

## North York Moors National Park Authority

<b>Scarborough Borough Council</b> <b>Parish: Sneaton</b>	<b>App Num. NYM/2013/0763/FL</b>
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**Proposal:** Change of use of land to form waste transfer station, construction of associated buildings, creation of access road and landscaping works

**Location:** Land adjacent Wilf Noble Building Supplies, Sneaton Lane, Ruswarp

**Applicant:** Wilf Nobles Limited, Sneaton Lane, Ruswarp, Whitby, North Yorkshire, YO22 5HL

**Agent:** Bell Snoxell Building Consultants Ltd, fao: Mr Louis Stainthorpe, Barclays Bank House, Baxtergate, Whitby, North Yorkshire, YO21 1BW

**Date for Decision:** 20 May 2014

**Grid Ref:** NZ 488917 508877

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

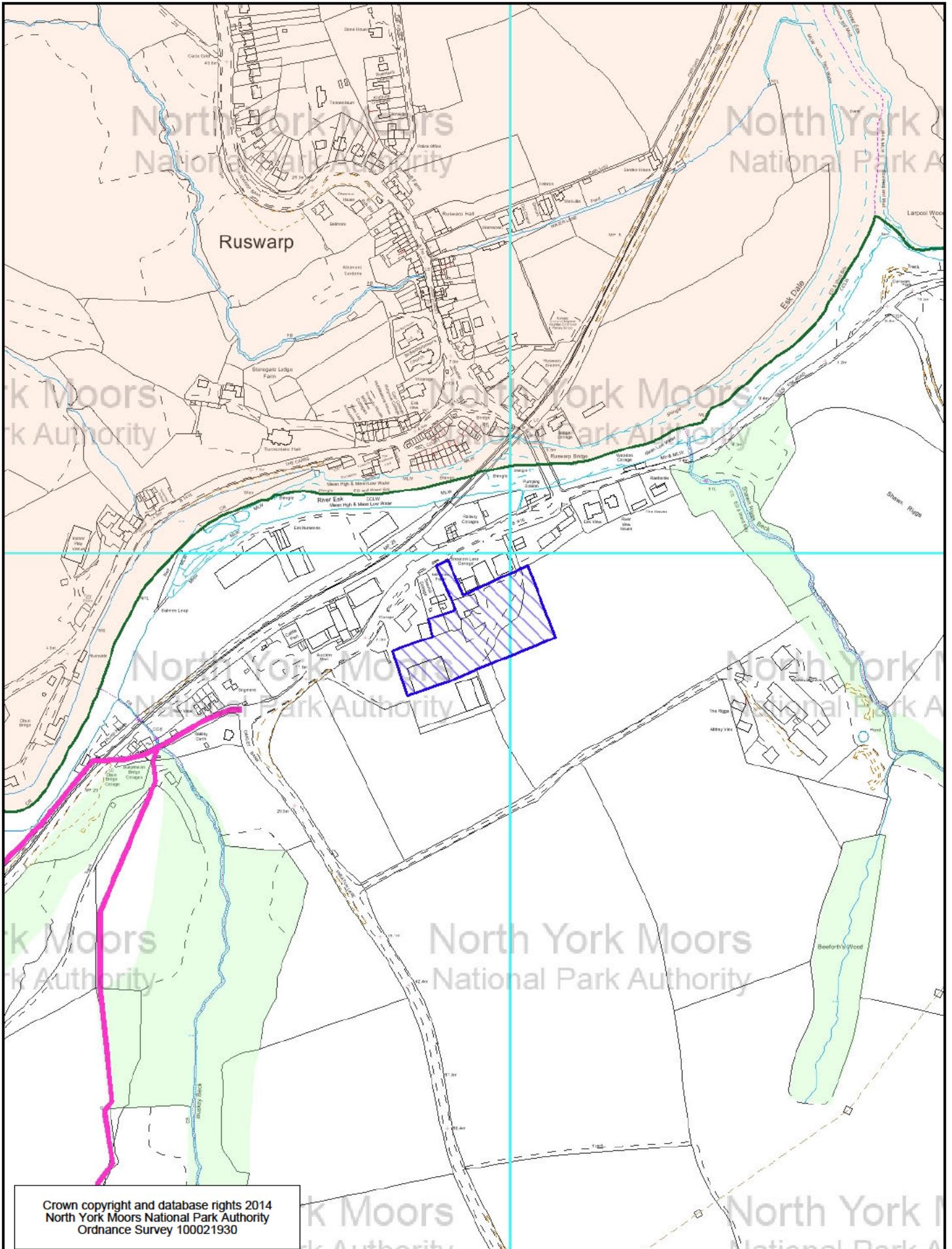
1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
3. RSUO00 The premises shall not be used other than as a Builders Merchant and Building Waste Recycling Station and shall not be used for any other purpose.
4. GACS01 Hours of Use of Machinery
5. GACS00 No more than 10,000 tonnes of waste material shall be processed on site in any one calendar year. A record shall be kept of the tonnage of material processed through the site and shall be made available for inspection by the Local Planning Authority as required.
6. GACS02 No Outside Storage
7. GACS00 The development hereby permitted shall not be brought into use until the proposed measures to be undertaken to limit the transmission of noise to adjacent properties have been implemented. The work shall not be carried out otherwise than in accordance with the details so approved.
8. GACS00 The development hereby permitted shall not be open to customers outside the hours of 08:00 to 18:00 Mondays to Friday and 08.00 to 12.00 on Saturday only. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
9. GACS07 External Lighting - Submit Details
10. GACS00 No work shall commence to clear the site in preparation for the development hereby permitted until scaled plans showing the finished floor level, eaves and ridge height of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The plan shall also include details of a fixed off-site datum point in the immediate locality. The work shall not be carried out otherwise than in accordance with the details so approved.
11. MATS00 No work shall commence on the erection of any buildings hereby approved until details of the wall and roof cladding, including samples, have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.



