrusion and impact to adjacent land in accordance with the terms of WLP Policies W3.3 and W3.4.
79. WCS Policy WCS15 seeks to ensure that new and extended waste management facilities incorporate high standards of design and landscaping. The site benefits visually from a landscape strip to the road frontage comprising amenity grass with occasional evergreen or ornamental shrub and which is considered adequate.

Residential and general amenity

80. As noted above, whilst the site is part of an established industrial and business estate, there is a residential area in proximity to the east. Objections to the application have been received from some of these nearby properties raising concerns such as odour and disturbance. No representations have been received from neighbouring businesses. Assessment of the application against matters of noise (including from traffic) and odour and visual impacts have been considered above and taken together indicate that residential amenity would not be significantly affected and can be safeguarded by planning conditions and the Environmental Permitting regime. The applicant has also confirmed there is no requirement for any additional external lighting.
81. During the course of the application it has also been noted that planning permission has been granted by Newark and Sherwood District Council for the erection of a warehouse building at the Turnbull's builder's merchant opposite (Ref 16/02101/FULM). This will lie partly opposite the Eurotech site and partly opposite the neighbouring Sports Direct fitness centre and will be around 7m high. Whilst this application has been assessed on the basis of the current site and surroundings, and found to be acceptable, the new warehouse building at Turnbull's would serve to provide additional screening of views and noise between the application site and some of the residential properties at Witham Close.
82. In conclusion the proposals would be designed and operated to ensure that the amenity of those living and working nearby would not be unacceptably affected

and thereby accords with Policy WCS13 of the Waste Core Strategy, Policy W3.14 of the Waste Local Plan and Policy NUA/E/1 of the Newark and Sherwood Allocations and Development Management Policies Plan document.

Drainage and containment

83. The facility was originally built as a waste transfer station and includes a concrete hardstanding externally and concrete floors within the building. There is a sealed drainage system with a connection to a foul sewer running under the rear yard. This system has an in-built Oil Water Interceptor to capture contaminants. Drainage sumps are installed within the building floor to capture any spills. The applicant has commissioned a full drainage survey of the site in advance of this application. This has found a number of defects which will require rectifying before operations can begin. In addition some areas of the hard surfacing have found to be worn and will be repaired and resurfaced where required. It will be a requirement of an Environmental Permit to ensure these arrangements meet current standards to ensure the waste operations are fully contained and protect the ground environment from possible pollution.
84. The three storage tanks proposed to the rear of the main building would be sited on sealed surfaces and would be within a bunded containment area, ensuring that any spillage or failure would be fully contained. A standard planning condition can also require this.
85. Processing plant would operate under supervision during day time only and it is anticipated that effluents and pre-treated liquids would be retained on site usually for no longer than 48 hours.
86. A range of other best practice measures have been set out in the application to ensure that contaminated liquids and oils are stored securely and to have in place appropriate contingencies to deal with spillages. The company is appropriately experienced in this field.
87. An accompanying Site Investigation Survey identifies the site is in an area of sensitivity in relation to groundwater resources due to the underlying Secondary A and B Aquifers. However after further intrusive surveys were undertaken the Phase 2 survey concludes that the risk of pollution to controlled waters from the site is considered to be low. No significant mobile contamination was found within the ground, however the Reclamation Officer recommends a precautionary condition to deal with anything unexpected. The site is not located in an identified flood risk area and is not identified as at high risk of surface water flooding. No surface watercourses are nearby.
88. WLP Policy W3.5 states that planning permission will not be granted where there would be an unacceptable risk of pollution to ground or surface waters unless this can be mitigated by engineering measures and management systems. Policy W3.6 enables the WPA to impose conditions to deliver such measures.
89. It is considered that the necessary drainage and containment arrangements would be put in place and that the applicant would have to secure and comply with an Environmental Permit to operate. The Site Investigation Survey works identify no significant constraints. A condition can be included to ensure the

drainage system is repaired and made good. The proposal therefore accords with Policies W3.5 and W3.6.

