

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 17th October 2006

Report Title **Buchan Works, Coton Road, Nether Whitacre – Shredding of Waste Wood**

Summary This report recommends the refusal of planning permission for use of the land for the shredding of waste wood and associated infrastructure at the Buchan Works, Coton Road, Nether Whitacre.

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 and plans received 24/7/2006.
Email from Environmental Health Officer dated 7/8/2006.
Letter from North Warwickshire Borough Council dated 9/8/2006.
Letter from Nether Whitacre Parish Council dated 11/8/2006.
Letter from Environment Agency dated 14/8/2006.
11 Representations.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees
- Local Member(s) Councillor Mrs J Lea – No comments received as
(With brief comments, if appropriate) at 3/10/06.
- 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 North Warwickshire Borough Council – Object (see paragraph 2).
- Health Authority
- Police
- Other Bodies/Individuals See paragraphs 2 and 3.

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 - 17th October 2006

Buchan Works, Coton Road, Nether Whitacre – Shredding of Waste Wood

Report of the Strategic Director for Environment and Economy

Recommendation

1. That the Regulatory Committee authorises the refusal of planning permission for use of the land for the shredding of waste wood and associated infrastructure at the Buchan Works, Coton Road, Nether Whitacre for the following reasons:-
 - (i) The proposed development would be inappropriate development in the Green Belt and no very special circumstances exist, including the planning history and waste policies, capable of justifying the harm which would be caused both to Green Belt policy and the openness and character of the Green Belt. The proposed development is, therefore, contrary to Policy GD.6 of the Warwickshire Structure Plan 1996-2011 and Policy ENV3 of the North Warwickshire Local Plan 2006.
 - (ii) The proposed development falls within neither Part A nor Part B of Policy ENV13 of the North Warwickshire Local Plan 2006 and, even if it did, would fail to satisfy criteria (i), (ii) and (iv) to (vi) of Part A and criteria (vii) to (xi) of Part B. The proposed development is, therefore, contrary to Policy ENV13.
 - (iii) There are no other material considerations sufficient to support a decision to grant permission for a development which would revive and intensify the former undesirable commercial use of the application site.

Application No: NW1320/06CM018

Submitted By: A L P Ambrose Minerals Planning

Received By County: 24/7/2006

Advertised Date: 27/7/2006

The Proposal: Shredding of waste wood and infrastructure.

Site & Location: Buchan Works, Coton Road, Nether Whitacre.

1. Application Details

- 1.1 This application seeks consent for the shredding of waste wood and associated infrastructure. Processing would require the use of a mobile plant, including loading equipment and a shredder.
- 1.2 The facility is intended to provide additional capacity for A & A Recycling who operate at the Bentley Sawmill. This would enable feedstock to be diverted from Bentley. Recycled wood, would be taken off site and used in the manufacture of chip board.
- 1.3 The operation would be contained in an area of 0.4 hectares. Processed material would be stored in pre-cast bunker walls. Pre-cast units form a wall to a height of 3.75 metres and would retain loose material.
- 1.4 The imported material would be brought to the site in its natural state e.g. as pieces of wood. It is not anticipated that either feedstock or processed material would exceed 2000m³.
- 1.5 It is anticipated that the throughput of the site would be 80 tonnes per day. Additional lighting is also proposed to illuminate the site. Lights would be shrouded to prevent glare and spillage from the site.
- 1.6 The plant would require the employment of six additional people. Material would be transported to and from the site in HGV's, with a proposed maximum of 20 movements per day.
- 1.7 The site would operate from Monday-Friday 0700-1700hrs and Saturday 0700-1300hrs with no Sunday working.

2. Consultations

- 2.1 **North Warwickshire Borough Council (NWBC)** – Objects to this proposed use of land. The site is in the Green Belt, and as the proposal is by definition an inappropriate development, the presumption is that the application be refused planning permission. There are not considered to be any very special circumstances of such weight to warrant overriding this presumption.
- 2.2 There are no operational, geographic or functional reasons why the proposed use has to be located at this address, or indeed in a rural location. It is not essential that it be located here. It would be better suited in environmental, planning and highway terms to an established industrial estate, or perhaps at an existing minerals site. There is no evidence with the application to suggest that any sequential testing has been carried out to show that this is the only and most appropriate site that could be used.

