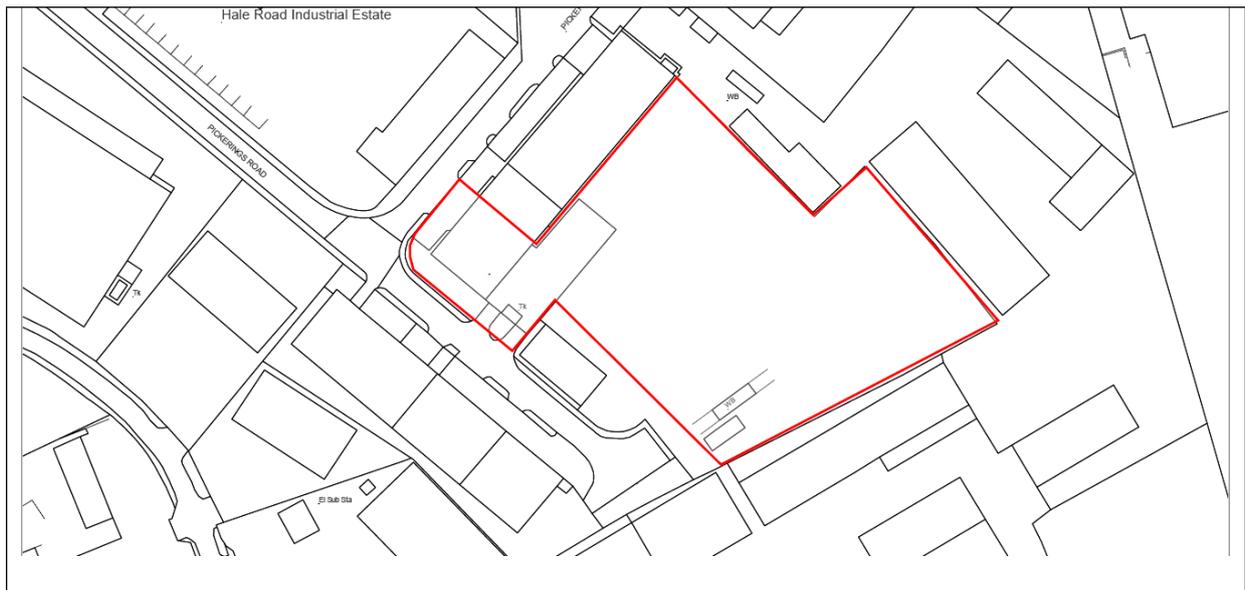


APPLICATION NO:	18/00285/WST
LOCATION:	Former J Bryan (Victoria) Ltd, Pickerings Road, Widnes
PROPOSAL:	Proposed change of use to waste transfer and treatment facility, construction of waste transfer building and ancillary development including weighbridge, welfare facilities, storage bays and fencing
WARD:	Ditton
PARISH:	Halebank
AGENT(S) / APPLICANT(S):	Veolia ES UK Ltd
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2018) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Action Area Halebank Coastal Zone Developed Environmental Priority Areas
DEPARTURE	No
REPRESENTATIONS:	Letters of representation from 7 objectors Letter from Ward Councillor expressing "concerns" Letter of Objection from Halebank Parish Council Letter from Ward Councillor requesting the application be reported to Development Control Committee
KEY ISSUES:	Principle of development, regeneration and employment; waste policy; noise, dust, odour and other amenity issues; drainage; contaminated land and highway and traffic issues
RECOMMENDATION:	Approve Subject to Conditions
SITE MAP	



THE APPLICATION SITE

The Site

Site of approximately 1.1 hectares being the site of the former J Bryan (Victoria) Ltd facility located within the Halebank Industrial Estate which is accessed off Pickerings Road. The site is currently vacant, but was previously used by a demolition contractor and scrap metal processing company as a demolition waste storage/ transfer yard and depot. Although disused there are a number of structures on the former storage yard comprising an office building, single storey industrial building, a metal clad lean-to attached to the existing brick built offices, new weighbridge, weighbridge and welfare cabin accommodation, various steel containers/ tanks and an established fence line to create the sites boundary.

Planning History

None directly relevant. The site has a long and complicated history associated with the historical use and ongoing development of the site particularly as a plant hire and demolition contractor's yard which historical photographs show included external storage and sorting of demolition wastes.

THE APPLICATION

The proposal and Background

Permission is sought for the change of use of the site to a waste transfer and treatment facility, construction of waste transfer building and ancillary development including weighbridge, welfare facilities, storage bays and fencing. The waste management facility will comprise a waste transfer station with a shredder to manufacture a refuse derived fuel and bulking/ transfer of recyclates, along with an external area for the storage, treatment and transfer of construction and demolition wastes.

The applicant states that their existing waste collection fleet and current vehicle maintenance activities will continue on the existing Ditton Road site. The Pickerings Road site is proposed to provide scope to develop a transfer station which cannot be accommodated on the Ditton Road site due to the space limitations. The applicants state that they are seeking to develop their own local infrastructure with efficient access to its customers in the main population

centres across Halton and Merseyside to reduce reliance upon third party facilities in and around its existing Widnes depot.

Documentation

The applicant has submitted a planning application, drawings and the following reports:

Planning/ Supporting Statement

Phase 1 and 2 Site Investigation Reports

Transport Statement and Traffic Generation Comparison Technical Note

Flood Risk Assessment

Noise Report

POLICY CONTEXT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2018 to set out the Government's planning policies for England and how these should be applied.