Heritage Impact

90. The site is located within the commercial context of the Northern Road industrial estate. It is however visible from and within the setting of North Gate Railway Station situated to the rear which has two Grade II Listed Buildings. A Heritage Impact Assessment has been included. In addition to the station buildings there are a further four Grade II Listed Buildings within the wider 500m study area. Newark Conservation Area also enters into the study area, but does not extend to the station area or the industrial estate.
91. The assessment finds that the site is not visible from the Conservation Area and that the development would not change the industrial character of the area and would therefore not affect the significance of the Conservation Area.
92. With respect to the immediate setting of the Northgate Station Listed Buildings the assessment considers that the station's principle architectural interest lies in its western elevation (its frontage with Appleton Gate) as opposed to the operational side facing toward the application site. Historically its interest is in connection with the development of the railway in which it remains in use today. The application site can be seen in the context of later industrial expansion alongside the railway.
93. With respect to the siting of the proposed silos, the assessment assumes they would be no higher than the current building and therefore would not be overtly visible. It finds that views from platform 1 would be screened by modern waiting rooms on platform 2/3 and by the mixed trees and vegetation (and fencing) along the boundary of the site with the railway. The proposed scheme would not be readily experienced in relation to the significance of the listed buildings and the character of the site would be retained. Any additional noise or odour would be insignificant in context. As such it concludes that no harm to the significance or setting of the Listed Buildings would arise.
94. It should be noted however that the storage silos detailed in the core application documentation are proposed to be taller than assessed in the heritage statement (8m high versus 4m high) and would exceed the height of the site's main building (7.5m). It is also possible that the rather limited screening provided by the boundary trees could be removed by Network Rail and cannot be indefinitely relied upon. This has been drawn to the attention of the County Council's Built Heritage Conservation Officer.
95. The Officer has assessed the higher silos and finds that they would result in 'less than substantial harm' to the setting of the station buildings, which could be mitigated through careful choice of colour (possibly grey or light blue). Also as discussed above, the applicant would be willing to agree slightly lower silos, so that they would not exceed the ridge height of the building. This is likely to further reduce any setting impact, likely resulting in a neutral impact overall, subject to choice of colour.
96. WLP Policy W3.28 states that waste management development which would 'harm' the character, appearance, condition or setting of conservation areas or

listed buildings will not be permitted. However this is inconsistent with the more up to date and balanced approach of the NPPF at paragraphs 132 to 134.

97. Where less than substantial harm arises, paragraph 134 advises that this should be weighed against the *public* benefits of the proposal, which in this case can include the benefits of treating/pre-treating waste on site and not at the local sewage works, thereby freeing up capacity for the town. Thus the wider sustainability and public benefits are considered to outweigh any very limited heritage impact, which in any event could be fully mitigated from the final choice of silo. A planning condition can require details and colour of the silos to be agreed in advance, thereby discharging this Authority's duty to pay special regard to the desirability of preserving the heritage assets.

Employment

98. The company currently employs around 19 full-time members of staff. It anticipates that an initial two additional positions would be created to operate the proposed treatment facility, with further natural growth in staff numbers expected as the company expands and grows its customer base. There is Policy support to aid the growth of local businesses and facilitating sustainable economic growth is a key aim of the NPPF.

Ecological Impact

99. The proposed development is unlikely to lead to any significant direct effects to notable habitats or wildlife, as noted by the Nature Conservation Officer. The site is on the established industrial estate and is remote from any notable wildlife sites. The ground water environment would be protected by the design of the hard surfacing and drainage system. Policy WCS13 is satisfied in this respect.

Other Issues

100. The site backs onto the East Coast Main Railway line at North Gate Station. Network Rail request that a Construction Method Statement be required by planning condition for their approval. This would be most pertinent with respect to the installation of the proposed external silos which may require a crane lift and which would have to be undertaken in a 'fail-safe' manner so as to protect the operational railway.
101. From operation all materials would be securely stored within the buildings or within storage tanks. No LPG or solvents would be stored on site. Fuels and oils would be securely stored with appropriate secondary containment.
102. The risk of fire or explosions is not considered to be particularly significant particularly as it would deal with liquid wastes, as opposed to solid mixed wastes which may be readily combustible. Notwithstanding this the Environment Agency require fire prevention plans and measures to reduce the risk of fires as part of the permitting regime.

Review of planning conditions

103. The application seeks removal of conditions 12 and 13 currently which have the effect of removing permitted development rights for the site. The conditions prevent any extension to buildings or the addition of any plant, machinery or structures on the land. The reason given for the imposition of the conditions was 'to protect the amenities of the occupants of nearby property'.
104. Permitted Development rights are granted through legislation (The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and allow certain limited building operations without the requirement for applying for planning permission. The limits and rules depend on the use class of the land. As a waste management facility, if these rights were reinstated by removing conditions 12 and 13, the site would be able, under current legislation, to make limited extensions to buildings and install replacement plant and machinery, subject to various provisos such as height. These rights are granted by Parliament and there should be a clear justification in the circumstances as to why these should be denied to the site.
105. A condition, as amended, is recommended to govern hours of operation and additional conditions are recommended to control noise. The site would be regulated under an Environmental Permit. As such it is assessed above that the amenity impacts are acceptable and controllable. In terms of any impact to the general character of the area, it is considered that the restrictions are overly onerous in what is a commercial context. Other businesses in the area will have permitted development rights to undertake similar small changes and extensions.
106. It follows and it is therefore considered that there is no planning justification for maintaining the restrictions under conditions 12 and 13 and that these should not be carried forward onto any new grant of planning permission. The removal of these conditions would provide some limited flexibility to the applicant if changes were required, whilst maintaining local amenity and character.
107. In reviewing the remaining conditions, it is considered that condition 3 requiring implementation of landscaping can be removed, as this is established. Similarly conditions 9 and 10 requiring the drainage works can be removed, but can be superseded by a new requirement to ensure the drainage is made good (along with maintaining the drainage requirements of condition 8). Condition 4 (outside storage) can be amended as sought so to permit the storage of waste within the proposed silos, along with transfer to and from them. Standard condition 11 requiring bunded storage areas should be retained. Condition 5 is not considered necessary and can be superseded by a list of approved application documents. Hours of operation, as amended, are acceptable in updating condition 6. Separate and more detailed conditions controlling odour, noise, dust/litter can be included to replace condition 7.
108. Additional conditions to agree design details for the doors, silos and flue are recommended. A condition to protect the adjacent railway can be made. A condition can be made to limit the annual throughputs and a condition can ensure that the site is cleared of waste in the event of a prolonged closure.

