



Applicants:

SITA UK

Application No:

10/0083/FULWND

Date Registered:

03/06/2010

Expiry Date:

07/07/2010

Grid Ref:

456 264

Ward:

Abbey North

Daventry UDA Planning Committee Paper

Report by Director of Planning and
Development

Date of Committee Meeting: 21stth December 2010

Agenda Item: 4

Description: Change of use of an existing industrial unit (Class B2/B8) to a Waste Transfer Station/Material recycling Facility (MRF), including external alterations to the building.

Address: Unit 6, Sopwith Way, Drayton Fields, Daventry,
Northamptonshire, NN11 8 PB

1. Recommendation

1.1 That the application be refused for the reasons set out below.

1. The Noise Assessment has failed to demonstrate that the proposed development would not have an adverse impact upon the amenities of the surrounding area by reason of an unacceptable noise impact. The proposal is therefore contrary to saved Policy GN2 of the adopted Daventry District Local Plan, Policies 1 and 15 of the Waste Local Plan, Policy CS14 of the adopted Minerals and Waste Development Framework Core Strategy and relevant guidance within PPS10 and PPS24.

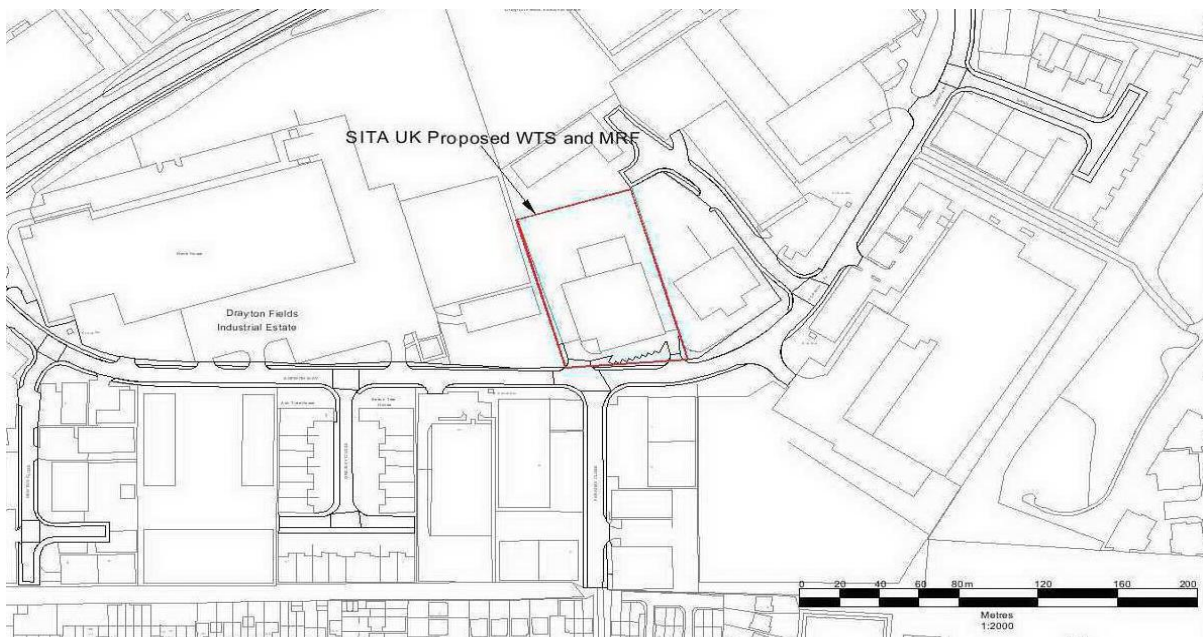
2. The Odour Impact Assessment has failed to demonstrate that the proposed development would not have an adverse impact upon the amenities of the surrounding area by reason of an unacceptable odour impact. The proposal is therefore contrary to saved Policy GN2 of the adopted Daventry District Local Plan, Policies 1 and 15 of the Waste Local Plan, Policy CS14 of the adopted

Minerals and Waste Development Framework Core Strategy and relevant guidance within PPS10 and PPS23.

2. Description of Site

- 2.1 Sopwith Way lies within an established industrial estate located within the north west of Daventry approximately 1.5km from Daventry Town Centre. The application site is a vacant commercial unit with associated land, comprising an area of 0.535ha. The footprint of the building itself is approximately 1677m². The building is a single storey building which comprises a large internal work area with ancillary space which includes office and other secondary facilities. The current authorised use of the building is a storage and distribution facility.
- 2.2 Outside of the building, the site is characterised by a soft landscaped area to the front of the building which includes 8 car parking spaces. The site has two existing vehicular accesses either side of the building and to the rear of the building is an area of hardstanding previously used as servicing yard with significant capacity for parking. The site is currently bounded by a chain link fence along the side and rear boundaries.
- 2.3 The surrounding area comprises a mix of commercial premises of varying sizes and types of businesses. The site is bounded on three sides by modest sized sites, the buildings of which are in close proximity to the application site boundaries. To the west is Shebang Distribution Ltd and to the east is New Euroline, an HGV MOT testing station operating under the umbrella of the Vehicle Operator Services Agency. To the rear of the site is Multi Labels, whose business involves the manufacture of self-adhesive labels predominantly for the food and beverage industry. On the south side of Sopwith Way, opposite the site are companies involved in light manufacturing and commercial offices. The character of this part of the Drayton Fields Industrial Estate is relevant to the material planning considerations set out further in this report.
- 2.4 In addition to the commercial premises, there is a large residential development to the south of the application site, the Timken Estate. The nearest residential property is 120m when measured boundary to boundary and 140m when measured between buildings. There is direct line of site between the residential area and the application

site with pedestrian access linking Sopwith Way to Royal Star Drive. Below is a site plan showing the site and the surrounding context.



3. Description of Proposal

3.1 The proposal is a full planning application for a change of use of the building from B2/B8 to a waste transfer station/material recycling facility, along with alterations to the rear of the building. The applicant's are SITA UK, one of the largest waste management and related service companies in the UK. They have recently entered into a residual waste contract with Northamptonshire County Council (NCC) and have also secured an agreement with Daventry District Council (DDC) to manage their recyclates. These include plastic, glass, cans, card, paper and green waste.

3.2 As part of the contract with NCC, there is requirement to provide a facility within an optimum search area around the NN6 7PR post code. Until such times as an appropriate site is secured along with any necessary planning permissions, SITA have been operating from a temporary facility at High March. It was only to be used as an interim facility due to insufficient size, open-air bulking and limitations to expand the infrastructure for future requirements. The proposed Sopwith Way location is stated as being more suitable as it will enable the waste and recyclates to be sorted and bulked indoors.

- 3.3 It is proposed that the site at Sopwith Way will accept and process approximately 50,000 tonnes per year of residual (grey bin) waste, commercial waste and recyclates (including plastic, glass, cans, card, paper and green waste). The residual and commercial waste would be bulked and transported off site for disposal or treatment and the recyclables would be bulked or baled if appropriate and transported off site for future processing. It is worth noting at this point that there is the potential for residual waste to be present in the building for a period of up to 48 hours, the maximum time allowed. DDC also has a statutory duty to accept fly tipped waste, some of which is classed as hazardous waste; this may include cement-bonded asbestos, tyres, clinical and electrical items. As such the proposed facility will also require an appropriate reception area for fly-tipped waste and reception procedures to accept these items.
- 3.4 To accommodate the proposed use, some external alterations are required to the existing building. The rear elevation of the building currently has three principal openings and it is proposed to close one of those. The other two would then be widened and raised in height and automated roller shutter doors would be installed. The existing vehicular accesses will be utilised on an internal one-way system basis with an entrance (west access) and exit (east access). Vehicles entering the site would pass over the weighbridge and then enter the building to tip their load. The area of hardstanding at the rear of the building would be rearranged to provide parking provision for 4 large vehicles. Mention has been made regarding the erection of a 3m acoustic fence around the site boundaries but no details have been provided regarding its extent or design. It therefore does not form part of this application.
- 3.5 The existing facility at High March currently accepts 20,000 tonnes per year from current municipal and solid waste contracts and 6,000 tonnes per year of source segregated recyclates on behalf of DDC. The further 24,000 tonne capacity will be utilised as required through future municipal and commercial contracts as well as providing merchant bulking and bailing capacity for the surrounding area. That facility principally serves Daventry District, although it is intended that the proposed facility will service a wider area of some 50mi² (square miles).

3.6 The applicants state that the facility is vital for the bulking and transport of municipal waste within Northamptonshire and the region due to landfills in Northamptonshire nearing completion and until such times as treatment options are brought forward, transport to sites within the County will not be available. The result being that there is a requirement for more transfer and recycling capacity within the County to enable bulking and pre-treatment for disposal and treatment facilities.

