

# PLANNING APPLICATION NUMBER:P13/1311

Type of approval sought	Full Planning Permission
Ward	Lye and Stourbridge North
Applicant	Mr Colin Smith, Ecology Waste Solutions Ltd
Location:	<b>UNIT 3, CONYERS TRADING ESTATE, STATION DRIVE, LYE, STOURBRIDGE, DY9 8ER</b>
Proposal	<b>USE OF PREMISES AS A WASTE TRANSFER STATION (OSG)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

- 1 The application site consists of a former railway goods building approximately 800m<sup>2</sup> in size, which has been converted into an industrial building. The building is also identified as a heritage asset.
- 2 The building retains a number of original features although it has been extended and has been subject of some alterations.
- 3 The access to the site and the adjoining yard demonstrates the former railway goods yard use as they are surfaced in setts, with concrete replacing the sections where railway tracks were originally located.
- 4 The application site adjoins a number of industrial buildings, the majority of which are occupied and which are generally more recent than the application premises.
- 5 To the rear of premises is the Birmingham to Stourbridge railway line which has further employment uses beyond.
- 6 Access to the application site is from Dudley Road via the car park and access to Lye railway station.

## PROPOSAL

- 7 This is a planning application to change the use of the building from a card board manufacturing plant (Use Class B2) to a waste transfer station (sui generis).
- 8 The applicants have advised that they will be seeking to collect material in their own vehicles, and that this will generally consist of plastics, card, paper and glass. The material would then be sorted within the building, formed into bales and then dispatched and processed elsewhere.
- 9 The applicant has stated that they initially intend to use a 7.5 tonne lorry and a smaller van for the collection of the waste material in the locality.
- 10 The collected material would be sorted by hand from a slow moving conveyer belt located within the building.
- 11 The applicant intends to recover at least 80% of the material. The material which cannot be recycled would be compacted on site using the applicants own 25 cubic yard compacting unit.
- 12 The applicant intends to process up to 10,000 tonnes of waste material per year and provide nine full time jobs.
- 13 No external changes are proposed to the building.
- 14 The operation will also be subject of the Environment Agency permitting regime.

## HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
CC/77/1230	Change of use of existing railway buildings to offices Store warehouse and manufacturing uses.	Granted	16/06/77
84/50700	Change of use from railway goods yard to storage and Distribution of railway sleepers new & used cartons	Granted	24/05/84

## PUBLIC CONSULTATION

15 3 letters of objection received, following consultation with 27 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issues raised:

- Concerns with regard to fire at site
- Previous cardboard manufacturing plant at site was subject of a fire
- Yard could be used for open storage
- Noise dust and odour concerns
- Unsuitable HGV access
- Site more suited to residential use
- Loss of habitat
- Use not suitable adjacent to a railway station

16 In addition one letter of no objection been received

## OTHER CONSULTATION

17 Group Engineer (Development): No objection subject to conditions.

18 Head of Environmental Health and Trading Standards: No objection.

- 19 Environment Agency: No objection. The use will require an environmental permit. The imposition of a condition relating to drainage is also requested.
- 20 West Midlands Fire Service: No objection.
- 21 Network Rail: Red line to site location plan includes network rail land. Access to the site is over network rail land and consent may be required. Land adjoins operational land and the applicant will need to put in place fire precaution / mitigation measures. A further email was received on 16 December 2013 withdrawing this objection.

## **RELEVANT PLANNING POLICY**

- National Planning Guidance

National Planning Policy Framework (2012)

Planning Policy Statement 10: Planning for Sustainable Waste

- Black Country Core Strategy (2011)

CSP1 The Growth Network

DEL2 Managing the Balance between Employment Land and Housing

TRAN2 Managing Transport Impacts of New Development

ENV 1 Nature Conservation

ENV 2 Historic Character and Local Distinctiveness

ENV 8 Air Quality

WM1 Sustainable Waste and Resource Management

WM2 Protecting and Enhancing Existing Waste Management Capacity

WM4 Locational Considerations for New Waste Management Facilities

WM5 Resource Management and New Development

- Unitary Development Plan (2005) (Saved Policies)

