



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 13th September 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0635: Installation of two storage tanks for contaminated water and processed oil.

WARD: New Duston

APPLICANT: Mr Nicholas Page
AGENT: None

REFERRED BY: Cllr Matthew Golby
REASON: Public Fear of fire / explosion at the site

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 **Approval** for the following reason:
The proposed development would not result in the undue extension or intensification of the site and would have no adverse impact on the visual or residential amenity of the area in accordance with Policies E19, E20 and B19 of the Northampton Local Plan.

2. THE PROPOSAL

- 2.1 This is a full planning application for the installation of two storage tanks for contaminated water and reclaimed fuel oil at Duston Oils. The tanks will be located in separate locations. They comprise cylindrical tanks contained within a rectangular open top bund and each will measure 10.7m long x 3.1m wide x 3m high. They will be constructed from mild steel and painted grey.

3. SITE DESCRIPTION

- 3.1 The application site consists of an industrial site with access from Port Road, in New Duston. The main use of the site is for the reclamation

and recovery of oil. There is a small car parking area at the front of the site which can accommodate up to 10 cars parked off road. Further off road parking is accommodated within the grounds of the adjacent site. The site is located within a primarily residential area as allocated in the Northampton Local Plan and is surrounded by residential properties.

4. PLANNING HISTORY

4.1 The site has a long and complex planning history. More recent history is as follows:

N/2008/1268 - Proposed installation of an above ground self bunded 55000 litre water storage tank (retrospective) - Approved

N/2007/0616 CLEUD - use for treatment by thermal means, storage and transfer of waste oils principally for use as fuel, the recovery of chlorinated solvents for reuse by distillation, management of hazardous and non-hazardous wastes by treatment, storage and transfer - permitted

N/2004/1636 – Removal of condition 1 of 91/532 to allow the use of the building for Biodiesel production under Duston Oils – Refused and allowed on Appeal

N/2001/0942 – Open sided enclosure for shredding machine – Approved with conditions

N/2001/0358 – retrospective application for the moving of boiler chimney – Refused and allowed on Appeal

91/0532 – Change of use from garage/store to general industrial – Approved with conditions

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS23 – Planning and Pollution Control

5.3 Northampton Borough Local Plan

E19 – Implementing Development
E20 – New Development

B19 – Business Development within Primarily Residential Areas

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Environment Agency:** No objection. The site benefits from Pollution Prevention and Control and Environmental Permits which are regulated by the Environment Agency.
- 6.2 **Anglian Water:** No comments received.
- 6.3 **NBC Public Protection:** proposals will be covered by the Environmental Permit for the premises and noise and smell issues are controlled by the permit administered by the Environment Agency. Understand therefore that it would be inappropriate to apply planning conditions relating to these matters.
- 6.4 **NCC Highways:** No observations.
- 6.5 **Duston Parish Council :** No comments received.
- 6.6 **22 Alpine Way** – asks that applications for Duston Oils submitted over last three decades are investigated along with comments and complaints of local residents. States this application is an extension of works and a consequential increase in problems – noxious smells, vibrations, continuous machinery uses, early transport movements, unsightly chimney stacks. Consider the installation of another 2 tanks will increase problems.
- 6.7 **20 Alpine Way** – Consider proposal will cause greater congestion in the yard with barrel and vehicle movements and more of a hazard if a fire occurs. Need to check that proposed reclaimed oil tank is not in a position where vehicles turn and park. If minded to approve should consider and ensure that tanks are not used for the storage and transfer of inflammable liquids, pipework or gantries are no higher than the height of the tank, any additional pumps to be subject to noise control and the small brick wall adjacent to boundary with 20 Alpine Way be raised in height.
- 6.8 **84 Port Road** – refers to fires at waste oil and solvent works in Kent and Sandhurst. States that the application should be refused as more oil stored on site increases fire risk. Refers to previous letters of objection submitted to the Authority concerning risks to nearby residents.