North York Moors National Park  
 Authority  
 The Old Vicarage  
 Bondgate  
 Helmsley YO62 5BP  
 01439 772700

Application Number: NYM/2013/0763/FL

Scale: 1:5000



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**Conditions (Continued)**

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|-----|--------|--|
| 12. | HWAY06 | Discharge of Surface Water   |
| 13. | HWAY07 | Private Access/Verge Crossings: Construction Requirements  |
| 14. | HWAY10 | Visibility Splays  |
| 15. | HWAY00 | There shall be no access or egress by any vehicles between the highway and the application site until full details of a safe and satisfactory access to the adopted highway have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall not be brought into use until the approved access is ready for use.   |
| 16. | DRGE00 | No new tree planting shall be located over or within 5m either side of the centre line of the sewer which crosses the site.  |
| 17. | DRGE00 | No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of separate disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.<br>It should be noted that the applicant will have to demonstrate that the geology and ground water levels are suitable to allow the operation of a soak-away. |
| 18. | DRGE00 | Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.   |

**Reasons for Conditions**

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|---------------|--|
| 1.            | To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.  |
| 2.            | For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.  |
| 3.            | In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers. |
| 4 & 5, 7 – 9. | In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.   |
| 6.            | In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.  |
| 10.           | In order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to conserve and enhance the special qualities of the National Park and ensure that new development is of a high quality and respects the character of the locality.  |

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**Reasons for Conditions (Continued)**

11. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
12. In accordance with NYM Development Policy 23 and in the interests of highway safety.
13. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 14 & 15. In accordance with NYM Development Policy 23 and in the interests of road safety.
16. In order to protect the structural integrity of the sewer from tree root infestation.
17. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
18. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

**Consultations**

**Parish** - Supports the application which will reduce traffic movements by combining the pick-up and delivery of materials.

**Highways** - No objections, subject to conditions.

**Yorkshire Water** - Object to the proposed development as applicant proposes to discharge surface water to the sewer system and it is proposed that trees be planted within 5m of the sewer which could prejudice its structural integrity. Should the Planning Authority be minded to grant planning permission conditions are recommended covering these issues.