Paragraph 47 states that planning law requires for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.

Paragraph 11 and paragraph 38 state that plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas."

Paragraphs 80-82 states the need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area.

National Planning Policy for Waste

The National Planning Policy for Waste sets ambitious aims to work towards a more sustainable and efficient approach to resource use and management through positive planning in delivering sustainable development and resource efficiency including through the provision of modern infrastructure and by driving waste management up the waste hierarchy and by securing the re-use, recovery or disposal of waste without endangering human health or harming the environment.

Halton Unitary Development Plan (UDP) (2005)

The following Unitary Development Plan policies and policy documents are relevant to this application: -

RG5 Action Area 5 Halebank

BE1 General Requirements for Development

BE2 Quality of Design

BE3 Environment Priority Areas

GE30 The Mersey Coastal Zone
PR1 Air Quality
PR2 Noise Nuisance
PR3 Odour Nuisance
PR4 Light Pollution and Nuisance
PR14 Contaminated Land
PR16 Development and Flood Risk
MW1 All Minerals and Waste Management Developments
MW2 Requirements for All Applications
TP6 Cycling Provision as Part of New Development
TP7 Pedestrian Provision as Part of New Development
TP12 Car Parking
TP15 Accessibility to New Development
TP17 Safe Travel for All
E5 New Industrial and Commercial Development

Halton Core Strategy Local Plan (2013)

The following policies, contained within the Core Strategy are of relevance:

CS1 Halton's Spatial Strategy
CS2 Presumption in Favour of Sustainable Development
CS4 Employment Land Supply and Locational Priorities
CS15 Sustainable Transport
CS18 High Quality Design
CS19 Sustainable Development and Climate Change
CS20 Natural and Historic Environment
CS23 Managing Pollution and Risk
CS24 Waste

Joint Waste Local Plan 2013

WM0 Presumption in Favour of Sustainable Development
WM1 Guide to Site Prioritisation
WM2 Sub-regional Site Allocations
WM3 Allocations for District Level Sites
WM5 Areas of Search
WM10 High Quality Design and Operation
WM11 Sustainable Waste Transport
WM12 Criteria for Waste Management Development
WM13 Planning Applications for New Waste Management Facilities on Unallocated Sites

Supplementary Planning Documents (SPD)

Design of New Industrial and Commercial Development SPD

CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents, landowners and Halebank Parish Council have been notified by letter.

The following organisations have been consulted and any comments received have been summarised below in the assessment section of the report where appropriate:

Environment Agency – No Objection

United Utilities – No objection but Request Conditions

Natural England – No Comments to Make

Liverpool Airport – No Objection but Request Conditions

Council Services:

HBC Contaminated Land – No Objection subject to Conditions

HBC Highways – No Objection subject to Conditions

Lead Local Flood Authority – No Objection subject to Conditions

HBC Environmental Health - No Objection subject to Conditions

REPRESENTATIONS

Letters of representation have been received from 7 objectors raising the following issues:

- Impact of traffic and parking on local business and residential areas
- Air pollution, odour, noise, dust, litter, attraction to vermin
- Household waste is a real concern
- Debris on roads causing punctures and impact on other businesses
- That Halton is becoming the dustbin of the North West
- That the original use resulted in only limited traffic
- Particular concern re: odour and dust and impact on residents and local investment
- Fire Risk
- Impact on local residents
- Negative impact on character of are, regeneration and environmental quality

A letter has been received from a Ward Councillor outlining concerns of his constituents as follows and confirming that “I broadly share these concerns”:

“As the ward councillor, I've been contacted by a number of constituents regarding this application which has been presented by Veolia UK - I broadly share these concerns and ask that this be noted as part of the ongoing consultation regarding the application.

My principal concern is around the environmental impact of such a facility in terms of odours, dust and litter blown on the wind, based on experience of similar premises in other areas, as well as an increase in traffic from heavy goods vehicles. The site is in close proximity to an existing housing estate and also very near to another site which is likely to be developed if the Council's Development and Allocations Local Plan is approved.”

A further letter has been received from another Ward Councillor requesting the application be reported to Development Control Committee.

One letter of objection has been received from Halebank Parish Council stating as follows:

The Parish Council has asked to me to express to you their deep concern and alarm at proposals by Veolia ES UK Ltd for a change of use of land at the former J Bryan (Victoria) Ltd, Pickerings Rd, Hale Bank, for it to be used for a Waste Transfer and Treatment Facility.

Hale Bank Parish Council believes the site is totally unsuitable for this use for the following reasons:

- *The Guide to Site Prioritisation (Policy WM1) in the Joint Merseyside & Halton Waste Local Plan states that developers are required to show that the site that they wish to develop is either:*
 - *an allocated site*
 - *an unallocated site within an Area of Search*
 - *an unallocated site which can be justified using the Waste Local Plan site assessment method*

The Parish Council notes that:

- *the former J Bryan (Victoria) Ltd, Pickerings Rd, Hale Bank is not an allocated site.*
- *neither is it an unallocated site within an Area of Search*

Policy WM 1 of the Joint Waste Development Plan (JWDP) quite clearly states: Developers should develop sites allocated in the Waste Local Plan in the first instance, and should only consider alternatives to allocated sites if allocated sites have already been developed out, or are not available for the waste use proposed by the industry, or can be demonstrated as not being suitable for the proposed waste management operation.