3.7 SITA has stated that they are applying for opening hours to:

allow the arrival and departure of waste vehicles only between the core hours of 0730-1700 Monday to Friday and 0730-1400 Saturdays. On the Saturday immediately preceding a Public or Bank Holiday the site would also be required to be open until 1700, except for Christmas Day, Boxing Day and New Year's Day as requested by the Council. Outside these core hours and on Sundays and Bank Holidays the facility will only be utilised for the purposes of repairing equipment, cleaning or in the event of extreme weather conditions. As part of this we only intend to undertake the unloading and loading of recyclables, residual (grey bin) waste and baling operations within these core hours.

3.8 A key aspect of the proposal is SITA's intention to operate a 'closed door policy' as part of their management plan for the site. They have stated that:

During the core hours of 0730-1700 hours Monday to Friday and 0730-1400 hours on Saturdays when collection and bulking (artic) vehicles are allowed on site. Vehicles will enter the site via the Weighbridge and will then proceed to the entrance of the facility. The fast-acting roller shutter door will open to let the vehicle enter and then will close the door behind once the vehicle is safely inside the building. Once the doors are closed and the vehicle is in position the load of either recyclates or grey bin waste will be unloaded. When the vehicle has been unloaded and is ready to exit, the roller shutter doors will open and the vehicle will exit the building turning right. The shutter doors take some 17 seconds to open and 17 seconds to close, based on the maximum amount of vehicles proposed, and as modelled in the Transport Assessment (66 vehicles), we would not anticipate the doors to be open for no more than one hour over the course of the working day. As a result of the current economic climate, we do not anticipate the maximum 50,000 tpa of waste and recyclates threshold being

reached in the immediate future. Therefore the shutter doors will actually be opened less than stated above.

3.9 It is also worth noting that in addition to planning permission, the development would require an Environmental Permit which is issued by the Environment Agency. That sets out environmental standards for the facility and primarily concerns the control of dust, odour, drainage, vermin, site management, waste handling and storage operations.

3.10 The application is supported by a number of supporting statements which include:

- Transport Assessment;
- Noise Assessment;
- Air Quality Assessment; and
- Pest and Vermin.

The detailed considerations relating to each of these are addressed further in this report.

4. Policy Considerations

WNDC Purpose:

4.1 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

National Planning Policy Guidance

4.2 The following Planning Policy Statements / Notes should be taken into consideration in the determination of this application.

PPS1 - Sustainable Development: Planning and Climate Change

4.3 This document sets out the Government’s overarching planning policies on different aspects of land use planning. It states that development plan policies should take account of environmental issues such as the management of waste in ways that protects the environment and human health.

PPS4 - Planning for Sustainable Economic Growth

4.4 This supports economic development and within its development management policies it states at Policy EC10.1 that Local Planning Authorities should adopt a positive and constructive approach to planning applications for economic development. Policy EC10.2 goes on to set out a list of criteria against which applications for economic development should be assessed. These include whether the proposal secures a high quality and inclusive design which takes available opportunities for improving the character and quality of the area and the way it functions, and the impact upon local employment.

PPS10 – Planning for Sustainable Waste Management

4.5 PPS10 states that the Government’s overall objective on waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. To achieve this the Government advocates moving the management of waste up the waste hierarchy’ of reduction, reuse, recycling and composting to use waste as a resource. Disposal should only be as a last resort. PPS10 states that positive planning has an important role to play in delivering sustainable waste management by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.

4.6 The PPS also states that waste planning authorities (WPA) should not concern themselves with the control of processes which are a matter for the pollution control authorities but states that in considering planning applications, WPA’s should consider the likely impact on the local environment and amenity. The PPS (at Annexe E.) sets out the factors that should be considered when WPA’s are searching for sites and areas suitable for new waste management facilities. These are: protection of water resources; land instability; visual intrusion; nature conservation; historic environment and built heritage; traffic and access; air emissions, including dust; odours; vermin and birds; noise and vibration; litter; and potential land use conflict.

PPG13 – Transport

4.7 The objectives of PPG 13 are to:

- Ensure that developments comprising of jobs, shopping, leisure and other services offer a realistic choice of access by public transport, walking and cycling, recognising that this may be less achievable in some rural areas;

- Use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys; and
- Ensure that the needs of disabled people – as pedestrians, public transport users and motorists – are taken into account in the implementation of planning policies and traffic management schemes, and in the design of individual developments.

PPS23 – Planning and Pollution Control

- 4.8 This sets out detailed policy and states that development control decisions can have a significant effect on the environment and therefore LPA's must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. It states that matters relating specifically to waste are dealt with in PPG10, which has been reviewed and superseded by PPS10.

PPG24 – Planning and Noise

- 4.9 PPG24 states that noise can be a material consideration in the determination of a planning application. It states that it is important that new development involving noisy activities should, if possible, be sited away from noise sensitive land uses. Where not possible, LPA's should investigate if it is practical to control or reduce noise levels, or mitigate the impact through the use of conditions or planning obligations.
- 4.10 It states that noise characteristics and levels can vary substantially according to their source and type of activity involved. In the case of industrial development the character of noise should be taken into account as well as its level. Special consideration is required concerning sudden impulses, irregular noise or noise which contains a distinguishable continuous tone.

Development Plan:

- 4.11 The Development Plan documents for the area comprises the Daventry District Local Plan (DDLPL) (1997) (saved policies). the Northamptonshire Minerals and Waste Local Plan, the Northamptonshire Minerals and Waste Development Framework and the East Midlands Regional Plan.

The Daventry District Local Plan (DDLPL) (1997) (relevant saved policies);

- 4.12 Policy GN2 (General) – This states that planning permission will normally be granted for development provided that it is of a type, scale and design in keeping with the locality and does not detract from its amenities.
- 4.13 Policy EM4 (Changes of Use on Industrial Estates) – This policy safeguards existing B1, B2 and B8 uses in existing industrial estates with a presumption against changes of use from those uses to uses falling outside of those classes.
- 4.14 Policy EN42 (Design) – Allows for development provided a number of design related criteria are met.

The Northamptonshire Waste Local Plan (2006)

- 4.15 The Waste Local Plan will be replaced by the Minerals and Waste Development Framework. Presently some of the policies have been superseded following the adoption of the Core Strategy but until such time as all of the Development Plan Documents are adopted, a number of policies remain in place and those relevant to this application are as follows:
- Policy 1 (Principles for Waste Development) – permission will be granted subject to certain criteria including need, reduction in landfilling, minimisation of movement of waste across boundaries, minimising transportation of waste from source, Best Practical Environmental Option, integration of facilities and minimisation of harm to the environment, human health, natural resources, local amenity and highway safety;
 - Policy 2 (Location of Waste Development) – permission will be granted in locations identified in the plan or proposals map, proposals that come forward in accordance with Policy 4, or sites within existing housing, industrial or commercial areas.
 - Policy 4 (Development of Local Waste Facilities) – proposals will be permitted (those 50,000 tonnes of less per annum) if they can demonstrate a contribution to sustainable waste management in the County and comply with certain location criteria.
 - Policy 7 (Design) – proposals should be appropriately designed having regard to their surroundings;

- Policy 8 (Traffic and Access) – proposals only permitted where site access and local highway network can safely accommodate traffic associated with the development;
- Policy 13 (Water Resources and Flooding) - Proposals for waste development will only be permitted where it can be demonstrated that risk of flooding is not increased and there will be no contamination of surface or ground water; and
- Policy 15 Local Amenity - Proposals for waste development will not be permitted if it creates an adverse impact on local residential amenity that cannot be ameliorated either individually or cumulatively. Where relevant proposals should mitigate, attenuate and control any noise, vibration, air quality, odours, vermin, birds, litter, visual intrusion and light spillage associated with the planned development. For proposals outside of identified industrial estates hours of operation will be restricted where this is necessary to protect residential amenity.

The Northamptonshire Minerals and Waste Development Framework (MWDF)

- 4.16 The MWDF is a suite of documents that replaces the Minerals and Waste Local Plan 2006. It is a land use planning strategy for minerals and waste related development in the county. It provides the basis for investment in new waste and minerals development in Northamptonshire, and where in the County it should go to. The relevant documents are the Core Strategy and the Locations for Waste Development and the Control and Management of Development.

The Core Strategy

- 4.17 The Core Strategy was adopted in May 2010 and is the lead element of the Northamptonshire MWDF and all other parts of the MWDF are guided by what it says. It sets out:
- the long-term vision for minerals and waste development in Northamptonshire to 2026,
 - the key principles, or objectives, that are required to realise the vision,
 - the amount of mineral extraction and waste generated that we need to provide for through sites and facilities,

- the spatial strategy for meeting this provision,
- other key strategic directions and policies for minerals and waste development, and
- the framework for implementing and measuring the success of the Core Strategy.

