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Case Number	19/01580/FUL (Formerly PP-07811471)
Application Type	Full Planning Application
Proposal	Change of use from storage & distribution (use class B8) to a waste treatment/transfer use (sui generis) and the erection of a refuse derived fuel (RDF) processing building, covered storage bays and weighbridge
Location	Fletcher Plant Ltd Clement Street Sheffield S9 5EA
Date Received	02/05/2019
Team	City Centre and East
Applicant/Agent	Mr Dan Sandrof
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

## **Approved/Refused Plan(s)**

2. The development must be carried out in complete accordance with the following approved documents:

Drawing numbers;

- 190 01 rev A (location plan) published 04.12.2019
- 190 03 rev A (proposed plan) published 04.12.2019
- 190 04 (proposed floor plan and elevations) published 02.05.2019
- 190 10 rev B (vehicle movement and parking plan) published 04.12.2019
- 190 11 rev A (proposed canopy details) published 04.12.2019
- Traffic management plan (received by email on 04.12.2019 from Smallbrook Environmental Ltd) published 04.12.2019

Reason: In order to define the permission.

**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

3. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

4. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

**Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

5. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

6. The waste processing and treatment use hereby approved shall not commence unless the car parking accommodation for 75 no. cars (including 4 no. disabled access spaces) and lorry parking and turning areas, as shown on the approved vehicle movement and parking plan (drawing no. 190 10 rev B published 04.12.2019), have been provided in accordance with that plan and thereafter such parking accommodation and turning areas shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

7. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

8. Prior to the commencement of the development, full details of the design and means of construction of footings and foundations of the waste processing building shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved plans.

Reason: In the interest of minimising the risk of land instability adjacent to the canal

9. The waste processing and treatment use hereby approved shall not commence unless a dust mitigation plan, designed to control dust emissions from the general operation of the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the waste processing and treatment use shall at all times operate in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property

10. Surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, before discharge to the public foul or combined sewer network.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network

### **Other Compliance Conditions**

11. The waste processing and treatment use hereby approved shall at all times operate in accordance with the details contained within the approved traffic management plan, received by email on 04.12.2019 from Smallbrook Environmental Ltd.

Reason: In the interests of highway safety and the amenities of the locality.

12. Noise from plant, machinery or working activities shall not exceed background noise levels when measured one metre from the nearest noise sensitive property by more than 3dB (all noise levels shall be measured as a 10 minute L90).

Reason: In the interests of the amenities of the locality and occupiers of adjoining property

13. No gate shall, when open, project over the adjoining highway.

Reason: In the interests of pedestrian safety.