However, in their Supporting Statement, which accompanies this application, at section 7.5.3 the applicant acknowledges this condition in the JWDP. It reads:

'The proposed development site is not allocated in Policies WM2 (Sub-Regional Allocations) or WM3 (District Level Allocations) but is within the vicinity of the 'Industrial areas of Ditton/Widnes 'area of search, policy WM5.'

Hale Bank is quite clearly not in Ditton and there is a clear physical separation of the industrial area the JWDP refers to and Hale Bank a primarily residential area in the form of the West Coast railine and Ditton Bridge. It is wholly misrepresentative of the applicant to suggest that Hale Bank is part of Ditton for purposes of claiming this site to be an unallocated site within an Area of Search.

Furthermore, the Supporting Statement (section 7.5.5) states that 'the site was previously permitted and therefore deemed to be an 'existing waste management licensed' for the purposes of the Waste Local Plan.'

The Parish Council is both confused and concerned by this comment and assertion by the applicant just because the previous site occupants demolition company J Bryan (Victoria) conducted activities for which a licence was required it does not logically follow that their line of business was the same as that of a Waste Transfer Station. A Waste Transfer Station will dispose of much larger amounts of differing waste streams. Also which 'Waste Local Plan' is the applicant referring to? It clearly is not the Joint Waste Development Plan to which Halton

Borough Council has subscribed to because as previously stated this site in Hale Bank is not an allocated site nor is it an unallocated site. Therefore the Parish Council would submit that this is also a redundant line of planning argument by Veolia.

- *The Parish Council is aware that The JWDP site in Halton (Widnes Waterfront) which is a designated site for a WTS has not been developed out and is currently available for use as a Waste Transfer Station.*

Again referring to the applicant's Supporting Statement 7.5.10 in which Veolia states: 'one of the key requirements for a potential transfer station development site was proximity to the depot (existing Widnes depot). The Pickerings Road site offered that benefit and was known to be available through its active marketing. It is recognised that the Waste Local Plan allocates other sites in the Halton area...however these sites were not ideally located for the existing Ditton Road depot operation thereby any synergies reduced, and importantly the sites were not known to be commercially available.'

With respect to the applicant, Veolia, Hale Bank Parish Council, would not wish to be the cause of any 'synergies' being 'reduced, but would respectfully point out that Veolia's wish to have a WTS site closer to their existing depot is an irrelevance in terms of compliance with the terms of the JWDP which HBC's planning department is fully aware of and also the Parish Council would be delighted to inform the applicant that as, previously stated the allocated WTS site at Widnes Waterfront is fully available and furthermore the Parish Council has learned that the vendor was 'totally unaware' of Veolia's requirements for a WTS as he had NEVER been contacted by them.

This application directly contradicts one of the Strategic Objectives of the Waste Local Plan SO6 - to minimise the adverse effects of waste management development (including transportation) and enhance positive impacts where possible, on human health, local amenity and the natural and urban environment and heritage of Merseyside and Halton.

Additionally, Promoting Healthy Communities' section 8 of the NPPF Guidance requires that the planning system should facilitate healthy communities. Paragraph 8.70 states (in part) that planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities. A waste transfer station dealing with 85,000 tonnes of commercial and industrial waste and 40,000 tonnes of construction, demolition and excavation materials per annum, in the proposed location would profoundly contravene all of those policies. This would be evident in terms of noise, increased traffic and air pollution.

- *Noise*

Both from the maneuvering of large vehicles and from elements of the waste transfer operations themselves – would be an issue of even wider impact throughout the majority of the village.

National Planning Policy Framework guidance expressly states that noise exposure that is noticeable and disruptive, causing extensive and sustained changes in behaviour, with potential for sleep disturbance resulting in premature awakening and difficulty in getting back to sleep - without any ability to mitigate the effect of that noise - would result in quality of life being diminished.

Veolia's application states the WTS would operate between 7am and 7pm Monday to Friday, and from 7am to 3pm Saturday, Sunday and Bank Holidays. There is no mention of Christmas or Easter opening hours.

Even at present, on most days it is quite possible to hear the beepers from maneuvering vehicles operating on the existing commercial sections of the village, which are all very near the application site. In the context of a large village community, with absolutely no scope for noise mitigation, the figures for additional commercial vehicle movements on the application site are truly horrifying. The NPPF guidance goes on to state that if there is such an impact on health and quality of life then, regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.

- *Odour Management Plan?*

There is no evidence that an odour management plan has been prepared to accompany this application by Veolia. Environment Agency legislation requires a 'written odour management plan that explains how (you) the applicant will prevent, or where that is not possible, minimise odour if (your) the applicant's site causes odour pollution OR if you carry out any of the following activities: landfilling biodegradable waste; household, commercial and industrial waste transfer station; and so on...

Although the Parish Council appreciates that HBC is not the body that would issue the applicant with an EA permit, it would have thought an odour management plan would have been completed with the planning application as a matter of courtesy for residents Veolia hopes to have as neighbours in Hale Bank.

- *Traffic.*

In addition to all the breaches of policy referred to above, there is widespread, profound and justified concern from very many local residents regarding the large number and nature of the vehicle movements that would be generated by the proposed waste transfer development on this site. This site can only be accessed via a residential area unlike the JWDP allocated site at Widnes Waterfront.

