



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 29th March 2012

Subject: APPLICATION 11/02069/FU - VARIATION OF CONDITION 10 OF APPLICATION 08/05019/FU – SBT CONTRACTING LTD SKIP HIRE & WASTE TRANSFER STATION, MILNERS ROAD, YEADON, LEEDS.

APPLICANT

SBT Contracting Ltd – S.
Brehony

DATE VALID

25th May 2011

TARGET DATE

20th July 2011

Electoral Wards Affected:

Guiseley & Rawdon

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE subject to the following conditions:

1. The use hereby granted shall cease on or before 4th October 2019.
2. Development in accordance with plans.
3. No operations shall take place at the site before 0730 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1700 hours on Saturdays. By no later than 1 year from the date of this permission operations at the site on Saturdays shall take place between the hours of 0800 and 1300 only.
4. No operations on Sundays, Bank Holidays, Christmas Day and Good Friday
5. With regard to operations between the hours of 1300 hours and 1700 hours on Saturdays - waste from delivery lorries to be tipped in a designated internal area only – details to be submitted; the pushing of waste by the JCB to be undertaken with the JCB static and not moving between deliveries of waste; the tipping and pushing of waste only to be undertaken with the building's roller shutter doors closed; no operations to take place on the site using mechanical plant; and, no more than 1 vehicle every 30 minutes.

6. Proposed means of hard-standing and interception, collection, treatment and discharge of surface and ground water to be submitted for approval.
7. Waters to be settled and cleared of suspended solids prior to entering any drain, sewer, culvert or watercourse.
8. Dust Action Plan to be submitted for approval.
9. Details on vehicle reversing warning system and / or alarms to be submitted for approval.
10. Noise Mitigation Scheme to be submitted for approval.
11. Mud and debris mitigation scheme to be submitted for approval.
12. All oils and liquids to be stored safely.
13. No waste shall be processed, separated or sorted outside of the building.
14. Waste and product materials stored outside the building but within the site shall be separated and stored either within skips or dedicated bunkers. No outside storage of any description shall at any time exceed a height of 3 metres above existing ground levels.
15. Boundary fence to be retained at a height of no less than 1.8 metres but nor more than 2.4 metres and maintained at all times.
16. The construction and colour of the building shall be maintained in good condition.
17. Vehicles shall enter and leave the site in forward gear only.
18. No lighting fittings shall be installed in manner than would prejudice the living conditions of nearby residents.
19. No burning of waste materials on site at any time.
20. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, T2, WM1, WM4, WM6 and WM8.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance. However, it is suggested permission is limited to a 12 month trial period.

1. INTRODUCTION:

- 1.1 This application is brought to Panel due to its sensitivity and local interest. Ward Councillor Graham Latty also objects to the proposal for reasons related to highway safety and potential noise disturbance, and requests a site visit prior to a decision being made by Plans Panel West.

2. PROPOSAL:

- 2.1 The existing skip hire and waste transfer station operates with the benefit of planning permission (ref. 08/05019/FU). Condition 10 restricts the operating hours to the following:
 - 0730 hours to 1800 hours between Mondays and Fridays
 - 0800 hours to 1300 hours on Saturdays.

- 2.2 The proposal seeks to extend the operating hours on Saturdays to between the hours of 0730 and 1800.

3. SITE AND SURROUNDINGS:

- 3.1 The application site consists of a skip hire and waste transfer station business. Waste brought into the site is deposited and processed inside the large purpose-built building. The rest of the site is open air and used for the storage of skips and other ancillary items.
- 3.2 The site is located at the foot of Milners Road in the private industrial estate, a former clay quarry. Surrounding land uses at level are largely industrial in nature (B2) and another similar waste development is located adjacent at Aireborough Skip Hire.
- 3.4 The local area is characterised by residential development despite the industrial estate having been established for a long time. Access into the Milners Road Industrial Estate is taken off the A65 New Road and through the residential street of Dibb Lane. Many other residential streets branch off Dibb Lane and the Council's Civic Amenity Site is located on Milners Road opposite South View Crescent.

4. RELEVANT PLANNING HISTORY:

- 4.1 Permission ref. 08/05019/FU – removal of condition 2 of application 28/228/04/MIN (from temporary to permanent permission) – approved 14th January 2009.
- 4.2 Permission ref. 28/218/05/MIN – two storey temporary office buildings to breakers yard – approved 7th December 2005.
- 4.3 Permission ref. 28/228/04/MIN – waste management facility and erection of waste management building (revised scheme) – approved 4th October 2004.
- 4.4 Permission ref. 28/285/03/MIN - change of use of a car breakers yard to waste management facility and erection of waste management building – approved 14th May 2004.