14. The waste processing and treatment use hereby approved shall not operate outside of the following times;

Monday to Friday: 0600 to 1800

Saturdays: 0600 to 1400

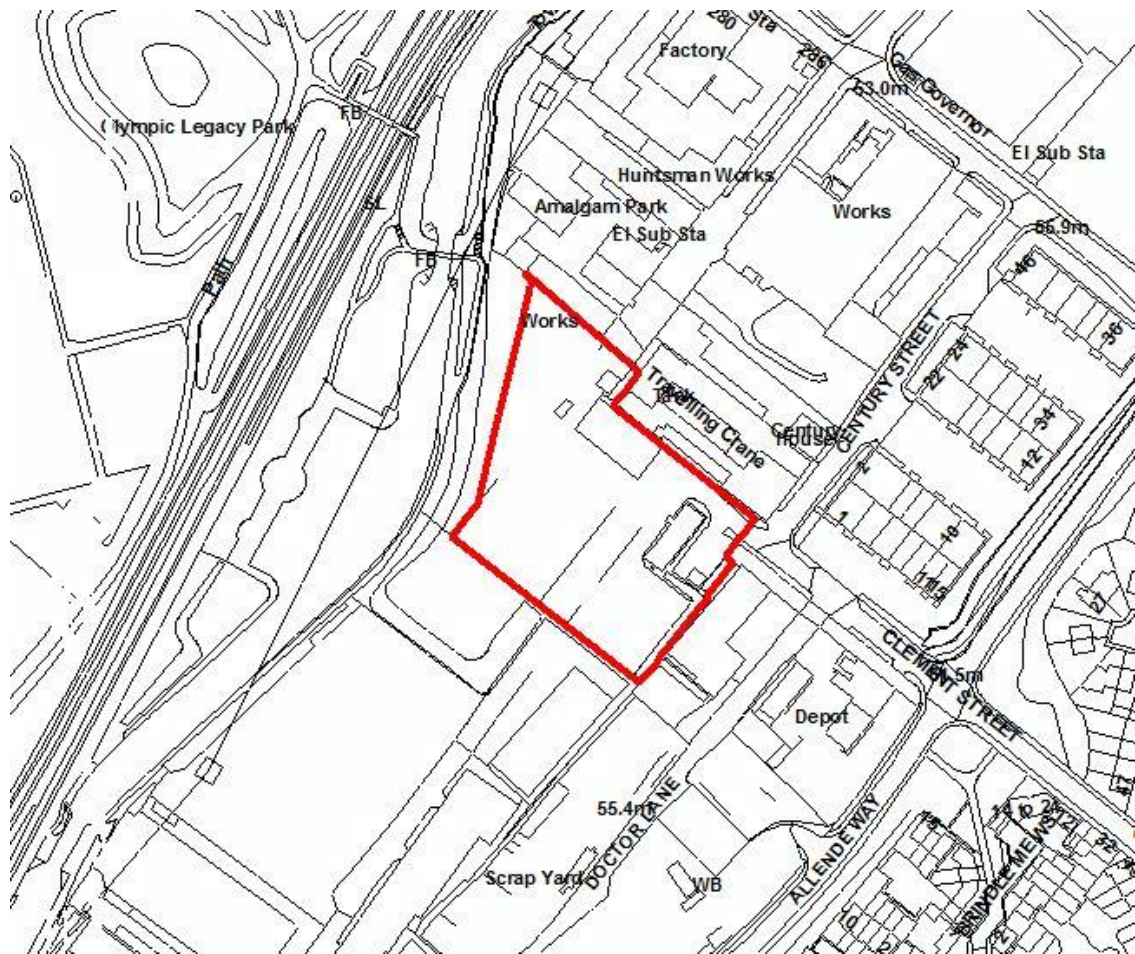
Sundays and Bank Holidays: 0600 to 1400

Reason: In the interests of the amenities of adjoining properties.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## LOCATION AND PROPOSAL

The application relates to an industrial site on Clement Street, most recently used for open storage (use class B8).

The application seeks permission to use the site for the purposes of waste processing and treatment (sui generis) including erection of a waste processing building, storage canopy and weighbridge.

The site lies adjacent to an existing waste processing site (Fletcher Plant Ltd) and the proposal would form an extension to this existing operation.

## RELEVANT PLANNING HISTORY

There is no planning history which is specifically relevant to this application.

## SUMMARY OF REPRESENTATIONS

24 letters of objection have been received from local residents in and around the Horizon estate housing development, in summary raising the following concerns:

- Existing issues with air quality, dust and odour emissions from plant and vehicles from the Fletcher's site and neighbouring sites, especially in the warmer months and rainy weather.
- Existing issues with noise pollution and disturbance, constant throughout the day on occasion.
- The above leads to health issues and residents cannot use gardens properly or have windows open.
- Existing issues with antisocial/unauthorised working hours, with noise heard from 6am and into the early evening, inc. at weekends.
- Existing issues with HGV traffic and staff and HGV vehicles parking on the highway, inc. on Clement Street and Allendale Way, parking on footpaths.
- Existing issues with lorries not using covers and with mud, debris and broken glass in the highway, damaging cars.
- The above leads to poor visibility and poor pedestrian and cyclist safety, degrading the road surface and burst water mains, with residents struggling to access the estate and park close to their homes.
- Existing issues with vermin and fire risks.
- These issues will be exacerbated if the proposal goes ahead, affecting health and safety and quality of life of residents.
- Local school children at risk from traffic and air pollution.
- Only one site notice placed and would expect every resident to be written to.
- Impact on value of properties.
- Plant should not have had permission to carry on when the housing development was set up and should relocate to a non-residential area.
- Application does not confirm what changes will be made to the current site and any additional movements of material.
- Disappointed that the Council is considering the application.
- Outdated plans submitted, no mention of dust suppression and discrepancy in hours stated for Sundays and Bank Holidays.

- Existing 17 week road cleaning schedule inadequate and should be increased, inc. mandatory wheel wash facilities.
- Water mist suppression should be implemented at the new site.
- Processing equipment should be moved to new site away from housing.
- Traffic management should be assessed and improved.

One letter of representation has been received from a neighbouring engineering firm on Century Street, raising no objections, but in summary raising the following concerns regarding traffic:

- There are issues with vehicles parking on the footway at present forcing pedestrians on the road.
- HGVs mean a greater risk.
- Parking restrictions may need to be put in place.
- Access on Tinsley Park Road could be used.

## RESPONSE TO REPRESENTATIONS

Issues relating to noise disturbance, air quality (i.e. dust and odours), highway safety, parking and operating hours are considered in the planning assessment below.

Letters were sent to all immediate neighbouring firms; however, unfortunately it is not possible to write to every neighbour that may be interested. Five site notices were placed on Clement Street, Phillimore Road, Century Street, Tinsley Park Road and Coleridge Road, which was considered sufficient to notify neighbours in the wider area of the proposals.

Property value is not a material planning consideration.

Issues relating to vermin and fire risk relate to the storage and separation of waste material on site are not considered to be a material planning consideration in this case, but would be addressed by the Environment Agency and the site's environmental permit.

The Local Planning Authority (i.e. Council) is obliged to consider any planning application submitted to it. Negotiations have resulted in revised plans and information submitted, which are considered to allow the full consideration of all material planning issues.

It is not possible for the Local Planning Authority to insist on the closure or relocation of the existing site. The relationship between the subject site and the neighbouring housing would have been considered when the proposed housing development was approved under planning reference 06/02863/FUL. This application is concerned with the firm's proposed expansion onto the adjacent site and the impact of this is considered in full below.

## PLANNING ASSESSMENT

National Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is a material consideration (paras 2 and 212 of the NPPF).

Paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the “tilted balance” and this assessment will have due regard to this.

#### Principle of development

The proposal is for a waste processing and treatment facility (use class sui generis), to enable the recycling of waste. Part of the proposal involves the erection of a building to facilitate the production of refuse derived fuel (RDF), a sustainable fuel source.

The site lies within the Attercliffe Mixed Use Area, as designated by the UDP, where Policy MU7 identifies industrial (B2) and storage (B8) uses as unacceptable. While these uses are similar to the proposal, sui generis uses are not listed and should be judged on their merits.



Policy CS9 of the more recent Core Strategy promotes traditional and modern manufacturing and distribution uses in the area, indicating that strategically the area is to have an industrial function going forwards.

This aligns with the existing character of the area, which is commercial and industrial in nature. The proposed use does not represent a significant variation on the current storage use of the site, or the existing adjacent waste processing site.

Policy MU11 is therefore considered out of date, with Policy CS9 more relevant. The proposal accords with Policy CS9 and this policy is considered to remain up-to-date and in accordance with paragraph 213 and the broad principles of the NPPF, as the site would not be suitable for another significantly different use, such as housing, due to the surrounding industrial uses.