DD1 Urban Design

DD5 Development in Industrial Areas

NC1 Biodiversity

NC6 Wildlife Species

HE5 Buildings of Local Historic Importance

EP1 Incompatible Land Uses

EP3 Water Protection

EP7 Noise Pollution

- Supplementary Planning Guidance/Documents

Historic Environment Supplementary Planning Document

Planning Obligations Supplementary Planning Document (2011)

Design for Community Safety Supplementary Planning Guidance

Parking Standards Supplementary Planning Document (2011)

## ASSESSMENT

22 The main issues are

- Policy
- Design and Historic Environment
- Neighbour Amenity
- Highway Safety
- Nature Conservation
- Other Issues

### Policy

23 The application site is located within Black Country Core Strategy (BCCS) Regeneration Corridor 13 Jewellery Line – Rowley Regis – Stourbridge Junction. Within this corridor, the application site is located within an indicative area identified as: '*Opportunity for around 225 new homes near to Lye centre and station*'.

24 Noting the above, BCCS Policy WM4 Locational Considerations for New Waste Management Facilities is applicable and states (in terms of proposed enclosed waste management facilities) that '*locations proposed for change to housing should be avoided*' and refers to BCCS Policy DEL2 Managing the Balance between Employment Land and Housing in this regard.

- 25 Policy DEL2 states (in terms of areas identified for housing) a position to: *'Resist new development where this may restrict the regeneration of the area by virtue of the scale and nature of operations, traffic generation and other amenity considerations'*.
- 26 Given the above planning policy considerations a waste management proposal at this location (identified for future residential land use) should ordinarily be recommended for refusal under BCCS Policies WM4 and DEL2.
- 27 However a material planning consideration is that Housing proposals on employment land within the identified Regeneration Corridors are anticipated to only come forward towards the end of the BCCS plan period that extends to 2026 (BCCS Appendix 2 page 112 refers).
- 28 In addition the application site is currently surrounded and hemmed in by directly adjacent industry and the railway track – giving rise to potential amenity and access issues which likely reduce the site's attractiveness to housing developers, at least in the short term.
- 29 The proposal reasonably satisfies a number of the assessment criteria for new waste management facilities set out under BCCS Policy WM4 as it would make use of previously developed land, support economic growth (the applicant has stated that 9 new full time jobs will be created) as well as being well located in relation to the source of the waste it will be managing – inferred by the information submitted with the application and the vehicles to be used by the applicant
- 30 In conclusion whilst it is acknowledged that the locality has been identified for housing growth, it is unlikely this to come forward in the short term at least and therefore it is considered reasonable to grant a temporary planning permission for 5 years which would allow the new business to establish itself without precluding the longer term redevelopment of the site for housing.

### Design and Historic Environment Issues

- 31 The nearby locally listed workshop at 24-25 Orchard Lane (HER reference 4654) is located approximately 80 metres away from the application property and it is therefore considered that it would be unaffected by this proposal.
- 32 The application building/site is locally listed and is recorded on the Council's Historic Environment Record as HER reference 4694 and therefore the application building/site is considered to be a 'Heritage Asset' as defined by the Chapter 12 of the government's National Planning Policy Framework (NPPF).
- 33 Accordingly, BCCS Policy ENV2 Historic Character and Local Distinctiveness is applicable and states that development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.
- 34 In addition to the statutorily designated and protected historic assets, particular attention should be paid to the preservation and enhancement of locally designated other heritage based site allocations.
- 35 In this instance and in terms of BCCS Policy ENV2, it is considered that the proposed re-use scheme is unlikely to adversely affect the locally listed application building/site in that it appears that the external appearance of the building will be largely unchanged and that the proposal would ensure the ongoing use and existence of the locally listed application building/site.

### Neighbour Amenity

- 36 Amongst other matters, Saved Policy DD5 – Development in Industrial Areas of the Dudley Unitary Development Plan - requires development to safeguard the viability

and environmental quality of adjacent and commercial operations as well as safeguarding the amenity of any residential properties.