In section 8.3.3 of the applicant's Supporting Statement the huge amount of extra traffic this site will create PER DAY, if given permission is detailed.

90 HGV movements

20 trade waste collections vehicles

16 articulated vehicle movements

'Multiple movements' of smaller skip lorries to and from site

Up to 20 site staff movements.

All this extra vehicular traffic will not only increase congestion on the village roads, and increase wear and tear to Ditton Bridge, but doubtless add to the nitrogen dioxide pollution levels in the area.

As both HBC's planning and environmental health departments are aware Hale Bank Parish Council has carried out its own independent air monitoring of Nitrogen Dioxide levels within the village for the past four years. While results have not yet breached DEFRA'S AQM guidelines, they have come dangerously close and remain very high in many locations particularly ones close to this site.

The Parish Council is extremely concerned that such an increase in vehicles as is proposed by this application would cause nitrogen dioxides levels to breach and cause detriment and harm to the health of Hale Bank residents, particularly the young and elderly.

Halton Council has, over the years, made massive advances to improve the physical environment of Widnes; this development would turn our community into a dumping ground. So it is on this basis that Hale Bank Parish Council would take great exception if, given the observations outlined in this submission, HBC was to go ahead and grant permission for this application and unfortunately, the Parish Council would, once again, be forced to seek legal advice regarding a potential Judicial Review of ANY such decision.

The Parish Council sincerely hopes that such a course of action would not be necessary and that HBC will make a decision compliant with the JWDP.

The applicant states that they have made contact with each of the commercial businesses who have made representations and answered any questions they may have. Whilst they have not approached members of the public directly but have offered to provide contact details to explain the proposals to them, the controls that will be put in place and hopefully be able to better understand where there concerns lie.

ASSESSMENT

Background

The applicant operates a trade waste collection and management service across Halton and Merseyside. The proposed transfer facility is reportedly proposed to allow a more efficient collection and processing associated with its current waste collection fleet and vehicle maintenance activities which will continue on their existing Ditton Road site.

Trade waste from local businesses is typically subject to 'at source' separation i.e. cardboard and clearly recyclable material separated from residual wastes. The proposed bulking/ treatment facility will allow recyclates to be bulked on the site and residual waste to be treated to produce a refuse derived fuel for use in consented recovery facilities aimed at increasing the rates of trade waste recycling and minimise the amount of trade waste sent to landfill. Bulked waste, recyclates etc. would be transported from the facility to re-processors and recovery facilities within a reduced number of larger vehicles.

The submitted supporting statement states that the local business currently supports approximately 43 staff directly and indirectly working within Veolia's local trade waste collection business (consisting of sales, office staff and drivers/operatives). The development of the proposed transfer facility will consolidate existing local jobs based out of the Ditton road depot and generate up to an addition 3-5 full time employees onsite with between a further 2-5 offsite (including site operatives and drivers employed to remove the stored waste).

Description of Proposed Development and Process Details

The development proposed is principally a new transfer station to service Veolia's trade waste collection business consisting of the following main features and processes as summarised from the applicant's submission:

- initial site clearance/ demolition - specifically the existing canopy structure, removal of shipping containers and other waste materials;

- proposed use of existing offices for administration staff;
- new weighbridge(s);
- a proposed building for the bulking, treatment and transfer of collected materials, with a series of internal storage bays for delivered materials;
- processing of delivered residual wastes in the new building to produce a refuse derived fuel (RDF) for export;
- external glass and wood storage bays;
- fire water tank and associated pump house to feed a new fire suppression system;
- new plant room to service the proposed development;
- proposed area for construction and demolition waste storage and processing;
- improvements to the site drainage and surfacing;
- new fuel tanks.

The proposed waste transfer and treatment building which is aligned along the south-western boundary of the site will provide a footprint of approximately 1,105 square metres (approximately 43 metres x 26 metres) with an overall height of 11.3 m to the eaves and 13.2m to the ridge allowing sufficient space for process equipment, collection vehicles to tip inside and bulkers to be loaded in the building.

The building will be a portal framed industrial building with exposed precast concrete panels at its base, Goosewing Grey steel wall cladding above with contrasting red fascias/ soffits, gutters and doors including 4, electronically operated, rapid rise doors to the front elevation. To the side elevations there will be a series of fixed natural ventilation grills and/ or a roof ridge vent to provide sufficient ventilation.

Adjacent to the northern side of the proposed building will be a sprinkler tank with associated plant to provide necessary fire protection. Within the building there will be a series of precast concrete push walls with bays delineated for the receipt of delivered material. The building is stated by the applicant to have been sized according to the maximum potential annual tonnage to be collected by the local business and is sufficient to accommodate material in the event of restrictions onsite or at the off-site receiving facility (e.g. periods of maintenance/ shutdown).

The recyclables and residual wastes will arrive separately and be tipped into designated bays within the building. As with the residual waste, the elements of recyclable waste will also be bulked for onward collection/ transit to an approved recycling facility. Mobile plant will be used to move the waste around the building, load the shredder and HGVs. Bulk vehicles would be loaded with refuse derived fuel (RDF) and bulked recyclates within the confines of the main building.

It is anticipated that shredded material will then be loose bulked and loaded into a bulker HGV for export offsite. Certain receiving facilities may however prefer to receive the material baled and wrapped. Therefore it is proposed to potentially install required equipment in the building at a later date dependent upon the requirements of the receiving facility.

