

HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY 20 MAY 2020 AT 10.00 AM**

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Agenda No.

2

**APPLICATION FOR THE CHANGE OF USE FROM B2 INDUSTRIAL TO
SUI GENERIS (END OF LIFE VEHICLE DISMANTLER) AT UNIT 16,
STATION APPROACH, HITCHIN, SG4 9UW.**

Report of the Director of Environment & Infrastructure

Report Author: Mrs Sharon Threlfall – Senior Planning Officer (Tel:
01992 555062)

Local Member: Derrick Ashley (Hitchin South)
Adjoining Member: Judi Billing (Hitchin North)

1. Purpose of Report

- 1.1 To consider planning application reference PL/0130/20 for the change of use of Unit 16 from B2 Industrial Use to a Sui Generis use for the dismantling of End of Life Vehicles at Unit 16, Station Approach, Hitchin, Hertfordshire, SG4 9UW.

2 Summary

- 2.1 The application seeks to allow the change of use of Unit 16 from B2 General Industrial use to the sui generis use for the treatment of End of Life Vehicles. The vehicles would be dismantled using hand-held tools, with the component parts, including hazardous materials, sorted for reuse, sale, recycling or for final disposal.
- 2.2 The application site is located within an existing Employment Area, at the sidings of Hitchin railway station. The site has been vacant, and cleared, after the current applicant took control of the site in 2018. Prior to that time, the site was used for the repair of motor vehicles since June 2014, before the site stood empty for approximately seven years after Stevenage Oil Company vacated the unit.
- 2.3 The application proposes that one or two vehicles would be depolluted per day; the reclaimed parts and chassis would then be stored on site for resale and shipping to predominantly online customers, which in turn would generate one courier vehicle per day.
- 2.4 The main planning issues are the appropriateness of the location in policy terms, highways, impact on neighbouring amenity and the treatment of hazardous materials.

2.5 The report concludes that the Director of Environment & Infrastructure should be authorised to grant planning permission subject to the following thirteen conditions: -

1. Time Limit for Commencement
2. Approved Plans and Documents
3. Hours of Operation
4. Storage of Importation of End of Life Vehicles
5. Size of Vehicles Importing End of Life Vehicles
6. Vehicle Log
7. Number of Vehicle Movements
8. Noise
9. Plant and Machinery Used on Site
10. Plant and Machinery Maintenance
11. Finish and Maintenance of the Buildings and Racking
12. Maintenance of the Site Boundary on Benslow Lane*
13. Unsuspected Contamination Remediation Strategy

* Applicant is to confirm legal responsibility and this will be reported at the committee meeting; the condition will be amended as necessary.

3. Location of the site

- 3.1 The application site is located within an Employment Area, which is part of a railway siding in the centre of the town of Hitchin. The estate is accessed via a minor road (Station Approach) directly from the B656 which has roundabout access onto the A505. The estate is located at the far end of the railing sidings, along the private road within the station car park.
- 3.2 The estate is set within a former chalk pit, and therefore the application site has steep cliff faces to the south and west which restricts the usable area of the site in terms of both the gradient of the land and slope stability. Benslow Lane, which runs, at height, to the south of the site, is largely residential in character, although there is also a hospital and a number of schools in the area. These properties do not have a direct view of the estate, or the railway station, due to the mature vegetation and the topography of the land.
- 3.3 All the units that form part of the industrial estate are accessed using the private road within the railway station site, which also serves the railway station car park. The access road is marked out to allow for two-way traffic. The application site is not noticeably visible from the railway station car park due to the mature vegetation in proximity to the other units and that the buildings within the estate are a maximum of two storeys high.
- 3.4 The building along the north east boundary of the estate is a two-storey brick built structure. The three units to the south, including the application site provide open spaces which include smaller buildings. The units to the western boundary of the estate comprise of single storey structures, close against the chalk cliff face.
- 3.5 The estate is allocated as an Employment Area within the adopted North Hertfordshire District Local Plan no.2 with alterations, and the emerging Local Plan proposes to retain this land use designation. Therefore, the over-arching designated land use classes are B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). The Employment Area covers an area of 1.4 hectares. Unit 16 has a total area of 2900m², however only 1500m² of this space is practicably usable, due to the sloping chalk cliff.
- 3.6 The draft Local Plan proposes to include the adjacent railway station and its car park within a Conservation Area; this designation was not saved under the extant Local Plan.
- 3.7 The units adjacent to the application site are a scaffolding yard, and a second-hand car dealership with its associated car parking. A search of the North Herts planning website indicates that permission was granted for the adjacent unit 14 for a vehicle repair workshop in 1979;