- 37 In this case the surrounding locality is principally commercial with employment uses dominating. There are also no residential properties close to the site.
- 38 In addition the applicant is intending to undertake storage and any associated processes inside the building rather than in the open and this will be conditioned to ensure this continues.
- 39 Therefore no concerns are raised from an amenity point of view, a view which is shared by the Head of Environmental Health and Trading Standards.
- 40 It should also be noted that the operation would be the subject of an environmental permit which would be issued by the Environment Agency, who will be responsible for the day to day regulation of the site.

#### Highway Safety

- 41 Saved Policy DD5 of the Dudley Unitary Development Plan requires development proposals to provide adequate arrangements for the access, parking and manoeuvring of vehicles associated with the proposed development.
- 42 As stated above access to the site is obtained via a private way which runs from Dudley Road, and has long been used to serve the industrial estate in which the application site is located and was previously used as access to the site when it was a goods yard. Therefore the access has operated over a number of years as access for larger vehicles.
- 43 As stated elsewhere in this report the applicant proposes to collect waste within the general locality, concentrating mostly on paper and cardboard, but glass and plastic would also be collected.



- 44 Initially the applicant proposes using vehicles carrying 3,300 litres of cardboard which equates to around 3.3 cubic metres with a density of dry cardboard of 55kg per cubic metre which is equal to 182 kg.
- 45 At 10,000 tonnes per annum this could result in 55,000 loads per year delivering to the site which would equate to a worst case scenario of up to 440 movements per day. However, on the basis of the proposed hours of operation proposed, the number of people to be employed and the size of the site as well as the applicant having only one or two vehicle it is highly unlikely that anywhere near the worst case scenario of vehicles would be realised.
- 46 Where compacted cardboard would be exported on larger vehicles, with a capacity of 12 cubic metres and with a density 150 kg per cubic metre, this would be equal to 1.8 Tonnes per load which would lead to some 44 movements per day.
- 47 The Group Engineer (Highways) therefore concludes that the development could potentially result in some 440 movements per day, but as stated above this appears to be a worse case scenario rather than the number of vehicles that are likely to pass through the site.
- 48 More realistically the applicant has indicated that up to 40 vehicle movements per day would be satisfactory, particularly as larger vehicles are introduced.
- 49 However, despite the total number of vehicles which are likely to pass through the site some concerns are raised by the Group Engineer (Highways) given the proximity of the access to Lye traffic signals which could result in increased congestion, and has suggested the imposition of a condition limiting vehicle movements to 50 trips per day.
- 50 In this case it is not considered to be practical to limit the vehicle movements for the site, as there would be no reliable or effective means of monitoring such a condition. If a weighbridge was proposed as part of the development then it would have been possible to impose such a condition.

- 51 As stated above it most likely that vehicular movements to and from the site are more likely to be limited by the number of people employed, the number of vehicles owned and the amount of material which can be stored and processed at the site.
- 52 The Group Engineer (Highways) has suggested the imposition of a traffic management condition to ensure a left in and a left out at the site is undertaken to ensure less disruption to the Highway. In this case this is considered to be an appropriate condition for which to which the applicant is agreeable.
- 53 The Group Engineer (Highways) considers there to be sufficient room to turn a large vehicle within the site, however, he would suggest a condition that requires all vehicles to access and egress the Highway whilst in a forward gear.
- 54 However, when assessing this application from a highway point of view it is important to note that the site has historically been used as a B2 unit where cardboard boxes were produced, and as such the site could revert to this specific use or any other purpose with Use Class B2 (General Industrial) without the need for planning permission. B2 uses are typically associated with the extensive (and usually uncontrolled) movement of larger vehicles.

#### Pollution Control

- 55 As stated above the Environment Agency has no objection to the principle of the proposed operation. However, to ensure effective arrangements are put in place to reduce the risk of contamination of controlled waters such as the River Stour, they require the imposition of specific planning conditions.