- 2.3 The Certificate of Lawfulness that includes the application site, is most specific in defining the use that is lawful. This is limited to storage of concrete products ancillary to the B2 use on adjoining land to the west. The proposed use does not accord with this description and as such no weight should be given to that Certificate.
- 2.4 If it is accepted that there is an argument to be made by comparing the Certificate use with the proposed use, then NWBC make the following rebuttal. The application site Certificate is wholly dependent upon the lawful use of the adjoining site, and not to an independent use. If there is no adjoining use then reliance on the application site Certificate cannot be made. Additionally, the Certificate is for an ancillary storage use and not for an employment use, and thus like is not being compared with like. Furthermore, the introduction of that use would lead to an inappropriate development being located in an unsustainable location, and finally that use would have an adverse impact on the openness of the Green Belt.
- 2.5 It is not considered that the proposal accords with Policy ENV13 of the North Warwickshire Local Plan 2006. This land cannot be treated as employment land as the relevant Certificate is for ancillary storage for an adjoining site. The proposal does not meet conditions i, ii, iv, v and vi of Part A. As such NWBC consider that the proposal would fall within Part B of Policy ENV13, but then none of the factors included in that Part apply to the proposal. The application can therefore not be supported.
- 2.6 The applicant relies heavily in the supporting statement on the “waste” aspects of the proposal, yet the site is not recognised as such within the Waste or the Minerals Local Plans; it is in an unsustainable location, not a use that has an essential link with this site or a rural area; it is a site that is in absolute need of environmental enhancement not additional uses, and the proposal can only add to the adverse environmental and highway impact on the adjoining residential properties. NWBC would support the proposed use as a waste and sustainable activity, if it were located at a far more suitable site than that now proposed.
- 2.7 **Councillor Mrs J Lea** – No comments received as at 3/10/06
- 2.8 **Nether Whitacre Parish Council** – Local residents in the vicinity of the site are likely to be subject to noise and dust from site operations and from vehicles entering and leaving.
- 2.9 Access to the site is within a weight restriction area. Previous owners controlled access and egress using the northerly route via Coton Road and Marston Island. Only on the rare occasions when the height of vehicles prevented the use of this route, because of a low railway bridge in Coton Road, did vehicles use the main route through Whitacre Heath or via Halloughton Grange Lane to Tamworth Road and Furnace End to Coleshill.
- 2.10 The weight restriction was imposed to protect the village of Whitacre Heath from heavy vehicles and to grant permission for this type of business without some severe and enforceable restrictions being imposed on weight/height of vehicles

and access routes to be used would have a considerable effect on the village and its inhabitants, in particular from a road safety aspect.

- 2.11 **Environmental Health Officer** – No comment on the application.
- 2.12 **Environment Agency** – No objection subject to the submission of a satisfactory Flood Risk Assessment.
- 2.13 **Libraries, Adult Learning and Culture** – No comments received.

3. Representations

- 3.1 Eleven letters and emails of representation have been received on this application which object to the proposed development for the following reasons:-
 - (i) HGV movements associated with the existing site create noise and air pollution. The proposed development would increase vehicle movements and the adverse impacts created.
 - (ii) Operations on site currently create noise, dust and light pollution. The proposal (shredding of waste wood) would further intensify these impacts on local residents.
 - (iii) HGV movements from the Buchan Works create vibration in the properties of local residents, the proposed development would add to the effects.
 - (iv) On-going bonfires.
 - (v) Proposed development is in the Green Belt.
 - (vi) Negative environmental impacts on the watercourse adjacent to the proposed site.

4. Observations

- 4.1 The application site is located 3.5 kilometres to the east of the M42, Junction 9. The village of Whitacre Heath is 1 kilometre to the south, and both lie within the administrative Borough of North Warwickshire.
- 4.2 The site lies immediately off the Coton Road, a connector road between Blyth End and the Marston roundabout on the A4097, a distributor road between Kingsbury and Junction 9 of the M42 (Dunton Island).