It is expected that waste (both residual and recyclable trade waste) will be delivered by approximately 52 collection vehicles of various types per day. Delivery vehicles will be refuse collection vehicles and skip container vehicles of various sizes. Refuse collection vehicles will typically visit the site once following the completion of their scheduled collection rounds (late-morning/ early-afternoon) before returning to Veolia's Ditton Road site to park overnight. In order to remove waste and minimise any overnight storage, up to 12 bulk loads would be required to export the waste off-site (at its maximum throughput).

As part of the applicant's ongoing contractual commitment with Merseyside Recycling and

Waste Authority Veolia manage a small quantity of construction and demolition waste from local householders. This is material placed into the relevant skips at local household waste recycling centres and amounts up to approximately 40,000 tonnes per annum of typically soil and rubble.

It is proposed that these materials will be stored in relevant bays in an area at the north east end of the site. On a periodic basis this material will be processed through a mobile crusher/ screen and then exported offsite for reuse. It is anticipated that on average the processing would take place over one working day every fortnight.

According to the submitted form, the facility will operate between the hours of 0700 – 1900 Monday to Friday, and 07:00 – 15:00 on weekends and Bank Holidays.

Principle of Development

The site is designated as a within Action Area 5 – Halebank, an Environmental Priority Area and The Mersey Coastal Zone - Developed in the Halton Unitary Development Plan (UDP). UDP Policy RG5 provides for a series of uses which it states will be acceptable within the action area along with a series of general principles for development. Whilst provision for “a variety of employment uses” is listed under principles of development the proposed use is not specifically listed as an acceptable use. Notwithstanding that, the list of acceptable uses given in Policy RG5 could not be considered as an exhaustive list nor does Policy RG5 seek to exclude uses not listed within the policy but more represents a reflection of the aspiration of the policy to seek enhancement of the area.

UDP Policy GE30 relating to the Developed Coastal Zone requires that “particular attention” should be paid to the location of the development within the Mersey Coastal Zone by attention to environmental quality and, where possible, improving access to the coast. It states that “proposals which would contribute to regeneration, and/ or to the enhancement of environmental quality, tourism and recreation will be encouraged.

The proposed site is not considered particularly visible from any main road or rail transport routes and therefore UDP Policy BE3 requires that proposals raise environmental standards and be of a quality of design that enhances the character of the area.

The Council’s retained adviser on waste has confirmed that the proposal is supportive of the vision for the Waste Local Plan (WLP), and of the majority of the Strategic Objectives. It will also assist the WLP area achieve net self-sufficiency, as the purpose of the facility is to serve Veolia’s business needs in the area.

They confirm that the applicant has supplied sufficient information to demonstrate compliance with policies WM1, WM2, WM3, WM5 and WM13, and that no pathway is identified that could give rise to likely significant effects on the European sites and therefore a detailed Habitats Regulations Assessment report is not required in this case.

Contrary to the views presented by Halebank Parish Council, the site is considered to be within the area of search as defined by JWLP Policy WM5 as falling within the Industrial Areas of Ditton/ Widnes. In this case the policy is considered to relate to Industrials Areas of Ditton and Widnes as indicated by Figure 4.2.

The applicant has considered policy WM10 (High Quality Design and Operation of Waste Management Facilities), the visual impacts are not considered significant as the area is an existing industrial area, the facility will be designed to fit into its surroundings.

As requested the applicant has provided further clarification demonstrating that traffic generation from the proposed development are significantly lower than the current permitted

traffic generation and this has been agreed by the Council's Highways Officer. Further clarification has also be provided regarding impacts from odour management, dust from external crushing/screening operation and consideration of cumulative impacts in line with policy WM12 and on Sustainable Waste Transport in line with policy WM11. The council's Environmental Health Officers have confirmed that the proposals are considered acceptable and that they raise no objection. No information has been provided on where the waste will be going and this has been requested. This is however considered to be a market decision dependant on contracts and not a matter for control through any grant of planning permission.

Issues relating to noise, dust, odour and other amenity issues are addressed later in this report. The proposals are considered to make a positive contribute to regeneration and to the enhancement of environmental quality of the area when compared with the existing site and former use. The proposals are considered to accord with UDP policies RG5, BE3 and GE30, the Waste Local Plan and Core Strategy Policy CS24 and are therefore considered acceptable in principle.

Design and Character

The scheme proposes a modern waste transfer and treatment building aligned along the south-western boundary of the site together with sprinkler tank and pump house, weighbridges with a weighbridge office and external glass, wood and construction and demolition waste storage within bays. An existing office building within the site will be retained.

The proposed waste transfer and treatment building will provide a footprint of approximately 1,105 square metres (approximately 43 metres x 26 metres) with an overall height of 11.3 m to the eaves and 13.2m to the ridge. The building will be a portal framed industrial building with exposed precast concrete panels at its base, Goosewing Grey steel wall cladding above with contrasting red fascias/ soffits, gutters and doors including 4, electronically operated, rapid rise doors to the front elevation. To the side elevations there will be a series of fixed natural ventilation grills and/ or a roof ridge vent to provide sufficient ventilation. Despite the utilitarian nature of some of the buildings they represent a significant improvement on the current dilapidated and unsightly buildings, structures and open storage which currently and formerly occupied the site. All are considered appropriate to the character of the area, and the proposed development will undoubtedly result in significant improvement and contribute to the regeneration of and raise environmental quality in the area.