#### Nature Conservation

- 56 The adjoining railway line effectively forms the function as a wildlife corridor due to its linear nature connecting the conurbation with the surrounding countryside.

However, as the application is purely for a change of use no concerns are raised from a nature conservation point of view.

### Other Issues

- 57 Network Rail initially raised concerns (which have now been withdrawn) with regard to the access over their land and the relationship with the operational railway. However, the applicant has contacted Network Rail directly and they have confirmed there is an established right of access over their land and that there would be no direct impact on operational railway land. They also note that the proposed use would be contained within the building.
- 58 Fire has become a significant issue with regard to the storage of waste with a number of well reported cases. In this case storage is proposed within the building which reduces the risk significantly and is proposed to be conditioned. In addition a fire precaution management plan condition is proposed as suggested by the Environment Agency and Network Rail. It should also be noted that the West Midlands Fire Service have confirmed that they have no objection to the proposal.

### **CONCLUSION**

- 59 The proposed development is considered to be acceptable in principle and that the proposed development would not have any adverse impact on amenity and has satisfactory access arrangements. Consideration has been given to policies CSP1 The Growth Network DEL2 Managing the Balance Between Employment Land and Housing TRAN2 Managing Transport Impacts of New Development ENV 1 Nature Conservation ENV 2 Historic Character and Local Distinctiveness ENV 8 Air Quality WM1 Sustainable Waste and Resource Management WM2 Protecting and Enhancing Existing Waste Management Capacity WM4 Locational Considerations for New Waste Management Facilities and WM5 Resource Management and New Development of the Black Country Core Strategy and saved policies DD1 Urban Design DD5 Development in Industrial Areas NC1 Biodiversity NC6 Wildlife Species HE5 Buildings of Local Historic Importance EP1 Incompatible Land Uses EP3 Water Protection and EP7 Noise Pollution of the Dudley Unitary Development Plan.

## RECOMMENDATION

60 It is recommended that the application be APPROVED subject to the following conditions:

### Notes to Applicant/Informative

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

The applicant is reminded that he will need to apply to the Environment Agency for a permit before the operation can first commence.