4.18 The relevant policies are:

- CS1 (Northamptonshire Waste management Capacity) - The development of a sustainable waste management network to support the growth within Northamptonshire will involve the provision of facilities to meet the waste recycling capacity of 423,000 and 516,000 tonnes per annum for 2016 and 2026 respectively;
- CS2 (Spatial Strategy for Waste management) - The spatial strategy for Northamptonshire's waste management network, states that development of waste facilities should be concentrated within the central spine and sub-regional centre.
- CS9 (Encouraging Sustainable Transport Movements) - Minerals and waste related development should seek to minimise transport movements.
- CS14 (Addressing the impact of minerals and waste development) – States that proposals must demonstrate that they minimise environmental impact upon Northamptonshire's key environmental designations, protect natural resources or ensure any unavoidable loss or reduction is mitigated, ensure built development has regard to its visual appearance in the context of the area, ensure access is sustainable, safe and environmentally acceptable, and ensure local amenity is protected.

4.19 It defines Daventry as a sub regional centre within the waste management and disposal locational hierarchy. Sub regional centres are areas of focus for waste development particularly integrated and advanced treatment facilities. It also states that a preferred location for urban-located waste management uses will be general industrial areas.

Locations for Waste Development

4.20 This Development Plan Document was subject to Independent Public Examination in October 2010 and the Inspector's Report is awaited. It is at an advanced stage and is therefore afforded significant weight. This document identifies, or allocates, specific

locations for waste-related development. Policy W3 identifies general industrial areas within which waste management uses would be acceptable in principle. The Drayton Fields/Royal Oak Industrial areas are identified as such an area.

East Midlands Regional Plan

- 4.21 The High Court recently ruled that the decision to abolish Regional Spatial Strategies was unlawful and therefore the adopted Regional Plan is now relevant. Policy 38 identifies the need for waste to be treated higher up the waste hierarchy and sets out minimum targets for the recycling and composting of municipal solid waste. Northamptonshire is designated as the southern sub-area within the plan and states that there should be a centralised pattern of waste management facilities around the expanding urban areas, of which one is Northampton.
- 4.22 However, correspondence from CLG has reiterated the Government's intention to abolish the Regional Plan. That said this correspondence is now the subject of a further judicial review. In the interim a preliminary ruling was made granting a stay on its effect. The judge then lifted that stay on the basis that the Secretary of State gave an undertaking that he would write to all Local Planning Authorities and the Planning Inspectorate to inform them of the pending judicial challenge to his statement. Counsel acting for the secretary of state, said that planners would be told that they will need to consider whether the existence of the judicial review challenge affects the significance and weight that they judge should be given to the secretary of state's letters and notices.
- 4.23 The Regional Plan is relevant to the determination of this proposal but it is not considered necessary to place significant weight on it in the determination of this application. The consideration of this application is not wholly reliant on policies within the Plan and it has to a large extent been superseded by the more recent Minerals and Waste Development Framework.

Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD)

- 4.24 Northamptonshire County Council Planning Out Crime (2005);

Other non-statutory documents

4.25 WNDP Planning Principles (2009):

1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester.
2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration.
3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

5. **Representations.** Summaries of the consultation responses are set out below.

5.1 **Daventry District Council.**

Object to the application. Whilst Daventry District Council is supportive of proposals for sustainable waste management in principle, insufficient information has been submitted with the application to demonstrate that it would not result in an adverse impact on the amenity of nearby residential and commercial properties arising from noise and odour associated with the proposed use.

In the absence of such evidence, the application should be refused on the ground that it has not been demonstrated that the proposal would comply with the provisions of saved Policy GN2 (General) (Criterion A.) of the Daventry District Local Plan, which requires development to be of a type, scale and design which is in keeping with the locality and does not detract from its amenities and furthermore Daventry District Council feels strongly that the location is inappropriate for this facility.

5.2 **NCC Sustainable Transport.**

Original submission – Further information is required in the Transport Assessment concerning monitoring of vehicle volumes, the assessment of the sites junction radii, the comparable sites used, comparison to the sites existing trip generation, verification of proposed trip rates, surveys undertaken at similar site to provide comparison to assumed usage profile and the factorisation of trips compared to vehicle type.

Revised submission – Applicant has fulfilled the requirements of this authority with regard to the TA as finally agreed. Therefore have no objection in principle to this application.

5.3 **NCC Planning**

The planning application submitted for the site in Sopwith Way has to be considered by WNDP having regard to the policies in the Development Plan which includes the

Northamptonshire Minerals and Waste Development Framework (MWDF) Core Strategy (May 2010) and the Waste Local Plan (WLP) (March 2006), which the core Strategy has partially replaced. The Core Strategy Policy CS2 sets the spatial strategy for waste management and this identifies that Northamptonshire's waste management network should be focussed within the central spine (Northampton, Wellingborough, Kettering, Corby) and the sub-regional centre of Daventry. This supports the principle of waste management facilities being located within Daventry. The Locations for Waste Development Plan Document (Submission) (March 2010) identifies the Drayton Fields/Royal Oak industrial estates (including Sopwith Way) as an industrial area for waste management uses. This further supports the principle of the Sopwith Way site being suitable for waste management uses.

Notwithstanding this, the environmental, amenity, and traffic impacts of any waste development have to be considered having regard to other policies in the Core Strategy and Waste Local Plan. WNDP has therefore to be satisfied that local amenity can be protected. This is a matter for the determining planning authority to decide, having regard to the merits of the planning application.

5.4 **Environment Agency**

Original submission – No objection to the proposed development. Consistent with the aims and objectives of the Waste Strategy for England 2007, which seeks to reduce the amount of waste that would otherwise be landfilled by moving the management of waste closer to the top of the waste hierarchy. Would like to have seen rainwater harvesting as part of resource efficiency proposals. Waste storage/handling and drainage will be controlled by the Environmental Permit for the site. Site Waste Management Plan Regulations 2008 will apply to adaption of the building

Revised submission - No objections further to previous letter but make the following comments:

This activity will need an Environmental Permit, issued by the Environment Agency. In accordance with PPS10, paragraph 32, any planning conditions required to control the pollution aspects of the proposal will be imposed on the Environmental Permit granted. Typically, conditions will relate to:

- *Technical competence. Those operating the site must possess a relevant industrial qualification;*
- *The type of waste activities permitted at the site (e.g. material recovery, disposal transfer);*
- *Waste types acceptable at the site and any particular exclusions;*
- *Management and monitoring of emissions (fugitive and point source);*
- *Regulation of odour, noise and vibration, and pests;*
- *Record keeping and reporting (e.g. waste volumes, waste transfer notes, corrective actions); and*
- *Notification requirements (e.g. breakdowns with potential for significant pollution)*

5.5 **Crime Prevention Design Adviser**

Apart from standard advice regarding office equipment and car parking security, no comments to make.

5.6 **Northamptonshire Fire and Rescue**

No comments received

5.7 **Daventry Town Council**

Original submission - Following submission of new information on the proposals the Town Council register an objection on grounds of air pollution, impact upon environmental health, noise pollution, traffic pollution, impact of the proposal upon future development of Daventry with regard to attractiveness for new businesses and potential loss of existing businesses.

Revised submission – Note and support the comments of the EHO on the Noise Assessment and feel that revised report does not address these. Cannot comment in detail on the odour assessment but feel the survey carried out at High March would not be representative of the operation at Sopwith Way. Do not support the MWDF in that town centre locations are not appropriate for a facility of this type. Transport infrastructure not suitable to link the town to the strategic road network, should be buffer zones of 250m around development. Decision should be withheld until the Joint Core Strategy is complete.

6. Notifications and Responses

Original Submission

6.1 A number of neighbouring and commercial premises were notified of the application and site notices were displayed on Sopwith Way and Timken Way. A total of 146 objections (120 from residential and 26 from commercial) and a petition of 16 signatures were received raising the following issues:

- Too close to a residential area, wrong location, better alternative sites;
- Noise from equipment, traffic and tipping of waste particularly glass;
- Smell
- Vermin and flies;
- Lack of enjoyment of garden;
- Inappropriate hours of operation;
- Traffic impact, inaccurate noise assessment, highway safety concerns, parking problems on Sopwith Way;
- Impact on property values;
- Health and safety impact, impact on health;
- Dust;
- Hours of operation;
- Impartiality of consultants, accuracy/flawed nature of noise assessment;
- Fire risk;
- Risk from hazardous waste;
- Duration of waste storage;
- 'Closed door policy' not feasible;
- No EIA;
- Not Best Practical Environmental Option;
- Inconsistencies across submission documents, accuracy of SITA engagement letter;
- Impact upon local businesses and economy;
- Ecological impact;
- Volume of waste processed too high;
- Blight on Daventry;
- Premature to Minerals and Waste Development Framework;
- Litter;

- Design, appearance and layout.