Other Options Considered

109. For the purposes of the EIA Regulations, the applicant has considered a range of equipment before choosing a preferred solution. The applicant has not considered alternative sites as the application site is already an established one, with an extant building and yard and has planning permission as a waste transfer facility. Thus the only other alternative would be to continue to transport waste for treatment at other third-party facilities, with associated implications for vehicle mileage and associated emissions. The County Council is under a duty to consider the planning application as submitted, but can seek by condition matters of detail.

Statutory and Policy Implications

110. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

The site is secured with appropriate fencing/gates and the company has its only additional security arrangements.

Human Rights Implications

111. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the proximity of a residential area to the site. The proposals have the potential to introduce impacts such as odour and noise upon nearby residents and neighbouring businesses. However, these potential impacts are controllable and need to be balanced against the wider benefits the proposals would provide, including supporting the growth of a local Small to Medium Sized Enterprise and particularly with respect to providing a sustainable waste management service to the local area. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Sustainability and the Environment

112. The proposed treatment and/or pre-treatment of liquid wastes at the site would reduce the need to transport waste to third-party facilities, some of which are distant from the collection area. This would have consequential benefits in fuel and emissions savings. Suitable pre-treated effluent would be discharged into the mains sewer under the terms of a discharge licence. The pre-treatment of this material would mean that it would be in a cleaner state when reaching the local sewage treatment plant and so would be beneficial in reducing the processing load on the local plant serving the town. The treatment/processing operations would be controlled under the terms of an Environmental Permit to

control possible emissions to the ground or air environments or to human health.

113. There are no Children Safeguarding; Human Resource; Equalities; or Financial implications. There are no implications for County Council service users.

Conclusion

114. The principle of the development has previously been established and the site is already in partial use by the applicant company. The proposals would support the growth and business plans of a local and experienced waste management company and is supported by Newark and Sherwood District Core Policy 6 and the sustainable economic growth aims of the National Planning Policy Framework.
115. The location on an established site within the industrial estate is wholly appropriate and supported by policies WCS7 and WCS8 of the Nottinghamshire and Nottingham Waste Core Strategy as well as Spatial Policies 1 and 2 of the Newark and Sherwood District Core Strategy and Policy NUA/E/1 of the Newark and Sherwood District Allocations and Development Management Policies Document.
116. The proposals to install and operate processing equipment are considered to comply with the waste management aims of the Nottinghamshire and Nottingham Waste Core Strategy in assisting with the recycling and collection of wastes, in this case liquid wastes, in accordance with Policy WCS3 and the waste hierarchy.
117. Environmental and amenity impacts are considered to be acceptable or can be managed in an acceptable manner through planning conditions as well as through an Environmental Permit which would be required to operate the processing facility. Representations from local residents and from consultees have been considered and, where appropriate, advice sought. Measures are included to limit noise, including through maintaining appropriate controls on hours of operation; odour, through measures within an Odour Management Plan; and pollution to the ground environment, through proper drainage and containment measures. The proposal is considered compliant with Waste Core Strategy Policy WCS13 and saved Waste Local Plan policies W3.14 (vehicle movements), W3.9 (noise), W3.7 (odour), W3.3/W3.4 (visual impact), and W3.5 (ground pollution). Less than substantial harm to the setting of two listed buildings is considered to be outweighed by wider public benefits arising and can be fully mitigated through agreeing design details by means of a planning condition.
118. The proposed development is therefore assessed to be sustainable in accordance with the aims of Policy WCS1 and is recommended for approval.

Statement of Positive and Proactive Engagement

119. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Waste Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. The

applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

120. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the content of this report.

[SLB 28/03/2017]

Comments of the Service Director - Finance (SES 31/03/17)

There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Collingham – Councillor Maureen Dobson

Report Author/Case Officer

Joel Marshall

0115 9932578

For any enquiries about this report, please contact the report author.