

AGENDA MANAGEMENT SHEET

Name of Committee

Regulatory Committee

Date of Committee

23rd January 2007

Report Title

Canalside Yard, Napton – Use of Existing Building for Tipping, Sorting and Storage of Waste and Recycled Materials

Summary

The application proposes the change of use of an existing steel portal framed building to allow tipping, sorting and storage of waste and recycled materials at Canalside Yard, Brickyard Lane, Napton.

For further information please contact

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Would the recommended decision be contrary to the Budget and Policy Framework?

Yes/No

Background Papers

Submitted application, received 16/10/2006.
Letter from Napton-on-the-Hill Parish Council, dated 17/11/2006.
Two letters of representation.
Letter from Stratford on Avon District Council, dated 6/12/2006.
Letter from Countryside Planning Services Ltd, dated 4/12/2006.

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

Other Committees

.....

Local Member(s)

(With brief comments, if appropriate)

Councillor J Appleton – No comments received as of 8/1/2007.

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 Stratford on Avon District Council – see comments in paragraph 2.1.
- Health Authority
- Police
- Other Bodies/Individuals 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 – 23rd January 2007

**Canalside Yard, Napton – Use of Existing Building
for Tipping, Sorting and Storage of Waste and
Recycled Materials**

**Report of the Strategic Director for
Environment and Economy**

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the change of use of an existing steel portal framed building to allow tipping, sorting and storage of waste and recycled materials at Canalside Yard, Brickyard Lane, Napton, subject to the signing of a Section 106 Agreement to secure a financial contribution to highway maintenance and conditions and for the reasons contained in **Appendix B** of the Report of the Strategic Director for Environment and Economy.

Application No: S867/06CM032

Received by County: 16/10/2006

Advertised date: 27/10/2006

Applicant: Mr Carl Jordan, Jordan Demolition Limited, Canalside Yard,
Brickyard Road, Napton, Rugby. CV47 8NT.

Agent: Mr Christopher Stratton, Countryside Planning Services
Limited, 36 Lodge Crescent, Warwick, CV34 6BB.

The Proposal: Change of use of existing steel portal framed building to allow
tipping, sorting and storage of waste and recycled materials.

Site & Location: Canalside Yard, Brickyard Lane, Napton.
(grid ref: 445250.261450).

See plan at **Appendix A**.

1. Application Details

- 1.1 The application seeks consent for a change of use of an existing building at Canalside Yard, Napton for the tipping, sorting and storage of waste and recycled materials. The steel portal framed building measuring approximately 25 metres by 30 metres by 8 metres in height is clad in green steel profiled sheeting to the walls and grey cement bound sheeting to the roof.
- 1.2 Waste deposited within the building would arise from a skip hire business operated from the site. Waste types would typically range from that arising from DIY/household works to that derived from commercial/construction/demolition works. Once deposited within the building waste would be processed/sorted through a 'trommel' screen to sort materials into separate waste streams and recyclable materials. Separated materials would then be stored in skips within the building before being transferred off site for disposal or recycling. The floor of the building would be concreted, with an integral drainage system to capture any liquid wastes, preventing any escape into the wider environment.
- 1.3 The operating hours of the facility would be 0800 to 1800 hours.
- 1.4 Waste would be delivered to the site by skip lorries. The facility would generate a maximum of 60 vehicles entering and leaving the site each day. The application states that many skips, containing limited recyclable/reusable materials, collected from customers would still be taken direct to landfill thus limiting the number of vehicle movements at the site.

2. Consultations

- 2.1 **Stratford on Avon District Council** – The District Council objects to the proposal for the following reasons:
 - (i) The proposed development would allow expansion of activities on this site in conflict with the objectives of policies GD1 and RA1 of the Warwickshire Structure Plan 1996-2011, which direct most development to towns of over 8000 people and to limit development in rural areas to that justified by local needs in the context of community appraisals in the local plan process. The allowing of the proposal, which is unrelated to local needs, would be likely to increase vehicle movements, including employees arriving by car, in a relatively remote location and therefore conflicts with sustainability objectives.
 - (ii) Policy CTY1 of the adopted District Local Plan Review 1996-2011 resists all forms of development in the countryside, other than those in accordance with provisions elsewhere in the Local Plan. Proposals that are not covered elsewhere in the Plan will have to be fully justified and show that they would not be contrary to the overall strategy of the Plan and that their impact on the character of the area would not be harmful.
 - (iii) The only policy against which the proposal could be assessed is policy CTY.2, which allows for the re-use of rural buildings. One of the criteria within this policy requires consideration of the scale of the proposals and

whether they would jeopardize sustainability objectives, particularly in relation to generation of car and goods vehicle traffic. In the Council's opinion, the proposed change of use fails to meet policy CTY.2 by reason of the sites unsustainable location and by reason of the inappropriate scale and nature of the proposed activities. The Council considers that the proposals have not been adequately justified and considers they would be contrary to the overall strategy of the Plan and would harm the character of the area.