The application includes provision for external storage of glass, wood and construction and demolition input and output. The applicant has confirmed that these will all be contained with allocated bays to a maximum of 4m in height and has agreed for this to be controlled by condition of any planning permission.

The applicant has included aerial photographs of the site during its previous activity as a demolition contractor's depot at Fig.1 and Fig.2 of their submitted supporting statement. These show substantial elements of, apparently uncontrolled, external storage of waste and plant to varying heights. The proposed development will contain substantial elements of the process within buildings. External storage and processing of wastes will, on the basis of the submission, be substantially less intrusive than the previous use. The proposed new buildings and plant will further increase screening of the site, HGV and plant activities and any external waste processing and storage within the site.

The site is already largely enclosed by galvanised palisade fencing. It is not proposed to change the fencing, other than by the widening of the gates and the addition of close board fencing along the frontage to Pickerings Road. A short section of one boundary is currently secured by a series of shipping containers, which are to be removed. This boundary will be

fenced with palisade fencing to match existing, but is an internal boundary and has only limited visibility from public vantage points. The applicant has confirmed that they are willing to accept a condition that the new fencing and gates to the entrance will be powder coated in a colour to be agreed.

On that basis it is considered that the proposed use will represent a significant improvement on the previous use and therefore wholly consistent with UDP Policies RG5, BE3, GE30 and E5.

Noise, Dust, Odour and Other Amenity Issues

A number of objections have been made regarding the potential of issues from the development including noise, dust, odour and other amenity issues. A number of the issues raised appear to relate to experiences resulting from existing industrial and waste facilities in the area. It is important that the issues raised are considered only in so far as they relate to the development subject of the current application.

The application is supported by a detailed noise assessment. Background sound measurements have been recorded at the nearest sensitive receptor during daytime periods during a weekend to establish the lowest likely representative background and residual sound levels. Calculations have been carried out to determine the highest likely noise contribution at the nearest residential property boundaries for comparison.

The assessment has considered the effect of noise 'break out' with an assumption that mobile plant operations and fixed plant will be operational 100 per cent of the time. The assessment has also considered the effect of vehicle movements, mobile plant movements, occasional operation of the crusher and screening plant, bulking activities and shredder within the building to assess the impacts.

As a result of the analysis, the assessment concludes that predicted noise levels from the operation, HGV movements, mobile plant movement, waste shredder, crusher/ screener, bulking activities and vehicle wash operation would not exceed representative background levels and therefore likely to result in low impact according to current the British Standard. It also concludes that noise from the site would also be below appropriate design levels for internal levels within sensitive rooms of residential dwellings assuming an open window.

The report recommends a number of potential construction noise and operational noise mitigation measures based on good practice to minimise noise levels although states that "these are not required to meet reasonable and appropriate noise level criteria". The Council's Environmental Health Officer has confirmed agreement with the report and that the site poses minimal impact on residential amenity with respect to noise. It is not considered that imposition of conditions could be justified with respect to the 6 tests for use of planning conditions set down within the National Planning Policy Framework. A condition that a construction management plan and restriction on hours of construction in order to minimise construction impacts is considered appropriate.

With respect to concerns about odour the applicant has sought to provide further clarification regarding the nature of the waste and the way in which it will be managed, particularly with regard to food waste. The applicant states that the proposals are to handle a mixture of dry waste streams coming from waste collection rounds, principally from offices, and, whilst there may be occasional elements of food included, this is not a significant proportion of the waste received. It is stated that there is no specific food waste collection round proposed to deliver to this site, but provision has been made for loads containing food. Each load is inspected as it is unloaded at the site and any waste containing food is removed from the

main waste stream and stored separately within a dedicated bay to avoid cross contamination with recyclable materials. Food deposited into that bay will be loaded into a sealed storage container for removal from the site. The food bay will then be cleaned and disinfected to prevent odour.

As a result it is suggested that risk of odours is low as a result of the type of material handled which is generally low odour, but also because there is a rapid throughput of material with waste being held on site for only a short period of time. It is indicated that the bays within the building which handle mixed residual wastes are filled and emptied sequentially so that waste is not left on site for a prolonged period and does not have the opportunity to become odorous and that this is the company's standard operating procedure.

However, as was also referenced in the supporting statement, the building will be built to facilitate the installation of a misting system. Whilst it states that this is principally used to control dust within the building, it will also contribute to the minimisation of potential odours.

With respect to dust and litter issues, the existing service yard is hard surfaced and wastes are only to be deposited in clearly demarcated areas. As a result it is considered that the potential for dust to be generated by the passage of vehicles over the yard will be low. As confirmed within the planning supporting statement, all unloading, management and loading of the dry recyclates and residual waste is to be undertaken within the building. It states that all waste entering and leaving the site will be in either sealed vehicles or covered containers. Consequently there will not be windblown litter and that the contained nature of the materials also means the potential for other issues such as fugitive nails or other items that might cause punctures deposited on the road will also be low. It is considered that a requirement that all waste entering and leaving the site will be in either sealed vehicles or covered containers can be secured by planning condition.