Revised Submission

6.2 Following submission of revised information a further consultation was undertaken notifying all parties who responded initially and more site notices were displayed in Sopwith Way and Timken Way. A total of 47 further objections (40 from residential and 7 from commercial) were received along with petitions with a total of 931 signatures. This included a petition from Falconers Hill Junior School, which appears to include teachers and pupils. Those additional issues not previously raised include:

- Proximity to local school;
- Venting 95% of odours through the roof is unacceptable and will adversely affect amenity;
- High March not a comparable site for assessment of impact;
- Further mitigation required as part of the proposals to reduce impact;
- Pollution from run-off.

6.2.1 A letter has also been received from the local action group formed to oppose the development. The concerns raised are similar to those already highlighted but for the sake of completeness are as follows:

- Impact on highway safety, increase in traffic, vehicle movements underestimated and resultant impacts;
- Inaccurate accident data;
- Parking on site contradicts noise and odour assessment;
- Queuing of traffic onto the highway;
- Excessive opening hours proposed;
- Door opening times underestimated, doesn't account for physical vehicle movement;
- Inaccurate and flawed noise assessment, question validity of data;
- No details on roller shutter door specification;
- Cumulative noise levels not taken into account;
- Inaccurate odour assessment;
- Smells from previous occupier travelled but were not particularly unpleasant;
- Contrary to local plan documents;

- Question weight to be attached to Minerals and Waste Development Framework;
- Contrary to contents of PPS1 and PPS10.

6.3 **MP and Councillors:**

Chris Heaton-Harris MP – Concerns of local residents should be taken into account regarding noise, operating hours, odours, rubbish and pest control

Councillor Chris Long – Submitted two letters raising concerns regarding number of working days and hours, noise (levels and frequency), smell, pests, traffic impact, loss of local employment and ability to attract inward investment compromised;

Councillor Donachie – Unacceptable impacts from noise, pests and vermin, odour, traffic, disturbance and impact upon local employment;

Councillor Gloria Edwards – Unacceptable impact upon residential and commercial properties, impact upon health, well being and quality of life.

7. **Site History**

- 7.1 DA/1990/0494 – new warehouse and ancillary offices (revised scheme). Approved
 DA/2000/0440 – change of use for B2 general industrial or B8 storage and distribution.
 Approved

8. **Considerations**

- 8.1 The principal considerations in the determination of this application are considered to be;
1. Principle of development;
 2. Site Management
 3. Design
 4. Noise;
 5. Air Quality;
 6. Transport and Highways;
 7. Pest and Vermin;
 8. Impact on Local Economy;
 9. Litter;
 10. Other Issues.

Principle of Development

- 8.2 National and regional policy support and encourage more sustainable waste management and this is being taken forward at a local level through the Minerals and Waste Development Framework. The Core Strategy identifies Daventry as a sub regional centre, which is defined as an area of focus for new waste development. Furthermore, general industrial estates are stated as being preferred locations for urban-located waste management facilities.
- 8.3 The Locations for Waste Development DPD identifies the Drayton Fields and Royal Oak Industrial Estates as one of those industrial areas. Based on this policy allocation, the proposed change of use is considered acceptable in principle. However, Policy CS14 within the Core Strategy considers the detailed impact of waste development and states that applications must demonstrate that:
- they minimise environmental impact upon Northamptonshire’s key environmental designations;
 - protect natural resources or ensure any unavoidable loss or reduction is mitigated;
 - ensure built development has regard to its visual appearance in the context of the area;
 - ensure access is sustainable, safe and environmentally acceptable; and
 - ensure local amenity is protected.
- 8.4 In addition to the MWDF, regard must also be had for the Daventry District Local Plan. Policy EM4 safeguards the site for B1, B2 and B8 uses. Whilst the proposed use is classified as ‘sui generis’, it would be reasonable to consider the nature and characteristics of the processes involved as being similar to a B2 use i.e. industrial processes that generate noise. The wording that supports that policy does allow for some ‘sui generis’ uses of similar employment or economic benefit depending on site location and environmental impact. Whilst the proposed use will not generate significant numbers of jobs (4 jobs), particularly compared to those potentially created through the current authorised use of the site, it is reasonable to argue that the proposed use does deliver wider environmental benefits through the provision of facilities to aid recycling and the diversion of waste from landfill sites.

- 8.5 In a similar scenario to the MWDF, the Local Plan does offer support in principle for the use. The detailed aspects of the use and its impact upon the surrounding area are then assessed against Policy GN2
- 8.6 It has been commented that there are more suitable alternative sites for the use. However, within development plan policy there is no requirement for the applicants to demonstrate that they have considered other sites. A formal planning application has been submitted for this site and it must therefore be assessed on its merits.
- 8.7 In light of national, regional and local policy, the principle of locating the proposed use within an existing industrial area is supported. However, the application falls to be determined against its site specific impacts.

Site Management

- 8.8 It is appropriate at this stage to discuss the site management as it is inextricably linked to a number of the detailed considerations discussed below. In particular, the operation of the 'closed door policy'. The primary consideration is how would this be secured and managed on site as the nature of the potential impacts of the use upon the amenities of the area would be greatly influenced by this. The mechanism for achieving this has been set out above as put forward by SITA, suggesting that at any one time the doors would be open for a maximum of 17 seconds at any one time. Over the period of a day SITA estimate that the door would be open no more than one hour in total (based on 66 vehicles per day). This length of time will also increase based on greater vehicle movements.
- 8.9 The concerns surrounding this management issue are acknowledged. However, there are many different forms of development which operate subject to a management regime. It is therefore on balance not considered reasonable to assume that a management regime would not be adhered to. Such a management regime would be secured through a detailed condition. That being said, a door opening time of 17 seconds does on the face of it seem rather ambitious taking account of the process of opening the door, the vehicle entering and closing the door. It has been confirmed that there would be capacity for 3 vehicles to be accommodated within the buildings at any one time and therefore there is a possibility that both doors could be open

simultaneously. The resultant impact upon noise and odour can be therefore be influenced by this.

Design

- 8.10 The proposed development involves no significant changes to the appearance of the building, the only change being the blocking up of one of the three rear doors and widening of the two remaining doors. This is to be rear of the building and will not have any significant impact upon the wider appearance of the area.
- 8.11 The other matter to consider however, is a proposed acoustic fence around the side and rear boundaries. It is proposed to be 3 metres in height but other than this, no details have been provided as part of the application regarding design and overall length. This was not previously proposed as part of the application but has been included as part of the updated noise assessment and mitigation proposals. The fence would be significantly different in appearance to the existing 1.8m high chain link fence with barbed wire on top, being solid as opposed to transparent. It is not considered that such a fence would be appropriate to the site and its context. Full details have not been formally submitted as part of this application and could not be conditioned as it requires planning consent in its own right. It would therefore require a separate planning application.
- 8.12 Notwithstanding this, it is considered that it would have an adverse impact upon the character and appearance of the site and its surroundings. Given the proposed height of the fence, the size of the site and the size of the buildings within the immediate area, it is considered that this would result in an enclosed compound that would be out of character with the surrounding form of development to the detriment to the visual amenities of the area. It is not considered that it would have any significant impact upon the amenities of adjoining properties.
- 8.13 It should be noted that this issue has not been formulated into a reason for refusal as it does not form part of the planning application. Furthermore, any mitigation measures required remain to be determined until such times as an acceptable noise assessment has been undertaken and approved.

Noise

8.14 The application has been accompanied by a Noise Impact Assessment prepared by a noise consultant, which has undergone several revisions since submission. Noise is a key issue and this is highlighted within the assessment where it states that:

'the activities associated with waste transfer facilities are inherently high in noise and of a nature capable of causing disruption or nuisance to people not associated with those works.'

The document has been assessed by the Environmental Health Officer (EHO) at DDC as part of that authority's consultation response to the application. For the committee's information a table is appended to this report, which sets out the comments of the EHO in response to the revised Noise Assessment, the response from the noise consultant (28/10/10) to those comments and the final comments from the EHO. The details of the further work required is then summarised. The report prepared by the EHO states the following key findings:

- Still recommends an objection on the grounds of noise impact;
- Insufficient information has been submitted to adequately assess the noise impact from this development;
- It should be noted that the extra information required to be submitted would be relatively straightforward for SITA to undertake and demonstrate.