Furthermore, provision of improved waste processing and recycling facilities would assist in achieving the waste development objectives of Core Strategy Policy CS68(e) in permitting a range of additional treatment facilities and the NPPF paragraph 8(c) by minimising waste and pollution.

The proposal is therefore deemed appropriate in this location in principle. The proposal accords with policy CS9 and this part of the development plan is up-to-date. The proposal therefore accords with NPPF paragraphs 11(c), 12 and 213 and is considered with the presumption in favour of sustainable development.

#### Amenities of the locality

The key issue is potential noise disturbance and other nuisance, such as dust and odours, caused by the proposal to neighbouring residents, the closest of which are approx. 120m away on Brindle Mews.

The concerns raised by neighbours largely relate to issues with the noise, dust and odour from the existing waste processing operation and other neighbouring firms. These concerns are all noted.

As stated, the application relates to the firm's proposed expansion onto the adjacent site, which is located further from the nearest residential properties than the existing site. It is not possible for the Local Planning Authority to insist on the closure or relocation of the existing site, or add additional controls to this existing site. The proposal is however an opportunity to control activities on the new site in respect of dust and noise.

The submitted documentation indicates that the existing Fletcher site has an environmental permit for the processing of up to 300,000 tonnes of waste per year. However, due to limitations of the existing site, only approximately 75,000 tonnes are processed.

The submission indicated that a throughput of 300,000 tonnes could be achieved on the existing site if investment was made in faster processing plant. However, this is not the preference, as the spreading of the operation over a larger site is reported to allow for additional plant and equipment to be installed for a better

operational layout that offers significant advantages in respect to safety and environmental controls.

Clearly, the enlargement of the operational area could potentially increase the amount of waste to be processed. The concerns regarding the proposal to increase the site exacerbating these existing issues are understood. However, given the above, if managed correctly, it is considered an opportunity to improve the impact on the amenities of the locality.

While the permit is to be varied with the Environment Agency to cover the new site, the draft variation to the existing permit submitted does not refer to any increase in the amount of waste to be processed. Throughput would therefore not exceed the existing environmental permit cap of 300,000 tonnes per annum.

The permit covers issues of fire prevention, the control of emissions, dust and mud, odours, noise and vibrations. This would remain and it is considered that additional space, plant and equipment would allow for a more effective operation in accordance with the permit, which would potentially address some of the issues experienced by neighbours.

The new area of site is located further away from the residential properties than the existing site. Also, the proposed waste processing building would internalise some of the processes, assisting in the prevention of noise, dust and odours. Therefore considering all of the above, it is deemed that the potential impacts from the site can be sufficiently controlled through the normal regulatory channels.

A condition would require noise from plant, machinery or working activities to not exceed background noise levels when measured one metre from the nearest noise sensitive property by more than 3dB (all noise levels shall be measured as a 10 minute L90). A condition would also require a dust mitigation plan to be submitted. These conditions would ensure that there would be no unacceptable noise or dust impacts on the nearest residential properties.

It is difficult for planning conditions to control odour, however, this issue is more appropriately covered by the environmental permit.

Operating hours would be controlled from 0600 to 1800 Monday to Friday and 0600 to 1400 at weekends and on public holidays. These hours are not considered unreasonable, given the other conditions relating to noise and dust and the distance from residential properties.

Overall, subject to conditions, the proposal would accord with UDP Policy MU11(b) and not cause residents to suffer unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety.

#### Highways

It should be noted that if the existing storage use of the site were to continue, this would have an associated impact on the highway network.

The information provided by the applicant estimates that the site as a whole will generate in the order of 20 trips per day (10 arrivals and 10 departures). The number of vehicle movements given is an indication only. The existing site is used by many differently sized vehicles and the calculation given by the applicant was a guide only.

This does not raise a significant additional highway impact over and above a hypothetical continuation of the existing storage use, which would be the case if the application was refused.

However, the existing issues raised by neighbours regarding the volume of HGV traffic and associated dust, debris and noise, parked vehicles and the impact on highway safety are all noted.

