

Planning and Regulatory Committee
19 May 2015**6. APPLICATION TO VARY CONDITION 3, TO INCREASE ANNUAL THROUGHPUT TO A MAXIMUM OF 5,000 TONNES AND CONDITION 6, TO EXTEND EXISTING OPERATIONAL HOURS TO 18:00 HOURS, MONDAY TO FRIDAY, OF PLANNING PERMISSION REFERENCE NO. 13/000021/CM AT A AND S SKIPS, ARROW ROAD NORTH, LAKESIDE, REDDITCH, WORCESTERSHIRE****Applicant**

Severn Trent Water Limited

Local Councillor

Ms P Hill

Purpose of Report

1. To consider a County Matter planning application for the variation of condition 3, to increase annual throughput to a maximum of 5000 tonnes and Condition 6, to extend the existing operational hours by one hour to 18:00 hours, Monday to Friday, of Planning Permission reference no. 13/000021/CM at A and S Skips, Arrow Road North, Lakeside, Redditch, Worcestershire.

Background

2. Members granted planning permission for the existing Waste Transfer Station on 10 July 2013 (reference no. 13/000021/CM) at their meeting on 9 July 2013 (minute 840 refers).

3. The current operator has both experienced and now anticipates specific problems with two of the conditions attached to the consent and, therefore, they are applying to vary Conditions 3 and 6 of Planning Permission 13/000021/CM which relate to throughput and operational hours respectively.

4. A and S Skips processes wood, paper, cardboard and metal and construction waste, such as, soil and hardcore. The materials are brought onto site, with all unloading, sorting and packing activities taking place within the site. The site has yet to operate at full capacity, as the business builds up. It is anticipated that the throughput over the Spring and Summer months will be higher.

5. The applicant has stated that the first full quarter between July and September 2014 showed a throughput of 126 tonnes. The next quarter between October and December 2014 showed a throughput of 163.5 tonnes and the most

The Proposal

recent quarter between January and March 2015 showed a throughput of 192 tonnes.

6. The applicant states that the recycling side of the business is being increased. Orders for hard core and soil for use on specific construction sites are increasing, as the construction industry picks up again. All other material is currently disposed of to landfill.

7. The applicant currently uses one 18 tonnes gross weight skip lorry which makes on average 10 round trips per day, including deliveries and collections. In addition, one Smurfit Kappa lorry, 26 tonnes gross weight, removes recycled paper and cardboard from the Waste Transfer Station approximately once every three months. One grab lorry, 32 tonnes gross weight, removes recycled soil from the Waste Transfer Station 2-3 times a month. One tractor and hooklift trailer removes recycled brick hardcore from the Waste Transfer Station approximately once a month. One 32 tonnes gross capacity vehicle removes waste to landfill 3-4 times a month. The applicant states that these figures are on average, as actual trips in any week depend on the volume of business overall and the nature and type of material to be recycled.

8. The applicant is applying to vary Condition 3, to increase annual throughput to a maximum of 5000 tonnes and Condition 6, to extend existing operational hours to 18:00 hours, Monday to Friday, of Planning Permission reference no. 13/000021/CM at A and S Skips, Arrow Road North, Lakeside, Redditch, Worcestershire.

9. In summary the amendments comprise:-

- Condition 3 – increasing the throughput figure from 500 tonnes to a maximum of 5000 tonnes per annum
- Condition 6 - extend the operational hours by 1 hour (17:00 to 1800 hours) Mondays to Fridays.

Condition 3

10. Condition 3 attached to Planning Permission reference number 13/000021/CM states that: "*The annual throughput of material through the site shall be limited to a maximum of 500 tonnes per annum and records shall be kept and made available to the County Planning Authority on written request for the duration of operations on the site.*"

11. The applicant is seeking to amend the wording of this condition to: "*The annual throughput of material through the site shall be limited to a maximum of 5000 tonnes per annum and records shall be kept and made available to the County Planning Authority on written request for the duration of operations on the site.*"

12. The reason for this proposed amendment as stated by the applicant is because when the original application was

prepared and submitted, the applicant's potential tenant intended that the figure of 500 tonnes should represent waste disposed of to landfill, rather than total throughput.

13. The applicant has stated that as a result of the proposal, a second 18 tonnes gross weight skip lorry may be brought into use, if the volume of business continues to increase, which could eventually double the number of return trips per day.