- (iv) The Council also considers the proposed use of the building would result in an unacceptable increase in traffic movements to and from this site, which would result in further damage to Brickyard Lane and would have a harmful urbanizing effect on a quiet country lane, through the increased number of vehicle movements, in conflict with policy CTY.2, which requires proposals to be consistent with the rurality of the area.
- (v) The Council does recognize that the proposals would utilize an existing building, thereby overcoming some of the objections to the previous application (S06CM019) relating to the harmful impact on the rural landscape resulting from the erection of a new building.
- (vi) Finally, the Parish Council has expressed concerns at the type and amount of waste that would be processed at this site as a result of the application. Concerns have also been raised by a local resident about the harmful impact the proposed use could have on the amenities and health of occupiers of nearby houses and those working close to the site.

Notwithstanding the above, should the application be granted, the Council would wish to see conditions attached requiring the provision of passing places along Brickyard Lane, control of traffic movements and the provision of a landscaping scheme for the site.

2.2 **Napton-on-the-Hill Parish Council** – objects for the following reasons:-

- (i) The same reasons apply for objecting as the previous application.
Previous comments:-
 - (a) It is not an appropriate site for recycling general waste, including hazardous waste.
 - (b) The site is close to residential properties.
 - (c) The site is on the edge of a special landscape area.
 - (d) The site is next to the canal.
 - (e) There is limited access along a narrow road.
 - (f) The application does not state clearly the amount of hazardous waste which would be handled.
- (ii) There are concerns over dealing with asbestos and difficult and hazardous waste on this site – does the company have a licence for this type of waste?

- (iii) There is limited access along a narrow road and there would be potentially a huge increase in lorry traffic of up to 60 lorries a day on an already minor, congested road.
- (iv) The site is close to residential properties.
- (v) The site is on the edge of a special landscape area.
- (vi) Should Warwickshire County Council (WCC) be minded to grant this application, Napton-on-the-Hill Parish Council would like this to have passing bays installed at the applicants expense.

3. Representations

- 3.1 Two letters and an email of representation have been received from a local resident, a nearby business and District Councillor Nigel Rock.
- 3.2 The resident objects to the proposal on the grounds that, contaminated or hazardous waste material would be handled on site, the facility would impact upon the health of the public and employees working on site, vehicle movements associated with the development would have an adverse impact upon Brickyard Lane and there is also concern that this type of waste is already been handled on site.
- 3.3 The nearby business outlines existing problems with noise, dust and fumes arising from the site and raises concern that the proposals would exacerbate these impacts and resulting potential impact upon the health of employees. Concern is also raised regarding the visual impact the development would have on the area, impact upon property prices and risk of contamination of water in the adjacent canal.
- 3.4 Councillor Rock comments, 'the site lies at the edge of a landscape zone adjacent to the canal and is in a location that would not be supported by policy for this type of use. The processing of brick demolition waste was originally permitted by means of a certificate of lawful use, WCC granting formal planning permission some 18 months ago in order to regularise the use for this purpose and therefore control activities. WCC considered that the planning application at that time, including enclosure by bunds would restrict further expansion of the site both in terms of scope and area. This latest application will introduce a wider scope of activity and increased traffic in an unsuitable location. I therefore believe the application is contrary to policy and should be refused. To grant would be inconsistent with the aims of restriction and control previously stated. Brickyard Road from A425 to the site cannot stand any increase in traffic and requires improvement. Such improvements would create an urbanising effect on what would otherwise be a quiet country lane.
- 3.5 Notwithstanding, the above Councillor Rock advises that if WCC are minded to approve the application, controls on landscaping and traffic movements, which appeared to have proved ineffective thus far should be strengthened. Highway improvements mentioned above, although undesirable, would be necessary.

