

APPLICATION NO.	DC/10/52924	ASSISTANT:	JBB
MEETING DATE:			
DATE RECEIVED:	23rd December 2010	LANDFILL:	

As amended on:

Name and Address of Applicant	Name and Address of Agent
Fawdry House 50 Cato Street Waterlinks B7 4TS	Mr Nick Hood Withy House 49 Withy Hill Road Sutton Coldfield Birmingham

Description of Proposal	Situation of Proposal
Change of use to provide a waste transfer and recycling centre together with the erection of new industrial buildings, refurbishment and re-cladding of existing buildings, car parking and associated landscaping and environmental improvements.	Rosier Transport Trinity Street Oldbury B69 4LW

1. Recommendation

Approval subject to the following conditions: -

- (i) Approval of external materials, surfacing, boundary treatment, landscaping, storage bunkers, welfare facility buildings, a routeing strategy and drainage;
- (ii) Provision and retention of parking facilities;
- (iii) Ground investigation and remediation report;
- (iv) Mitigation measures in respect of noise, smell and dust;
- (vi) No tipping, sorting, screening or crushing of materials in the open; and,
- (vii) No external storage other than within the areas indicated.

2. Observations

A. The Application Site and Its Surroundings

The application site is on the east side of Trinity Street, about 145m to the south of its junction with Tat Bank Road. The elevated M5 motorway is about 90m (min) to the west and the Titford Canal is 35m to the east.

The site is about 2.6 hectares in area and was formerly a chemical warehouse and distribution business. It is generally level and surfaced in concrete and asphalt. There are 10 predominantly brick buildings of various sizes with an overall floor area of about 4300sq m. I visited the site in February and noted that the yard areas were somewhat overgrown and that the buildings were in a neglected, but not ruinous, condition.

The surrounding area is predominantly industrial, with the former Albright and Wilson chemical works (now owned by Rhodia) to the south, a haulage depot to the north, a large warehouse building to the west and a disused railway line to the east.

B. The Proposal

It is proposed to establish a materials recycling facility at the site. The Environmental Permit Application (to the Environment Agency) proposes that the facility will accept up to 400,000 tonnes per annum of household, commercial and industrial waste, although it is estimated that roughly 75% will comprise construction, demolition and excavation waste.

The facility will provide a reception centre for mixed inert and non-hazardous wastes which will be sorted to recover materials that can be reused or recycled either on-site or elsewhere. Residual wastes that cannot be recycled will be stored prior to transfer off-site for recovery or disposal elsewhere. The applicant has also indicated that a small amount of hazardous waste (e.g. asbestos) will also be accepted and stored at the site prior to disposal.

Five small freestanding buildings towards the rear of the site will be demolished to make way for the proposed development. The site will be accessed from Trinity Street via the existing entrance/exit. A one-way system is proposed for delivery/collection vehicles to move around the site and buildings.

The main elements of the facility, moving clockwise around the site, can be briefly described as follows: -

- (i) The existing 300sq m office building (Block A) at the northern end of the site would be retained for use as such together with 26 car parking spaces.
- (ii) The reception, sorting and treatment of mixed household, commercial and industrial wastes will be undertaken at the centre of the site within an existing building of 1900sq m (Block B) and a proposed 2074sq m extension (Block E) to the east.
- (iii) The reception of construction, demolition and excavation wastes will take place within an existing building (Block C) that will be reduced from 1400sq m to 1000sq m. The screening of materials will take place outside the building but within a cabin structure.
- (iv) A 200sq m building (Block D) adjacent to Trinity Street will be used for the recycling and baling of cardboard/paper/plastic.
- (v) A new 500sq m garage and workshop building (Block F) is proposed towards the north eastern corner of the site for the maintenance of the applicant's fleet of operational vehicles.
- (vi) An existing smaller building at the centre of the site will be used for security and supervision.
- (vii) In the south eastern corner of the site there will be segregated storage bays for recovered aggregates, soil, green waste/untreated timber, glass and treated timber.
- (viii) Next to the southern boundary of the site an existing building will be used for the storage of asbestos and a new 240sq m building will be erected for the storage of baled materials.
- (ix) In the south western corner of the site an existing toilet block will be refurbished and new welfare facilities will be provided within 3 buildings (details t.b.a.).
- (x) Adjacent to Trinity Street, A total of 30 car parking spaces will be provided interspersed with 9 trees (in planting boxes).