The other element of operations that has the potential to generate dust is the processing of construction waste. Mobile plant used to undertake processing will be equipped with dust suppression apparatus in the form of simple water sprays. Methods exist to mitigate potential dust arising from stockpiled waste. Such issues will be a consideration of the Environmental Permit issued by the Environment Agency. As stated in the NPPF "...local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes....local planning authorities should assume that these regimes will operate effectively".

On the basis of the above, the Council's Environmental Health Officer has confirmed that they raise no objections regarding the application. They confirm that they are satisfied that the noise report demonstrates that, given the location of the site, the proposal poses minimal likely impact on residential amenity. With regard to odours they state that the site will be subject to an Environmental Permit issued and conditioned by the Environment Agency and, as such, any planning consent should not duplicate this role. Notwithstanding that, they acknowledge that the applicant states that the waste on site will have a turnaround time of less than 24 hours, and suggests that deodorisers could be used on site. On this basis, together with the distance from the nearest residential areas, they confirm that they are satisfied that the odours from the site can be adequately controlled given the information provided with the application.

Airport Safeguarding

Liverpool John Lennon Airport have confirmed that they raise no objection in principle. They have however requested two conditions be attached to any planning permission requiring

submission of a Bird Hazard Management Plan for “scavenging and or nesting and loafing birds” and requiring the contractor/ developer contact Liverpool John Lennon Airport for permission for any crane exceeding 10 metres in height within 6km of the aerodrome. It is not considered that sufficient evidence has been provided to demonstrate that the proposed waste transfer and treatment facility would be attractive to such birds given the inert nature of the proposed waste streams and the assurances given by the applicant with regards the likely volumes and handling of any food wastes. The control of height of construction machinery is considered to be covered by other legislation. Such recommended conditions are therefore considered to fail the 6 tests for use of planning conditions set down within the National Planning Policy Framework. They comments and concerns of the Airport can be attached as an informative to any planning permission.

Highway Considerations

The existing site is currently accessed via Pickerings Road through the existing industrial area but connecting to the wider highway network linking through Halebank via Hale Road. The proposed use will continue to be accessed in the same way.

Limited formal parking is available within the site. The application includes provision to formalise additional parking including off site works within the adopted highway which can be secured by Grampian style planning condition. The site is considered to be adequately served with regards accessibility to bus routes and is served by suitable pedestrian links.

The application was accompanied by an outline Transport Statement which following review was considered to be unacceptable. A revised document was requested by the Highway Officer and a professional report was commissioned by the applicant. This revised document expanded on how the site would operate and the projected trip generation based on anecdotal information. Concern was expressed that no TRICS data was provided and the consultant explained that due the nature of the site there was no associated data available. The highway officer requested that the site be considered under its existing use class which demonstrated that should the site be brought back into lawful use the predicted trip generation could be well in excess of those anticipated for the proposed use. Previous traffic model data commissioned by Halton Borough Council shows that the existing network operates well within capacity and that no significant impact likely to be caused by the proposed change of use.

On that basis the Council’s Highways Engineer has confirmed that no objections are raised to the scheme subject to conditions included within the recommendation section of this report as follows:

- That the proposed maximum throughput be conditioned to restrict HGV vehicle movements to those predicted within the Transport Statement.
- Parking to be set out as per the plans prior to site being brought into use including the necessary footway strengthening and dropped kerbs.
- Safe, secure, covered and accessible Cycle storage should be provided as part of the development with details agreed prior to occupation.
- A construction phase management plan be submitted prior to commencement including details of to minimise mud on the highway.

It is therefore considered that no significant transport or highway safety issues are raised capable of sustaining a refusal of planning permission and is acceptable based on NPPF, UDP and Core Strategy Policy.

Ecology

No ecological information has been submitted with the application. However, the development site has until recently been an operational demolition / scrap metal facility and there is no vegetation on site. Therefore, the Council's retained adviser has confirmed that, on this occasion, an Ecological Appraisal is not required. They further advise that whilst the development is near to a number of European sites protected under the Habitats Regulations, no pathway could give rise to likely significant effects on the European sites and a detailed Habitats Regulations Assessment report is not warranted. It is also advised that the development is unlikely to harm the features of any locally designated sites and that buildings to be demolished have negligible bat roost potential. Natural England confirm that they have no comments.

Flood Risk and Drainage

The application site is identified as lying within Flood Risk Zone 1. In accordance with national and local policy the proposed development is therefore considered to be located within an area of low flood risk. The site does however exceed 1Ha and the application is therefore supported by a Flood Risk Assessment (FRA).

The Lead Local Flood Authority has confirmed that the submitted FRA adequately considers the site's flood risk and discusses surface water runoff strategy. It includes an outline design with separate system for foul and surface water with surface water runoff attenuation and interceptor, and a recommendation that a planning condition for submission of a scheme of surface water drainage to be attached to the permission with discharge to (United Utilities) surface water sewer. This is reported to represent a significant improvement over the existing situation where there is no existing separate surface water connection and the planning statement goes on to state that rates will be attenuated by 50% as the site is in a critical drainage area.

The submission is considered to provide sufficient justification for the drainage proposals in accordance with the drainage hierarchy. The LLFA and United Utilities has confirmed that they raise no objections in principle. Detailed drainage design, including appropriate interceptors and attenuation, can be adequately secured by appropriately worded condition attached to a planning permission.