4. Observations

Site History

- 4.1 Canalside Yard is known to have had a history of waste related operations taking place on site dating back to the early 1980's. A Certificate of Lawful Use (CLU) issued by Stratford on Avon District Council in 1993 accepts that part of the site has been used for the 'storage of hardcore, plant, machinery, vehicles and materials salvaged from demolition sites' since 1983. In 2004 the County Council granted planning permission for the 'storage of plant and machinery and storage and processing of materials arising from demolition operations'. The 2004 permission effectively regularised and consolidated operations on site as well as securing some environmental enhancement, including cladding of the application building, on the site.
- 4.2 A single storey unauthorised site office building is currently located on the highway frontage of Canalside Yard. This is the subject of an enforcement notice, issued by Stratford on Avon District Council, which takes effect on the 12th January 2007 and requires the building to be dismantled and removed by 12th May 2007. The applicant has had some pre-application discussions with the County Council regarding replacing this unauthorised building with purpose built office accommodation. An application is likely to be submitted shortly.
- 4.3 Whilst it is accepted that the Canalside Yard currently has permission for waste related operations to be undertaken on site, these are limited in scope to that arising from demolition works. The application seeks permission for the storage and sorting of waste derived from the operation of a skip hire business which would consist of a wider range of waste, including waste arising from households, not normally sourced from demolition operations. This is considered to be an intensification of activities which amounts to a change of use requiring planning permission. Therefore, the applicant has made the current application to use the existing building to store and process a larger range of wastes.
- 4.4 This proposal is a revision to an application submitted earlier in 2006 which proposed the construction of a new building on site to accommodate a similar facility to than now proposed. As the result of concerns raised regarding, amongst other things, the development of a new building in the open countryside the earlier application was withdrawn before being reported to Committee.

Site and Surroundings

- 4.5 Canalside Yard is situated at the foot of Napton Hill adjacent to the Oxford Canal. The surrounding area is rural in nature with agriculture being the predominant land use. Canalside Yard abuts, but does not fall within the Cotswold Special Landscape Area. The Northern boundary of Canalside Yard is demarcated by a bund which screens the site from the north. However, the north-eastern boundary of the site, adjacent to Brickyard Lane, is fairly open allowing relatively unrestricted views into the site. The higher ground of Napton Hill to the south-east of the site similarly affords elevated panoramic views of Canalside Yard. A small group of buildings in industrial/business use are

located on the opposite side of Brickyard Lane and an engineering company is located on the opposite side of the canal. Residential properties in the immediate vicinity are sporadic and sparse. The nearest dwelling is situated 80 metres to the east of the Yard on the opposite side of the canal.

- 4.6 The application building itself is located alongside the south-eastern boundary of Canalside Yard adjoining the Oxford Canal. The building is enclosed on three sides with the northern elevation open to the elements. The building is clearly visible from Brickyard Lane and Napton Hill.

Policy

- 4.7 Policies GD.1, GD.3, GD.5 and RA.1 of the Warwickshire Structure Plan state that most new developments should be directed towards towns of over 8000 people (at 1991), should be well served by public transport and easily accessible to town centre services. The proposed location of the development does not naturally accord with the thrust of these policies. However, it is considered that the proposal needs to be viewed in the context of the planning history of the site, other policies of the Development Plan, the nature of the proposed development and catchment area served by the facility.
- 4.8 Policy CTY1 of the adopted District Local generally resists all forms of development in the open countryside, other than those in accordance with provisions elsewhere in the Local Plan. Policy CTY2 supports the reuse/conversion of existing rural buildings to industrial/commercial uses where, amongst other things, the existing building is capable of accommodating the proposed use without alteration or extension and the scale of the proposals would not be such as to jeopardise sustainability objectives, particularly in relation to the generation of cars and goods vehicle traffic.
- 4.9 Canalside Yard is located in a rural setting abutting the Cotswolds Special Landscape Area where Policy EF.2 of the Stratford on Avon District Local Plan states that the high landscape quality will be conserved and protected by resisting proposals that would have a harmful effect upon the character and appearance of the landscape.
- 4.10 Warwickshire Structure Plan Policy ER9 provides for a reduction of waste going to landfill in line with the Government's national policy.
- 4.11 The adopted Waste Local Plan for Warwickshire encourages recycling and seeking a reduction in the amount of waste taken to landfill sites. Policy 1 sets out the environmental considerations, including noise, dust and traffic impacts, which should be taken into account when considering any waste applications.
- 4.12 Policy 6 relates specifically to materials recycling facilities and states that such proposals will be permitted; as an integral part of new or established waste disposal facilities, on industrial estates and on other land which has been used for a commercial use were the proposed use would be compatible with adjacent landuses.