It is acknowledged that the existing operation has an unsatisfactory impact on the highway network. However, while the proposal would increase the existing operational area, the proposal also represents an opportunity to formalise the parking, access and highways arrangements over both sites and secure an improvement.

The bulk density of waste varies significantly and therefore exact tonnage of waste processed and the number of associated vehicle movements is difficult to predict. The applicant therefore did not wish for a limit on the number of vehicle movements to be imposed as this would be unreasonably onerous and limiting of the operation. It is therefore considered that the most appropriate method of mitigating the impact on the amenity of local residents and the highway network itself is to approve a workable traffic management plan.

Negotiations with the applicant have resulted in a traffic management plan being submitted to formalise the parking, access and highways arrangements over both sites. The traffic management plan includes the following;

- A one-way system to be operated with one entrance and one exit point.
- Staff and visitors arriving by car required to park on site.
- Where possible vehicles would have to exit the site by turning onto Century Street (away from residential properties).
- Overnight lorry parking would be provided on site, in accordance with the NPPF paragraph 107.
- All vehicles to be sheeted to prevent debris and dust blowing into the highway.
- Wheel washing facilities to be in situ for vehicles exiting the site to prevent mud being deposited in the highway.

The submitted site plan indicates sufficient on-site parking for staff and visitors over both sites, including 4 no. disabled bays. Tracking shows that articulated vehicles would be able to park and turn within the site, to exit in a forward gear. The proposed one-way system would also assist with the flow of vehicles and prevent vehicles having to reverse in and out of the site or wait on the highway.

Overall the submitted proposals would address the concerns raised by neighbours regarding parking and highway safety, formalising the existing arrangements, improving visibility, the pedestrian environment and highway safety. The proposal would also divert vehicles out of the site and away from residential properties, reducing disturbance and emissions for neighbours. This is considered to secure an improvement over the existing situation. The implementation of the traffic management plans would therefore be conditioned to ensure an acceptable impact on the highway network.

Amey's road cleaning schedule is not a material planning consideration; however, the measures discussed above would assist in reducing debris in the highway.

The site is in walking distance of public transport routes, including the Supertram. Overall the proposal would accord with UDP Policy MU11(f) and be served adequately by transport facilities and provide safe access to the highway network and appropriate off-street parking.

While the proposal would increase the size of the waste processing operation and could increase vehicle movements associated with the combined site, the proposals would address the existing firm's impact on the highway network by formalising the highway arrangement over both sites. This would secure an improvement over the existing, unregulated highways situation. The residual cumulative impacts on the road network therefore cannot be considered to be severe and there is no justification for refusal on highways grounds, as per the NPPF paragraph 109.

### Ecology

The site lies adjacent to a designated Waterway, Open Space Area, Area of Natural History Interest and Local Wildlife Site (LWS). The main ecological consideration is the impact on the adjoining LWS (Lower Don Valley, Sheffield and Tinsley Canal 099).

The trees to the west of the site and the east of the LWS form a buffer zone, which should not be diminished or negatively altered. The arboricultural survey and report demonstrates that there would be no significant impact upon the trees to the western boundary of the site. No ecological conditions are therefore required.

Due to the acceptable impact demonstrated to these trees and the preservation of this area as a buffer zone between the site and the LWS, the proposals are not considered to have any adverse effect upon the LWS and accords with UDP Policy GE13, and the NPPF paragraph 170(a) and 174.

### Air Quality

The site lies within an Air Quality Management Area, as does the whole of the built up area of the city. The concerns regarding air quality, i.e. the combined issues of odour, dust and traffic emissions have been considered above and demonstrated to be acceptable subject to implementation of conditions.

The proposal is therefore considered to accord with Core Strategy Policy CS66, which requires action to tackle air quality, and the NPPF paragraph 181, by identifying opportunities to mitigate impacts, for example through traffic and travel management plans and protection of green infrastructure, which have both been considered.