Planning History

- 4.3 The total site occupies an area in excess of 9 hectares. It has been historically used for the manufacture of concrete products. The site is dominated by the former construction workshops which have overhead cranes to their frontage. Parts of the site are now in other uses. The site, except the application area has been issued with a Certificate of Lawfulness for B2 uses. The application area

has been issued with a Certificate of Lawfulness for the storage outside associated with those B2 uses. Adjacent to the application site, immediately east within the landownership boundary, a materials recycling facility operates unauthorised.

Policy

4.4 The proposed development is contrary to the provisions of the North Warwickshire Borough Local Plan, Policy ENV3 (Green Belt) and Policy ENV13 (Employment Land) and contrary to the provisions of PPG2.

4.5 Policy ENV13, "Development of existing employment land outside the defined development boundaries of the Main Towns, the Green Belt Market Town and Local Service Centres will only be permitted if:-

(a) The site is to remain in its existing and continuing use, and:-

- (i) The proposal would not represent inappropriate development within the Green Belt.
- (ii) The applicant firm occupies the land with the benefit of an extant planning permission for the use concerned, or the existing use is otherwise a lawful one in planning terms.
- (iii) There would be no quantitative increase in employment floor space.
- (iv) The proposed development is necessary to secure existing jobs.
- (v) Lasting environmental improvement of the site commensurate with the scale of the project would be secured.
- (vi) The proposal includes measures to avoid giving rise to additional unsustainable patterns of travel and transport.

Or

(b) The site is redundant and:-

- (vii) The proposal would not represent inappropriate development within the Green Belt.
- (viii) The site is or will be made accessible by sustainable modes of transport.
- (ix) The proposed use is one that requires a rural location or is otherwise incompatible for environmental, traffic or amenity reasons with being located within a settlement having a defined settlement boundary.

- (x) The proposal would result in a net reduction in the area of the site used for employment purposes and a net increase in the area of the site in open countryside use.
 - (xi) Lasting environmental improvement of the site commensurate with the scale of the project would be secured.
 - (xii) Local jobs and/or local services would be provided”.
- 4.6 The proposed development falls within neither Part A nor Part B of Policy ENV13 of the North Warwickshire Local Plan 2006 and, even if it did, would fail to satisfy criteria (i), (ii) and (iv) to (vi) of Part A and criteria (vii) to (xi) of Part B. The proposed development is, therefore, contrary to Policy ENV13. Therefore the site cannot be treated as employment land. The proposed development would constitute a non-conforming use which conflicts with Policy ENV13.
- 4.7 The proposal is an inappropriate development harmful to the purposes of the Green Belt. Further, there are no very special circumstances to justify an exception to the presumption against inappropriate development in the Green Belt.
- 4.8 It is not clear if the application site has any surviving use rights for B2 or ancillary storage, even if it does, the possibility of it being revived is less harmful than the certainty of the proposed development. Thus the “fall back scenario” does not point towards granting permission or present special circumstances to justify the proposal.

Environmental Implications

- 4.9 The site is not visible from any public footpath or other accessible location outside of the site boundary. The area outside the site on the southern side towards the village is already planted with mature trees. It is therefore not proposed to carry out additional planting.
- 4.10 The storage of materials and shredding activity would be carried out in the open, therefore the process has the potential to create both dust and noise. A 2500 litre tank would be used as a holding facility for use in dust suppression. A rain gun would be mounted on top of the concrete retaining wall and used as required.
- 4.11 The Environmental Health Officer for NWBC had not commented on the application, specifically the proposed mitigation measures by the applicant to control both dust and noise satisfy to an acceptable level. The nearest residential property is approximately 230 metres away.
- 4.12 Water from the trafficking areas would be directed through a sediment pit and oil water interceptor from the site gullies to ensure the quality of the discharge does not compromise the adjacent watercourse.

4.13 Whilst the environmental impacts could be managed and would therefore be minimal, this does not outweigh policy presumption against the proposed development.

