

Application Ref: 12/00881/MMFUL

Proposal: Change of Use to metal recycling yard

Site: David Harrison Metals, 13 - 14 Astore Park, Padholme Road East, Fengate

Applicant: David Harrison Metals

Agent: Clear Design - Mrs Catherine Symonds

Referred by: Councillor Todd

Reason: The operator has been reported as having caused vehicular obstruction, burns hazardous waste, erected fencing, contrary to regs. B1, B2, B8.

Site visit: 19.07.2012

Case officer: Mr A O Jones

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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The site is located within Fengate at the eastern end of Astore Park within the Eastern General Employment Area (SA11 GEA3). The site is set back from Padholme Road East to the south and accessed by a private road. Industrial units in Leofric Square lie to the north (the rear of the site), and a Builders merchant lies directly to the east (with separate access). The character of the area is of an industrial nature. The 14 units comprising 'Astore Park' were granted permission under application P0546/87 and were of a consistent and uniform design with a one way system designed to ease traffic movements through the 'park'. Units 13-14 have since been subject to two temporary permissions for the current use.

Proposal

The proposal is for a (permanent) change of use to a metal recycling yard (following two temporary permissions for this usage).

2 Planning History

Reference	Proposal	Decision	Date
07/01918/MMFUL	Change of use to metal recycling yard and repositioning of perimeter fence - temporary until 31 January 2009	Application Permitted	12/05/2008
09/00135/WCMM	Variation of condition C1 of Planning Permission Ref: 07/01918/MMFUL to allow temporary use as a metal recycling yard until 31 January 2012	Application Permitted	12/05/2009

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Site Allocations DPD (2012)

SA11 - General Employment Areas and Business Parks

Within the allocated General Employment Areas and Business Parks planning permission will be granted for employment uses (classes B1, B2 and B3 within the GEAs, classes B1(a) and B1(b) within the BPs).

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

MW02 - Strategic Vision and Objectives for Sustainable Waste Management Development

Growth will be supported by a network of waste management facilities which will deliver sustainable waste management. The facilities will be 'new generation' which will achieve higher levels of waste recovery and recycling in line with relevant targets. They will also be of high quality design and operation, contributing towards addressing climate change and minimising impacts on communities in Cambridgeshire and Peterborough. There will be a network of stand alone facilities but also co-located facilities in modern waste management 'eco-parks'. The network will manage a wide range of wastes from the plan area, contributing to self sufficiency but also accommodating the apportioned waste residues from London or authorities in the East of England. Any long distance movement of waste should be through sustainable transport means - such facilities will be safeguarded via Transport Zones. A flexible approach regarding different types of suitable waste technology on different sites will be taken and Waste Consultation Areas and Waste Water Treatment Works Safeguarding Areas will be designated to safeguard waste management sites from incompatible development. A proactive approach to sustainable construction and recycling will be taken and strategic developments will need to facilitate temporary waste facilities to maximise the reuse, recovery and recycling of inert and sustainable construction waste throughout the development period. Where inert waste cannot be recycled it will be used in a positive manner to restore sites. The natural and built historic environment will continue to be protected with an increased emphasis on operational practices which contribute towards climate change and minimise the impact of such development on local communities. (Policy CS2 sets out a list of strategic objectives to support this vision; those of relevance will be discussed in the body of the report).

MW18 - Waste Management Proposals Outside Allocated Areas

Waste management development proposals outside allocated areas will be considered favourably where they meet the listed criteria.

MW32 - Traffic and Highways

Minerals and Waste development will only be permitted where it meets the criteria set out in this policy.

MW34 - Protecting Surrounding Uses

Mineral and waste management development will only be permitted where it can be demonstrated (with mitigation where necessary) there is no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss of residential/other amenity.

MW39 - Water Resources and Water Pollution Prevention

Mineral and waste management development will only be permitted where it is demonstrated there is no significant adverse impact or risk to;

- a. Quantity or quality of groundwater/water resources
- b. Quantity or quality of water enjoyed by current abstractors unless alternative provision is made
- c. Flow of groundwater in or near the site

Adequate water pollution control measures will need to be incorporated.

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted planning policy, it is at an advanced stage of preparation.

In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

4 Consultations/Representations

Transport and Engineering Services (06.08.12)

No objections. There is a discrepancy between staff numbers from the application form (2) and the supporting statement (6). Two parking spaces and a clear unloading area are provided to the front of the site. Short term parking in front of units on Astore Park appears to be prevalent, and the one way system from Unit 3 onwards has no obvious road signage or road markings; as a private road these issues would need to be enforced by the management company. Provision for cycle parking, and the retention of the loading / unloading area within the site should be conditioned.

Pollution Team (06.08.12)

No objections. The site is regulated by the Environment Agency. No statutory Nuisance complaints have been recorded against the site.

Building Control Surveyor

No comments received

Environment Agency (08.08.12)

The site operates under a T9 exemption (i.e. treating scrap metal by sorting, grading, shearing, baling, crushing or cutting with hand held equipment at a small scale). Storage in sealed skips is acceptable; whereas open storage is only acceptable to 'sealed drainage' (i.e. not just road drains).

