

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 24th May 2005

Report Title Bayton Road Industrial Estate, Bedworth – Materials Recovery Facility

Summary This application proposes the operation of a materials recovery facility, transfer station and associated transport and storage/distribution yard on land at 17-19 Colliery Lane, Bayton Road Industrial Estate, Bedworth.

For further information please contact Matthew Williams
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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Submitted application, received 7/4/2005.
Letter from County Museum, dated 15/4/2005.
Seven letters and emails of representation received from local residents.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees
- Local Member(s) Councillor J Haynes – no comments received.
(With brief comments, if appropriate) Councillor K. Singh
- Other Elected Members
- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive
- Legal I Marriott – comments incorporated.

- Finance
- Other Chief Officers
- District Councils Nuneaton and Bedworth Borough Council – no comments received.
- Health Authority
- Police
- Other Bodies/Individuals Environment Agency, County Museum – see paragraph 2.

FINAL DECISION **YES/NO** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee - 24th May 2005

**Bayton Road Industrial Estate, Bedworth
Materials Recovery Facility**

**Report of the Director of Planning, Transport and
Economic Strategy**

Recommendation

That the Regulatory Committee authorises the refusal of planning permission for the operation of a Materials Recovery Facility, Transfer Station and associated Transport and Storage/Distribution Yard on land at 17-19 Colliery Lane, Bayton Road Industrial Estate, Bedworth for the following reasons:-

1. The proposed development would be contrary to Policy EMP4 of the adopted Nuneaton and Bedworth Borough Local Plan in that the proposal does not contain a buffer strip or landscaped bund as required by the policy and thus would, if approved, adversely affect the amenities of the neighbouring residents to an unacceptable degree.
2. The proposed development is contrary to the provisions of Policy Emp4 of the Nuneaton and Bedworth Borough Local Plan Proposed modifications in that the proposal is not a B1 or B8 land use and does not contain a buffer strip of landscaped bund as required by the policy and thus would frustrate the objectives of that emerging policy for the redevelopment of the area.
3. The proposed development is contrary to Policies 1, 6 and 8 of the Waste Local Plan for Warwickshire because it would have a significant adverse impact on the character of the locality and amenity of local occupiers by reason of odour, noise, dust and visual intrusion.

APPLICATION NO : N37/05CM014

RECEIVED BY COUNTY : 7/4/2005

ADVERTISED DATE : 14/4/2005

APPLICANT : Budget Skip Services Ltd, 17-19 Colliery Lane, Exhall,
Bedworth, CV7 9NW.

AGENT : Professor Stephen L Willetts, 35 Bishops Cleeve, Austrey,
Atherstone, Warwickshire, CV9 3EU.

THE PROPOSAL : Operation of a materials recovery facility (MRF), transfer station and associated transport and storage/distribution yard.

SITE & LOCATION : Land at 17-19 Colliery Lane, Exhall, Bedworth, Warwickshire. [Grid ref: 358.858].

See plan in **Appendix A**.

1. Application Details

- 1.1 The application proposes the development and operation of materials recovery facility (MRF) and residual waste transfer station and associated transport and storage/distribution yard on 2000 square metres of land at 17-19 Colliery Lane, Bayton Road Industrial Estate, Bedworth. The facility would be operated by Budget Skip Services Ltd.
- 1.2 The open air facility would comprise of: uncovered storage bays for scrap metal, brick hardcore/soil and operational storage; uncovered uncontained storage of soil and hardcore; quarantine storage area; skips for recycled material 'ferrous', non-ferrous' and 'cardboard'; empty skip storage area; vehicle parking; Portakabin office and workshop (existing).
- 1.3 It is stated that waste is and will continue to be delivered in road vehicles to the site and checked before acceptance in order to ensure compliance with the authorised types of waste. Accepted waste would be deposited on the ground before being sorted to recover materials for recycling. Residual waste remaining after sorting would be loaded into containers, skips or other vehicles for transfer off site. Reclaimed/recovered materials would be stored in the yard until sale and/or removal off site.
- 1.4 Waste materials would be handled on site using a variety of plant and equipment, such as a rubber-tyred or tracked excavator machine fitted, alternatively, with a 4-in-1 bucket, a grab, a rake, a rotary sieve, jaw crusher, 'nibbler' or other equipment. Crushing and screening equipment may also be operated on the site.
- 1.6 Materials imported to the site for recovery/processing would typically comprise household waste (70%), commercial waste (20%), and industrial waste (10%). The facility would handle/process 30,000 tonnes of waste per annum, or no more than 120 tonnes of waste per day and 600 tonnes per week.
- 1.7 Hours of operation are proposed to be 24 hours per day.
- 1.8 Access to the site would be via an existing unmade track which joins Colliery Lane.

