

Planning application no.	20/00786/RC
Site	Dunton Environmental Limited, (Formerly the site of Edward Vaughan Stamping Works), Union Mill Street, Horseley Fields, Wolverhampton, WV1 3DW
Proposal	Proposed variation of condition 3 of planning permission 15/00305/FUL (waste treatment hub and site remediation) to allow for the continued use of the site as a waste treatment hub and the carrying out of site remediation works, until 18.09.2021.
Ward	Heath Town;
Applicant	Dunton Environmental Limited Soterion House Northgate Aldridge Walsall WS9 8TH
Cabinet member with lead responsibility	Councillor Stephen Simkins Cabinet Member for City Economy
Accountable Director	Richard Lawrence, Director of Regeneration
Originating service	Planning
Accountable employee	Phillip Walker Senior Planning Officer Tel 07970316918 Email phillip.walker@wolverhampton.gov.uk

1.0 Summary recommendation:

1.1 Grant subject to conditions.

2.0 Background

2.1 Planning permission 15/00305/FUL for a waste treatment hub and site remediation, was granted on 18 May 2015. This was a temporary permission which required the use to cease and any associated plant, material and equipment to be permanently removed not later than 18 September 2020. It also required that a remediation strategy, to make the site suitable for residential development, be implemented by 18 June 2020.

- 2.2 The time specified by the original planning permission for using the site as a waste treatment hub and remediation works, has now lapsed. However, the site continues to be used as a waste treatment hub, receiving contaminated soil waste from other development sites, which is cleaned and the recovered material used as a product on other development sites. Although some site remediation works have been carried out, the site has not been fully remediated, such that it is suitable for residential development.
- 2.3 Planning and listed building consent applications (20/01346/FUL and 20/01324/LBC) were received in November, for the residential redevelopment of land at Union Mill and Horseley Fields, including the application site. Their determination is pending.

3.0 Application site

- 3.1 This is a Council owned site, that is leased to the applicant.
- 3.2 The application site comprises the former Edward Vaughan Stamping Works (now demolished) and is currently being used by Dunton Environmental Limited as a waste treatment hub. It is 1.33ha in area, and is located less than a mile east of Wolverhampton City Centre in an industrial area with some residential nearby. The site has frontages onto Horseley Fields, Union Mill Street and the Birmingham Canal – Wolverhampton Level. Part of the site is within the Union Mill Conservation Area and is opposite the Bilston Canal Corridor Conservation Area to the north. Listed buildings abut the northern edge of the site.

4.0 Application details

- 4.1 This planning application seeks to vary condition 3 of planning permission 15/00305/FUL to allow for the waste treatment hub and site remediation works to continue to 18 September 2021.
- 4.2 The applicant accepts that condition 4 will also need to be varied to enable remediation works to be completed by 18 September 2021. Other conditions relating to archaeological works, hours of operation, noise, landscaping, and the use will also need to be applied. Some of the existing conditions imposed on the earlier permission will be re-imposed.
- 4.3 The applicant states that the viability of delivering the final remediation of the site was adversely impacted by the closure of the waste treatment hub for a 12 month period in 2017 and 2018. They say a further temporary permission is therefore necessary to allow for the remediation to be viably carried out.

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)

5.3 Wolverhampton City Centre Area Action Plan (adopted September 2016)

6.0 Publicity

- 6.1 Objections received from six objectors. Comments summarised as follows:
- The waste treatment hub is receiving substantial amounts of hazardous waste;
 - The project is a Nationally Significant Infrastructure Project and it falls outside the jurisdiction of the local planning authority to determine;
 - The original 2015 consent was not compliant with the Planning Act 2008;
 - This application is not within the jurisdiction of the Council and requires a Development Consent Order through the Planning Inspectorate;
 - If permission is granted, conditions should apply to restrict the maximum quantity of hazardous waste received to no more than 29,999 tonnes per annum; and that the amount of imported soil to the facility must be reported to the local planning authority on a quarterly basis including the amounts of hazardous and non-hazardous waste, and published;
 - The soil arrives from significant distances away to the detriment of the environment;
 - The EIA screening opinion letter provided by Kember Loudon Williams Ltd is misleading;
 - The development proposal represents EIA development;
 - Inadequate justification for proposed temporary permission;
 - No remediation of the site has taken place at the site;
 - Air pollution;
 - Traffic congestion/Noise and impact on surrounding resident amenity;