Contaminated Land

The application is supported by Phase 1 and 2 Site Investigation Reports. The results of the risk assessment indicate that there is no significant source of contaminants present so that there is a negligible risk to all receptors including humans, controlled waters and ecological receptors. Whilst the Environment Agency has identified that the site lies within 250m of a landfill site which may raise issues of migratory methane and carbon dioxide, the report states that no precautions are required with respect to landfill type gasses, radon or hydrocarbons.

The site is currently hard surfaced with concrete and, whilst excavations will be required for drainage, weighbridge construction etc. this is proposed to be largely retained in situ. Given the site history and previous site uses the potential for asbestos containing material has been acknowledged and some cement bound chrysotile was encountered during the investigation. The report concludes however that finding such concentrations is "very common" and does not signify that remediation is required. It does however highlight the potential presence of contaminants and that suitable risk assessments and safe working practices are recommended including dust monitoring and suppression. It further identifies that there is a possibility of encountering unexpected contamination and sets out procedures should that occur.

The Council's Contaminated Land Officer has confirmed that he raises no objection and that the unforeseen contamination procedure is sufficient to effectively manage any arisings. It is considered that this can be secured by suitably wording planning condition. The comments of the Environment Agency can be attached to any planning permission as an informative.

Other Waste Issues, Sustainable Development and Climate Change.

The proposal is major development and involves demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste and Planning Practice Guidance apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved is required. It is considered that this can be secured by a suitably worded planning condition.

Halton Core Strategy Policy CS19 (Sustainable Development and Climate Change) seeks to encourage BREEAM Excellent standard from 2013. As a new build, it is also expected that the building should comply with BREEAM Excellent rating, as required by the policy WM10. The Supporting Statement indicates that it is not possible to meet BREEAM rating standards due to the proposed nature of the waste transfer station and commercial arrangements. The Council's retained adviser has raised queries in this regard identifying that there are BREEAM technical standards for industrial buildings and several case studies are available for similar buildings. The applicant has provided a detailed response in respect to BREEAM and policies CS19 and WM10. It argues that efforts to secure a BREEAM rating would be inappropriate and counterproductive in this case. Amongst other factors, they argue that the nature and use of the buildings involved, that the main building is unheated and not cooled, relies on translucent roof panels and LED lighting and that the existing yard is to be retained without significant excavation are not conducive to securing a BREEAM excellent score.

They argue that "it must be remembered that the purpose of the proposed development is to reduce vehicle mileage and thereby achieve a net carbon saving, as well as reducing the total amount of HGV traffic on the highway network, improve overall recycling rates and contribute towards the more sustainable management of waste. As always, the policies of the plan need to be considered within this overall balance."

They further argue that whilst the development is unable to demonstrate compliance with element of the policy, overall the proposals are in compliance with the principle and goals of that policy, in conformity with the Development Plan when taken as a whole, and meet the principles of achieving sustainable development as required by the NPPF.

When considered against the justification to policies CS19 and WM10 this justification is considered acceptable and it is not considered that refusal of planning permission could be justified on these grounds.

Conclusions

The application seeks permission for the change of use of the site from a demolition contractor's yard with external waste storage and sorting to a waste transfer and treatment facility. A significant proportion of the waste will be stored and stored within a new proposed waste transfer building which will also further screen the site from surrounding areas. The proposals will also enable the planning authority a greater degree of control over the amount and heights of waste stored and processed externally.

Core Strategy Policy CS2, JWLP Policy WM0 and NPPF paragraphs 11 and 38 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay.

The Council's retained adviser has confirmed that the proposals are compliant with the Joint Waste Local Plan and Core Strategy policy CS24. The proposals are also considered to accord with UDP Policies MW1 and MW2. Where any areas of such compliance have been queried with the applicant, these are considered to have been adequately addressed and it is not considered that refusal of planning permission could be justified in this regard.

The proposals are considered appropriate to the character of the industrial area, will result in significant environmental improvement when compared with the former use and contribute to the regeneration of the area. The proposals are accord with UDP Policy RG5, BE3 and GE30.

The Council's Highways Engineer and Environmental Health Officer have confirmed that they raise no objections.

RECOMMENDATION

That the application is approved subject to conditions relating to the following:

1. Standard 3 year timescale for commencement of development
2. Specifying approved and amended plans
3. Requiring submission and agreement of a Construction Environmental Management Plan to include wheel wash and construction hours
4. Materials condition(s), requiring submission and agreement of building external finishing materials (BE2)
5. Condition requiring submission and agreement of details of weighbridge office.
6. Boundary treatment condition(s) requiring replacement entrance gates/ fencing to be colour coated with colour to be agreed (BE2)
7. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
8. Grampian style condition relating to off-site highway works to facilitate parking provision (TP12)
9. Requiring submission and agreement of cycle parking details (TP6)
10. Condition restricting waste throughput to 85,000 tonnes per annum
11. Condition restricting waste types accepted/ processed
12. Condition restricting hours of waste delivery, processing a export.
13. Condition(s) restricting external storage locations, height, processing
14. Condition(s) requiring waste to be delivered/ exported in sealed/ covered wagons (BE1)
15. Condition relating to contamination/ requiring development be carried out in accordance with the approved plan for unexpected contamination (PR14/15)
16. Conditions relating to/ requiring submission and agreement of detailed surface water/ highway drainage scheme including attenuation/ interceptors (BE1/ PR5)
17. Submission and agreement of Site Waste Management Plan (WM8)

SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework;

- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.