

Planning Committee

Tuesday, 21 May 2019

Planning application no.	18/00911/FUL	
Site	Land at Cross Street North	
Proposal	Incinerator Bottom Ash Recycling Facility	
Ward	Bushbury South and Low Hill;	
Applicant	Ballast Phoenix Limited	
Cabinet member with lead responsibility	Councillor John Reynolds Cabinet Member for City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Phillip Walker	Senior Planning Officer
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1.0 Summary recommendation:

- 1.1 Delegated authority to grant subject to receiving no overriding objections from residents to the amended plans, receipt of amended plans for a landscape bund, conditions and a Section 106 agreement.

2.0 Background

- 2.1 In November 2017 planning permission (15/01421/FUL) was granted for an Incinerator Bottom Ash (IBA) Recycling facility at this site, with the capacity to recycle up to 150,000 tonnes of Incinerator Bottom Ash (IBA) per annum. That permission has not expired. However, the intended operator of the facility has withdrawn.

3.0 Application site

- 3.1 The application site comprises a vacant piece of former industrial land of 2.2ha in size. The site is bounded by the Cannock Road, Cross Street North, City of Wolverhampton Council Incinerator, a vehicle dismantler business, and the Wolverhampton Canal. The surrounding uses are predominantly industrial. The Wolverhampton Locks Conservation Area forms the eastern boundary. Listed canal locks are immediately east of the site.

4.0 Application details

- 4.1 The proposed recycling facility would have the capacity to recycle up to 200,000 tonnes of IBA per annum. IBA is a non-hazardous product left over when household and industrial waste is incinerated. It comprises a mix of materials, including ferrous and non-ferrous metals, brick, glass, rubble, concrete and ceramics. The recycling process would produce an aggregate which is used in construction. IBA would be delivered to the site by HGV.
- 4.2 The proposed facility would comprise a process plant building with offices. There would also be large areas of external storage and a drainage attenuation pond. Access would be from Cross Street North. The site would be enclosed by walls, railings, metal screens and soft landscaping. Ten people would be employed on site.
- 4.3 There are a number of key differences and similarities between the permitted and proposed schemes.
- 4.4 The proposed facility would have the capacity to recycle up to 200,000 tonnes of IBA per annum, compared to 150,000 tonnes per annum for the permitted scheme.
- 4.5 The proposed process plant building would be positioned roughly within the middle of the site, as opposed to the northern part of the site as permitted. The proposed process plant building would be 3.7 metres taller (at its highest point) than the previously approved process plant building, however its floor area would be 693 sq.m smaller.
- 4.6 The proposed scheme no longer includes three buildings for the storage of aggregate IBA material. Instead there would be more material stored externally, and the stockpiles would be taller than those previously permitted, up to 12 metres, compared to up to 8 meters. The screen walls would be up to 9 metres tall.
- 4.7 The permitted scheme proposed a landscape buffer within the southern part of the application site and near to Cannock Road. The new application no longer includes the landscape buffer, and instead proposes to use this part of the site for external storage.
- 4.8 The new application site is smaller than the site area that comprised the previously permitted scheme. This is because a strip of land previously forming a part of the application site area, adjacent to the junction between Cross Street North and Cannock Road, is not now included in the application site. Both the permitted and approved schemes require the transfer of this land to enable highway improvements, and the transfer of the land can be secured through a Section 106 agreement.

5.0 Relevant policy documents

- 5.1 National Planning Policy Framework (NPPF)

- 5.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
Stafford Road Corridor Area Action Plan (AAP)

6.0 Publicity

- 6.1 Councillor Peter Bilson wrote confirming that he had received two verbal objections relating to environmental pollution, noise and access concerns.

7.0 Consultees

- 7.1 Environment Agency – no objection.
- 7.2 Environmental Health and Transportation see main body of report.
- 7.3 Canal & River Trust – Object and state that, the proposals would have a negative impact on the character, setting and visual appearance of the Lock Conservation Area and Listed Locks. They are also concerned about the impact on the stability of the bank and wall adjacent to the canal, as well as noise and air quality impacts, which they say would result in adverse impacts to the canal and its users.

8.0 Legal implications

- 8.1 Planning obligations must meet the following tests. They must be:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- (LD/09052019/E).

9.0 Appraisal

- 9.1 The key issues are:-
- Principle of Development
 - Layout
 - Amenity
 - Heritage and Archaeology
 - Transport
 - Stability of Canal Bank and Walls

Principle of Development

- 9.2 The site benefits from an extant planning permission for an Incinerator Bottom Ash Recycling facility. The principle of the development proposal is therefore acceptable.

Layout and Appearance

- 9.3 Roughly at the centre of the site would be the process plant building and staff car parking. The building would be constructed from metal cladding and be a maximum height of 16 metres (12.8m eaves height), 55 metres long and 30.2 metres wide.
- 9.4 Aggregate material retrieved from the IBA, and any non-recyclable product would be stored externally. Stockpiles would have maximum heights of between 8 metres and 12 metres. The boundary walls and screens would be up to 9 metres. The scale of the development proposal is akin to large canalside industrial uses, and is consistent with, though smaller than, the size of the incinerator to the north.
- 9.5 A landscape bund and planting is required within the southern part of the site to mitigate the impact of the development proposal on the character and visual appearance of the surrounding streetscene, including the Cannock Road, a main arterial route into and out of the City Centre. Amended plans are awaited.