7.0 Consultees

- 7.1 Transportation and Environmental Services – No objection. Some remediation works have taken place, but the final site remediation works should be conditioned, and these should be implemented prior to the expiry of any further temporary permission.
- 7.2 Environment Agency – No objections. There is a valid Environmental Permit in place for the works and this is not time-limited, therefore does not need varying to accommodate this proposal. The EA have been engaged with the applicant regarding the proposed eventual Remediation Strategy for this site. This will now have to be revisited and updated; they request the remediation works are conditioned. They also confirm that the developer has not exceeded the thresholds for Infrastructure developments considered to be nationally significant and requiring development consent.
- 7.3 Canal and Rivers Trust – The proposal includes enabling works required as part of the Canalside redevelopment. This is supported by the Trust

8.0 Legal implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. The Council has received external advice confirming the contents of the report are in accordance with relevant legislation and guidance.
[Legal Code: TS/09122020/W]

9.0 Covid Implications

- 9.1 There are no Covid implications arising from the recommendation of this report.

10.0 Appraisal

Scope of Section 73 of the T&CPA

- 10.1 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of applications to develop land without compliance with conditions previously attached'.
- 10.2 When assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal.
- 10.3 The amendments proposed would not result in a development that would be substantially different from that previously permitted and so the application falls within the scope of s73.
- ### Principle of the Use and the Granting of a Second Temporary Permission
- 10.4 Wolverhampton City Centre Area Action Plan has been adopted since the granting of the original temporary planning permission. The application site is located within the Canalside Quarter. Policy CA4 "Canalside Quarter" identifies this site (Ref. 4m) as suitable for housing-led mixed use development, including leisure and small-scale retail. A further temporary planning permission to allow for the continued use of this site as a waste treatment hub for a temporary period would not in itself be in accordance with Policy CA4. However, because the proposed works, will enable the developer to viably remediate the site, such that it will be suitable for residential development, the proposals are acceptable and accordance with Policy CA4.
- 10.5 Further temporary permissions under s73 can normally be granted permanently or refused if there is clear justification for doing so.
- 10.6 In this case, the applicant says that they require further time to carry out the waste treatment hub use, which will enable them to viably remediate the site for residential purposes. This would be a clear justification for allowing a further temporary planning permission.
- 10.7 Because a planning application and listed building consent application has now been received from developers "Place First", for the comprehensive redevelopment of the site

for housing development, there is now a greater need for the remediation works to be carried out.

- 10.8 It is appropriate to allow for a further temporary permission for the site to be used as a waste treatment hub and site remediation. But the time period for the temporary permission will need to take account of the need for the delivery of the residential development. Planning conditions will need to be applied to require the waste treatment use to cease and any associated plant, material and equipment removed from the site on or before 18.09.2021. To ensure satisfactory time is provided for, to enable the remediation works to be completed within the time period of the temporary permission, these works should commence no later than 18.06.2021. This would be a reasonable timetable for site remediation and has been agreed with the applicant. Place First have been notified and have not objected to this proposal.

Environmental Implications

- 10.9 A section 73 application, is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment (EIA) Regulations. This development proposal is not Schedule 1 or Schedule 2 development as defined by the EIA regulations, It will not have significant environmental impacts. As such the development proposal does not require an Environmental Impact Assessment.
- 10.10 The development proposal is not a nationally significant infrastructure project which would require development consent, since it does not exceed any thresholds as set out in the Planning Act 2008. It is therefore within the jurisdiction of the local planning authority to determine this application.

11.0 Conclusion

- 11.1 The proposals are in accordance with the Development Plan and contribute to the strategic aims of the Canalside Quarter.

12.0 Detail recommendation

- 12.1 Grant subject to the following conditions:
- The use shall cease and any associated plant, materials and equipment shall be removed on or before 18th September 2021.
 - The approved site remediation (report and recommendations by Tim Cawood) scheme shall be commenced no later than 18th June 2021 and to be fully implemented by 18th September 2021.
 - Site operations to be carried out in accordance with the submitted operational working plans
 - Drainage plan
 - No treating and composting of organic material
 - Noise condition
 - Outside storage and treatment of waste in the designated areas
 - Stock piles maximum height of 5m;
 - Wheel cleaning facilities
 - All non-road vehicles and stationary plant shall comply with emissions requirements

- Hours of operation shall be limited to:
08:00 to 17:00 Monday to Friday
08:00 to 13:00 Saturday
No hours on Sundays and Bank Holidays.
- External lighting shall be in accordance with the lighting installation report dated 26th May 2015;
- Air quality monitoring;
- Union Mill Street entrance shall be restricted to staff access only.
- Archaeological Evaluation
- No more than 29,999 tonnes of hazardous waste to be received by the site per annum (for the year up to the proposed ceasing of the use on 18th September 2021).

This report is PUBLIC
[NOT PROTECTIVELY MARKED]