5. HISTORY OF NEGOTIATIONS:

- 5.1 At the request of Environmental Health, the applicant was asked to carry out a second noise assessment to complement that already submitted.

6. PUBLIC/LOCAL RESPONSE:

- 6.1. The application has been publicised by means of site notices; 11 objections have been received, including one from Councillor G. Latty who states the following:
- The proposed site and associated wagons that service it cause a great deal of problem for residents around Milners Road;
 - LCC have built a large acoustic fence adjacent to Milners Road to protect residents from noise from the LCC Civic Amenity Site but this does nothing about the noise from the highway;
 - The problem is compounded in that the applicant wishes to extend opening to cater for Council wagons tipping domestic waste;

- The highways section raise no concerns as most of the access to the proposals site is a private road. They have overlooked the adopted part of the public highway, which is where the problem is.
- Requests that Committee Members carry out a site visit prior to making a decision.

Other objectors raise substantially the same points, and others including

- Highway safety and traffic – high volumes of heavy traffic already pass through the residential area; Milners Road has no footway but is used by pedestrians to reach the greenway footpath which intersects the carriageway; an increase in traffic would lead to an increase in the likelihood of accidents; there is a tight left-turn bend onto Milners Road from Dibb Lane which is difficult for HGVs to negotiate without damage to the bollard or overspill into the oncoming lane; and, do not agree with the comments made by the Highways section.
- Noise impact – there are existing complaints from local residents about what they say are unacceptable noise levels generated by both the site and the traffic to and from the site; and, access to the site passes through a residential estate and more HGVs over longer hours should not be encouraged, especially on Saturdays.

6.2 4 of the 11 objection letters from the public refer to the Council's Civic Amenity Site instead of the proposal site.

7. CONSULTATIONS RESPONSES:

Statutory

7.1 Environment Agency – no objection to the proposal. The operations have a good general compliance record with the Environmental Permit. The Agency have been informed by LCC's Environmental Health section of the complaints regarding noise from the site.

Non-statutory:

7.2 Environmental Health – *Initial response*: This department has received a number of complaints about noise from nearby residents. As part of the investigations noise monitoring was carried out in the garden of a complainant (but not recently) and the levels were found to be excessive at the time. The noise monitoring also identified that the tipping of skips was a problem and this would be at intervals throughout the day. This department has been working with the applicant but an extension of hours is very likely to increase noise complaints. The Acoustics Report (dated 03/05/11) submitted with the application identified that there was a problem with the tipping of skips, moving of waste and operation of the mechanical plant and this was based on 2 or 3 vehicles arriving in the extended period. The report made the following recommendations that should be imposed should the development department approve this application. It is recommended that the extension of hours is to 1700 hours on Saturday with the following conditions:

- That the waste from the delivery lorries be tipped in a designated area only;
- The pushing of the waste by the JCB be undertaken with the JCB static and not moving between deliveries of waste;
- That the pushing of the waste only be undertaken with the roller shutter doors closed; and,

- That no other operations using mechanical plant are undertaken during the extension of the working.

Environmental Health section are of the opinion that it is likely there will be more than 2 or 3 vehicles arriving on site during the extended period and this department feels that the above conditions would be difficult to adhere to and therefore would support the Development Department if they are minded to refuse this application.