the current scaffolding use was present in 2015 when this matter previously came before the Committee. There are also a number of uses outside the over-arching designated B1/B2/B8 use classes, including gyms, a 'yoga shop' and a private nursery. The nursery is located within the brick-built building with limited outdoor space, at the entrance to the estate.

4. Description of the site and proposed development

- 4.1 Within the application site, there are several existing buildings; the former repair shed is constructed with a steel girder frame with riveted steel walls clad in spray shingle, with corrugated steel A-frame roofs. The building is in keeping with the nature of the estate and the application does not seek any change to this building. The applicant proposes to use this building for the storage of recovered car parts for resale.
- 4.2 There is a modular building adjacent to the site entrance, which is to be used an office. The vast majority (98%) of the existing business is driven by online sales, and this will provide staff with a space to work from, as well as accommodate the low numbers of physical customers.
- 4.3 The lease for Unit 16 provides for the use of three dedicated spaces within the car park at the centre of the wider industrial estate. There is provision of four parking spaces within the application site, which will be for employees.
- 4.4 The depollution shed is an existing building, constructed from breeze blocks with a wooden roof lined with felt and corrugated steel. The building measures 12.2 metres long, 5.5 metres wide and is 5.8 metres high. Whilst this is the tallest building within the site, it is in keeping with the scale and nature of the structures within the wider estate. The applicant considers this building to be fit for purpose and does not seek any changes to it. The applicant proposes to install racking against the southern wall of the unit and in front of the cliff face, for the storage of car shells up to three units high.
- 4.5 The hazardous waste recovered during the depollution process, prior to transportation off site by licensed carriers, includes, but is not limited to; petrol, diesel, engine oil, brake & clutch fluid, anti-freeze, battery acid, mercury switches and the explosive components in airbags. The applicant does not seek to process chemicals or metals on site; these will be removed for off-site treatment.
- 4.6 The northern section of the application site has been cleared since 2018, and two shipping containers have been placed on the land. This area is intended for the storage of the recovered component car parts, with higher value items secured within the containers.

- 4.7 The application does not seek any changes to the existing boundary treatment, which comprises of breeze blocks with scaffolding poles and wire mesh fencing, topped with razor wire. Green netting has been placed through the fencing to shield the operations from view.
- 4.8 It is anticipated, based on the capacity of the depollution shed, that the applicant will normally be able to process not more than one vehicle per day, as it necessary for a vehicle to stand for an hour after delivery to allow liquids to settle and then dismantling is carried out using hand-held tools to maximise the components that can be recovered. The vehicles will be brought to the site on low loaders, after their purchase as insurance write offs. The resultant parts will be reused or sold, recycled or sent for final (off-site) disposal.
- 4.9 The proposed hours of operation are 09.00 to 18.00 Monday to Friday and 09.00 to 17.00 on Saturday. However, the applicant does not propose to dismantle cars on Saturdays, and this time would be used for preparing customer orders which will predominately be generated online.
- 4.10 The application seeks the following vehicle movements:-
- Two low loaders with vehicles coming to site; 4 movements per day
 - A courier to take deliveries away; 2 movements per day
 - A fortnightly tanker to remove pollutants; 2 movements per fortnight
 - Two staff cars/minibuses for employees; 4 movements per day
- Further clarification was sought from the applicant in regard of the size of the low loader vehicle, and it was confirmed that these low loaders are less than 7.5 tonnes and can be driven with a standard (car) driving licence. The low loader will also be used to remove empty car chassis to a site in Hitchin, within the proposed movements set out above.
- 4.11 Planning permission for a similar use was granted by the Development Control Committee in June 2015¹, for the “Change of use of Unit 16 to trade as an authorised treatment facility for End of Life Vehicles and the storage of scrap metals and hazardous chemicals before transportation off site by licensed waste carriers.”. While part of the site was already in use for the repair of motor vehicles at that time, the planning permission for the change of use was not implemented and has now lapsed.

