

# Planning Committee

## Tuesday, 19 April 2016

|  |   |                                  |
|--|---|----------------------------------|
| <b>Planning application no.</b>                | 15/01421/FUL                                |                                  |
| <b>Site</b>                                    | Land at Cross Street North                  |                                  |
| <b>Proposal</b>                                | Incinerator Bottom Ash Recycling Facility   |                                  |
| <b>Ward</b>                                    | Bushbury South and Low Hill;                |                                  |
| <b>Applicant</b>                               | LabGeodur UK Ltd                            |                                  |
| <b>Cabinet member with lead responsibility</b> | Councillor Peter Bilson                     |                                  |
| <b>Accountable Director</b>                    | Keren Jones, Service Director, City Economy |                                  |
| <b>Originating service</b>                     | Planning                                    |                                  |
| <b>Accountable employee</b>                    | Andy Carter                                 | Senior Planning Officer          |
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### 1.0 Summary recommendation:

- 1.1 Delegated authority to grant subject to a Section 106 agreement.

### 2.0 Application site

- 2.1 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, a waste transfer station, 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.

### 3.0 Application details

- 3.1 An Incinerator Bottom Ash Recycling facility is proposed. The facility would have the capacity to recycle up to 150,000 tonnes per annum of Incinerator Bottom Ash (IBA). IBA is a non-hazardous leftover product when household and industrial waste is incinerated to generate electricity. IBA would be delivered by HGV to the site from the Wolverhampton incinerator and similar facilities in Stoke and Dudley. IBA is a mixture of materials rather than an ash. It includes ferrous and non-ferrous metals, brick, glass, rubble, concrete and ceramic. The recycling process would produce an aggregate which is used in the construction industry.

3.2 The buildings on site would comprise a storage bay area and a processing plant. Access would be via Cross Street North. A landscape strip and staff amenity area would be located on the southern portion of the site fronting Cannock Street. An acoustic green wall is proposed alongside the canalside boundary. The facility would employ ten people on a part time basis.

#### **4.0 Relevant policy documents**

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)  
Stafford Road Corridor Area Action Plan (AAP)

#### **5.0 Publicity**

- 5.1 Two objections have been received, summarised as follows:
  - Congestion on Cross Street North
  - Waste blown from site
  - Threat to public safety
  - Limited vehicular access

#### **6.0 Consultees**

- 6.1 Environment Agency – no objection
- 6.2 Canal & River Trust – comments awaited
- 6.3 Transport and Environmental Health see main body of report.

#### **7.0 Legal implications**

- 7.1 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/05042016/A)

#### **8.0 Appraisal**

- 8.1 The key issues are:-
  - Principle of Development
  - Layout

- Amenity
- Heritage and Archaeology
- Transport
- Renewable Energy
- Section 106 Agreement

#### Principle of Development

- 8.2 The BCCS supports the recycling and re-use of waste material rather than disposal by landfill. This in principle policy support is also established in the NPPF.
- 8.3 The site is allocated within the AAP as an Employment Development Opportunity and is within an area of Local Quality Employment Land. Policy SRC1 identifies waste collection, transfer and recycling uses as acceptable, and is further supported by BCCS policy EMP3. Waste developments are assessed against the locational policy WM4. The aim of the policy is to direct waste facilities towards the most appropriate locations, generating maximum benefits, subject to social and environmental considerations, and where possible using previously developed land.
- 8.4 Immediately to the north of the site is the Wolverhampton incinerator and waste transfer station. The introduction of a further waste facility that recycles product from the incinerator has co-location and sustainability benefits.