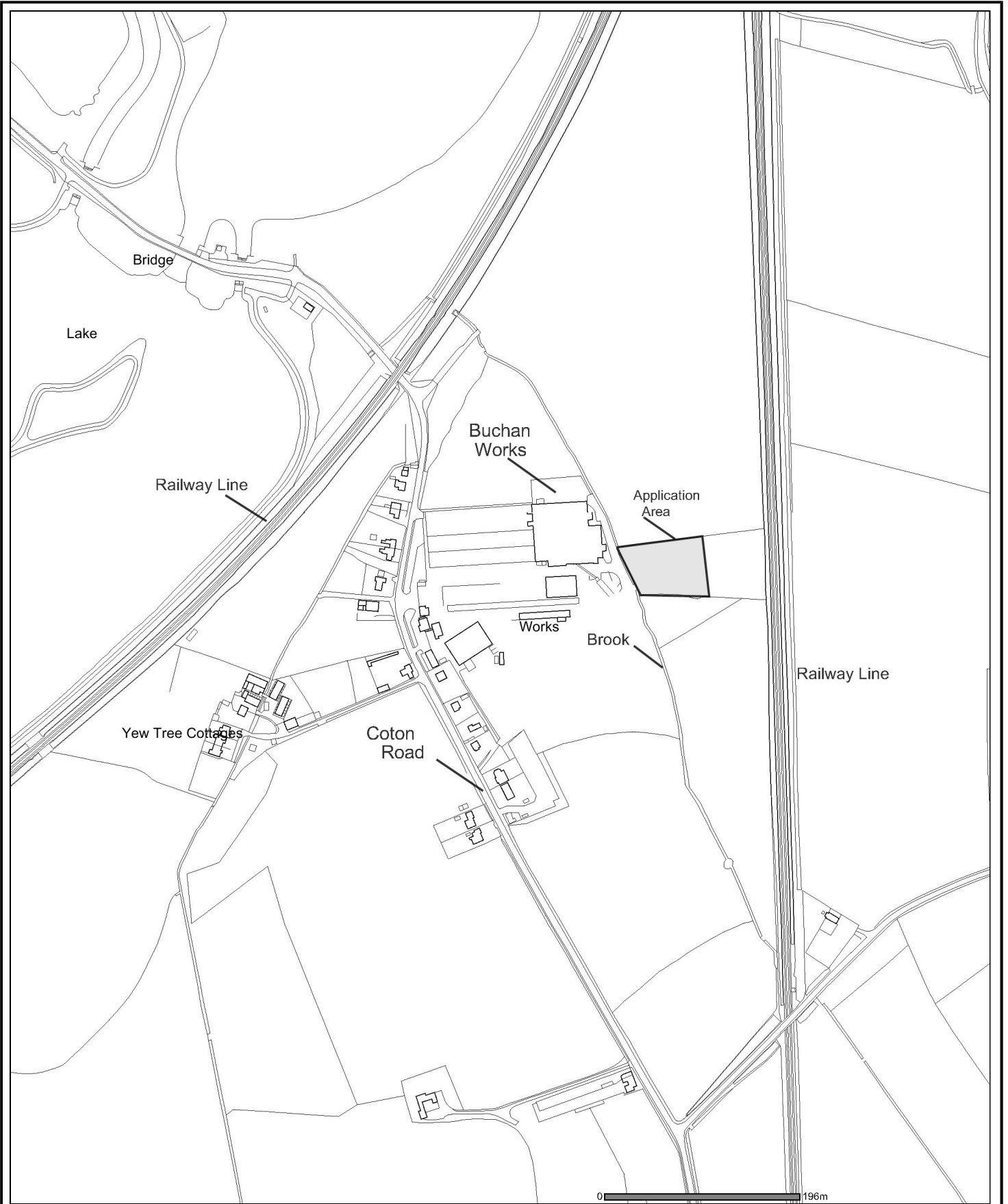
5. Conclusion

5.1 The operational benefits to the applicant would not outweigh the harm to the purposes of and encroachment on to the countryside in the Green Belt. Consequently, the proposal would result in the consolidation and intensification of a commercial use in a vulnerable part of the Green Belt and the proposed development is not appropriate in this location.

JOHN DEEGAN
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Shire Hall
Warwick

2nd October 2006

APPENDIX A OF AGENDA NO.



Scale 1: 5200

Ref No. NW1320/06CM018

Drawn Thomas Cox

Regulatory Committee 17th October 2006

Subject

Wood Waste Processing - Buchan Works, Nether Whitacre

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