

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 15th November 2005

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

Summary This application is a re-submission of a proposal for a Materials Recovery Facility, Transfer Station and associated Transport and Storage/Distribution yard on land at 21 and 23a Crondal Road, Bayton Road Industrial Estate, Bedworth and was previously refused on 19th April 2005.

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

Background Papers Submitted application received 19/7/2005.
 Letter from Environment Agency received 5/8/2005.
 Letter from County Museum received 1/9/2005.
 Email from Environmental Health Officer received 13/9/2005.
 Letter from Nuneaton and Bedworth Borough Council received 22/9/2005.
 25 letters of representation received from local residents.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees Regulatory Committee 15th April 2005.
- Local Member(s) Councillor K Singh – see paragraph 2.2
(With brief comments, if appropriate)
- 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 – see paragraph 2.1
- Health Authority
- Police
- Other Bodies/Individuals Environment Agency, County Museum – see paragraph 2.

FINAL DECISION

YES/NO

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 – 15th November 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 21 and 23a Crondal Road, Bayton Road Industrial Estate, Bedworth for the following reasons:-

1. The proposed development would be contrary to Policies Emp4 of the adopted Nuneaton and Bedworth Borough Local Plan and Emp5 of the Nuneaton and Bedworth Borough Local Plan (Second Deposit Draft), and would if approved adversely affect the amenities of neighbouring residents to an unacceptable degree.
2. 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 noise, dust, visual intrusion and odour.

APPLICATION NO: N37/5CM021

RECEIVED BY COUNTY: 19/7/2005

ADVERTISED DATE: 28/7/2005

APPLICANT: Sita (UK) Ltd, Sita House, Grenfell Road, Maidenhead, Berkshire.

AGENT: S A Simmonds Ltd, Shutt Cross House, 70 Walsall Wood Road, Aldridge, Walsall.

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

SITE & LOCATION: Land at 21 and 23a Crondal Road, Bedworth, Warwickshire.
[Grid Ref: 358.857]

See plan in **Appendix A**

1. Application Details

- 1.1 This application is an amended re-submission of a planning application which was previously refused planning permission by the Regulatory Committee on the 19th April 2005.
- 1.2 The application proposes the development and operation of a materials recovery facility (MRF) and residual waste transfer station and associated transport and storage/distribution yard on half a hectare of land at 21 and 23A Crondal Road, Bayton Road Industrial Estate, Bedworth. The facility would be operated by Sita UK (a waste management company). The site would process commercial and industrial waste some of which would be sourced from residential properties via builders skips etc.
- 1.3 The development would comprise of a 'waste operations building', weighbridge, empty skip storage area and fuel tank. There would be no external storage, processing or handling of waste outside of the building.
- 1.4 The 'waste operations building' would be a steel framed structure clad in profile steel sheeting and lined with noise-abating material. The pitched roof building would measure 51 metres by 27 metres by 10 metres in height to the apex of the roof. The walls of the building would be coloured olive green and the roof Vandyke brown. The vehicular access to the building would be via fast-acting fabric roller doors, controlled by proximity switches.
- 1.5 Following initial discussions with the applicant regarding the possible requirement for an Environmental Impact Assessment (EIA) to be undertaken a revised site plan was submitted identifying a smaller application site thus bringing the application below the threshold where EIA needs to be considered.
- 1.6 The 'recovery materials storage bays' would be located within the building. Materials imported to the site for recovery/processing would typically comprise of commercial and industrial waste. This facility would handle/process up to 50,000 tonnes of waste per annum.
- 1.7 Waste vehicles accessing the site would be unloaded within the 'waste operations building'. Waste materials would then be sorted/processed. Reclaimed materials would be stored internally within the building and residue waste loaded into bulk transporters for transfer off site to a suitably licensed facility.
- 1.8 Waste materials would be handled on site using a variety of plant and equipment, such as rubber-tyred or tracked excavator machines fitted, alternatively, with a 4-in-1 bucket, a grab, a rake, a rotary sieve, jaw crusher, nibbler or other equipment. There would be a variety of static and mobile

'Trommel' screens of different sizes used at the site. Crushing plant may also be used on site. Equipment for cutting and grinding of wood waste may also be provided on site. The application states that, subject to the successful development of markets for reclaimed materials, equipment may be installed for the baling, sorting, shredding, crushing, pulverising and/or compacting of materials.