8.15 The EHO also helpfully sets out for clarity the necessity to consider noise at the planning stage.

When in operation the site will operate under an Environmental Permit issued by the Environment Agency. This Permit is designed to limit environmental impacts. However the measures employed by the permit may not offer a complete solution from the point of residential and commercial neighbours in relation to the impacts from the site. It is therefore particularly important to consider these at a planning stage.

PPS23 (Para 10) identifies that planning and pollution control systems are separate but complimentary. It identifies that at a planning stage the system should focus on whether the development is an acceptable use of the land and the impacts of the uses rather than trying to control the process or the emissions themselves.

Following the consideration of the revised Noise Assessment and the response by the noise consultant, the following technical issues remain outstanding:

1. Representative background monitoring needs to be undertaken to cover the proposed hours of operation. This must be undertaken in residential properties rear garden or similar location by agreement;
2. Specific noise measurements based upon reliable measurements which can be verified, or on a worst case scenario. All assumptions made should be fully supported with evidence. Must take account of increase in activity from High March and must include glass tips;
3. Noise levels from glass tips should be assessed at nearest commercial properties by calculation.

8.16 The noise impact information associated with the proposed development has been robustly assessed on several occasions by the EHO and the conclusions are that the Noise Assessment has failed to demonstrate that the proposal would not have an adverse impact upon the amenities of the area. The three outstanding technical issues all concern fundamental aspects of the report on which the conclusions have been drawn, therefore rendering the conclusions flawed. That is not to say that the submission of further information would automatically mean that the proposal would be acceptable. The current position is that the necessary information required to make an informed and sound judgement with regard to noise impact associated with all aspects of the development has not been provided.

Air Quality

8.17 An Odour Impact Assessment has also been submitted in support of the application (undertaken by the same consultancy). Similar to noise, the assessment states that:
'The creation of odours cannot be completely avoided at waste transfer stations since some of the wastes will inherently be odorous and, in addition, the process of organic material degradation will produce a variety of odorous compounds. When the wastes are moved, for example during loading and unloading operations, these odours may be released in significant quantities.'

Again this has been assessed by the EHO and a table is appended to this report setting out the EHO's comments, the consultant's response and the final response from the EHO. The key findings are as per the Noise Assessment:

- Still recommends an objection on the grounds of odour impact;
- Insufficient information has been submitted to adequately assess the odour impact from this development;
- It should be noted that the extra information required to be submitted would be relatively straightforward for SITA to undertake and demonstrate.

8.18 The EHO states that quantifying odour from waste is particularly difficult as the level of odour from the waste is constantly changing. The level of odour will depend, amongst other things on:

- Quantity of waste
- Type of waste
- The weather
- How long it has been in bins or kept on site
- How regularly it is moved or handled

As the waste is constantly being moved, the level of odour is likely to fluctuate regularly and therefore is likely to be more noticeable to nearby receptors.

8.19 The conclusions are that further work on the following technical issues remains outstanding as follows:

1. Assessment of odour to take account of potential increase of activity at this location;
2. Assessment of odour levels at each odour sensitive property;
3. Assessment of odour levels based on all possible sources within the building.

8.20 The conclusions are that the Odour Impact Assessment has failed to demonstrate that the proposal would not have an adverse impact upon the amenities of the area. The three outstanding technical issues all concern fundamental aspects of the report on which the conclusion have been drawn, thus rendering the conclusions flawed. That is not to say that the submission of further information would automatically mean that the proposal would be acceptable. The current position is that the necessary information

required to make an informed and sound judgement with regard to the odour impact associated with all aspects of the use has not been provided.

Transport and Highways

- 8.21 The Transport Assessment (TA) has been prepared by the consultants and the findings have been based on the following site operation assumptions:
- Maximum annual tonnage of 50,000;
 - Assumed 310 days of operation;
 - Opening hours 06:00 to 20:00;
 - HGV movements restricted to 07:30 to 17:00; and
 - No access to the general public.
- 8.22 A number of different sizes of vehicles are proposed to visit the site ranging from transit type vans up to 24 tonne articulated lorries. The original TA was not acceptable to Northamptonshire County Council (NCC) Highways for a number of reasons relating to the monitoring of vehicle volumes, the assessment of the sites junction radii, the comparable sites used, comparison to the sites existing trip generation, verification of proposed trip rates, surveys undertaken at similar site to provide comparison to assumed usage profile and the factorisation of trips compared to vehicle type.
- 8.23 A Technical Note was submitted to address NCC Highways comments. It is appropriate to highlight that traffic generation has been a common theme in the objections submitted to the application given the existing problems experienced on Sopwith Way regarding on street parking and traffic levels.
- 8.24 With regard to traffic movements, the consultant has produced assumed trip rates for the permitted use of the site have been based on TRICS best practice guidance. These show a total of 112 two way trips for the site between 07:30 and 17:00 with 11 in the AM peak and 9 in the PM peak. In comparison, the tip rates for the proposed use are as follows. For clarification these have been based on the level of materials processed every year and not the gross floor area of the building. Furthermore, the TA states that whilst it is expected that the number of trips will be within the average numbers shown below, a factor of

150% has been applied for robustness. That 150% takes account of the worst case scenario.

Vehicle type	WTS		MRF		WTS + MRF	
	Average per day	Maximum per day	Average per day	Maximum per day	Average per day	Maximum per day
REL	14	22	32	48	46	70
FEL	2	2	4	8	6	10
Roro	0	2	18	26	18	28
Skip	2	4	2	2	4	4
Artic	6	10	4	4	10	14
Van	-	-	4	6	4	6
*Total	26	38	62	94	88	132

REL – Rear End Loader (8 tonnes);
 FEL – Front End Loader (8 tonnes);
 RoRo – Roll on Roll off (hook lift) (6.5 tonnes);
 Artic – Articulated lorry (24 or 22 tonnes);
 Skip – (3 tonnes);
 Van – Transit type (0.1 tonnes)

8.25 The projected average and maximum hourly two way trips are calculated to be 9 and 14 respectively. This compares to a maximum of 11 suggested for the current authorised use for the site. Overall, the trip generation of the proposed use when compared with reasonable assumptions for the current authorised use, shows a small increase in the worst case scenario. The County Highways Officer has considered this and concluded it to be a justifiable conclusion.

8.26 The County Highways Officer has also stated that the additional traffic work has also provided the necessary information to satisfy other concerns regarding junction radii and verification of data used. Whilst the concerns raised with regard to traffic generation and associated impacts are noted, the traffic generation is not significantly different to that which could reasonably assumed for the current permitted use of the site. With regard to the potential for a number of vehicles arriving at the site at any one time, the applicant has stated that there is capacity for 3 vehicles and to avoid traffic queuing on the highway vehicles will quickly exit the weighbridge and can be marshalled in the yard area if direct access to the material reception hall is not available. In light of the comments of the County Highways Officer, it is not considered justifiable to warrant opposing the application on these grounds.

Pest and Vermin

8.27 A statement has been submitted by the Pest Control Officer (PCO) at South Northamptonshire Council. They have recently taken over the running of a number of pest control contracts from DDC, including the existing SITA site at High March. It is stated that since 1st April 2010 there have been no pest control problems during this period and prior to this DDC confirmed that there has only been one minor mouse infection which was treated easily and without difficulty. The PCO has also confirmed that he visited the application site and made the following observations:

- *Around the perimeter and within the building there were bait boxes in place which have been placed by the contractor for the previous tenant. I cannot say when the bait boxes were last serviced but there was no evidence of recent mouse or rat activity;*
- *I would propose that an ongoing bait plan should be in place within the boundaries of the property with permanent rat and mouse bait points which Pest Control Officers would visit on a monthly basis. If there was any evidence found by the officer or reported by SITA or by members of the public then Pest Control Officers would revisit on a 4 day cycle until satisfied that the problem was resolved;*
- *There have been no insect problems to my knowledge at the existing site. However, as the proposed site is now under cover, to show due diligence I would recommend that electric fly killers (EFK) are placed within the building and monitored on a weekly basis to check and identify any likely problems. In a building of this size an ultra low volume treatment would be easily carried out to control any flying insect problems. I would get the representative of the major EFK manufacturer to advise me of the quantity, type and suitable locations of the EFK's;*
- *For crawling insects we would keep permanent monitoring traps down within the building and treatments carried out as required;*
- *You should note that broken or open sewers outside of the perimeter of the proposed SITA site would be a source of rodent activity around the area in the future. This would not be under SITA's control. Daventry District Council's Pest Control Officer was not aware of any significant surface rodent problems around the immediate vicinity of Sopwith Way, Daventry. The Pest Control Officer for Daventry District Council also advised that the sewers were clear at last examination.*

- 8.28 His conclusions were that he did not believe that the proposed location on Sopwith Way would pose an additional risk of pests to nearby sensitive receptors provided that all of the measures identified above were adhered to at all times. It is also stated that the site being under cover would be an improvement from the current High March location.
- 8.29 The potential risk of pest and vermin is a sensitive issue in the consideration of this application, particularly taking account of the adjoining property Multi Labels, who manufacture adhesive labels for the food and beverage industry. For obvious reasons they have to operate to the highest hygiene standards. It is to some extent difficult to determine the actual impact of the proposals until the use is in operation. At this stage therefore an informed judgement must be made and it would be reasonable to make this based on the views of the PCO and the experience of the High March site, accepting that the throughput of waste in that site is much less than the proposed site. That is balanced to a degree by the fact that the Sopwith Way operation will take place inside the building.
- 8.30 In light of the views of the PCO and the other considerations set out above, it is not appropriate to substantiate a reason for refusal on these grounds.