- 4.13 Canalside Yard is an established waste facility. The proposal relates to a change of use of an existing building located within the site. The building is enclosed on three sides, requiring limited alteration to accommodate the proposed facility. It is therefore concluded that, as an integral part of an established waste facility the proposal accords with Policy 6 of the Waste Local Plan and in reusing an existing building is in general conformity with Policy CTY2 of the Stratford on Avon District Local Plan.
- 4.14 Canalside Yard is in a rural location which the District Council consider to be unsustainable as the main sources of waste are likely to be urban areas some distance away. However, the skip hire company operating from the site operates over wide areas of Warwickshire and Northamptonshire (Warwick, Leamington, Stratford, Rugby, Nuneaton, Coventry, Daventry, etc). When seen in this context Canalside Yard is centrally placed to serve these markets/customers. Furthermore, experience has shown that whilst there is policy support for siting facilities of this nature within industrial estates in urban areas the reality is that finding suitable sites that do not conflict with neighbouring occupiers can be difficult.
- 4.15 Whilst there is concern that the proposed development would result in an increased number of vehicle movements being generated at the site this needs to be assessed against the authorised use of the site and likely vehicle generation. The authorised use of Canalside Yard, including the application building, is for the 'storage of plant and machinery and storage and processing of materials arising from demolition operations'. This permission contains no restriction on the number of vehicle movements permitted at the site. Therefore, the existing authorised use of the site could legitimately generate increased numbers of vehicle movements without the need for further planning permission. Furthermore, Policy CTY.2 of the adopted Stratford on Avon District Local Plan indicates general support for conversion of existing rural buildings to industrial/commercial uses, which clearly would have traffic generation implications. Other rural buildings in the immediate vicinity have been granted permission for industrial/business use by Stratford on Avon District Council presumably under the provisions of Policy CTY.2.

Environment and Amenity

Visual Impact

- 4.16 Canalside Yard occupies a visually sensitive and prominent location at the foot of Napton Hill, abutting the Cotswold Special Landscape Area and adjacent to the Oxford Canal. The existing waste related operations undertaken in the open on site have a visual impact, although a recently implemented planting scheme will in time help to screen operations on site. The application building is clearly visible from Brickyard Lane and Napton Hill. However, all waste tipping, sorting and storage would be undertaken within the building, which is enclosed on three sides. This would largely screen operations resulting in the proposed development having no greater visual impact than existing operations on site. Notwithstanding this the frontage of the site is quite open and would benefit from additional screening, possibly by provision of a fence or additional landscape planting. A suitably worded condition is suggested. In addition the applicant is

agreeable to providing roller shutter doors to the open frontage of the building which would further assist with screening activities on site.

Noise

- 4.17 The movement of skip lorries and the tipping and sorting of waste using mechanised screening equipment has the potential to result in noise impacts. However, Canalside Yard is an existing waste facility where crushing and screening of construction and demolition waste is already undertaken. The proposed operations, undertaken within a building, would result in no greater noise impacts than the existing operations undertaken on site.

Dust/Litter

- 4.18 The loading and unloading of skips and processing of waste has the potential to generate dust and wind blown litter. However, it is considered that containment of operations within the building would prevent dust and wind blown litter from becoming a problem.

Access and Traffic

- 4.19 Concern has been raised regarding the impact vehicle movements generated by the proposed development would have on Brickyard Lane which is in a poor condition. The proposed development would increase vehicle movements on the Lane and consequently wear of the highway. Brickyard Lane will require maintenance works to be undertaken in the near future. It is therefore considered that the developer should make a contribution of £10,000 towards maintenance of the highway. This could be secured via a Section 106 Agreement.
- 4.20 The District Council has requested that should planning permission be granted, vehicle passing places be provided along Brickyard Lane. However, it is considered that passing places are unlikely to be suitable given the nature of the traffic using the lane. Repair and minor widening of the carriageway is likely to be more appropriate.
- 4.21 Access into Canalside Yard does not accord with current highway standards and requires improvement. This includes provision of a kerbed radiused bellmouth and hard surfacing of the access. Suitably worded conditions are proposed.