- 1.9 Access to the site would be via the existing site entrance off Crondal Road. However, the applicant has suggested that between 1900 and 0700 hours only rear access to the site (up the "unmade track leading to Colliery Road") could be used if permission was granted.
- 1.10 Vehicles accessing the site would include skip lorries, tipper lorries and articulated bulker lorries. Once operational the development would generate an average of 60 vehicles (120 movements) per day and a maximum of 100 vehicles (200 movements) per day.
- 1.11 It is proposed that the facility would operate 24 hours per day.

2. Consultations

- 2.1 **Nuneaton and Bedworth Borough Council** – Objects to the proposal due to the close proximity of residential properties, the proposals would lead to problems of noise and disturbance to the detriment of the amenities currently enjoyed by the occupiers of these properties. The proposal would also lead to piecemeal development and would prevent a comprehensive redevelopment of the site and surrounding area as required in Policy EMP4 of the Nuneaton and Bedworth Borough Local Plan 2005 Proposed Modifications.
- 2.2 **Councillor K Singh** – Objects to the application as the proposed Materials Recycling Facility, which would be located adjacent to residential properties would have a negative detrimental impact upon the local amenity due to unacceptable noise, dust and odour and is contrary to the Nuneaton and Bedworth Local Development Plan. Whilst it is accepted recycling is of paramount importance in Warwickshire this site is not an acceptable location for a 24 hour recycling operation.
- 2.3 **Environmental Health Officer** – Objects to the proposal as noise and odour from site operations would result in problems to local residents.
- 2.4 **County Museum** – No objection.
- 2.5 **Environment Agency** – No objection subject to conditions.

3. Representations

- 3.1 Twenty-five letters of representation have been received from local residents raising objection to the proposal. Concerns raised are:-
 - (i) Contrary to the Nuneaton and Bedworth Borough Local Plan.

- (ii) Contrary to the Waste Local Plan for Warwickshire.
- (iii) Proximity to residential properties.
- (iv) Property values.
- (v) Visual impact.
- (vi) Noise (existing problems).
- (vii) Hours of operation.
- (viii) Dust.
- (ix) Odour.
- (x) Health implications.
- (xi) Litter (existing problems).
- (xii) Poor access/congestion of Crondal Road.
- (xiii) Vermin and birds.

4. Observations

Current Land Use

- 4.1 The application site is currently used by Sita UK as an operating base for skip lorries/waste carrying vehicles (Goods Vehicle Operator's Licence permits 20 vehicles to be located at the site) and as a depot/distribution centre for the storage of empty skips and commercial sized waste bins.

Site and Surroundings

- 4.2 The land immediately to the north contains a number older style small industrial buildings and open storage areas and is currently occupied by an unauthorised waste operation. The eastern and southern boundaries are adjoined by larger industrial buildings which include uses such as engineering and storage and distribution.
- 4.3 The unauthorised waste operation immediately north has been refused planning permission by the Regulatory Committee, and dismissed at appeal by an Inspector. The Inspector concluded that the development is inappropriate in this location, primarily because of the potential to seriously erode the residential amenity and living conditions of nearby residents, and because the development does not meet the requirements of adopted and emerging local plan policies. At the appeal site it was proposed to operate in the open. Whilst it is recognised this application is an improvement and proposes to operate the materials recovery facility within a building, the loss of residential amenity remains unacceptable.

- 4.4 The western boundary of the site adjoins residential areas in Devoran Close, Rosemullion Close and Tresillan Road. Immediately adjoining the boundary of the site is an area of open grass, block of garages and rear access road to dwellings in Rosemullion Close. The nearest properties to the site, situated in Rosemullion Close, lie approximately 30 metres from the boundary of the site (measured to dwelling, approximately 15 metres to boundary of property). The nearest properties to the site in Devoran Close are a little over 35 metres from the application site.
- 4.5 The application site is roughly rectangular in shape measuring approximately 0.46 hectares. The site is predominately an open hard surfaced yard used for storage of empty skips/bins and the parking of HGVs. There is also a small single storey office building on the site and a small brick and asbestos sheet clad industrial building (which would be demolished to make way for the proposed development).
- 4.6 The fundamental difference between the original application which was refused and this resubmission, is the relocation of the 'waste operations building'. It is now proposed to be located along the eastern boundary providing the greatest distance between 'itself' and the residential properties. All waste would now be sorted, processed and stored within the building. In addition a two metre high acoustic fence would be constructed along the north/west residential boundary in order to help reduce the noise impact of the development.