7. APPRAISAL

Main issues

- 7.1 Class B2 General Industrial use of the site is well established and lawful. The site has been used for oil reclamation since the mid 1960's

and the use of the site has been investigated and has been the subject applications and appeals on several occasions.

- 7.2 The application now is for the siting of two storage tanks at the site. The issues to consider are the impact on the character and appearance of the area and the impact on neighbouring properties. Matters regarding environmental impacts and risks to safety are also subject to other controls.
- 7.3 The applicant states there is no intention to increase operations at the site. The proposed water tank (located to the south west of the site adjacent to an existing contaminated water tank approved in November 2008) is required to replace one of the seven underground tanks that have been decommissioned. The proposed reclaimed oil tank (located to the east of the site) is required because of new legislation regarding the grading of reclaimed oil. The design and access statement further describes the requirement for the tanks.
- 7.4 With regard to the water storage tank the design and access statement states “Due to the nature of the arising of the contaminated water, often as a result of flooding or spillage, we have found the single tank to be insufficient to balance the unpredictable demand with the ability to onwardly dispose of the water and are therefore applying for a second tank to stand alongside the existing one.”
- 7.5 With regard to the oil tank “the implementation of the “end of waste protocol for fuel derived from waste oil” has created a situation where we are forced to store two grades of the fuel oil we produce termed Reclaimed Fuel Oil (RFO) and Processed Fuel Oil (PFO). The PFO has to be pretested before sale and then sold as a discreet batch which therefore requires the use of our existing storage tanks leaving a requirement for a third tank for the storage of RFO.
- 7.6 The water tank is required to replace the decommissioned underground tanks. Drums that are currently stored in this area will be moved to a storage area at the north end of the site. The applicant states that a new system of onward disposal of wastes in drums has been put in place over the past few months which has improved efficiency. The result is that they now store much less in the yard. The oil tank is required because of new legislation that requires an operational change. It is considered that the provision of the tanks does not represent the extension or intensification of the site over and above and above the existing usage.

Neighbouring Amenity

- 7.6 The location of the tanks is within the existing yard area. Both are well hidden from neighbouring properties by tall tree screening and by 1.8 to 2 metre tall wooden fencing located inside the tree screen. The proposed tanks would not be readily visible from the street or

neighbouring properties and will therefore not be detrimental to the visual amenity of the area. Furthermore given the boundary treatment between the application site and neighbouring properties there will be no impact in terms of overshadowing or overlooking.

- 7.7 With regard to noise there are no objections from the Environment Agency or Public Protection Officers who state that it would be inappropriate to add a noise condition to any consent as matters regarding noise are controlled by the Environment Agency under their regulations.

Other Matters

- 7.8 One of the main concerns of neighbouring residents is the risk of fire at the site and concerns that additional tanks at the site will increase this risk. The production of biodiesel is an operation that requires a Pollution Prevention and Control Permit and an Environmental Permit. This legislation is enforced by the Environment Agency and addresses emissions to air, water and land, odour, waste, noise, energy use, vibration, accident prevention (including fire risk) and site restoration. The Environment Agency have been consulted on the application and have no objections. They state that the proposed use is covered by the existing permit for the site and that they regularly inspect the site, often unannounced. The Environment Agency state that the proposals would actually result in a reduction in waste materials stored on site.
- 7.9 One objector has requested that the new RFO tank is not sited in an area allocated for vehicle parking and turning as specified in the Appeal decision relating to N/2004/1636. This appeal decision related to one building on the site and although allowed on appeal it would appear the permission was not implemented. Regardless of this it is noted that siting of the tank would smaller vehicles would have to manoeuvre and the situation will remain as existing where articulated vehicles reverse into the site.

8. CONCLUSION

- 7.10 It is considered that the provision of the tanks does not represent the extension or intensification of the site over and above the existing usage and the proposal would not have a significant adverse affect on visual or residential amenity.

9. CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

10. BACKGROUND PAPERS

10.1 Application files N/2008/1268, N/2007/0616, N/2004/1636, N/2001/0358, 91/0532

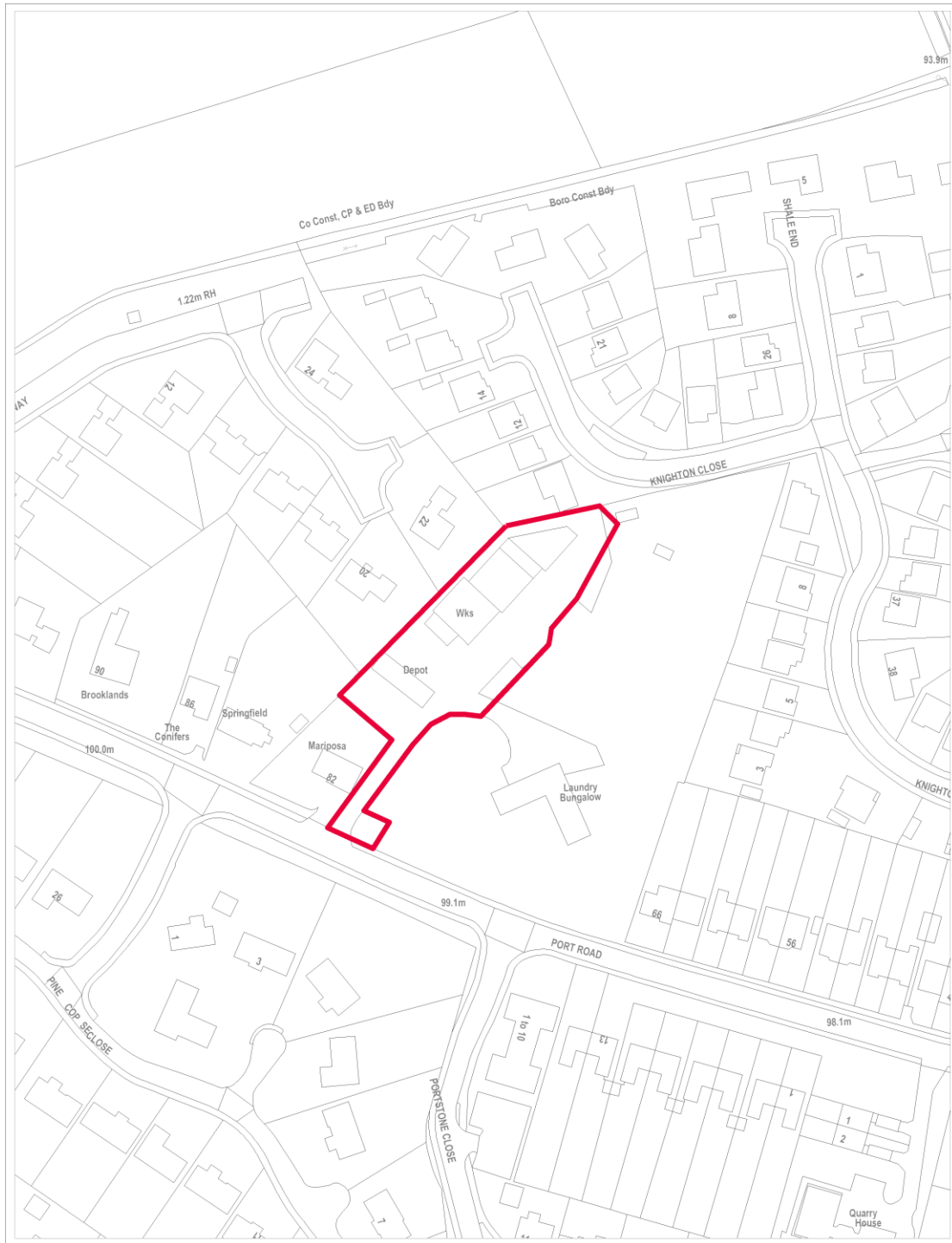
11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Rowena Simpson	31/8/11
Development Control Manager Agreed:		



Name: SW
 Date: 1st September 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
Duston Oils, 70 Port Road

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