- 1.9 Vehicles accessing the site would include skip lorries and tipper lorries. The development would generate an average of 30 vehicles (60 movements) per day and a maximum of 45 vehicles (90 movements) per day.
- 1.10 The applicant is willing to discuss the erection of a screening embankment between the site and adjacent residential properties.

2. Consultations

- 2.1 **Nuneaton and Bedworth Borough Council** – no comments received.
- 2.2 **Councillor J Haynes** – no comments received.
- 2.3 **County Museum** – no comments received.
- 2.4 **Environment Agency** – no comments received.

3. Representations

- 3.1 Seven letters/emails of representation have been received from local residents raising objection to the proposal. Concerns raised are:
- (i) Proximity to residential properties.
 - (ii) Noise (existing problems).
 - (iii) Reversing beepers.
 - (iv) Vehicle numbers.
 - (v) Hours of operation (existing problems).
 - (vi) Dust.
 - (vii) Odour.
 - (viii) Vermin.
 - (ix) Burning of waste.
 - (x) Unsuitable drainage on site.
 - (xi) Residential boundary is poor and presents a fire hazard as wooden pallets are stacked against it.

4. Observations

Planning History

- 4.1 It is understood that the application site has historically been used for a mixture of open storage, vehicle storage and possibly vehicle maintenance, although

there is no planning permission or Certificate of Lawful Use relating to these uses. A planning application submitted in respect of proposed vehicle breaking on part of the site was refused in 1998.

- 4.2 Following complaints and a petition from local residents in early 2001 regarding disturbance/nuisance from activities being undertaken on the site the County and Borough Councils undertook an enforcement investigation. The investigations established that the yard was being used for the deposit, sorting, incineration and storage of waste materials. The County Council served an enforcement notice and stop notice in April 2001 requiring the deposit, sorting, incineration and storage of waste materials to cease and thereafter refrain and to remove from the land all the waste materials and all plant and equipment used for their deposit, sorting, incineration and storage. The enforcement notice remains in force. The Borough Council also served an abatement notice at this time in respect of smoke nuisance.
- 4.3 In August 2004 an application was submitted for a Certificate of Lawful Use in respect of the storage of waste materials and skip storage on the application site. This application was refused because the use of the site for the storage of waste materials is unlawful as it contravenes the requirements of an existing enforcement notice and insufficient information was provided to show that skip transfer began more than 10 years before the date of the application.
- 4.4 A planning application proposing the development and operation of a materials recovery facility and residual waste transfer station and associated transport and storage/distribution yard on land adjoining the application site, land at 21 and 23A Crondal Road, Bayton Road Industrial Estate, was refused at the 19th April 2005 meeting of the Regulatory Committee.

Current Land Use

- 4.5 The application site is currently used by Budget Skip Services Limited as an operating base for skip lorries and plant (Goods Vehicle Operator's Licence permits 9 vehicles to be located at the site) and for the storage of skips.
- 4.6 Concern remains that operations are being undertaken in breach of the extant enforcement notice and investigations are on going. During the site visit undertaken in connection with the current application waste materials were seen on site deposited on the ground and stored within skips deposited on the ground.

Site and Surroundings

- 4.7 Bayton Road Industrial Estate is a large long-established industrial area on the south-eastern fringe of Bedworth. The application site is located at the end of an unmade track accessed off Colliery Lane on the eastern periphery of the industrial estate. The application site is adjoined to the north, east and south by industrial uses and to the west by residential areas.
- 4.8 The land to the north contains a number of older style small industrial buildings and open storage areas/uses. The unit immediately adjoining the application

site is currently occupied by a pallet company. The eastern boundary is adjoined by larger modern industrial buildings which include uses such as engineering and storage and distribution. Land to the south is occupied by Sita UK and is used for open storage of empty skips and parking of HGVs.