**Environmental Health Officer** - Subject to conditions raises no objection to the scheme. Dust should not be a problem providing a reasonable dust management plan is successfully followed. The site is likely to be controlled through a permit which would be issued by Scarborough Borough Council Environmental Health Officer. The assurances that the company would act reasonably are noted. It is accepted that the noise report indicates that there should not be any issues for the properties adjacent to the site with the exception of the two properties in the ownership of the applicant, where the noise levels are predicted to be such that complaints are likely. Additional fencing would be welcome to protect Railway Cottages and there remains concern that there might be times when there could be issues, particularly during loading, for all of the residential properties and for the two owned properties from the general operation of the site. The impact on the two properties in the ownership of the applicant, should be disregarded but it would help if something could be built into the consent to cover this.

**Environment Agency** - No objections, but wish to draw applicant's attention to matters relating to the Environmental Permitting Regulations 2010.

**North Yorkshire Fire and Rescue** - No objections or observations.

**Police Architectural Liaison Officer** - There is no mention in the application of prevention of crime or fear of crime measures. This application deals with many trades in one location and as such the risk of crime is high.

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**Site Notice Expiry Date** – 28 March 2014

**Others –**

**Mr G Dawson, Chair of Whitby Civic Society.**

**Emma Horne, Garden House, Ruswarp Fields, Ruswarp**

**Miss Tammy Cooper, Ruswarp CE Primary School**

**Mr R I Little, 4 Echo Hill, Sleights and Part owner of Sneaton Lane Garage**

**Mr S Thomas, Sneaton Lane Body Repairs, Sneaton Lane, Ruswarp**

**Mr and Mrs Michael and Wendy Holliday, Oakley Garth, Sneaton Lane, Ruswarp**

**Mr J Hutton, Brigmere, Sneaton Lane, Ruswarp**

**Mr and Mrs Coulson, Raebanks, Glenesk Road, Sneaton Lane, Ruswarp**

**Mrs L Kettle on behalf of Mr and Mrs P Hall, owners of 1 and 2 Railway Cottages, Ruswarp**

**Mrs K Frost, 49 St Peter's Court, Whitby**

**Mr J A Smith, 7 The Carrs, Briggswath, Whitby**

**Mrs E Hoyle, Rosebank, 4 River View, Sneaton Lane, Ruswarp**

**Mrs E Little, Woodleigh House, 21 Main Road, Aislaby**

**Mr and Mrs Tranter, 2 Suspension Bridge Cottage, Sneaton Lane, Ruswarp**

**Mr J Gaffney, The Old Vicarage, High Street, Ruswarp**

**The persons listed above object to the proposed development for one or more of the reasons listed below:**

- Not an appropriate location for an industrial process better suited to an industrial estate.
- There is space for this development on Whitby Industrial Estate.
- The proposed noise levels would be unacceptable for those working on the site.
- Risk of significant impact on residential amenity through noise intrusion.
- Inappropriate development in a residential area.
- Risk of significant impact on residential amenity through dust.
- Noise from handling vehicles on site including reversing beepers.
- Increase in traffic in area including heavy vehicles and resultant impact on road safety and residential amenity.
- Additional traffic will cause road safety issue for school children.
- Nuisance to other business operators in the vicinity due to noise and dust.
- Surface water run-off from the existing site is a problem which will be exacerbated by the proposed development.
- The site is readily visible from the road.
- The development will harm the character of the area.
- Even though the crusher will be in a building, there is nothing to prevent the machinery being operated with the doors open.
- The Flood Risk Assessment does not adequately address the question of increase run-off and flooding from hard surfaces as run-off has significantly increased since the fields were first developed.
- The noise levels will not only be higher than background but the type of noise will be very different to the background.
- Complaints have already had to be made to Environmental Health about dust and fumes from burning waste packaging on the site.
- Neighbours were not consulted by the applicant prior to submission of the application.
- This is not a complimentary addition to the existing business but is an industrial development in its own right.
- Even though no household waste is planned litter in the form of lighter weight building materials will blow around the area.