Condition 6

14. Condition 6 attached to Planning Permission reference number 13/000021/CM states that: "*Operations within the development hereby approved shall only take place between the hours of 08:00 hours and 17:00 hours Mondays to Fridays inclusive, between 08:00 hours and 13:00 hours on Saturdays with no operations on Sundays, or public and bank holidays.*"

15. The applicant is seeking to amend the wording of this condition to: "*Operations within the development hereby approved shall only take place between the hours of 08:00 hours and 18:00 hours Mondays to Fridays inclusive, between 08:00 hours and 13:00 hours on Saturdays with no operations on Sundays, or public and bank holidays.*"

16. The reason for this proposed amendment is because the operator has found that having to cease operations at 17:00 hours at the Waste Transfer Station is not giving his drivers enough time to collect skips, return to the Waste Transfer Station in rush hour traffic and empty them on site before the skip lorries have to depart, empty, for their Operating Centre which is located in Webheath, Redditch.

17. The application site is located on an industrial estate within Redditch. The site is bounded by the Coventry Highway dual carriageway to the north; adjacent industrial premises to the east, south and west.

18. The application site is located approximately 220 metres west of the River Arrow (a local wildlife site).

19. The nearest residential property is 93 Arrow Road North, which is sited approximately 135 metres west of the application site, separated by intervening industrial premises.

20. The main issues in the determination of this application are:

- Residential amenity
- Traffic and highways safety.

National Planning Policy Framework (NPPF)

21. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It

The Site

Summary of Issues

Planning Policy

constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

22. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

23. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

24. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 1: Building a strong, competitive economy
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 11: Conserving and enhancing the natural environment

National Planning Policy for Waste

25. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

26. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the policies of the adopted Worcestershire Waste Core Strategy; and the adopted Borough of Redditch Local Plan 3.

27. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

28. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 3: Re-use and Recycling

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

The Adopted Borough of Redditch Local Plan 3

Policy B(BE).28: Waste Management

Draft Planning Policy

Draft Borough of Redditch Local Plan

29. The Borough of Redditch Local Plan No.4 is currently being independently examined in public, as it approaches adoption.

Consultations

30. Redditch Council - no comments received.

31. Natural England has no major issues. They advise that consideration should be given to the important Local Wildlife Sites (LWS) which are located very close to the site and regularly used for recreation.

32. Environment Agency has no objections.

33. The County Highways Officer has no objections to the proposal.

Other Representations

The Head of Strategic Infrastructure and Economy - comments

34. The County Ecologist has no comments on the application.

35. The County Landscape Officer has no issues of landscape concern.

36. Worcestershire Regulatory Services has discussed this application with the operator and reviewed their database and can find no records of complaints about this site, therefore, they have no comments to make from a nuisance point of view.

37. In accordance with the Development Management Procedure Order 2010, the application has been advertised on site, in the press and through neighbour notification letters. Five letters of representation have been received from local residents objecting to the proposal. The letters of representation are available in the Members Support Unit. The concerns include;

Highways concerns

- The road infrastructure would be unable to cope with the proposed increase in heavy traffic;
- The road junction is too tight as residents park opposite the junction;
- The road is used by children to play;
- Danger to pedestrians who use the underpass which runs at the entrance to Arrow Road North;
- Would like the applicant to consider an alternative entrance into the site.

Other concerns

- The site operators run over their existing hours at present.
- Increasing the throughput to a maximum of 5000 tonnes is unacceptable.

38. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Residential Amenity

39. The nearest residential property is 93 Arrow Road North, which is sited approximately 135 metres west of the application site, separated by intervening industrial premises.

40. Five letters of representation have been received from local residents, objecting to the proposal. The concerns relate mainly to highways matters as outlined above.

41. Given the proposed extension of the operational hours is by one hour, until 18:00 hours, Mondays to Fridays and no objections to the proposal from Worcestershire Regulatory Services from a nuisance point of view, it is not considered that allowing this additional hour of operation would have a detrimental impact on the residents of the nearby residential

properties.

42. The Head of Strategic Infrastructure and Economy considers that the application site is located a significant distance from the nearest residential properties on an existing industrial estate and the road infrastructure is adequate.

Traffic and Highways Safety

43. Five letters of representation have been received from local residents objecting to the proposal raising concerns about highways safety, including:

- The road infrastructure would be unable to cope with the proposed increase in heavy traffic
- The road junction is too tight as residents park opposite the junction
- The road is used by children to play;
- Danger to pedestrians who use the underpass which runs at the entrance to Arrow Road North
- Would like the applicant to consider an alternative entrance into the site.

44. The main concern relates to the proposed increase in vehicle numbers driving past the residential properties along Arrow Road North to the site as the road infrastructure is inadequate and there is a danger to pedestrians.