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<https://democracy.hertfordshire.gov.uk/CeListDocuments.aspx?CommitteeId=157&MeetingId=557&DF=23%2f06%2f2015&Ver=2>

5. Consultations

A total of 238 residential and commercial properties were consulted in respect of the planning application. Site notices were erected on 12 February 2020, and a public notice was advertised in the Comet Series on 19 March 2020.

5.1 North Hertfordshire District Council (NHDC) Planning Department did not object to the proposed development:-

“The proposal is a renewal of a similar previous planning permission granted by the County Council, which NHDC objected to and recommended refusal (NHDC reference 15/00938/1CC). The principle of the change of use is considered to have been previously established.

“Visual impacts of the use on the character and appearance of the site are likely to be similar to those of the previously approved application with such impacts primarily visible from within the industrial estate due to its lower ground levels than Benslow Lane.

“I note that the operating hours are now proposed to be extended by 1 hour to 6pm on Mondays to Fridays, and by 3 hours on Saturdays from 9am to 5pm (previously approved Saturday hours were 10am to 3pm). The planning statement submitted states that noise would be limited to a forklift truck, and a compressor to be used in one of the buildings which would be ‘silenced’. NHDC’s Environmental Health Officer has not raised concerns relating to noise and other impacts. While noise and other impacts would need to be carefully assessed by Herts County Council, the potential impacts do not appear overly harmful and could also be mitigated by conditions.

“I do not have concerns relating to vehicle access and parking given the large size of the site and its only access from within the industrial estate.”

5.2 North Hertfordshire District Council Environmental Health have no noise impact concerns.

5.3 The Environment Agency has not provided site specific advice, and instead provides informatives.

5.4 Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

For the purposes of the development hereby permitted, the type of vehicles used for loading/unloading purposes to be restricted to 7.5t Light Goods (LGVs) low-loaders only and the total number of vehicle movements of such vehicles shall not exceed four movements (2 in 2

out) per day, unless otherwise agreed in writing in advance with the Waste Planning Authority.

Written records of vehicles entering and leaving the site for delivery and dispatch purposes in connection with the development hereby permitted shall be kept by the site operator for the duration of the development and made available for inspection by the Waste Planning Authority upon request.

Reason: In the interests of highway safety and local amenity to be in accordance with Policies 5, 12 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

- 5.5 Herts Ecology (responding to the district consultation) finds there would be no ecological constraints.
- 5.6 The Lead Local Flood Authority has no objection on flood risk grounds.
- 5.7 No other statutory consultation responses were received.
- 5.8 Public consultation

A total of 17 responses have been received, either objecting to or raising concerns regarding the proposed development.

The objections and concerns can be summarised as follows:

Objection 1 – Neighbouring land uses

- the proposed development is inappropriate on an estate which includes a children's nursery and a gym,
- the proposed development will have an adverse impact on the amenity of, and pose an unacceptable risk, to the neighbouring uses including residential properties, schools, a hospital and the railway station,
- the proposed use should be located outside of the town,
- the proposed use should be located on a designated industrial estate; and
- it is inappropriate to have an industrial use in one of the nicest parts of Hitchin.

Objection 2 – Traffic and highways

- there will be an increase in vehicle numbers, including Heavy Goods Vehicles, which will increase congestion at a part of the road network which already lacks sufficient capacity,
- the local roads are narrow, and the large vehicles will pose a risk to pedestrians and cyclists,
- the access road is narrow and poorly lit,
- most buyers will arrive to the site by car,
- the service road within the railway station is narrow; and

- the parked vehicles at Walsworth Road are not enforced against.