- 7.3 *Second response from Environmental Health:* The Acoustic Report (dated 03/05/11) using the methodology in BS4142 (Method for Rating Industrial Noise) predicted that the rating level from the combined activities in any one hour period would be between 31 and 36dB, which compared to a background of measurement of 34dB gives an excess of -3 to +2dB. These excess levels indicate that the noise from the site would not be significant and therefore they would support the application. The difficulty in relying solely on this methodology is that the use of 1 hour LAeq effectively “averages out” the peaks from short term impacts, reverse beepers and engine noise. For instance the average tip comprising of a vehicle entering the site, manoeuvring onto the weighbridge, tipping then leaving is 8 minutes. Environmental Health suggest that, on its own, this would be subjectively noticeable and objectively clearly audible to the residents. But when the periods of inactivity are combined with the total operating time of 32minutes, the LAeq does not accurately reflect this. The concern therefore is that residents will suffer loss of amenity for the whole of their Saturday by virtue of the impulsive noise associated with the nature of the business so this department would now support refusal of this application if the planning department is so minded.
- 7.4 *Third and final response from Environmental Health:* The Acoustic Report addendum (dated 26/01/12) has been considered and this clarifies the numbers of council wagons expected to visit the site during the proposed extended hours. This report stated that with the measures proposed to mitigate noise, i.e. shutters closed and JCB static pushing waste inside, the noise was barely audible at the monitoring point which was slightly closer than the nearest residential properties. The recent proposal is also to restrict the number of wagons to a maximum of 2 per hour so that any audible noise from vehicles accessing and manoeuvring within the site will be less noticeable. On the basis that the site will only be accepting Council wagons, which are likely to be few and far between on a Saturday afternoon, this department is prepared to withdraw its objection.
- 7.5 *Highways – Initial response:* extending the hours of use should theoretically spread traffic levels and no concerns are raised. The scheme raises no specific road safety concerns. The proposal is acceptable in highway terms.
- 7.6 *Second and final response from Highways:* The proposed HGV movements and restriction in the extended opening hours set out below suggest a potential increase of 16 additional HGV movements per Saturday afternoon resulting from the application, one vehicle arriving and departing every 30 minutes. Automatic traffic counts undertaken in November 2009 show an average 1905 two way vehicle movements per day (or 2110 Saturday) to the north of the Council’s waste sorting site and of these, 636 HGV movements were recorded (69 on Saturday). The 16 HGV movements per Saturday would therefore equate to a 2.5% increase in the average number of weekly HGV movements which already take place and less than a 1% increase in the total number of weekly vehicle flows recorded in November 2009. The additional HGV movements on a Saturday would increase by 23%. It is acknowledged that any increase in vehicle movements may not be in the best interests of amenity to local residents but no accidents have been recorded on Milner

Lane or Dibb Lane in the last 5 years and it would be difficult to justify a highway objection on safety grounds due to the relatively small increase in total overall HGV traffic between existing and proposed. The amount of additional HGV movements on a Saturday afternoon may be more noticeable but would not have an adverse impact on capacity at the signal controlled junction. On balance, it is considered that a highway objection to the proposed extension in hours would be difficult to justify and it could be argued that the hours of operation would provide more flexibility in how traffic movements are spread through the week.

8. PLANNING POLICIES:

8.1. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).

8.2. The most relevant policies in the adopted Leeds Unitary Development Plan are outlined below.

GP5 – general planning criteria;

T2 – highway access and highway impacts;

WM1 – general principals relating to waste management facilities;

WM4 – recovery of waste for recycling is promoted;

WM6 – the Council will have regard to the proximity, type and duration of other waste operations and their cumulative effect upon residents and the environment;

WM8 – general waste transfer station policy.

8.3. National Planning Policy Guidance:

- PPS1: Delivering Sustainable Development.
- PPS10: Planning for Waste Management;

9. MAIN ISSUES:

9.1. The following main issues have been identified:

- Amenity Issues – Noise
- Traffic Movements and Highway Safety
- Representations

10. APPRAISAL:

10.1 Local residents and a Ward Member have raised concerns about the potential for the proposed development to interfere with the living conditions of residents in the area. Section 6 of this report sets out their concerns, which can be divided into two main issues. Firstly, the potential for noise disturbance to emanate from the site and from vehicle movements on the public highways and, secondly, the potential for highway safety issues to arise.

10.2 With regard to the first issue, an increase in vehicle movements arising from additional Saturday operations could potentially affect the living conditions of occupants of nearby property. Officers recognise that local residents are likely to spend more time at their homes on Saturdays and so traffic noise may be more

subjectively noticeable. A complaint to the Council has been made by a local resident living on Dibb Lane regarding traffic disturbance from HGVs visiting the various businesses on Milners Road and its industrial estate. Officers are also sensitive to the fact that several complaints from local residents have been made to the Council regarding excessive noise emanating from the site operations. Both issues have been investigated by the Council and whilst it appears that little if anything can be done to prevent or restrict HGVs from using Dibb Lane to reach the business premises on Milners Road, the Council were able to impose actions to reduce noise emanating from the existing site operations. The applicant successfully complied with the Council's requirements.