Impact upon Local Economy

- 8.31 One of the tests within Policy EC10.1 of PPS4 is the impact of a development upon local employment. It is evident from the number of representations received on this application that there is strong opposition to the proposal, primarily from residential properties. However, many of the surrounding commercial businesses have objected to the proposed development. It has been stated in several quarters that should the development proceed then a number of those businesses would relocate elsewhere. This obviously has wider implications in terms of jobs potentially relocating out of Daventry and the attractiveness of new businesses wishing to move to this part of Daventry.
- 8.32 Those concerns raised are acknowledged given the particular characteristics of the use, described within the supporting documents as being *'inherently noisy and odorous'*. In addition, this particular part of the industrial estate is different in character to other areas where there are different uses and larger buildings. However, should it be demonstrated that the proposed development were to be acceptable with regard to its impact upon adjoining properties, the application would not be opposed on those grounds. The

principle of locating waste management uses such as this within industrial areas has been supported within the adopted Waste Local Plan and the submitted Locations for Waste Development DPD. Therefore, the impact of such uses upon local employment should have been considered during the consideration given to the policy allocation.

- 8.33 The technical considerations as discussed in the report support the current position that it has not been demonstrated that the site is appropriate for this use, but should those be overcome then it is considered that it would be difficult to substantiate a reason for refusal solely on the basis of a loss of employment. This is based on the current planning policy allocation for this site, which although not formally adopted has significant weight given its advanced stage.

Litter

- 8.34 Concerns have been raised regarding this aspect of the proposal with potential litter coming from within the building when the roller shutter doors are open and when vehicles leave the building following collection of a residual waste load. This is very much a site management issue and as discussed above would need to be addressed through a management regime. As with a number of the other issues identified it is difficult to know whether there would be an unacceptable impact as a result of litter. It is therefore not considered that a reason for refusal on these grounds could be adequately justified.

Other Issues

- 8.35 A number of other issues have been raised in the representations received and are addressed as follows:

Dust – It is difficult to assess the resultant impact from dust arising from the proposed use as to a large extent this would be associated with many industrial processes. It is therefore not considered to be a substantive reason for refusing the application. It would also be subject to control through the Environmental Permit process.

Flood Risk and Surface/Ground Water – The site is not identified as being within a flood risk area. The impact upon surface and ground water and potential contamination is a consideration but this could be overcome by a planning condition.

Hours of Operation – Any control over hours of operation would only be considered should the noise impact associated with the development be acceptable;

Property Values – This has been well established through planning case law not to be a material planning consideration;

Fire Risk – Northamptonshire Fire & Rescue were consulted but no response has been received. This is a potential risk for any use of this nature but not a reason for refusing a planning application. This is controlled through other mechanisms outside of planning.

Hazardous Waste – Concerns are acknowledged but this will be controlled by other environmental legislation requiring the operator to comply with the relevant standards and procedures.

Health Impact – The impact of the proposal in this regard would be controlled by other legislation and is therefore not subject to detailed consideration as part of this application.

Impact upon Ecology – There are no areas of ecological importance near the site that are likely to be affected.

Crime – the Crime Prevention Design Officer has raised no concerns regarding the application

9.0 Conclusions

9.1 The proposed development would provide important waste management facilities serving Daventry and the wider surrounding area. Its location is considered to be acceptable in principle as it falls within an area considered suitable for such uses within the Minerals and Waste Development Framework. However, whilst it is acceptable in principle it is not considered to be acceptable with regard to the actual site specific considerations and the impact of the proposal upon its surroundings.

9.2 The primary issue is the impact upon the amenities of the surrounding area. The application has failed to demonstrate through an adequate Noise Assessment that there

will not be an unacceptable impact from noise as insufficient information has been submitted to form a basis on which to robustly assess that impact. Similarly, insufficient information has been submitted with regard to the impact from odour and therefore again the application has failed to demonstrate that this will not adversely impact upon the amenities of the area. Only when the necessary information has been submitted and analysed, can the impacts of the proposal be assessed. The proposal therefore fails to comply with development plan policy.

9.3 The views expressed by surrounding properties and other parties regarding the potential for relocation of existing businesses away from Sopwith Way and lack of attraction to potential new occupiers are noted. However, the policy allocation of this site is of considerable weight and it is considered that a reason for refusal on those grounds would be difficult to substantiate. Should the technical issues associated with the impact of the use be acceptable, the application would be unlikely to be refused based solely on the potential for surrounding businesses to leave the area.

9.4 In conclusion, the principle of this form of development is supported but in this particular instance it is considered that this site is inappropriate for the proposed use, evidenced by the issues discussed within this report.

10.0 Recommendation

10.1 It is recommended that planning permission be refused for the following reasons:

1. The Noise Assessment has failed to demonstrate that the proposed development would not have an adverse impact upon the amenities of the surrounding area by reason of an unacceptable noise impact. The proposal is therefore contrary to saved Policy GN2 of the adopted Daventry District Local Plan, Policies 1 and 15 of the Waste Local Plan, Policy CS14 of the adopted Minerals and Waste Development Framework Core Strategy and relevant guidance within PPS10 and PPS24.
2. The Odour Impact Assessment has failed to demonstrate that the proposed development would not have an adverse impact upon the amenities of the surrounding area by reason of an unacceptable odour impact. The proposal is

therefore contrary to saved Policy GN2 of the adopted Daventry District Local Plan, Policies 1 and 15 of the Waste Local Plan, Policy CS14 of the adopted Minerals and Waste Development Framework Core Strategy and relevant guidance within PPS10 and PPS23.

APPENDIX A - Noise Comments

No	EHO Original Comment	PB Response 28/10/10	EHO Comments 8/11/10
1.2	<p>Firstly the ARUP acoustic report levels have not been referenced; I am still unable to verify that it is a similar site in size and scale of operations. I am unable to verify whether the noise levels obtained by ARUP acoustics are representative of the specific noise at this site.</p>	<p>PB can clarify that the Lower House Farm Waste Facility Environmental Noise Assessment produced by Amp Acoustics is for a comparable site. It is Doc Ref: Aac/120851-66/R, and can be viewed on web link: http://www.warwickshire.gov.uk/NVe/corporate/pages.nsf/Links/D3C586FB70D48D20802573FC005645DA/\$file/w08cc024+noise+assessment.pdf</p>	<p>The ARUP acoustics report relates to Lower House Farm facility in Warwickshire. I have reviewed the submitted information for that site and have found it relates to a site with a permit for 75,000 tonnes per annum. The noise monitoring undertaken for that report to determine specific noise, was undertaken at a third site at Fowlchurch Road, Ball Haye Green, Leek. I have contacted the Staffordshire Environment Agency and they have informed me the County Council site at that location, which is the one measured, has 75,000 tonnes of waste per year. The ARUP acoustics report breaks down the noise into five potential noise sources,</p> <ol style="list-style-type: none"> 1. Waste Management and Vehicle Movement within shed 2. Public drop off to recycling waste 3. Picking up/putting down HWRC container by HGV 4. HGV Movement within site 5. Emptying of glass recycling bank <p>Of these, the first four were measured at the Leek site. There is no submitted breakdown (In the ARUP report) as to what noise “Waste management and Vehicle Movement within the shed” comprised of. In particular the fact that “Emptying of glass recycling bank” is listed as a separate item indicates that glass tipping noise may not have been included in the measurement of the 72dB LAeq 1hr “Waste management and Vehicle Movement with shed” Level. It is this 72dB That the PB report uses to base its noise predictions upon. Relying on third hand data that cannot be verified is poor practice. Furthermore the use of the ARUP data makes it unclear as to whether the specific noise contains a certain number of particularly noisy events such as glass tips.</p>
1.3	<p>The verification monitoring undertaken</p>	<p>PB disagrees. The vehicles used and waste materials carried / tipped by</p>	<p>The monitoring results for High March have not been used for the assessment the data from the ARUP survey has been used.</p>