The application is supported by a Transport Statement which predicts that the proposed use would be likely to generate increased traffic flows compared with the site's existing lawful use of which roughly 10% would be during network peak hours. However, it concludes that the predicted increase would be unlikely to have a material impact on the wider highway network.

The findings of a desk top study and a Phase 2 intrusive site investigation have been submitted which indicate that further investigation and remediation will be necessary.

C. Publicity and Consultation Responses

The application was publicised by site notice, press notice and neighbour notification letters. One email has been received from a resident of Great Bridge recommending that permission be refused on safety grounds due to the risks posed by the existing major hazard premises (Rhodia), historical ground contamination from phosphorous wastes and the additional dangers posed by the nature of the proposed use.

The consultation responses were as follows: -

- (i) The Health and Safety Executive "do not advise against" the proposal.
- (ii) The Highways Agency originally directed that permission not be granted until a Transport Assessment had been submitted to assess the effect on the strategic highway network. Following the submission of the TS it has confirmed that there are no objections to the proposal.
- (iii) The Head of Highways (Sandwell MBC) also requested the TS to assess the effect of the proposal on nearby road junctions. Following the submission of the TS, I understand that he has no objection subject to the adoption of an agreed routeing strategy.
- (iv) The Crime Prevention Design Advisor (West Midlands Police) has no objection in principle but requests that particular attention be paid to the specification of landscaping, external materials, doors/windows and entrance gates at the design and build stage in order to increase protection against crime.
- (v) Severn Trent Water has no objection subject to satisfactory drainage details.

- (vi) The Head of Communities and Regulatory Services has no objection.
- (vii) The Building Consultancy Section recommends that permission, if granted, should be subject to conditions requiring a ground investigation and remediation report.

D. National and Local Planning Policies

The proposal is consistent with the principles set out in PPS 10 (Planning for Sustainable Waste Management).

The proposal was supported by the employment and waste management policies of the 2004 UDP (i.e. E2, WM1 and WM9) and is now supported by Policy WM4 of the Black Country Core Strategy that replaces it.

E. Comments

The application site is within an almost wholly commercial and industrial area where such a use would be appropriate. It is also supported by national and local planning policies.

Trinity Street and Tat Bank are well used roads carrying industrial traffic. The predicted increase in traffic is in my opinion acceptable and it is noted that both the Highways Agency and the Head of Highways have no objections to the proposal. However, it is important that operational vehicles access the strategic network in the most convenient route. Permission, if granted, should therefore be subject to the condition recommended by the Head of Highways for an agreed routeing strategy.

The proposed new buildings/extensions are fairly functional and utilitarian, but are considered to be appropriate for the heavily industrialised area in which they are set. Permission, if granted, should be subject to approval of external materials.

The comments of the Crime Prevention Design Advisor have been brought to the applicant's attention, but I do not recommend a planning condition to deal with the issues raised.

The concerns of the objector regarding pollution and safety issues are noted. However, in view of the HSE's comments and the results of the desk top study and

intrusive site investigation, I believe that the issues raised can be dealt with by way of the planning conditions recommended by the Building Consultancy Section.

The operation of this facility will be licensed and regulated by the Environment Agency. The EA was consulted but has not responded. While it would be wrong for the Council to seek to duplicate the controls that would be exercised by the EA, I believe that it would be reasonable to specify in fairly broad terms what has been approved and to require appropriate mitigation measures to protect the amenities of the area.

3. Reason for Recommended Decision

The proposal is supported by national and local planning policies and is within an area where such a use would be appropriate. The details of the proposed works are acceptable and additional conditions are proposed to define the permission and to protect both the amenities of the area and the safety and free flow of traffic.

4. Relevant History

None

5. Central Government Guidance

PPS10