- 10.3 The planning application included an Acoustic Report (dated 03/05/11) and the applicant was requested to provide an addendum (dated 26/01/12) to this in response to the first two consultation response received from Environmental Health. The acoustic reports were carried out in accordance with the requirements of BS4142 – *Method for Rating Industrial Noise* (1997), with reference to BS8233 – *Sound Insulation and Noise* (1987). These form the UK standard for such assessment.
- 10.4 The Acoustic Report results indicate that all residential property would be within the limits set as providing a reasonable living environment. Although the residential properties in closest proximity lie only approximately 100m away from the existing site to the south and southeast, they are located on land elevated well above the proposals site (above the former quarry). Whilst some of these residential occupiers have complained about excessive noise from the proposal site in the past, officers recognise that the existing ambient noise levels in the local area are higher than compared to a wholly residential environment due to the presence of industrial activity taking place within the Industrial Estate and at the LCC Civic Amenity Site. Furthermore, although it is sometimes difficult to pinpoint noisy activity and measure noise levels accurately when other industrial activity is taking place concurrently, the applicant has factored this into the noise study results to provide a degree of accuracy. The mitigation put forward also seeks to reduce 'impulsive' noise associated with the nature of a waste management business.
- 10.5 Therefore, subject to mitigation, it is unlikely that an extension to the Saturday working hours would result in any significant effect on the living conditions of nearby residents. However, it is recommended that permission is granted on the basis that operations commence at 0800 hours rather than 0730 hours and cease at 1700 hours rather than 1800 hours on Saturdays to further reduce the impact of the proposal.
- 10.6 Officers can advise that the Acoustic Reports carried out by the applicant do not include assessment on the potential affects of noise disturbance from vehicle movements on the public highway. However, in order to reduce noise at the proposals site the acoustic report (dated 26/01/12) suggests no more than 2 HGV will deliver waste to the site in each extended hour.
- 10.7 The proposed HGV movements based on the extended operating hours (referred to in section 10.5 of this report) suggest a potential increase of 16 additional HGV movements per Saturday afternoon resulting from the proposal, one vehicle arriving and departing every 30 minutes. This number of additional HGV movements is considered to be very low. However, in order to fully ascertain whether or not the proposal could impact on highway safety, the additional vehicle movements have been considered against the 2009 traffic count taken for Milners Road (please refer to section 7.6 of this report for more details). In summary, the addition of 16 vehicle

movements per Saturday would equate to a 2.5% increase in the average number of weekly HGV movements which already take place and less than a 1% increase in the total number of weekly vehicle flows recorded in November 2009. Notwithstanding this, the additional HGV movements on a Saturday would increase by 23% as a result of the proposal. Therefore, although the small increase in HGV movements using Milners Road is likely to be imperceptible over the week, it could be objectively noticeable on Saturdays.

- 10.8 The safety record for Milners Road and Dibb Lane have also been considered. Council records reveal that no personal injury accidents have been recorded on these public highways in the past 5 years. A personal injury accident does not include damage to highway furniture, such as damage to bollards. Nor is the lack of footway on Milners Road taken into account.
- 10.9 On this basis, it is the Highways section's view that it would be difficult to justify a highway objection on safety grounds due to the relatively small increase in total overall HGV traffic between existing and proposed. They further state that the amount of additional HGV movements on a Saturday afternoon may be more noticeable but would not have an adverse impact on capacity at the signal controlled junction.
- 10.10 Without a material planning objection from the Highways section it would be difficult to justify a refusal of planning permission in this instance, despite the likelihood of additional noise disturbance from HGVs using the nearby public highways. On a positive note, the Highways section suggest that it could be argued that the extended Saturday working hours would provide more flexibility in how traffic movements are spread through the week.