Objection 3 – Environmental impact

- the proposed development will have an adverse impact on amenity and the environment of the site itself and neighbouring uses,
- the use will generate unacceptable levels of dust, fumes, noise and smell; and
- the site is proposed to operate long hours, including all day on Saturdays.

Objection 4 – Hazardous material

- the handling of hazardous materials presents a risk to the amenity and safety of the neighbouring uses,
- there is a risk of explosion associated with the hazardous materials,
- there are health risks associated with the inhalation of hazardous materials; and
- the risk of pollution to the water course.

Objection 5 – Other

- some of the residents were not part of the applicant's pre-submission neighbour notification,
- a similar application was refused planning permission; and
- the applicant has responsibility to maintain the fence on Benslow Lane.

6. The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the North Hertfordshire District Local Plan No2 with Alterations April 1996 and the saved policies within it, the Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011 – 2026 and the Waste Site Allocations Development Plan Document 2011 – 2026.
- 6.2 North Hertfordshire District Council is currently in the process of replacing the local plan. The plan has been subject to an Examination in Public, further hearings scheduled for March and April 2020 have since been postponed in response to the Covid-19 pandemic. Reference can be made to emerging policies of the Draft Local Plan 2011 – 2031, and significant weight can be given when considered against the adopted plans.
- 6.3 The most relevant planning policies to consider for this application are:

**Waste Core Strategy & Development Management Policies
Development Plan Document 2011 – 2026**

Policy 1	Strategy for the Provision of Waste Management Facilities
Policy 1A	Presumption in Favour of Sustainable Development
Policy 7	General criteria for assessing planning applications outside of identified locations
Policy 9	Sustainable Transport
Policy 11	General Criteria for Assessing Waste Planning Application
Policy 12	Sustainable Design, Construction and Demolition
Policy 13	Road Transport and Traffic
Policy 14	Buffer Zones
Policy 16	Soil, Air and Water
Policy 19	Protection and Mitigation

Waste Site Allocations Development Plan Document 2011 - 2026

Policy WSA2	Applications for Waste Management Development on Allocated Sites and Employment Land Areas of Search
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North Hertfordshire District Local Plan No2 with Alterations April 1996

Policy 8	Development in Towns
Policy 36	Employment Provision
Policy 55	Car Parking Standards

Emerging North Hertfordshire District Council Local Plan 2011 – 2031

Policy SP1	Sustainable development in North Hertfordshire
Policy SP2	Settlement Hierarchy
Policy SP3	Employment
Policy SP11	Natural resources and sustainability
Policy ETC1	Appropriate Uses in Employment Areas
Policy T1	Assessment of transport matters
Policy T2	Parking
Policy D1	Sustainable Design
Policy D4	Air Quality
Policy NE7	Reducing flood risk
Policy NE8	Sustainable drainage systems

These policies are considered alongside national guidance:

**The National Planning Policy Framework
National Planning Policy for Waste (October 2014)**

7. Planning Issues

- 7.1 The applicant seeks planning permission for an End of Life Vehicle treatment facility. It is proposed to use hand-held tools, in order to depollute one or two vehicles a day, Monday to Friday. It is not proposed to use crushers, fragmentisers or 360-degree excavators,

which are commonly found to generate noise on more traditional scrap yards, for any part of the process.