#### Layout

- 8.5 At the centre of the site would be three buildings for storage of the IBA, laid out in a 'v' shape around a central yard. The buildings would have a maximum height of 11.37m. Two of the buildings would have floor space dimensions of 61.5m x 10m the third would be 18m x 20m. Each building would be open fronted onto the central yard to allow receipt, storage and transfer of IBA. By virtue of the layout the central yard operations would not be visible from outside the site, thus providing some screening from noise.
- 8.6 To the north of the site would be the process building housing the machinery and plant to separate the recyclable materials from the IBA. Its external dimensions would be 75.5m wide by 31.1m deep and a height of 12.3m. To the north east of the process building would be an area for external storage of the aggregate retrieved from the IBA, and any non-recyclable product. Stockpiles would have a maximum height of 8m, reducing in scale towards a 5m high acoustic green wall alongside the canal. The scale of the proposal is akin to large canalside industrial uses, and is consistent with, though considerably smaller than, the size of the incinerator to the north.
- 8.7 An area of landscaping and amenity space for staff at the southern part of the site would offer some visual screening to the gateway frontage onto Cannock Road, and the Canalside Quarter to the south.

#### Amenity

- 8.8 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 either within the process building, or within the central yard. The acoustic cladding to the process building, and the 5m acoustic wall would further limit noise impacts to sensitive receptors. Odour from IBA is negligible, whilst any dust would be managed by mitigation measures including dampening down of the waste product.

- 8.9 The Environment Agency would be the environmental regulator of the facility and have advised they have no objection to the proposals. The proposal is compatible with neighbouring uses owing to distance separation, building design and operational management.

#### Heritage and Archaeology

- 8.10 There is a statutory requirement to preserve or enhance the conservation area and 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.
- 8.11 The proposals would introduce a 5m high green wall alongside the Wolverhampton Locks Conservation Area and listed canal locks. The green wall would be planted with common ivy to form a green edge to the conservation area. The positioning of the wall would be set away from the lock structures thus minimising the harm. Towards the north of the site existing deciduous trees would offer a green buffer between the IBA mounds and the conservation area. The buildings 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, and consistent with the previous use of the site as a steel works. The harm to the conservation area and listed locks is less than significant.
- 8.12 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.
- 8.13 Remains of two former canal basins are within the site. These have been capped to prevent any future ground contamination. The proposed position of the buildings means that the canal basins could be reopened in future if required.

#### Transport

- 8.14 The figures shown in the Transport Assessment are quoted as being the worse-case scenario and indicate two vehicle movements in and two vehicle movements out of the Cannock Road \ Cross Street North junction per hour. Owing to the relatively low number of movements into and out of the site per hour the additional impact on the road network at this location should not be significant despite existing congestion. Staff parking totalling 14 spaces is sufficient for staff plus any visitors.
- 8.15 A highway improvement line along Cannock Road includes a strip of land on the southern edge of the site. The applicants have agreed to transfer ownership of a 15m land strip to support the improvement line, which would enhance walking, and cycling along Cannock Road as well as remodelling the junctions with Cross Street North and Cambridge Street.

#### Renewable Energy

- 8.16 There would be 155sqm of photo voltaic panels on the process building making a contribution towards the renewable energy requirements set out in policy ENV7 of the BCCS.

#### Section 106 Agreement

- 8.17 The applicant has agreed to enter into a legal agreement securing the transfer of a 15m land strip on the southern portion of the site as part of a highway improvement line along Cannock Road. The applicant has also agreed to provide a commuted sum equal to £360 per annum for ten years, enabling the Council to maintain the landscaping on the land strip. If the highway improvement scheme has not been commenced ten years from a successful planning decision the control of the land would revert back to the previous owners. These requirements meet the tests for planning obligations.

### 9.0 Summary

- 9.1 The proposed development makes use of a previously developed site. It would locate a waste recycling facility alongside an existing IBA generator, 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 green wall 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. On balance therefore the proposals are acceptable and in accordance with the Development Plan.

### 10.0 Detail recommendation

- 10.1 That the Strategic Director Place be given delegated authority to grant planning application 15/01421/FUL subject to:
- (i) A Section 106 agreement for the following:
    - Transfer of 15m land strip for highway improvement scheme
    - £360 per annum maintenance sum for landscape works at land strip
  - (ii) any appropriate conditions including:
    - Use restricted to IBA and no other waste activity
    - No additional openings in process building
    - Details of external loading hopper
    - Materials;
    - Landscaping including the land strip transfer;
    - Boundary treatments including 5m green wall;
    - Lighting layout
    - Drainage details

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

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