- 4.9 The western boundary of the site adjoins residential areas in Tresillan Road, Rosemullion Close and Devoran Close. The gardens of some properties in Rosemullion close directly adjoin the application site whilst others are separated from the site by a service road. The nearest properties to the site lie 20 metres from the boundary of the site (measure from the dwelling).
- 4.10 The application site is roughly square in shape measuring approximately 60 metres long by 40 metres wide. The site is predominantly an open hard surfaced yard used for storage of skips and the parking of HGVs. There is also a small Portakabin office building on the site and a small asbestos sheet clad workshop building.

Planning Policy

- 4.11 The applicants submit that the proposed development is in accordance with current planning policy guidance which promotes the re-use and recycling of waste materials and to seek a reduction in the amount of waste sent to landfill. However, whilst it is agreed that recycling is to be encouraged the application needs to be judged on its individual merits and against the policies contained within the Development Plan. Therefore, the main issue is whether the proposed development accords with the policies of the Development Plan and would be acceptable in this location.
- 4.12 The application site is located within an area covered by policy Emp4 of the Nuneaton and Bedworth Borough Local Plan (Proposed Modifications). The policy states that, redevelopment of the site off Colliery Lane as shown on the proposals map will be encouraged for uses within Classes B1 and B8 (of the Town and Country Use Classes Order). A landscaped bund will be required on the boundary with adjacent residential properties. The supporting commentary states that a comprehensive redevelopment of the area is required and that no piecemeal development will be permitted. The proposed development is a 'sui generis' use and therefore does not fall within any use class within the Use Classes Order. Whilst, the applicant has indicated a willingness to consider provision of a screen embankment between the site and adjacent residential properties no details have been submitted or allowance made within the site layout. Furthermore, the proposal would be piecemeal development of the area. Accordingly the proposal is inconsistent with and prejudicial to policy Emp4.
- 4.13 Policy EMP4 of the adopted Nuneaton and Bedworth Borough Local Plan states that a buffer strip of 15 metres and 2 metres high landscaped mound will be provided between proposed industrial uses and existing residential properties. Consequently, the proposal will be contrary to approved policy.
- 4.14 The supporting commentary states that bad neighbour uses and unattractive compounds to the rear of properties on the Cedars Estate have led to criticism by local residents. Following completion of reclamation works at Bayton Road

the opportunity now exists for this land to be fully developed with permanent buildings. The Council will control the location and appearance of new buildings to improve the outlook for local residents.

- 4.15 The adopted Waste Local Plan for Warwickshire encourages recycling and seeks a reduction in the amount of waste taken to landfill sites. Policy 1 sets out the environmental considerations, including noise, dust, traffic and visual impacts, which should be taken into account when considering any waste applications. Proposals should make a positive contribution to the re-use and recycling of materials as well as satisfy the proximity principle.
- 4.16 The proposed development would undoubtedly make a contribution towards the reuse and recycling of waste materials. It is also recognised that the site is relatively close to potential sources of waste materials. However, the application needs to be considered against the environmental considerations detailed in Policy 1 and site specific issues. The proposed development is in close proximity to residential properties and is considered likely to have significant adverse impact on the amenity of local occupiers by reason of odour, noise, dust and visual intrusion and is therefore contrary to Policy 1.
- 4.17 Policy 6 of the Waste Local Plan relates specifically to material recycling facilities and states that such proposals will be permitted; as an integral part of new and established waste disposal facilities, on industrial estates and on other land that has been used for a commercial use where the proposed use would be compatible with adjacent land uses. In this case the proposed development is not compatible with adjacent land uses and therefore is contrary to Policy 6 (iii).
- 4.18 Policy 8 states that proposals for waste transfer stations will only be approved, subject to compliance with policy number 1, within or adjacent to the sites of established waste disposal facilities, on industrial estates or in the void created by mineral working. The supporting commentary acknowledges that transfer station can be a source of environmental and traffic problems, especially as they operate most effectively close to the source of waste, in or on the fringes of urban areas. As the development is contrary to Policy 1 the development is also held to be contrary to Policy 8.