Amenity

- 9.6 The closest dwellings to the site are 80m to the east on Badger Drive. The applicants have demonstrated that the proposed facility would not have a significant impact on the amenity of residents either by noise, odour or dust. The majority of noisy operations would take place within the process building. The acoustic cladding to the process building, and the acoustic screening and landscape buffers would further limit noise impacts to local residents. Odour from IBA is negligible, whilst any dust would be managed by mitigation measures including dampening down the stockpiles.
- 9.7 The Environment Agency would be the environmental regulator of the facility and they have no objection to the proposal. The proposal is compatible with neighbouring uses owing to distance separation, building design, hard and soft landscaping and operational management.

Heritage and Archaeology

- 9.8 When considering a planning application there is a statutory requirement to consider the desirability of preserving or enhancing the character and appearance of a conservation area and to have special regard to the desirability of preserving the setting of the listed structures. Any harm to the heritage assets must be measured against the public benefits of the proposals as set out in para 134 of the NPPF.
- 9.9 The proposals would introduce new landscaping alongside the Wolverhampton Locks Conservation Area and listed canal locks. The landscaping would provide a green buffer between the IBA mounds, the Conservation Area and Listed Locks. The buildings, stockpiles and screen walls would be clearly visible from the conservation area but would be of an industrial scale in keeping with the context of the land on the west side of the canal. The harm to the conservation area and listed locks is less than significant.
- 9.10 The public benefits of the proposals including recycling, redevelopment of a brownfield site, and a reduction in IBA landfill, outweigh the less than significant harm to the heritage assets.

- 9.11 There was two canal basins within the site. The application includes geotechnical information which suggests that the basins no longer exist. The eastern part of the process building would be built over a part of the site where the former canal basins were located. This is acceptable subject to a condition requiring an archaeological watching brief.

Transport

- 9.12 The figures shown in the Transport Assessment are quoted as being the worse-case scenario and indicate six vehicle movements in and six vehicle movements out of the site per hour. Whilst these figures are relatively low, the additional traffic could have a significant impact upon Cross Street North and also its junction with Cannock Road.
- 9.13 The Cannock Road Highway improvement Line includes a strip of land on the southern edge of the site. The applicants have agreed to transfer ownership of this strip of land, as mitigation which is required for a junction improvement scheme to be undertaken at the Cannock Road and Cross Street North junction. This is required to improve the turning movements for larger vehicles entering and exiting Cross Street North, to reduce the impact on the free flow of traffic on Cannock Road and to improve pedestrian safety. This requirement can be secured by a Section 106 agreement.
- 9.14 Staff parking totalling 13 spaces is sufficient for staff plus any visitors.

Renewable Energy

- 9.15 There would be 150sqm of photo voltaic panels on the process building making a contribution towards the renewable energy requirements set out in policy ENV7 of the BCCS.

Stability of Canal Bank and Walls

- 9.16 The nearest part of the process plant building would be 25 metres from the canal bank. This would be a sufficient distance away to not have any harmful impacts on the stability of the canal bank or walls. Along the eastern boundary, new retaining walls are proposed, to retain stockpiles of material that are either awaiting processing or distribution following processing. The application is supported by information which indicates the erection of retaining walls in this location can be carried out without having a detrimental impact upon the stability of the canal bank and its walls.

10.0 Conclusion

- 10.1 The proposed development makes use of a previously developed site. It would locate a waste recycling facility alongside an existing IBA generator (the Council incinerator), processing and recycling waste close to the source and minimising the use of landfill. The design, layout and mitigation measures would negate amenity impacts for the nearest residents to the site. The landscaping scheme would offer a measure of visual separation between the site and the heritage assets on the eastern boundary. The less than substantial harm to the conservation area and the listed locks are outweighed by the public benefits of the facility. Subject to receiving no objections from neighbours in respect of the process plant amended plans and receipt of satisfactory proposals for a

landscape bund and planting within the southern part of the site, the proposals are acceptable and in accordance with the Development Plan.

11.0 Detail recommendation

11.1 That the Strategic Director Place be given delegated authority to grant planning application 18/00911/FUL subject to:

(i) A Section 106 agreement for the following:

- Transfer of land strip adjacent to Cross Street North and Cannock Road junction
- £3600 maintenance sum for landscape works to the strip of land

(ii) No overriding objections received from neighbours in respect of the amended process plant drawings;

(iii) Receipt of acceptable plans for a landscape bund and planting within the southern part of the site;

(iv) Any appropriate conditions including:

- Use restricted to IBA and no other waste activity;
- 10% renewable energy;
- No additional openings in process plant building;
- Details of external loading hopper;
- External Materials including hard surfacing;
- Implementation of landscaping including the land strip alongside canal;
- Full details of boundary treatments including, fencing, security fence panels, access gates, acoustic / metal screens and retaining walls;
- Lighting layout;
- Details of material pens;
- Provision of acoustic screens;
- Requirement to damp down externally stored IBA product;
- Site levels;
- Drainage details;
- Raw and aggregate material shall only to be stored in those areas shown on the approved plans;
- Raw material stockpiles to be no taller than 8 metres;
- Aggregate / product material stockpiles to be no taller than 12 metres;
- Traffic Regulation Orders;
- Archaeological watching brief;
- Provision and retention of car parking;
- Bin stores;
- Cycle stores;
- Electric vehicle charging points;
- Hours of construction;
 - 0800 to 1800 Monday to Friday
 - 0800 to 1300 Saturday,
 - at no time on Sundays or Bank and Public Holidays.
- Hours of processing and handling of IBA on site:

- 0700 to 2100 Monday to Friday
- 0700 to 1600 Saturday,
- at no time on Sundays or Bank and Public Holidays.
- Hours of deliveries and despatch:
 - 0700 to 1800 Monday to Friday
 - 0800 to 1600 Saturday,
 - at no time on Sundays or Bank and Public Holidays.
- Additional hours for maintenance operations only:
 - 1300 to 1700 Saturdays