Appropriateness of location in policy terms

- 7.2 The application site lies within an existing industrial estate. This is designated as an Employment Area within the extant North Hertfordshire District Local Plan with Alteration no 2, adopted in April 1996, and is anticipated to consist of largely Use Class B development. Policy 36 of the adopted Local Plan looks to permit employment development proposals, particularly for small firms, for redevelopment to meet changes in the local economy.
- 7.3 North Hertfordshire District Council has drafted a new District Plan² that sets targets for new homes, employment and retail development, and identifies areas of land where these developments should be built. This document was subject to an Examination in Public in 2018. Following this, the Inspector issued a list of Main Modifications and questions, and further hearings are scheduled for March and April 2020.
- 7.4 As these proposed modifications to the emerging Local Plan do not directly relate to the designation of the application site, significant weight can be given to the policies within it. The draft Plan seeks to retain the wider 1.4 hectare Station Approach area as a designated employment area, and draft Policy ETC1 recognises the need to exercise flexibility in considering uses other than Use Class B to meet the need for uses such as tyre and exhaust centres, plant hire and motor trade uses. The draft document notes that such sui generis uses tend to cause conflict in other parts of town.
- 7.5 The Waste Core Strategy Policy 7 and Policy WSA2 of the Waste Site Allocations Document support the provision of waste management facilities on Employment Land and Industrial Land, subject to compliance with other local planning policies. The adopted Waste Site Allocation Document, which has been scrutinised by the Planning Inspector for its compatibility with the over-arching policies of the National Planning Policy Framework (NPPF), specifically identifies Employment Land Areas of Search (ELAS) as potentially suitable for End of Life Vehicle facilities, whilst also acknowledging the potential need for additional mitigation measures to prevent groundwater contamination.
- 7.6 Policy 8 of the adopted Local Plan encourages the re-use of urban land to both protect the rural character of the larger part of North Hertfordshire and to avoid the neglect and dereliction of urban land, consistent with the core planning principle within the NPPF to reuse previously developed land. Unit 16 remained vacant for seven years, following the departure of Stevenage Oil Company, until June 2014,

² <https://www.north-herts.gov.uk/sites/northherts-cms/files/Local%20Plan%20-%20Main%20Mods%20track%20change%20version.pdf>

and has again been vacant since June 2018. This policy stance is carried through into emerging Local Plan Policy SP2.

- 7.7 The site is within an area designated for employment use, the overarching designated land use classes are B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) and this provides accepted land uses as designated by the district council, which is a material planning consideration.
- 7.8 Therefore, in land use allocation terms, subject to compatibility with other material considerations, the proposal is compliant with the extant policies, including Policies 1 and 11 of the Waste Core Strategy. Highways.
- 7.9 The highway impact of a proposal is a material consideration in the determination of a waste planning application, as set out in Policy 13 of the Waste Core Strategy, and further supported by Local Plan priority for Employment Area HE5 (Station Approach) under Policy 36 (and emerging Local Plan Policy T1) that consideration will be given to the traffic generation impact of any development proposal due to the restricted access to the area.
- 7.10 The site is centrally located within Hitchin, with close access to the strategic A505 road. However, it is acknowledged that this part of the road network is already subject to heavy congestion at peak times, due to the shared access with Hitchin railway station and its car park.
- 7.11 Objections have been raised on the basis that the proposal will generate an increase in vehicles, particularly of Heavy Goods Vehicles, which will subsequently form an unacceptable risk of injury or accident to other road users.
- 7.12 The applicant has confirmed that the company uses low loaders that are less than 7.5 tonnes and can be driven with a standard (car) driving licence. The recovery low-loader and a 7.5 tonne courier lorry are the only larger vehicles which would potentially be accessing the site, via the private access road, on a daily basis.
- 7.13 The overall size of the site and use of hand-held tools, limits to the number of End of Life vehicles stored on the site, which can be regulated by condition, thereby limiting the overall intensity of activity at the End of Life Vehicle facility.
- 7.14 Objections have been made based on the risk posed to other users of the access road and units within the estate, particularly the nursery. The nursery is located at the entrance to the estate, in close proximity to the available car parking within the centre of the estate. The site seeks to operate from 9am until 6pm on Monday to Friday, and 9am to 5pm on Saturday and can be regulated by condition. While there are a large number of cars using the car park, or dropping off at the station

and/or nursery, the proposed development ceased only a low number of vehicle movements as the business model (as used at the applicant's other sites) is driven by online sales.