Planning Policy

- 4.7 The applicants submit that the proposed development is in accordance with current planning policy guidance which promotes the reuse 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.
- 4.8 The application site is located within an area covered by policy Emp5 of the Nuneaton and Borough Local Plan (Second Deposit Draft). 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 fall within any use class within the Use Classes Order. Furthermore the proposals do not include provision of a landscaped bund along the boundary adjacent to residential properties. Accordingly the proposal does not comply with policy Emp5.
- 4.9 Policy EMP5 follows on from policy EMP4 within the adopted Nuneaton and Bedworth Borough Local Plan which 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.

- 4.10 The supporting commentary states that bad neighbour uses and unattractive compounds to the rear of the 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.
- 4.11 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.
- 4.12 The proposed development would undoubtedly make a contribution towards the reuse and recycling of waste materials. It is also recognised that the site may be within relatively close proximity to potential source 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 a significant adverse impact on the amenity of local occupiers by reason of noise, dust, visual intrusion and odour and is therefore contrary to Policy 1.
- 4.13 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).
- 4.14 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 stations 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

- 4.15 The boundary between the industrial estate and residential areas is delineated by steel palisade fence outside of which is situated a band of vegetation/trees. The boundary vegetation is unmanaged and relatively sparse (particularly during winter months) allowing clear views of the industrial estate from residential properties. Whilst the applicant offers to replant and maintain this planting, it is not in the ownership of the applicant or Warwickshire County Council.

- 4.16 The proposed development includes the construction of a 10 metre tall industrial building approximately 30 metres from the western (residential) boundary of the site. This would result in a distance of a little under 60 metres between the nearest dwellings and the proposed building.

Noise

- 4.17 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, screening, shredding, baling and compacting equipment, etc are inherently noisy.
- 4.18 The application states that, processing equipment would be sited within an acoustically-barriered building, fitted with fast acting, silent doors, and the acoustic barrier proposed at the western boundary. The application includes a noise assessment relating to a similar operation and concludes that the sites operation should not give rise to problems of noise.
- 4.19 The existing site operations are restricted to the parking of around 10 lorries and storage of skips/bins. It is apparent that lorries generally leave the site early in the morning and return late in the afternoon with only a limited number of vehicles returning to the site during the day and with no activity at night. The proposed development would undoubtedly be more intensive and potentially noisier than the B1 (Light Industry) and B8 (Storage and Distribution) uses encouraged in this location.

Dust

- 4.20 Operation of crushing and screening equipment and the loading and unloading of materials has the potential to generate dust. The application states that crushing and screening equipment would be operated within the building and dust suppression measures would be employed. This would certainly help to contain dust emissions. However, the regular movement of vehicles in and out of the building would require the doors to be open for prolonged periods and storage of recovered materials within open bays and movement of vehicles/plant externally all have the potential to create 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.

Odour

- 4.21 The facility would handle a combination of commercial and industrial waste. 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. 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

- 4.22 The nature of the waste proposed to be handled/processed on site has the potential to generate litter problems if not adequately managed. The sorting, processing and storage of waste would take place within a building, therefore it is unlikely that litter would be a problem.

Vermin

- 4.23 Good management of the facility and adequate pest control is unlikely to result in vermin becoming a problem.

Access and Traffic

- 4.24 The application site is accessed off the end of Crondal Road, which is a no through road. Concern has been expressed regarding the poor state of repair of the road and existing problems experienced with the nature and level of traffic using the road. The proposed development would result in an increase in traffic using Crondal Road to access the site. However, Crondal Road is a private/unadopted road which the County Council as Highway Authority has no control over.

Conclusion

- 4.25 Whilst the proposed development would make a contribution to 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 is likely to result in adverse impacts upon the residential amenities of occupiers. Consequently the proposed development is not appropriate in this location.
- 4.26 Given the fact that a very similar land use which was proposed to be operated from the land immediately to the north has been refused planning permission, for very similar reasons to those now recommended, and the subsequent appeal to the secretary of state has been dismissed, it is considered that material planning considerations indicate that the development proposed is likewise unacceptable 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 is the potential for adverse impacts upon the amenities of nearby residents.

JOHN DEEGAN
Director of Planning, Transport and Economic Strategy
Shire Hall
Warwick

31st October 2005



Scale 1: 2500

Ref No. N37/05CM021

Drawn Thomas

Regulatory Committee 15th November 2005

Subject

Materials Recycling Facility - Bayton Rd Industrial Est

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