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**Others (Continued)**

- Increased illumination will result in light pollution.
- The physical form of the valley will exacerbate the noise implications of the development.

**Matthew Halley, 3 West Cliff Avenue, Whitby**

**Miss J Attridge, Overdale, Goathland (Attridge Builders)**

**Mr R Garbutt, Glaisdale Hall, Glaisdale**

**Mrs C McConnell, 17 Rigg View, Stainsacre**

**Andrew Agar, Postgate House, Stainsacre**

**Paul Chambers, 2 Chancel Way, Whitby**

**Chris Stone, C Stone Electrical Services, 39 Lowdale, Sleights**

**Martin Simpson, Bridestones, Fairhead, Grosmont**

**Angus Nicholson, Wheatkits, The Common, Goathland**

**A petition in support of the scheme from Wilf Noble Building Supplies containing 98 signatures.**

**The persons listed above support the proposed development for one or more of the reasons listed below:**

- Development will result in fewer lorry movements.
- Good development which will provide a much needed service in the area.
- Development will enable the recycling of building materials.
- Development will provide job opportunities in the area.
- This development will reduce the amount of fly tipping in the area and save the local authority money.
- It is better to extend this existing site and operation than to develop a green field site.

## **Background**

### **Application Site**

The application site is located adjacent to the existing construction materials suppliers yard known as Wilf Nobles Building Supplies. The site is on the southern edge of Ruswarp to the immediate south of Sneaton Lane and to the east of Oakley Bank. The area is generally built up and there are a mix of uses including light industrial and residential.

### **Proposed Development**

The current application is for the change of use of an area of field and part of the existing building supplies yard in order to form a waste transfer station including a concrete crusher and screener. Three new buildings are proposed including one to house a crusher and screener. Details of the proposed equipment have been submitted with a revised noise assessment. The new buildings are of a typical industrial shed design. A new access into the site is proposed from Sneaton Lane into the centre of the site.

The applicant has submitted a supporting statement and flood risk assessment with the application along with a noise report covering the use of the proposed equipment. An up-dated noise assessment has now been submitted.

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**Supporting Information**

The applicant has submitted an additional supporting statement which sets out the measures to be taken to reduce the impact of the proposed development. This states that:

The crusher and screener will be housed in a building and that the noise levels will be reduced to below background levels at all dwellings. The building will have to operate with the doors closed when the plant is operating. Ventilation systems will be constructed internally with fans on the inside of the building to reduce noise. The doors of the building will be automated and will be closed when the plant is operating. If we breach our Permitting conditions the Environment permitting body, in this case the Borough Council rather than the Environment Agency, could close the business down.

Objectors to the scheme appear to believe that this is a large scale industrial processing plant, it is not. Details of the proposed plant have now been submitted. The plant is approximately the size of a large family SUV. The applicant now proposes to reduce the operational hours to 10am to 3pm Monday, Wednesday and Friday only. The standard reversing beepers will not be used and in preference a 'white noise' beeper will be used. Most deliveries to the site will be dealt with by Noble's own drivers, with only limited additional 3<sup>rd</sup> party drivers making policing of vehicle movements etc easier. A dust management schedule is being developed with Environmental Services which will be implemented under the environmental permitting regime. The revised estimated tonnage per week through the site is 88 tons. Additional throughput will come from Wilf Noble's plant business equating to approximately 4000 tons per year. On this basis the application is revised to a maximum of 10,000 tons per year. On this basis the development will result in only limited additional vehicle movements.

**Flood Risk Assessment**

A Flood Risk Assessment has been prepared which shows the development not to be at serious risk of flooding, being 4.0m above the maximum likely flood level. Measures have been included to allow evacuation from the site from an alternative route, should the main access flood. Surface water run-off is proposed via a SUDs system if possible, or otherwise connected to the surface water sewerage system. No details of SUDs have been submitted.