No	EHO Original Comment	PB Response 28/10/10	EHO Comments 8/11/10
	<p>for the site at High March is of limited value as this site is half the size of the proposed operations. I am still unclear as to how much extra noise will be created by the proposed development, this was raised with the applicant as an issue and I was advised that although the new development will be twice the size, it will not necessarily be twice as loud as there may not be twice as many vehicle movements and associated tips of waste etc. I am still unclear as to how many extra vehicle movements have been calculated into the new specific noise and how much extra ancillary noise will be expected i.e tips of glass etc.</p>	<p>the vehicles at High March are identical to those proposed for Sopwith Way.</p> <p>It is reasonable therefore that measured noise levels from vehicle tipping activities undertaken at High March will be exactly the same at Sopwith Way when the same tipping activities with identical vehicles and materials take place.</p> <p>The increase in noise from increase in traffic has been accounted for in section 4.4.2.</p> <p>Section 4.4.2 Table 9 presents vehicle numbers used within the traffic noise assessment.</p>	<p>Whilst PB state that they have assessed two glass tips in table 3.1.2 I am unclear as to how these relate to the specific noise. They have undertaken the survey at High March and then reverted to using the ARUP acoustics data, which may not include glass tips as stated. See 1.4 below.</p>
1.4	<p>Tipping of glass is a particularly noisy activity the applicant has been requested to assess the</p>	<p>Noise levels from the tipping of glass has been measured and quantified separately in the report addendum Section 3.1.2 Table 3. This is one of a</p>	<p>The tipping of glass is a particularly noisy activity, as identified by the ARUP report, and it is important that this is assessed properly as part of the specific noise, in order to ensure that noise does not cause undue disturbance.</p>

No	EHO Original Comment	PB Response 28/10/10	EHO Comments 8/11/10
	<p>impact of this operation on the nearest business premises. i.e how loud they would be. This has not been undertaken. Furthermore I am unclear how many glass tips they would expect within the reference hour for the BS4142 assessment and whether this is a worst case scenario.</p>	<p>number of activities that can give rise to instantaneous peak levels which could attract attention.</p> <p>However, since it is proposed that all tipping of waste materials at Sopwith Way is to be undertaken within the building with the doors closed, the worst case i.e. loudest LAeq reference was used from High March to inform the assessment. This included 2 glass tips.</p>	<p>The applicant states that the worst case hour was used to “inform” the assessment, and this included two glass tips. This is not that case, the survey results for High March were not used for the assessment as indicated by 4.1.2 of the addendum, <i>“From analysis of all measured data collected during the noise survey at High March the calculated noise level is 73.5 dB LAeq 1hr. There is a difference of 1.5dB between the ARUP and PB calculated levels, a level difference of this magnitude is not significant. As such PB is satisfied that ARUP data used within the noise modeling is correct and fit for purpose.”</i></p> <p>Therefore the affect of glass tips has not been properly assessed as they have used the ARUP data. Furthermore PB has not used the higher value to consider a worst case scenario. PB states that as the waste stream is the same, the noise will be the same. This is not the case, the proposed facility is twice the size than the current facility. If there is twice as much glass collected then there will be twice as many glass tips etc.</p> <p>Using baseline figures from a similar sized site is acceptable if the levels are properly referenced, traceable and can be confirmed as valid. I.e. full justification and breakdown of the detail of the noise has been provided and it is adjusted to ensure that the correct number of glass tips etc has been included in the assessment.</p> <p>In terms of 1.5dB being a marginal amount, on the logarithmic scale 1.5dB is equivalent to the sound pressure being 0.4 times as loud or just under half as loud again</p>
1.5	<p>At 4.3.7 it states that an extra 3dB has been added to the specific noise due to an increase in activity</p>	<p>PB can clarify that the Merlot loader was operational approximately 50% of the time during the survey at High March. (Variable depending on the</p>	<p>A 3dB increase would result in the Merlot loaders being used 100% of the time. However the ARUP data has been corrected. If the High March Data was corrected this would result in a level of 76.5dB.</p> <p>The reference hour should have been based on a similar site adjusted</p>

No	EHO Original Comment	PB Response 28/10/10	EHO Comments 8/11/10
	of the Merlot loader. The unattended measurements at the High March and the ARUP data do not state how often the loader was working within the hour and therefore an increase in 3dB may not represent a worst case scenario.	waste material delivered). The 3dB noise increase accounts for 100% Merlot loader activity, as discussed in Section 4.3.7. Therefore constant operation of the Merlot loader has been included in the noise assessment.	for glass tips and merlot loader or a measurement at the High March site adjusted for the increase in activity (see 1.4 above).
1.6	For the specific noise I would expect that a worst case scenario should be plotted with the Merlot loader working continuously through the reference hour, with a reasoned assessment of a worst case scenario of tips of glass and associated vehicle movements. I am not satisfied that the measured noise levels for High March and the ARUP acoustics are representative of the specific noise of this operation.	PB can confirm that this case has indeed been presented in the report. See comment 1.5 above Re. Merlot loader. See comments 1.3 / 1.4 above Re. Operational noise levels	See comments to 1.4 and 1.5 above
2.1	The survey undertakes a	The Long term control measurement	Agreed but I cannot find the details of the monitoring undertaken at

No	EHO Original Comment	PB Response 28/10/10	EHO Comments 8/11/10
	<p>"Control measurement" at the site. I am not sure why this measurement was undertaken as it is not required for a BS4142 assessment as this type of assessment requires background noise to be measured at nearest residential properties compared to the calculated specific noise.</p>	<p>was undertaken at site boundary to quantify existing background noise levels at site. The specific noise levels have been compared to the noise levels measured at the residential dwellings during the attended noise surveys.</p>	<p>2a in the report.</p>
2.2	<p>The control noise survey is not representative of noise levels for the businesses next to the site as it is located closer to the road than the nearby businesses.</p>	<p>PB confirms that the control noise survey location is influenced by road traffic, and lead to monitoring being undertaken at Location 2 and 2a to be representative of the neighbouring businesses</p>	<p>See 2.1 above</p>
2.3	<p>A large proportion of the measurement has had to be omitted due to the presence of a petrol generator nearby, it is therefore of limited value in showing how noise levels fluctuate in the area across a working day.</p>	<p>See response 2.2 above</p>	<p>See 2.1 above.</p>
2.4	<p>The control noise does</p>	<p>PB can confirm that since 5 minute</p>	<p>The background monitoring at the residential properties should be</p>

No	EHO Original Comment	PB Response 28/10/10	EHO Comments 8/11/10
	<p>show that background noise levels at this location do drop to below 40 dB LA90 for some periods of time as can be seen at 15:55 to 16:25.</p>	<p>measurements were obtained, it is entirely expected with such a diverse range of noise sources around the industrial estate that there would be a few periods of relative quiet, but this is not a strong indicator of a lower underlying background noise during the day, merely a quiet few minutes. Given the distances involved, comparison cannot be made to the residential receptors as indicated by the EHO.</p>	<p>sufficiently representative to show this, I highlighted the fluctuations on the control measurements to indicate that levels may be lower than suggested.</p>
3.1	<p>I am not satisfied that spot measurements are representative of background noise or ambient noise at the monitoring locations across the course of a day. This can be seen in table 3.1.4 where the lowest LA90 at location 2 is shown as 45dB 5mins. The "Control measurement" (2.4 above) has shown that noise levels can drop to below 40dB, and the control noise position I would consider to be noisier due</p>	<p>PB does not consider that the residential receptor data can be compared to the control data, as the local noise sources to each location are different.</p>	<p>See 2.4 above</p> <p>I still feel that the background monitoring was too short to be representative of noise levels experienced in the area. In particular I am concerned about the noise levels experienced at Royal Star Drive (Location G, survey 1B) These properties are in direct line of sight of the development. 5 minute or 15 minute samples are of very short duration and can easily be affected by extraneous sources. I would also note that the background noise survey undertaken for the ARUP acoustics report, was undertaken in four hour blocks at each of the nearest noise sensitive properties throughout the course of a day and the lowest LA90 used.</p> <p>I would expect a similar style survey to be undertaken at this location including background noise levels on a Saturday. The monitoring should be undertaken at the residential properties.</p> <p>Clarity is also required as to why the lowest measured LA90 was not</p>