### Design and access

The existing site largely comprises an open, hard surfaced area. The wider site is only partly visible through the site's access off Clement Street and is well screened in the street scene by the site's existing office and workshop buildings around the entrance.

The wider area is industrial in character, with brick and corrugated metal clad units prevalent, also assisting in screening the wider site.

It is acknowledged that proposed waste processing building and the open storage canopy would be large and utilitarian in design, finished in corrugated metal cladding. However, these structures would not be particularly visible in the street scene and would be well set back from the site entrance. Any views of the structures would be in context alongside similar existing buildings. Mature and dense trees and vegetation would screen the site from the canal to the west.

Due to the location of the proposed structures, there is no real opportunity for them to materially improve the character of the area or the way it functions, as discussed by paragraph 130 of the NPPF. Therefore, overall the proposal raises no design concerns and accords with UDP Policies BE5 and MU11(d) and Core Strategy Policy CS7. The proposal would be sympathetic to the character of the area, according with the NPPF paragraph 127(c).

The site's existing office and workshop buildings would be accessed as existing, with no external alterations proposed. The proposed waste processing building and canopy would be open sided and it is not considered that the proposal raises any significant accessing issues, according with the requirements of UDP Policy BE7.

### Canal

The Canal and River Trust have raised concern regarding the impact of the development on the structural integrity of the canal cutting to the west of the site, given the risk that additional loading from the development could transfer onto the cutting face and increase the risk of land slips towards the canal.

A condition would be applied requesting that prior to the commencement of the development, full details of the design and means of construction of footings and foundations shall be submitted.

### Flooding and Drainage

The site lies within Flood Risk Zone 1, which is not an area prone to flooding. However, any permission would require conditions to be added requiring full details

of the proposed surface water drainage design, including calculations and appropriate model results to demonstrate a 30% reduction compared to the existing peak flow. This would ensure that the proposal would accord with the flood risk management aims of Core Strategy Policy CS67 and incorporate a sustainable drainage system as required by the NPPF paragraph 165.

#### Land contamination

The site has been identified as potentially contaminated due to former and/or current uses, presenting a potential risk to human health and/or the environment.

The comments in the submitted Environmental Risk Assessment in respect of land contamination are noted and take into consideration proposed site surfacing and in particular the proposed open-sided building design. In light of the above, there are no concerns in respect of land quality and the proposal accords with the NPPF paragraph 178(a).

#### SUMMARY AND RECOMMENDATION

The proposed use as a waste processing and treatment facility is acceptable in principle in this area, in accordance with Core Strategy Policy CS9, which is considered to remain up-to-date against paragraph 213 and the broad principles of the NPPF. The proposal would assist in the provision of recycling and sustainable waste management facilities in the city.

The Environment Agency permit's controls over the whole site (the existing site and the new site) along with planning conditions limiting noise and requiring a dust management plan on the new site, are considered to appropriately mitigate the impact on the nearest residential properties, approx. 120m away.

The implementation of the submitted traffic management plan would formalise the access and parking arrangements over both sites, securing an improvement over the existing situation and addressing the concerns raised relating to traffic and highway safety. The residual cumulative impacts on the road network therefore cannot be considered to be severe and there is no justification for refusal on highways grounds, as per the NPPF paragraph 109.

The impacts on biodiversity and air quality have been demonstrated to be acceptable, in accordance with paragraphs 170(a), 174 and 181.

The proposal would accord with the general requirements of UDP Policy MU11 and the NPPF, specifically paragraphs 8(c), 11. The application has been assessed with a presumption in favour of sustainable development, as improved recycling facilities will minimise waste, the benefits of which would not be significantly or demonstrably outweighed by any adverse impacts, given the location of the site and the controls that can be implemented by condition to mitigate noise, dust etc.

It is therefore recommended that planning permission be granted subject to the listed conditions.