

TWC/2014/1030

Metal & Waste Recycling Ltd, The Old Smithy, Lightmoor Road, Lightmoor, Telford, Shropshire, TF4 3QN

Erection of new building for aluminium storage, associated water tank and additional acoustic barriers

APPLICANT

Metal and Waste Recycling Ltd, John Rice

RECEIVED

18/11/2014

PARISH

Dawley Hamlets

WARD

Dawley Magna

OFFICER Valerie Hulme

OBJECTIONS RECEIVED: Yes.

MAIN ISSUE: The impact of a large building on the amenity of the area including its visual impact.

PROPOSAL:

The application is for a building for aluminium storage and associated water tank for dust suppression, additional acoustic barriers and removal of a mobile phone mast. The building is larger than that previously approved under TWC/2014/0335

The new building would measure 25 metres wide by 35 metres long and would be 12.3 metres high to the ridge of the roof, 9.5 metres to the eaves in height. The new building will be constructed of concrete, metal panels with internal lining and acoustic paneling located at a central part of the site approximately 10 metres from the western boundary which is heavily landscaped. The aluminum compound will have sliding doors in the north-western elevation which will be closed when a lorry unloads or loads materials providing an effective acoustic enclosure.

An additional length of 110 metres of new acoustic fencing measuring 8m high would be located primarily on the western and northern boundaries and will adjoin the existing acoustic barrier and the proposed new building to provide a continuous acoustic barrier around the majority of the site.

There are currently three mobile phone masts on site and the sharing of these means that the most northerly mast and compound on the western boundary can be removed to accommodate a new 25 metre length of acoustic barrier 8 metres high. These masts are approximately 17 metres high and are the only structures taller than the surrounding trees.

The applicant has advised that he has submitted a revised application as the operational company has re-evaluated how the building that has been granted planning permission would be operated. A larger building would allow lorries to back into the building and unload more effectively. The applicant is of the view that a larger building, in combination with the additional acoustic buffers proposed, would help contain noise from the current site.

SITE AND SURROUNDINGS:

The application site is located north of the former disused railway line and houses at Leasowe Green. The surrounding area is mixed in nature and includes housing and other commercial industrial uses.

The site is approximately 60 metres to the nearest residential property at Leasowe Green to

the south of the site, 95 metres to the nearest residential property at Gravel Leasowes to the north west of the site and 100 metres to the nearest property at Holly Road, Little Dawley to the north east of the site.

The majority of the site is hardstanding, with a small level change from the northern part of the site to the centre; generally the levels outside of the site rise dramatically to the north. A large industrial building is situated within the centre of the site on the eastern boundary of the site abutting the highway. The site is screened from the Lightmoor Road frontage by a scrubland type hedgerow. Within the site, the skyline is dominated by the existing acoustic fencing, telecommunication masts, and a pylon to the south.

PLANNING HISTORY:

The site has a long history of use for scrap metal related activity.

TWC/2011/0749 - Continuation of use of the site for car dismantling and scrap storage and installation of a baler machine and associated engine house (Retrospective) – Approved 09/2012

TWC/2014/0335 – Erection of new building for aluminium storage, associated water tank for dust suppression, additional acoustic barriers and demolition of mobile phone mast and compound. Granted July 2014 but not implemented.

PLANNING POLICY CONTEXT:

National Planning Policy Framework (the NPPF) – the NPPF is not the development plan for Telford and Wrekin but it is a material consideration in this case because all of the borough's development plan policies have to be viewed in the light of this more recent national guidance.

Saved Wrekin Local Plan Policies

UD2 Design Criteria

LDF Core Strategy

CS2 Jobs

CS3 Telford

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

SUMMARY OF CONSULTATION RESPONSES:

Standard Consultees:

Councillor Bould: Objects on the grounds of:

- Highways problems – HGV's park outside site before 8am blocking road and causing noise/ pollution. Wagons speed along this road– dangerous with blind corners and hidden access to and egress from Leasowes Green estate.
- Heavy industrial land use inappropriate in a mainly residential area.
- Noise levels have not decreased since acoustic barrier built. Most unloading takes place outside of the barrier and noise levels appear to have increased. Nature of materials now being recycled has also now changed taking it outside Environment Agency jurisdiction who say they do not have any powers of control over its operation. Residents do not have any confidence that unloading will take place within barriers or in the shed.

- Residents believe this is not an appropriate site for this company and efforts should be made to re-locate. However, they would not wish to oppose attempts to improve noise levels on site. Conditions should be made to ensure noise levels are reduced significantly.

Dawley Hamlets Parish Council: Object.

Similar concerns as expressed in application TWC/2011/0749. At that time, it was acknowledged that the application sought to mitigate against noise levels. Parish council sought a condition that noise levels on the site be maintained at an acceptable level. This has not happened and noise from this site still heard as far away as Malvern Crescent.

Parish Council continues to receive concerns from residents about unacceptable noise. This additional facility would exacerbate problem. Existing noise prevention measures are not effective and proposal would add an additional noise impact which would simply add to the residents' discomfort.

Drainage: No comments.

Highways: No objections.

Shropshire Fire Service: Comment:

Recommend that the applicant have regard to the service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" note.

Ecology: Comment

Recommend lighting plan and ecological informatives.

Coal Authority: No objection.