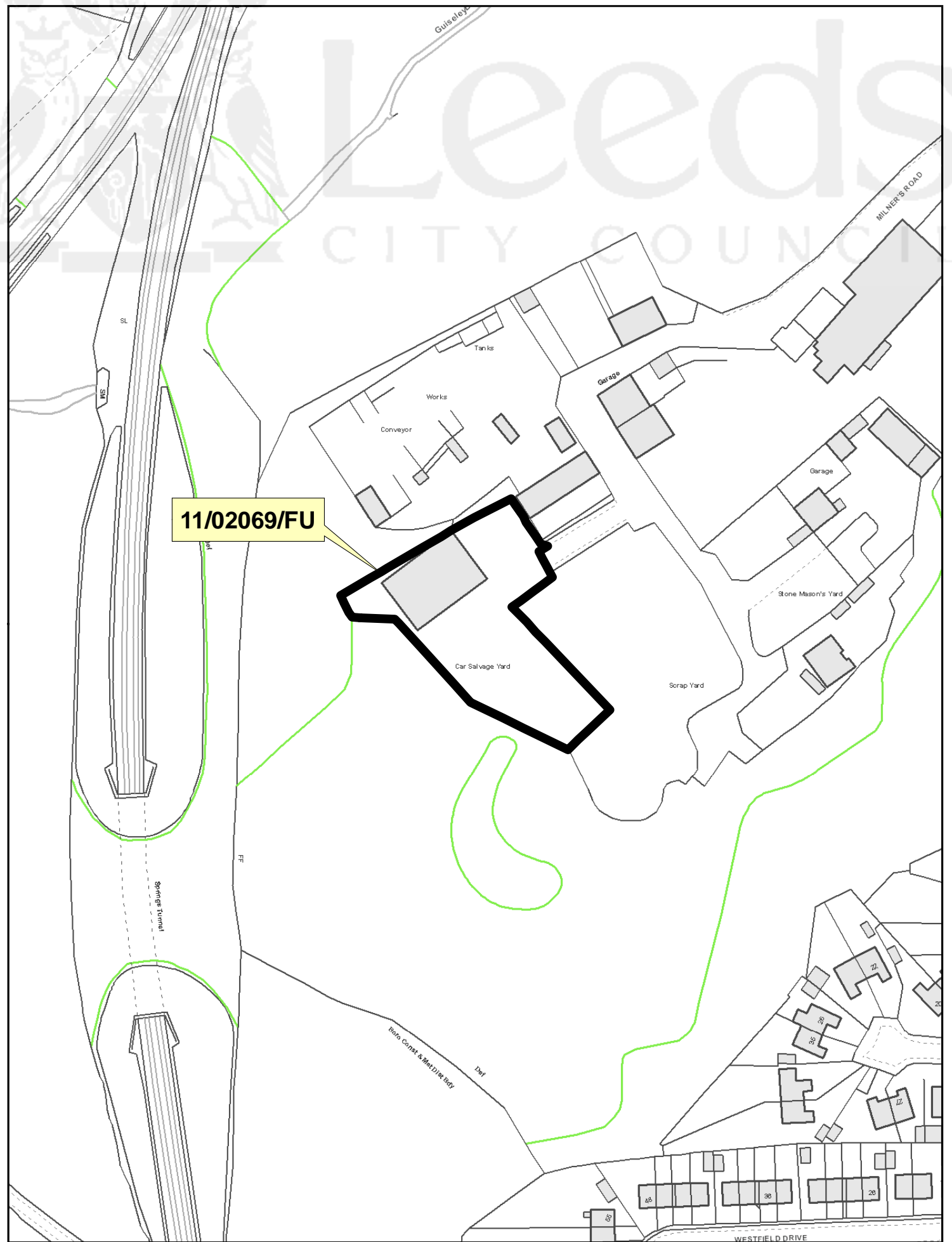
11. CONCLUSION:

- 11.1 The principal considerations in terms of the overall planning balance are considered to be as follows:
- 11.2 The matters which weigh against the proposal (the harm):
- i) There would be a degree of harm to the living conditions of occupants of nearby property due to noise disturbance from additional HGVs associated with the proposal, which is of moderate weight;
- 11.3 The matters which weigh in favour of the proposal:
- i) There have been no personal injury accidents on either Milners Road or Dibb Lane within the last 5 years, which is of minor-moderate weight;
 - ii) The Acoustic Reports indicate that noise disturbance from on-site operations with the extended Saturday hours would be unlikely, which is of moderate weight;
 - iii) The proposed extended hours have been further restricted beyond that applied for by the applicant, which is of minor to moderate weight;
 - iv) The proposal would enable additional materials to be recycled / recovered, which is of moderate to substantial weight.
- 11.4 In relation to the other matters raised by local residents (e.g. a bollard being knocked over) it is considered that the matters do not detract from the proposal. But nor does that position add weight to the position in favour of the development. Such matters do not, therefore, materially affect the overall balance.

11.5 The competing matters in this balance are all of importance but in this instance it is considered that the case in favour of the proposed development outweighs the potential harm identified. Officers acknowledge that an increase in vehicle movements on Milners Road may not be in the interests of the living conditions of local residents but without there being clear demonstrable grounds for objection it cannot be demonstrated that significant impacts would arise and that permission should be withheld. It is therefore concluded that there is no conflict with the saved policies of the UDP and the application is recommended for approval.

Background Papers:

Application file
Planning Permission ref. 08/05019/FU
Certificate of Ownership
2009 Traffic Count for Milners Road.



11/02069/FU

WEST PLANS PANEL