5. Conclusion

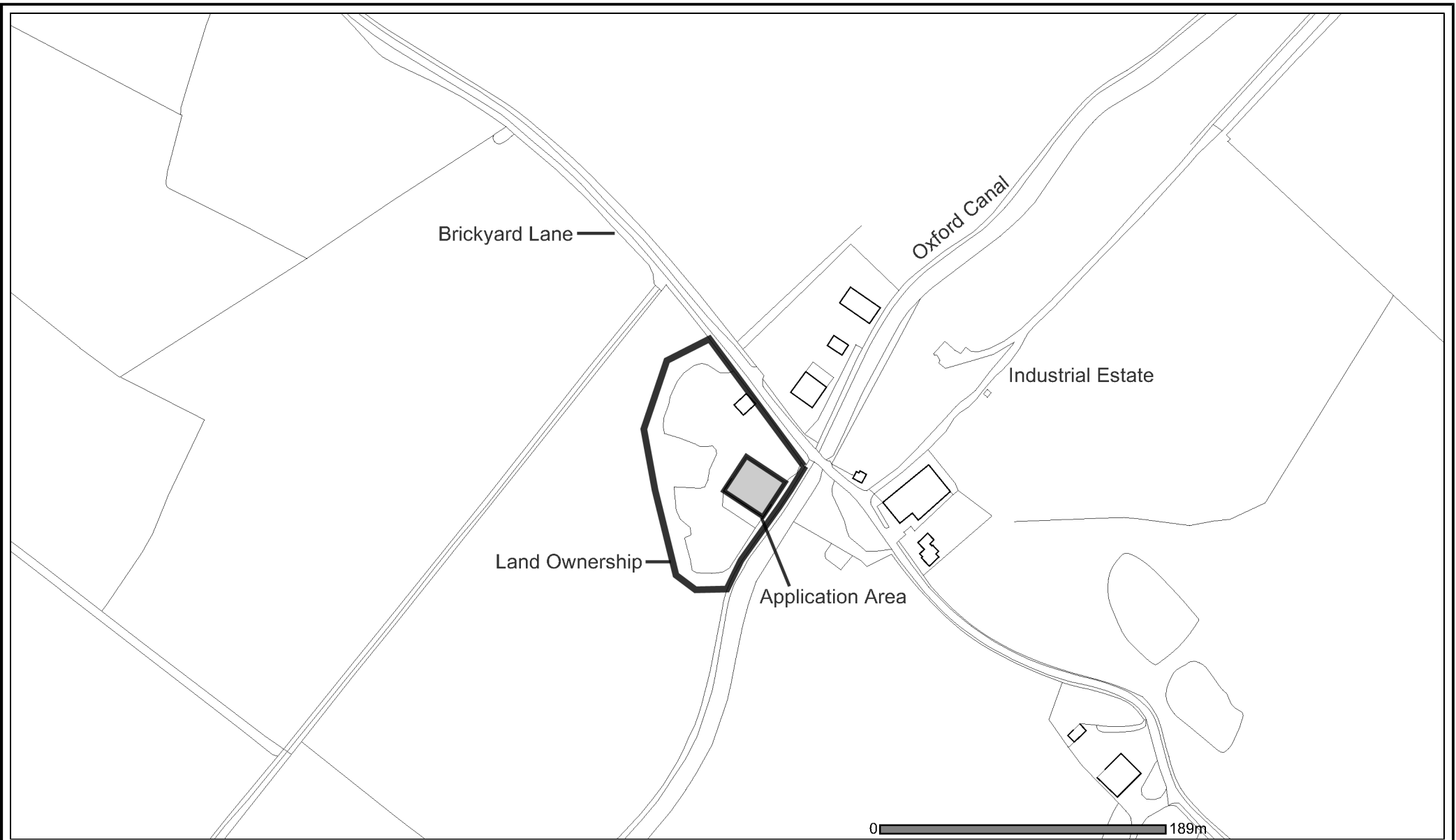
- 5.1 The proposed facility would enable material that would otherwise be sent to landfill to be recycled. The tipping, sorting and storage of waste and recycled materials within an existing building at this established waste facility would have no greater impact than the existing operations undertaken on site.
- 5.2 It must be acknowledged that the current authorised use of the building the subject of this application is for the storage and processing of waste. The proposed development is a very similar activity and in judging the acceptability

or otherwise of the proposed use must be balanced against the existing authorised use and their respective impacts carefully assessed.

- 5.3 The development would generate an increase in vehicle movements on Brickyard Lane. However, set in the context of existing vehicle movements to Canalside Yard and other industrial/business uses in the vicinity and combined with improvements to the highway it is considered that the development would have limited additional impact.