**Planning History**

The site has a long planning history dating from September 1988 at which time consent was granted for change of use of land and to rear of Ruswarp Service Station for use as plant hire depot, fitters shop, office, etc and builders merchants yard. In May 1989 consent was granted for a plant hire depot and builders merchants at land to the rear of Ruswarp Service Station. In June 1993 consent was granted for erection of plant hire storage and repair workshop to replace fire damaged building at Sneaton Lane, Ruswarp. In 1998 consent was granted for siting of non-illuminated name board sign at the premises.

**Main Issues**

The main issues are whether the application site is appropriate in principle for the accommodation of the proposed use, whether the development will have an unacceptable impact on the amenity of the occupiers of any neighbouring property or other users of the area and whether the proposed development will have any detrimental impact on highway safety in the vicinity of the application site or in the wider road network.

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**Main Issues (Continued)**

The main pertinent Local Development Framework Policies are:

Core Policy A is supportive of sustainable development in the National Park subject to a number of criteria. The scale of development and level of activity will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, nor detract from the quality of life of local residents or the experience of visitors.

Development Policy 1 seeks to ensure that the special qualities of the National Park are conserved and enhanced, and consequently seeks to only permit development where, amongst other criteria, it will not have an unacceptable impact on surface and ground water, soil, air quality and agricultural land; where it will not generate unacceptable levels of noise, vibration, activity or light pollution; and stability can be achieved without causing unacceptable environmental or landscape impact. It goes on to state that the Park has many areas of cliffs and steep slopes, which may be affected by landslip, and consequently, ground stability may be a material consideration in determining a planning application, and it should be demonstrated that the land is stable or that any instability can be overcome.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

Core Policy D of the Local Development Framework seeks to address the cause of climate change and contribute to reducing greenhouse gas emissions in a number of ways, including generating energy from renewable sources where they are a scale and design appropriate to the locality, and which contribute towards meeting domestic, community or business energy needs within the National Park. This includes requiring commercial development of over 200sqm to generate energy on-site from renewable sources to displace at least 10% of predicted CO<sub>2</sub> emissions.

Core Policy F is supportive of small scale waste facilities where this contributes towards meeting the targets of the waste management authorities in respect of increasing reuse, recycling, composting and energy recovery from waste, manage waste predominantly generated from communities within the National Park and enable waste to be managed as close to its source as possible.

Core Policy H of the Local Development Framework seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship, education and training in various ways, including allowing new employment development in Whitby Business Park, Service Villages and Local Service Villages.

Government guidance contained in the National Planning Policy Framework (NPPF) contains strong support for rural economic proposals provide that they would not have an unacceptable impact on other land uses including residential neighbours.



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**Principle of Use**

The question of the principle of a waste transfer station dealing primarily with materials from the National Park is supported by Core Policy F. The proposed station will allow the processing and sorting of waste building materials and will then act as a hub for their re-distribution of the recycled building materials to building developments in the area. The proposed business is complimentary in these terms to the existing building supplies company on the site.

The proposed use is considered to be a B2 Industrial use. This is a use which is likely to cause noise, dust or other forms of disturbance to neighbouring uses. The immediate area has a somewhat industrial character with a number of small industrial units, the existing building supplies company and a number of other light industrial and retail outlets. There are also a number of residential properties in the vicinity. This is not a site where a new greenfield B2 industrial use would normally be accepted due to the potential to cause nuisance both to the residential neighbours but also to the operators of other businesses in the locality. However, in considering the application one must consider the nature of the existing business and the scale of the proposed operation. The site is already occupied, save for the area of field included in the application, by a large semi industrial development with a number of large vehicles coming and going through the day. The applicant has stated that the time and duration of the processing plant will be very limited, although this does not limit the additional vehicles and noise associated with the delivery of waste to the site. Given the scale and form of the proposed operation the proposed development is considered to accord with the criteria set out in Core Policy F. As such it must be established whether or not the proposed development is likely to lead to a loss of amenity to residential and other local operators, to such an extent as to warrant a refusal of the application. These points are discussed in more detail below.