Local Residents/Interested Parties

Initial consultations: 11

Total number of responses: 4

Total number of objections: 4

Total number in support: 0

- The negative visual impact of the site detracts from the quality of Astore Park, giving a poor impression to other visitors, encouraging unsavoury characters and fly-tipping.
- The premises are unsuitable to the use proposed.
- There are significant traffic problems associated the site including; the inability of large vehicles to access the site for drop-off and/or collection; the lack of staff and customer parking; the congestion and blocking of the one way system in place through Astore Park.
- The environmental aspects of the proposal need to be considered.
- The use of acetylene cutting equipment is a fire hazard.

5 Assessment of the planning issues

The main considerations are;

- Suitability of the proposal
- Environmental impact
- Traffic impact
- Amenity impact

a) Suitability of the proposal

The proposal must be considered as a waste management proposal outside allocated areas under policy CS18 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (the Minerals and Waste Core Strategy). Policy CS18 refers to proposals outside the scope of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD. The policy clearly states (part b) that "waste recovery and recycling facilities may be permitted where they are on land identified for general industrial use". The proposal site sits within the "Eastern General Employment Area" (GEA3) as allocated in the Peterborough Site Allocations DPD. The location of the site in principle is therefore acceptable.

b) Environmental impact

The site is subject to environmental regulation by the Environment Agency (EA). The site is permitted under exemption T9 which applies to the small scale recovery of scrap metal, which excludes the treating of end-of-life vehicles, the treating of hazardous waste and the burning of waste. The safe operation of the site can therefore be governed by EA permit. Notwithstanding this, scrap metal must be stored over 'sealed drainage' and not to road drains. Minerals and Waste policy CS39 specifies that development will only be permitted where it is demonstrated that there will be no significant adverse impact or risk to the quality of surface water resources. It is therefore proposed to condition that no outside storage of waste takes place except within the skip area.

c) Traffic impact

Astore Park is a private road, used as a one-way system from Unit 3 out to it's junction with Padholme Road East beyond Units 13-14. Two parking spaces are provided, for the 2-6 employees on site, leaving no room for visitor parking. Short term parking appears to be common to the development site, as it also appears to be too many of the units in Astore Park. As such, enforcement along the road is subject to a private management company. The development will not have a detrimental impact on the public highway. Notwithstanding this, the Minerals and Waste Core Strategy policy CS2 seeks to ensure that the design and operation of facilities minimises any impacts on the environment and local communities. It is not considered that formal cycle parking needs to be conditioned as cycles can be secured within the building. Although the current parking situation does not impact on the public highway, the proposed condition requiring that the area to the front of the building be kept free from outside storage could result in the potential for further on site parking being available.

d) Amenity impact

Environmental impacts (including human health) and traffic related impacts have been covered above. In addition to these elements, Minerals and Waste policy CS34 states that development will only be permitted where it can be demonstrated that there would be no significant harm to existing or proposed neighbouring land uses, visual intrusion or loss to other amenities. Any person storing/handling/dealing with waste must keep that waste secure in order to be compliant with the Duty of Care for waste. This may necessitate palisade fencing and barbed wire for instance. It is considered that this is acceptable in this location and there is no need to condition fencing. It should be noted that there are no planning restrictions on any of the other units erecting up to 2 metre high fencing to the front of units of any design or material. Despite this, the appearance of the development must seek to minimise the negative visual impact on the surrounding business community of Astore Park.

The appearance and operation of the proposal must therefore be considered against the potential harm to neighbouring land uses. The uncontained outside storage of scrap to the front of the unit, as well as presenting a potential pollution issue does give a poor visual impression when entering Astore Park. It is therefore considered that the use of the site as a scrap metal recycling yard is acceptable subject to a condition requiring that the space to the front of the building currently used to store "uncontained" scrap be kept free from outside storage.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan (Cambridgeshire and Peterborough Minerals and Waste Core Strategy July 2011 and Peterborough Site Allocations DPD April 2012).

The site is within a General Employment Area (SA11) which in principle is an appropriate location for waste recovery and recycling uses (CS18).

The open storage of materials is required by the Environment Agency to be over sealed drainage

to prevent pollution; therefore to satisfy policy CS39 it will be necessary to condition out the use of open areas for storage at the site.

Through conditioning out the use of open areas for storage additional space will be available within the development site, reducing the detrimental impact of visitor parking and loading/unloading on Astore Park. This will also have the effect of reducing the visual impact of the site, thus satisfying policies CS2 and CS34.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 Notwithstanding the submitted details, no outside storage of any material or equipment shall take place within the area to the front of the building shown hatched on the approved drawing 01. This area may be used for the parking of employee and visitor vehicles/cycles which are used as transport to and from the site only.

Reason: In the interests of avoiding adverse impacts on surface water quality, environmental and local amenity detriment in accordance with policies CS2, CS34 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

Copy to Councillors N Shabbir, Y M Todd, J Johnson

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