45. The applicant has stated that as a result of the proposal, a second 18 tonnes gross weight skip lorry may be brought into use, if the volume of business continues to increase, which could eventually double the number of return trips per day, in addition to the vehicles currently used at the site, which include, one 18 tonnes gross weight skip lorry which makes on average 10 round trip per day, including deliveries and collections. In addition, one Smurfit Kappa lorry, 26 tonnes gross weight, removes recycled paper and cardboard from the Waste Transfer Station approximately once every three months. One grab lorry, 32 tonnes gross weight, removes recycled soil from the Waste Transfer Station 2-3 times a month. One tractor and hooklift trailer removes recycled brick hardcore from the Waste Transfer Station approximately once a month. One 32 tonnes gross capacity vehicle removes waste to landfill 3-4 times a month. The applicant states that these figures are on average, as actual trips in any week depend on the volume of business overall and the nature and type of material to be recycled.

46. The applicant has stated that he does not envisage that an additional hour of operation, for five days a week, would increase the potential number of lorry movements into or out of the site, but it would allow the business to better manage the departure of its empty of skip lorries, at the end of the working day.

47. Taking into account the comments by the applicant and local residents' concerns, the County Highways Officer has raised no objections to the proposed development.

Conclusion

48. In view of the above, the Head of Strategic Infrastructure and Economy is satisfied that there would be no adverse impact on highways safety and that the proposal is, therefore, acceptable.

49. Letters of representation have been received objecting to the proposal on operational and highways grounds. Worcestershire Regulatory Services and the County Highways Officer were consulted on the application and have raised no objections. Accordingly, The Head of Strategic Infrastructure and Economy is satisfied that the proposed development would have no adverse or detrimental impact upon the residential amenity of the surrounding area.

50. The Head of Strategic Infrastructure and Economy is satisfied that there would be no adverse impact on highways safety and that the proposal is, therefore, acceptable on highways grounds.

51. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 3, WCS 6, WCS 8, WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy and Saved Policies Policy B(BE).28 of the adopted Borough of Redditch Local Plan no. 3, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

52. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the carrying-out of development pursuant to planning permission reference number 13/000021/CM dated 10 July 2013 without complying with conditions 3 and 6 of that permission so as, to allow amendments to the throughput and the operational hours at A and S Skips, Arrow Road North, Lakeside, Redditch, Worcestershire, subject to the following conditions:

- a) **The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- b) **The development hereby permitted shall be carried out in accordance with the details shown on the submitted drawings numbered: WTS 01-1250, WTS 02-250 and WTS 03-50 except where otherwise stipulated by conditions attached to this permission;**
- c) **The annual throughput of material through the site shall be limited to a maximum of 5000 tonnes per annum and records shall be kept and made available to the County Planning Authority on written request for the duration of the operations on the site;**

- d) Prior to the erection of any lighting at the site details of the external lighting proposed to be erected at the site shall be submitted to and approved in writing by the County Planning Authority;**
- e) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays and there shall be no construction work on Sundays, or public and bank holidays;**
- f) Operations within the development hereby approved shall only take place between the hours of 08:00 hours and 18:00 hours Mondays to Fridays inclusive, between 08:00 hours and 13:00 hours on Saturdays with no operations on Sundays, or public and bank holidays;**
- g) No crushing or shredding of materials shall take place on the site;**
- h) There shall be no fires lit and no wastes burnt on the site;**
- i) The turning area and parking facilities as shown on the scheme approved by the County Planning authority on 19/01/2015 shall be retained and kept available for those users at all times;**
- j) The scheme for the setting up of a 4 metre high permanent marker that allows operatives and officers from the County Planning Authority a means of visually checking the height of the stored skips approved by the County Planning Authority on 14/01/2015 shall be maintained on site for the duration of the development;**
- k) The stockpiling of material shall only take place within the yard area and yard storage shown on drawing referenced number WTS 02-250. The scheme for the means of demarcating this area on the ground, approved by the County Planning Authority on 14/01/2015 shall be demarked on the ground for the duration of the development;**
- l) The scheme for the setting up of a 2 metre high permanent marker that allows operatives and officers from the County Planning Authority a means of visually checking the height of stockpiling of material approved by the County Planning Authority on 14/01/2015 shall be maintained on site for the duration of the development hereby approved;**
- m) The boundary fence approved by the County Planning Authority on 24/02/2015 shall be**

constructed in accordance with the approved details; and

- n) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.

Contact Points

Contact Points for this Report

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List of Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this item:

The application, plans and consultation replies in file reference 15/000004/CM.