No	EHO Original Comment	PB Response 28/10/10	EHO Comments 8/11/10
	to the proximity of the road.		used at location G. The appended results show a lowest LA90 background noise of 38dB. Please see 3.3 below
3.3	5 min spot samples for 2b,5a and 5b are too short to be representative of background noise measurements over the day .	PB would confirm that whilst short samples were used, these were repeated a number of times on more than one occasion. There is nothing to suggest that this sampling was not truly representative for the area.	<p>It is for the applicant to demonstrate that background levels are representative for the area.</p> <p>My concerns regarding the representative periods of the background measurements have been confirmed as I undertook noise monitoring myself at location G at 16:00 hrs of the 1st November. I took a measurement for an hour and got a background noise LA90 level of 42dB. This is lower than any of the measurements obtained by PB at that location. If the measurement is split into 15 minute periods and the lowest chosen, as was the case with in the PB report, then the lowest background is 40dB LA90.</p> <p>Whilst my measurements should not be used to perform a BS4142 assessment they are an indication that the levels used are not representative for Location G.</p> <p>Using the table at 5.2.3, a background noise level of 42 dB would lead to a Excess of the Rating noise of 5dB or “marginal significance”. Using 40 dB would result in a exceedance of 7dB or above “marginal significance”. Using the result of 38dB would result in a level of 9dB above background- 10dB above background is indicated by BS4142 as complaints being likely. The exceedance above background would also increase if the specific noise is increased. This highlights the importance of ensuring that the specific noise is accurate and the background noise is measurement is representative.</p> <p>For a development of this type I would recommend that noise levels should be mitigated so that they are below marginal significance as</p>

No	EHO Original Comment	PB Response 28/10/10	EHO Comments 8/11/10
			assessed in accordance with BS4142 against a worst case specific noise reference hour.
3.4	The spot measurement at location 1 is not representative of the amenity areas of the residential properties as it is too close to the industrial sources.	PB disagrees. Location 1 is adjacent to the closest residential garden. However, multiple locations along the residential border with the industrial estate were covered in subsequent surveys.	Location 1 (Location G) is not representative of noise at the nearest residential properties as it is clearly close to, and affected by industrial sources of noise. I believe that monitoring should have been undertaken at the residential properties at that location.
3.5	7.1.2 of BS4142 states "Ensure that the measurement time interval is sufficient to obtain a representative value of the background noise level." I am not satisfied that this has been undertaken due to the short duration of the spot samples.	See response 3.3	See response to 3.3 above
3.6	In table 9 (5.2.3) there does not appear to be a BS4142 assessment at Location 1 (First Survey) despite these properties being in clear line of sight of the development.	BS4142 assessment location 1 has been renamed to Location G following Survey 1B. This is clearly identified in Table 9.	Agreed, but the change is not clearly indicated Table 9.

Further Work Required

Point	Further Work Required	Reason
1	Representative background noise monitoring undertaken at Location G (Survey 1B) to cover hours of operation of unit. This should include 1 day monitoring on a weekday and monitoring on a Saturday when the unit would be open. The monitoring must be undertaken in the residential properties rear garden or at a suitable similar location. If the latter approach is to be taken this should be agreed with DDC EHO before monitoring takes place.	To ensure that background noise used for BS4142 assessment is representative of noise levels at the nearest and most sensitive residential property.
2	Specific noise should be based upon reliable measurements which can be verified, or upon a calculated worst case scenario. All assumptions should be made, all measurements should be supported with details of, and photographs of, microphone locations. Level time graphs, details of time date duration, weather conditions, calibration certificates, notes regarding extraneous noise must also be provided. The specific noise must account for the increase in activity from the current level at High March and must include glass tips.	To ensure that the worst case noise scenario of the operation of this development is assessed via BS4142.
3	The noise level from glass tips should be assessed at the nearest commercial properties via calculation.	To determine the level of the noise at commercial properties and to comment on its intrusiveness.

Appendix 2 - Odour Comments

Point	Original Comment (EHO)	PB Response	Further EHO comment
1	1 Relevant Odour Threshold (Odour) "Threshold used may not be representative of annoyance caused by the odour of waste...";	<p>Within the Daventry Waste Transfer Station and Materials Recycling Facility Odour Impact Assessment it was stated:</p> <p>3.3.2 Since activities at the waste transfer stations potentially involve putrescible waste, a conservative approach has been adopted and, for the sensitive receptors, the odours have been categorised as being in the highly offensive category. Therefore, for this study we have applied an acceptability criterion of 1.5ou/m³ (98thpercentile). The acceptability criterion for moderately offensive odours is 3ou/m³.</p>	Agreed- 1.5 Ou/m ³ is the more conservative threshold.
2	"Threshold used...does not account for the sensitivity of nearby commercial units,"	<p>Sensitive Receptors' have been defined as; "Locations such as residential properties hospitals, schools, offices etc where people may be exposed to odour released from a given source, or have the potential to be so exposed."</p> <p>However, within the Daventry Waste Transfer Station and Materials Recycling Facility Odour Impact Assessment the commercial unit to the north of the proposed waste transfer station at Sopwith Way (Multi-Labels) has been treated as a 'Sensitive Receptor'.</p> <p>Odour dispersion modelling conducted as part of the Daventry Waste Transfer Station</p>	Shebang distribution to the West of the site has a call centre associated office facilities and is a sensitive receptor. Brian James Trailers to the East of the site has a small showroom and office space and is a sensitive receptor.

Point	Original Comment (EHO)	PB Response	Further EHO comment
		<p>and Materials Recycling Facility Odour Impact Assessment, found that predicted odour exposure at the Multi-Labels site was found to be below the lowest 98th percentile hourly mean concentration of 1.5 ou E re (most stringent standard) for the worse case scenario.</p>	
3	<p>"(The Odour Assessment) has failed to demonstrate that the application will not have an adverse impact upon the amenities of nearby properties."</p>	<p>Results of the current odour assessment clearly demonstrated that an adverse impact on the amenity of adjoining property would be avoided. Odours from the proposed Waste Transfer Facility at Sopwith Way would be below detection at residential properties. Figure 8 within the Odour Assessment Report, illustrated that the level of odour from the proposed Sopwith Way facility at Multi-Labels (a sensitive receptor) would remain below 1.5 ou/m³. The detection limit for odour is considered to be 1.0 ou/m³. In addition odour concentrations at Sopwith Way would not result in an odour exposure above 3.0ou/m³for the remaining commercial units at Sopwith Way. These were all predicted 98th percentile hourly mean odour concentrations.</p>	<p>At 3.2.8 the report states "<i>Following discussions with the site manager at High March, it was concluded that the highest activity levels in any one hour at the site would be one loading operation and two tipping operations</i>" – The proposed site is twice the size of the existing site at High March and therefore the odour modelling should be based on double the number of activities. I believe that the worst case hourly emission rate of 1533ou/s/m² may under represent the odour level emitted from the site for this reason.</p>

Further Work Required

Point	Issue	Further work required
1	At 3.2.8 in the report “Following discussions with the site manager at High March, it was concluded that the highest activity levels in any one hour at the site would be one loading operation and two tipping operations” – The proposed site is twice the size of the existing site at High March and therefore the odour modelling should be based on double the number of activities. I believe that the worst case hourly emission rate of 1533ou/s/m ² may under represent the odour level emitted from the site for this reason.	Odour needs to be reassessed to account for the potential increase in activity at this location.
2	Some commercial properties have not been assessed as odour sensitive properties	Odour levels should be assessed at each odour sensitive property. If it is not considered that a property is an Odour sensitive property a justification should be provided.
3	<p>I have been looking closely at the calculation for High March (Footnote page 9 of odour report). I believe that the calculation understates the odour units/s for high and low activity.</p> <p>At 3.2.7 the report states that the area of the waste bays at high march is 156m² and states that the odour emission for periods of low activity is 608ou/s based on a figure of 3.9 ou/s. This underestimates the odour from low activity as although there will be less loading and tipping, there will still be loading and tipping, which should be accounted for. Secondly for high activity 3.2.9 the consultant states that the area for tipping waste operations are assumed to be the area equal to half of one waste bay i.e (13x6 meters) =78 which is half of 156m². It appears that this has been halved again in the equation at the bottom of page 9 to give 48m².</p>	Odour levels must be assessed accurately based on all waste within the building

This may be that the wording of the report that has caused confusion but it needs to be clarified as to whether 13x6 is a whole bay or a half bay.

The equation also does not account for undisturbed waste at the time of loading and tipping. For example assuming the operations run concurrently as the consultant does, if tipping takes place in the first 20 mins (1200 seconds) then there will still be 78m² emitting 3.9 ou/s of undisturbed waste. For the second 10 mins of loading operations there would be 108m² emitting 3.9 Ou/m². Using a value of 39m² for the area for the tipping operation this raises the worst case odour up to 1755 ou/s. Using a figure of 78m² this would raise the odour units per second to 2465 Ou/s. I am still unclear as to how this high activity level at High March has been scaled up for the Sopwith Way application.