- 7.15 There has been no objection from the county council as Highway Authority, and therefore the application cannot be refused on highway grounds, as set out in paragraph 109 of the NPPF as the cumulative transport impacts of the development are not 'severe'. The proposed development is compliant with Waste Core Strategy Policy 13, Local Plan Policy 36 and draft Local Plan Policy T1.
- 7.16 It is important to acknowledge that the access road within the station car park is private land, and therefore Hertfordshire County Council as Highway Authority cannot require or impose changes to its layout.
- 7.17 Policy 55 of the Local Plan requires an "appropriate level" of car parking to be provided for 'other uses', which would include the sui generis nature of an End of Life Vehicle facility. The applicant has identified four car parking spaces within the site for staff, with access to a further three spaces within the central parking area of the industrial estate. Given that the existing business generates 98% of its business through online sales which are couriered, this is deemed compliant with Local Plan Policy 55, and emerging Local Plan Policy T2.

Impact on amenity

- 7.18 A material planning consideration in the determination of a waste planning application is the potential adverse impact on the amenity of neighbouring uses, and whether any impact can reasonably be controlled through the imposition of robust and appropriate conditions, as set out in Paragraphs 55 and 56 of the NPPF.
- 7.19 The application site is set to the rear of the estate, limiting its visibility from the railway station car park. While it is not readily visible from the residential properties on Benslow Lane due to the local topography and mature vegetation, the visual impact of the proposed development is consistent with an estate designated as an Employment Area.
- 7.20 Given the proposed use of hand-held tools, other than for a forklift to move heavy parts and chassis, it is considered that the depollution of End of Life Vehicles would not have an adverse noise impact over and above the previous motor repair garage which operated within the unit from June 2014 to June 2018. However, a resident has objected to the noise and hours of operation from the adjacent scaffolding yard, and that previously the radio and shouting could be heard from the application site. There was no objection raised by Environmental Health in terms of the potential noise impact.
- 7.21 It is possible to limit the use of noise machinery and the hours of operation through the imposition of conditions. Further, it is noted that the applicant does not propose to depollute cars on Saturdays, rather

that this would prepare time to prepare customer orders and other supporting work. The DVLA website cannot be accessed at weekend, and therefore the depollution of vehicles and parts cannot be registered. This can be formally controlled through the imposition of a condition.

- 7.22 The applicant has advised that the compressor would be housed within a unit, and then within the depollution shed; the opening of the depollution shed faces away from the chalk face and the residential properties. The maximum noise level of the compressor is rated at 67dB.
- 7.23 Objections have also been raised on the basis of the potential for dust and airborne metal fragments. However, any arising dust or odour would be contained within the depollution shed. Furthermore, the day to day operational use of the site would be subject to regulation by the Environment Agency through their permitting system, to control the risk of pollution.
- 7.24 Paragraph 7 of the National Planning Policy for Waste states that when determining planning application local authorities should, inter alia, “concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.”
- 7.25 Due to the small scale of the development, and the predominant use of hand-held tools, it is considered that the proposed use will not have an adverse impact on the amenity of neighbouring uses and could reasonably be controlled through conditions. Therefore, the proposed development is compliant with the positive planning approach advocated within the NPPF, and with Policies 1A, 12 and 14 of the Waste Core Strategy.

Treatment of hazardous waste

- 7.26 The application seeks to allow the storage of hazardous chemicals, which has caused some concern to consultees, particularly to the parents of children who attend the pre-school nursery, located in Unit 1A of Station Approach estate. The hazardous waste includes, but is not limited to, petrol, diesel, engine oil, brake & clutch fluid, anti-freeze, battery acid, mercury switches and the explosive components in airbags. These are all components and parts of vehicles which could be removed as part of the fall-back motor vehicle repair use.
- 7.27 The site was previously used as an oil storage depot until 2007, and was purpose built for the storage of hazardous liquids. As a result, the area of the site to be used for the treatment of End of Life Vehicles already benefits from a concrete hardstanding (up to 3 metres in depth)

and an oil interceptor system which filters oil and chemicals from water, so that uncontaminated water runs off site to a lime soakaway.