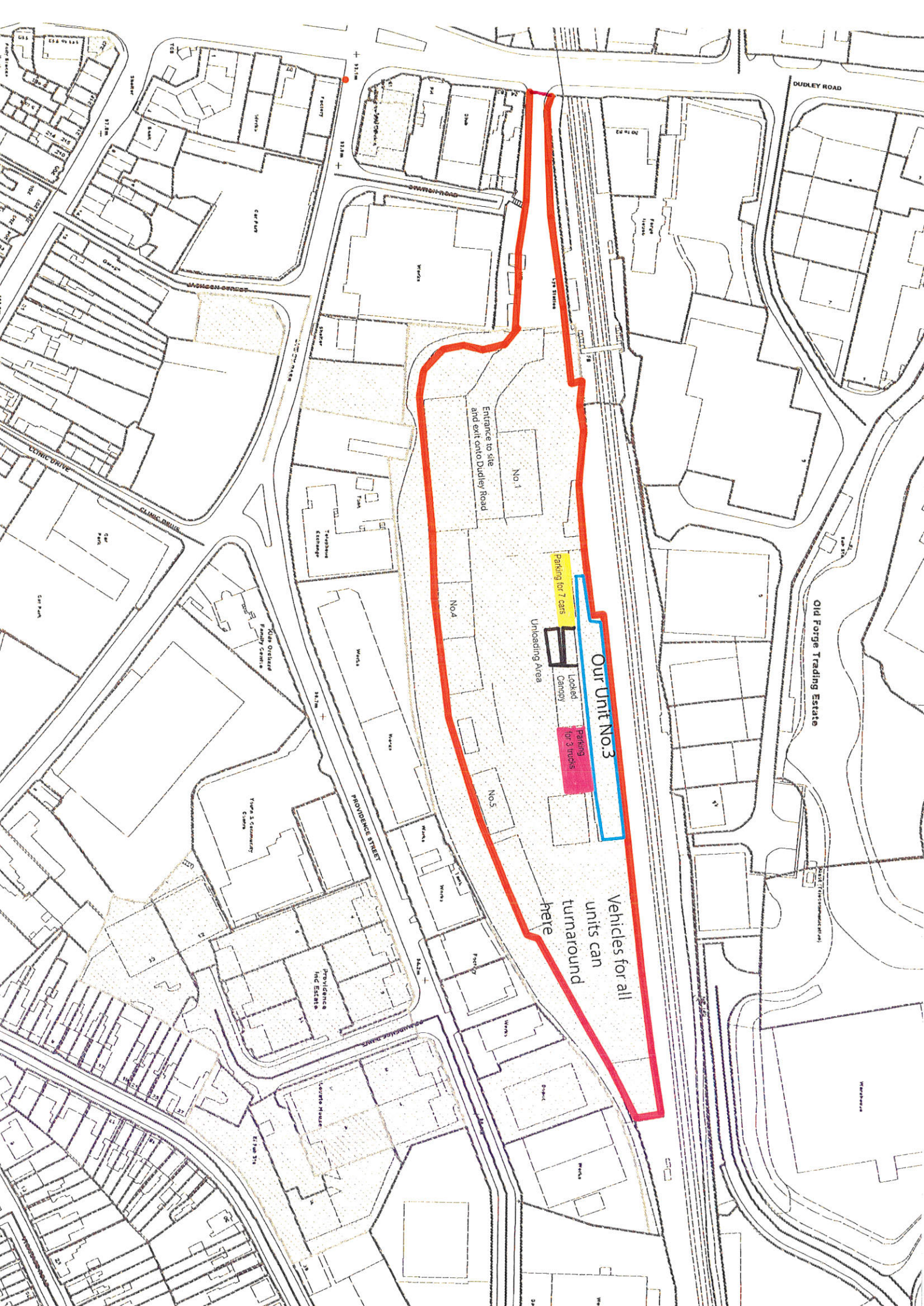
### Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the unreferenced block plans submitted with the application except insofar as required by other conditions attached to this permission.
3. Notwithstanding the details shown on the approved plans the planning permission for the use as a waste transfer station relates to Unit 3 only, and not to any other unit within the Conyers Trading Estate.
4. There shall be no open storage associated with the use of the site as waste transfer station. All storage associated with the operation of the site shall be contained within the building only.
5. The development hereby approved shall not be commenced until such time as a scheme to dispose of foul and surface water (ie drainage plans) has been submitted to and approved in writing by the Local Planning Authority. (In discharging the condition the applicant shall have regard to the comments of the Environment Agency in their letter of 13 November 2013)
6. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%.

All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge to the bund.

7. The use hereby approved shall not be first commenced until details of what fire precaution / mitigation measures in relation to the adjoining railway line have been submitted to and approved in writing by the Local Planning Authority. The fire precaution / mitigation measures should be implemented in accordance with the approved details prior to use first commencing and shall remain in place for the life of the development.
8. The use hereby approved shall not be commenced until a traffic management plan for the use, including details of how vehicles are to enter and leave the site in forward gear, has been submitted to and approved in writing by the Local Planning Authority. The approved vehicle management plan shall therefore be implemented for the life of the development.
9. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
10. The use of the site as waste transfer hereby approved shall cease on or before 12 January 2019.





DUDDLEY ROAD

Old Forge Trading Estate

PROVINCE STREET

Entrance to site  
and exit onto Dudley Road

Our Unit No. 3

Parking for 7 cars

Locked  
Canopy

Parking  
for 3 trucks

Unloading Area

Vehicles for all  
units can  
turn around  
here

No. 1

No. 4

No. 5

Yates 3 Generation  
Canteen

Yates Outdoor  
Family Centre

Providence  
Ind. Estate

Levitts House



# Our Unit No.3

Parking for 7 cars



Locked Canopy

Parking for 3 trucks

Unloading Area

No.1

Entrance to site and exit onto Dudley Road

No.4

No.5

Tram

Works

Works

Works

PROVIDENCE STREET