JOHN DEEGAN
Strategic Director for Environment and Economy
Shire Hall
Warwick

10th January 2007



Scale 1: 3500

Ref No. S867/06CM032

Drawn Thomas Cox

Regulatory Committee - 23rd January 2007

Subject

Materials Recycling Facility - Canalside Yard, Napton.



John Deegan
Strategic Director for
Environment and Economy
Shire Hall, Warwick, CV34 4SX

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Regulatory Committee – 23rd January 2007

**Canalside Yard, Napton – Use of Existing Building
for Tipping, Sorting and Storage of Waste and
Recycled Materials**

Application No: S867/06CM032

1. The development hereby permitted shall be commenced no later than three years from the date of this permission.
2. The development hereby permitted shall not be commenced until details of additional screening, to include where appropriate fencing or additional screen planting, along the highway frontage of the site have been submitted to the County Planning Authority for approval in writing. Following approval the scheme shall be implemented accordingly before the building is used for the approved use.
3. The development hereby permitted shall not be commenced until details of doors to be installed on the open frontage of the building have been submitted to the County Planning Authority for approval in writing. Following approval the doors shall be installed before the building is used for the approved use.
4. The development hereby permitted shall not be commenced until a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.
5. The development hereby permitted shall not be commenced until the existing access has been provided with 10.5 metre kerbed radiused turnouts on each side.
6. The development hereby permitted shall not be commenced until the existing vehicular access to the site has been widened so as to provide an access of not less than 6 metres, as measured from the near edge of the public highway carriageway.
7. The development hereby permitted shall not be commenced until the access has been surfaced with a bound macadam material for a distance of 15 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the County Planning Authority.
8. The development hereby permitted shall not be carried out other than in accordance with the submitted application ref:-S867/06CM032 and the accompanying plan; titled Canalside Yard, Brickyard Lane, Napton - Change of Use of Building and any details or samples approved in accordance with these conditions.

9. Unless otherwise agreed in writing by the County Planning Authority none of the operations hereby permitted shall take place except between the following hours:

0800 – 1800 Mondays to Fridays
0800 – 1300 Saturdays

No operations shall be carried out on Sundays, Bank or Public Holidays.

10. At no time shall any operations take place which, despite the use of the dust control measures, would give rise to airborne dust levels sufficient to cause nuisance to properties around the site.
11. All loaded lorries entering and leaving the site shall be sheeted or netted.
12. Before any vehicle leaves the site it shall be sufficiently clean to prevent it from depositing deleterious material on the public highway.
13. Unless otherwise agreed in writing by the County Planning Authority, no external lighting shall be used.
14. The use hereby permitted, and any processes and operations carried on in connection with this use, shall be such as to ensure that noise levels arising from the site shall not exceed the following limits, as measured and including any corrections, in accordance with the provisions of BS 4142 : 1997 (“Method for rating industrial noise affecting mixed residential and industrial areas”) at any point along or beyond the perimeter of the site delineated in red on the plan annexed to the application:-

Mondays to Fridays	0800 – 1800 hours	50 dBLAeq (1 hour)
Saturdays	0800 – 1300 hours	50 dBLAeq (1 hour)

Reasons

1. To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3. To protect the amenity of the area and local residents, including visual impact.
- 4,5,6 & 7.
In the interests of highway safety.
8. To ensure a satisfactory standard of development.
- 9,10,11,12,13&14.
In the interests of the amenity of local residents.

Development Plan Policies Relevant to this Decision

- (a) Warwickshire Structure Plan – 1996-2011 **Policies GD.1, GD.2, GD.3 GD.4, GD.5, RA.1 and ER.9.**
- (b) Stratford on Avon District Local Plan Review 1996-2011 Adopted July 2006 – **Policies CTY.1, CTY.2, EF.2 and DEV.1.**
- (c) Waste Local Plan for Warwickshire – **Policies 1 and 6.**

Reason for the Decision to Grant Planning Permission

The application proposes to change the use of the existing building within an established waste facility, which is centrally located in the catchment from which waste is to be delivered, so as to allow a wider range of wastes to be handled in a manner that, having regard to the conditions imposed, would have no greater impact on the character and amenities of the area than the existing operations undertaken on site. The increase in traffic likely to result is considered to be acceptable in view of the mix of uses in the area and the intended access and local highway improvements. The proposal is consistent with plan policies for recycling waste, to promote sustainability and to preserve the character of the countryside. There are no contrary material considerations to indicate that the application should be refused.