- 7.28 Further objections have raised concerns in respect of the explosive content of airbags, particularly in proximity to other flammable materials such as the various oils listed at paragraph 7.26 above. The guidance in respect of retaining undeployed airbags in otherwise fully depolluted vehicles is subject to RPS (Regulatory Position Statement) 195 issued by the Environment Agency on 9 October 2019.
- 7.29 The Health and Safety Executive did not respond to the consultation but its website notes that the depollution of vehicles must be carried out in a manner that both controls environmental risk (End of Life Vehicle Regulations 2003) and the risks to the health and safety of those working in the industry (Health and Safety at Work etc Act 1974), although it also acknowledges that the likelihood of an accident involving an airbag or seat belt pretensioner is “low”.
- 7.30 Therefore, it is considered that appropriate measures are in place to minimise adverse impacts on human health and amenity and that conditions can be applied to prevent unacceptable levels of soil, air, water or noise pollution. The proposal is therefore compliant with Paragraphs 109, 120 and 121 of the NPPF whilst also adopting an over-arching positive approach to development, as well as with Policies 12 and 14 of the Waste Core Strategy.

8. Conclusion

- 8.1 The treatment of End of Life Vehicles constitutes a change of use from the permitted Use Class B which forms the over-arching designation for the allocated Employment Area, Station Approach, within which the application site sits. However, as an Employment Area, the adopted Waste Core Strategy DPD 2011 – 2026 identifies such ELAS as having the potential to accommodate waste facilities subject to their compliance with other extant planning policies.
- 8.2 The application is for a small-scale development, which seeks to depollute one or two End of Life Vehicles a day, using hand-held tools. This will limit the scale and intensity of the development and minimise the potential for an adverse impact on the amenity of neighbouring land uses.
- 8.3 The development will reuse an urban site which has been vacant for approximately 20 months, in a strategic location with close access to the A505. The previous grant of planning permission, and the fall-back position of a motor vehicle repair yard are material considerations. The environment can be protected through the imposition of reasonable, appropriate and robust conditions.

8.4 The report therefore concludes that the Director of Environment & Infrastructure should be authorised to grant planning permission subject to the following thirteen conditions.

1. Time Limit for Commencement
2. Approved Plans and Documents
3. Hours of Operation
4. Storage of Importation of End of Life Vehicles
5. Size of Vehicles Importing End of Life Vehicles
6. Vehicle Log
7. Number of Vehicle Movements
8. Noise
9. Plant and Machinery Used on Site
10. Plant and Machinery Maintenance
11. Finish and Maintenance of the Buildings and Racking
12. Maintenance of the Site Boundary on Benslow Lane*
13. Unsuspected Contamination Remediation Strategy

* Applicant is to confirm legal responsibility and this will be reported at the committee meeting; the condition will be amended as necessary.

Background information used by the author in compiling this report
Planning application reference PL/0130/20 including supporting documents,
and revisions to these documents

Consultee responses

Relevant policy documents:

[National Planning Policy Framework 2019](#)

[National Planning Policy for Waste \(October 2014\)](#)

[Hertfordshire Waste Core Strategy & Development Management DPD 2011-2016](#)

[Waste Site Allocations Development Plan Document 2011 - 2026](#)

[North Hertfordshire District Local Plan No2 with Alterations April 1996](#)

[Emerging North Hertfordshire District Council Local Plan 2011 – 2031](#)

Proposed Conditions

Time Limit for Commencement

1. **The development hereby permitted shall commence within three years of the date of this permission.**

Reason: To comply with the terms of the Town and Country Planning Act 1990.

Approved Plans and Documents

2. **The development hereby permitted shall be carried out in accordance with the following approved plans:**
 - **Location plan and site plan Drawing Number E100 dated 26/07/2019**
 - **Site Plan Drawing Number E101 dated 26/07/2019**
 - **Proposed Site Plan Drawing Number Revision E102 dated 26/07/2019**

Reason: For the avoidance of doubt.