Visual Amenity

- 4.19 The boundary between the application site and residential area is delineated by a fence made up of a mix of steel palisade fence, wire mesh, wooden boards and corrugated iron outside of which is situated a band of vegetation/trees. The boundary vegetation is unmanaged and relatively sparse/patchy (particularly during winter months) allowing clear views of the application site from residential properties.
- 4.20 The existing site is already visually intrusive when viewed from the residential area it directly adjoins. The applicant has indicated a willingness to consider provision of a screen embankment between the site and adjacent residential properties. However, no details have been submitted or allowance made within the site layout plan submitted.

Noise

- 4.21 Operations proposed to be undertaken on site, including movement of plant and vehicles, loading and unloading of skips, loading and unloading of waste/recovered materials, operation of crushing and screening equipment, etc are inherently noisy.
- 4.22 The application states that, vehicles, plant and equipment would be fitted with proprietary manufacturers silencers, where fitted shrouds and hoods will be kept in place, plant will be configured so as to minimise noise generation and that an embankment could be provided between the site and houses. Therefore, ensuring that noise generation should neither be excessive nor intrusive to the nearest neighbours.
- 4.23 Past/existing operations on the site have given rise to noise complaint. The proposed development, with operations undertaken in the open, would undoubtedly be more intensive and potentially noisier than the B1 (Light Industry) and B8 (Storage and Distribution) uses encouraged in this location. Furthermore, the facility is proposed to operate 24 hours per day. Comments of the Environmental Health Officer at Nuneaton and Bedworth Borough Council will be reported verbally.

Dust

- 4.24 Operation of crushing and screening equipment and the loading and unloading of materials has the potential to generate dust. The proximity of the site to residential properties is considered to be sufficiently close to result in dust becoming a potential cause for complaint. The comments of the Environmental Health Officer will be reported verbally.

Odour

- 4.25 The facility would handle a mix of commercial, industrial and household waste. Household waste in particular has the potential to create adverse odours if not appropriately managed. The application states that only limited amounts of biodegradable wastes will be handled on site and wastes will only be retained on site for short periods before processing and therefore does not anticipate odour being a problem. No special provision is made for dealing with or masking odours from the site. However, even with good management of site operations it is considered that it is unlikely to be possible to eliminate odours emanating from the development being experienced at the nearby residential properties.

Litter

- 4.26 The nature of the waste proposed to be handled/processed on site has the potential to generate litter problems if not adequately managed. The potential exists for litter to be generated from open storage and processing of materials and loading such materials into vehicles. Litter generation from activities within the industrial estate has been highlighted as an existing problem by local residents.

Vermin

- 4.27 The biodegradable nature of elements of household waste has the potential to attract vermin. However, good management of the facility and adequate pest control could prevent vermin becoming a problem.

Access and Traffic

- 4.28 The application site is accessed via an unmade track off Colliery Lane. The haul road is in poor state of repair with damage evident to the surface resulting in loose material being deposited over the highway. The applicant suggests that the proposal would not directly increase the number of vehicles operating through the access. However, the Highway Authority consider it is both justified and reasonable to request the access be extended and improved under the provisions of a Section 184 of The Highways Act if permission were granted.

Conclusion

- 4.29 Whilst the proposed development would make a contribution towards the reuse and recycling of waste materials the proposal would be contrary to policies in the Nuneaton and Bedworth Local Plan and the Waste Local Plan for Warwickshire. The proposed development is in close proximity to residential properties and has and is considered likely to result in adverse impacts upon the residential amenities of occupiers which cannot be eliminated by conditions. Consequently the proposed development is not appropriate in this location.

5. Environmental Implications

- 5.1 The proposed development would not be a suitable use in this edge of industrial site location where there has been and is the potential for adverse impacts upon the amenities of nearby residents.

JOHN DEEGAN
Director of Planning, Transport and Economic Strategy
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Warwick

9th May 2005





Scale 1: 2000

Ref No. N37/05CM014

Drawn Thomas Cox

Regulatory Committee 24 May 2005
 Subject
Materials Recycling - Bayton Rd Ind Est.

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Warwickshire
County Council

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APPENDIX A OF AGENDA NO.