**Road Safety Implications**

The development if approved would significantly increase the number of large vehicles coming into and leaving the site each day. The applicant has stated that the additional vehicle numbers will be limited due to the use of existing vehicles coming to and from the site which will be tasked with the pick-up and delivery of materials. Clearly an operation of this sort is likely to result in a significant escalation of vehicle movements in the area. The application proposes a new access into the site from Sneaton Lane. The Highways Authority has been consulted on the application, and subject to a number of conditions, has raised no objections to the proposed development. The local road network and the proposed access are considered to be capable of accommodating the additional traffic generated by the development and the proposal will have no detrimental impact on road safety.

**Special Qualities**

The application site is on the edge of the National Park within a semi-industrial / residential area. There are a number of non-residential uses in the vicinity of the application site and the character is certainly a mixed one. However, the current uses are generally compatible with a residential area in terms of processes, noise generation and dust creation. In terms of buildings and structures the proposed buildings are of an industrial character. The proposed development is of a character and form that would be expected to be found on an industrial estate rather than within a mixed residential / business area as proposed. The proposed extension of the site along with the scale and form of the proposal has the potential to erode the character of the area by further industrialising the character of the area. However, given the extent and form of buildings on the site presently the additional buildings are not considered to be harmful to the overall character and form of the settlement or the special qualities of the National Park in this location.

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**Residential and Visitor Amenity**

The potential to detrimentally impact on the amenity, particularly of the residential properties in the area is high. The levels of noise and frequency of noise generated by the proposed equipment would be likely to cause considerable nuisance to all neighbours in the vicinity, not just residential neighbours, if no acoustic measures or buildings were utilised. The sources of potential noise and disturbance would come not only from the proposed crushing and screening equipment but from the delivery and handling of materials on site with the accompanying generation of dust and noise from handling vehicles and the proposed 'white noise' reversing beepers. A revised noise report has been submitted which indicates that the noise levels will be only 2Dba above background. The Environmental Health Officer's assessment of the information provided is that the noise levels to the majority of houses in the vicinity of the application site will be within tolerable limits. However, the noise levels within two properties within the control of the applicant will be greater than that which would normally be acceptable in a residential property. Given that these properties are in the control of the applicant the Environmental Health Officer considers the expected noise levels to be acceptable in this case. The impact of noise can be significant and in this case the mitigation measures must be carefully implemented and maintained in order to ensure continued protection of amenity to both residential and non-residential property in the vicinity of the application site.

A dust management plan has been submitted which would be implemented through Environmental Permitting administered by Scarborough Borough Council. Providing this plan is correctly implemented dust should not pose a significant risk to the amenity of the area.

**Alternative Locations**

There is an existing waste transfer station at Whitby Industrial Estate where this type of material can be handled. However, the proposed development intends to utilise the synergy between the proposed operation and the existing builder's merchants to allow the effective recycling of the materials along with the use of existing vehicle movements in order to create an efficient and cost effective process.

**Planning Balance and Conclusions**

Local Development Framework policy is broadly supportive of the principle of the development, but due to the character and form of the locality the proposed development has the potential, through both the operation of equipment and handling of materials on site, to cause a significant loss of residential amenity and nuisance to other operators in the vicinity of the application site. The development will result in the erosion of the character of the area to some degree but not to the point of recommending the scheme for refusal.

Objections from Yorkshire Water with regard to surface water discharge to the mains sewer are currently being addressed by the applicant by using a separate foul and surface water system and a condition is recommended on this issue.

The benefits of the proposals in terms of providing a waste transfer and building materials recycling centre are considered to be relatively considerable. Given the proposed mitigation measures and the assessment of the scheme by the Environmental Health Officer, the proposed development, suitably conditioned, is not considered to be harmful to the amenity of occupiers of property in the area.

Whilst the proposed development will result in additional vehicle movements in the area, the highway network is considered sufficiently robust to cope with the additional traffic generated.

The application is recommended for approval.

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**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.