Hours of Operation

3. **The processing of End of Life Vehicles in accordance with this permission, with the exception of emergency or safety work, shall only take place during the following periods:**

Monday to Friday 0900 hours to 1800 hours

There shall be no processing of End of Life Vehicles outside of these hours.

The processing of customer orders, and office based work, shall only take place within the hours above and during the following periods:

Saturdays 0900 hours to 1700 hours

No operations shall take place on Sundays or Bank or Public Holidays.

Reason: In the interests of amenity

Storage and Importation of End of Life Vehicles

4. **For the purposes of the permission hereby given, depolluted chassis shall only be stored on the racking, and not stored on the hard-standing area.**

The importation of Heavy Goods Vehicles (vehicles in excess of 7.5 tonnes) for processing is not permitted.

Reason: To limit the scale of the development in the interests of safeguarding the amenity of the area.

Size of the Vehicles Importing End of Life Vehicles (Highway Authority)

5. **For the purposes of the development hereby permitted, the type of vehicles used for loading/unloading purposes to be restricted to 7.5t Light Goods Vehicles (LGVs) low-loaders only and the total number of vehicle movements of such vehicles shall not exceed 4 movements (2 in 2 out) per day, unless otherwise agreed in writing in advance with the Waste Planning Authority.**

Reason: In the interests of highway safety and local amenity to be in accordance with Policies 5, 12 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

Vehicle Log (Highway Authority)

6. **Written records of the all vehicles entering and leaving the site for delivery and dispatch purposes in connection with the development hereby permitted shall be kept by the site operator for the duration of the development and made available for inspection by the Waste Planning Authority upon request.**

Reason: In the interests of highway safety and local amenity to be in accordance with Policies 5, 12 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

Number of Vehicle Movements

7. **There shall be no more than the following number of vehicles:-**
- **Two low loaders with vehicles coming to site; 4 movements (2 in, 2 out) per day**
 - **A courier to take deliveries away; 2 movements (1 in, 1 out) per day**
 - **A fortnightly tanker to remove pollutants; 2 (1 in, 1 out) movements per fortnight**
 - **Two staff cars/minibuses for employees; 4 (2 in, 2 out) movements per day**

Reason: To limit the intensity of the development hereby permitted.

Noise

8. **Noise levels arising from site operations shall not exceed the LA90 (1 hour) existing background noise levels (measured in accordance with British Standard 4142:1997) by 10dB LAeq,T (where T equals 1 hour) at any noise sensitive property.**

Reason: To control noise levels and to protect the amenity of surrounding properties.

Plant and Machinery Used on Site

9. **The machinery used on site shall be restricted to fork lift trucks and hand tools including, but not limited to, cutting saws and mechanical spanners for the processing of End of Life Vehicles.**

The use of 360 grab machines, or similar heavy plant and machinery, is prohibited.

Reason: To minimise the adverse impact of noise generated by the operation on the local community.

Plant and Machinery Maintenance

10. **All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times and shall be fitted with and use effective silencers.**

Reason: To minimise the adverse impact of noise generated by the operation on the local community.

Finish and Maintenance of the Buildings and Racking

11. **The buildings and storage racking shall be maintained in good condition and working order for the life of the development. The racking should be replaced on a like for like basis should they deteriorate through rusting.**

Reason: In order to protect the character, appearance and amenity of the site and the surrounding area.

Maintenance of the Site Boundary on Benslow Lane

12. **The fencing on the site's southern boundary, with Benslow Lane, shall be maintained to prevent unauthorised access to the site.**

Reason: In order to protect against unauthorised access from the public highway, in the interest of public safety.

Unsuspected Contamination Remediation Strategy (Environment Agency)

13. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.**

Reason: Intrusive investigations will not necessarily capture all contaminants present, hence the need to appropriately address any new source discovered during excavation and development.