Environment Agency: No objection

Confirm the facility has to operate under an environmental permit (EP). As part of their permit compliance the applicant needs a Noise Management Plan which assesses noise impact of each process on site, details how these will impact on local receptors and how any noise impacts will be mitigated. Noise Management Plan must be updated and agreed with the Environment Agency before any operations taking place within the new building. The permit requires that all emissions are controlled to acceptable levels at all times.

The EP only controls activities involving emissions caused by the handling of waste materials. This permit cannot be used to regularise and minimise impact caused by activities involving non waste materials. It should be noted that the majority of the material accepted on site (and therefore likely to cause noise) is considered a by-product (non waste material) and is not regulated under the EP. The regulation of this activity falls under the remit of the council. Recommend that the council consult the Public Protection team and control the impact of this activity through the planning regime. The applicant should comply with BS4142:2014 standard "Method for rating and assessing industrial and commercial sound".

Pollution Control (Environmental Health): Comment.

Ask the Committee to refer to detailed comments made in connection with application TWC/2014/0335. No objection subject to conditions requiring a noise management plan, restricting hours of activity and requiring the acoustic barriers to be built in accordance with the noise mitigation impact report.

Neighbour Representations:

13 submissions have been received which raise the following issues:

- Inappropriate use in a residential area. Applicant now using this for a different purpose than historic use.
- Under present ownership, both noise and HGV traffic levels have increased.
- Traffic on Lightmoor Road dangerous, national speed limit. HGVs accessing the site have to drive on wrong side of road.
- Access to the site places unacceptable risks on walkers, cyclists, horse riders and other traffic. No footpaths. Pedestrians can't use the road.
- Acoustic barrier has not addressed noise problems. Won't work in future.
- Noise sounds like a waterfall of metal with crashing and screeching. It's incredible. Residents cannot enjoy use of back gardens, have to close windows. Sudden rushes of noise are disturbing. Little Dawley residents fed up with the noise.
- Light pollution from current activities including at all times of the night.
- Applicant has paid lip service to complaints without solving the problem or to ignore the complaint entirely.
- Company should move to a new industrial site. It needs to be closed down. Committee should reject this application to give time to Metal Waste company to seek an alternative site which does not seriously impact on the quality of life for residents. Don't encourage applicant to spend more money on this site.

One resident have also written in to state that HGVs have been sighted outside the site at 7.45am outside of their authorised starting time of 8am.

PLANNING CONSIDERATIONS:

The Planning Committee granted planning permission for a similar proposal in July 2014. The current proposal is for a building that is 10m longer than the recently approved development. Accordingly, the main planning issue is the impact of a larger building on the amenity of the area including its visual impact.

A 35 metre long building will not result in an intensification of use relative to that approved in July 2014 as this is adequately controlled through condition on previous applications, and will again be repeated for the avoidance of doubt limiting the throughput on the site to 50,000 tonnes. There is some merit in having a larger building as this will allow lorries to manoeuvre into the building and unload/ load materials in an enclosed building, and thus reducing the level of noise emitted from the site presently.

A longer building will not have any materially adverse visual impact on the surrounding area relative to the recently approved building that would justify a refusal of planning permission. The proposal would be located to the west of the site away from housing and would be screened by the extensive landscaped area on the Lightmoor Road frontage of the site. The proposal would therefore not adversely affect the amenities of adjacent properties or the street scene.

There will be no further impacts on highways, drainage, land contamination, ecology or stability than that previously approved which can be adequately controlled through planning conditions.

Some local residents are clearly very concerned about the existing use and do not support the proposal. Officers recognise that the use causes some disturbance locally, have carefully reviewed these submissions and offer the following comments:

- The site has an authorised use for scrap related activity and is not in a wholly residential

area.

- The development will not add to vehicle movements on Lightmoor Road provided a condition is imposed restricting the amount of tonnage the site can take each year.
- Restricting operating hours will protect residential amenity. The council has no authority to stop an HGV waiting outside the site just before it opens for business.
- The proposal will incorporate a number of measures to reduce noise impacts. These include enclosing some of the activity on the site and the erection of acoustic barriers. The council will have powers to prosecute against noise impacts. These include breach of condition notices or notices under the Environmental Protection Act 1990 if there is a statutory nuisance.
- The company may wish in time to relocate but the council is unable to force its relocation. It is inappropriate to use the planning system to winkle out an existing business by refusing planning permission for a development required as part of its operations.

Officers conclude that the residents' submissions do not raise any new matters that would reasonably justify the refusal of planning permission for this development.

It is therefore recommended that planning permission be granted subject to a suite of conditions and informatives similar to those which the Planning Committee imposed in July 2014. In summary, these conditions seek to control noise associated with this development and to restrict the hours of operation of this building.

Recommendation

RECOMMENDATION: Based on the conclusion above, the recommendation to Planning Committee on this application is that delegated authority be granted to the Service Delivery Manager of Development Management to **GRANT PLANNING PERMISSION** subject to the following conditions (with authority to finalise conditions and reasons for approval):

1. A04 Time limit
2. Bcustom Details and construction of acoustic barrier
3. Ccustom Noise management plan
4. Ccustom Ecology lighting plan
5. C38 Development in accordance with plans
6. D04 Hours of operation 08:00hours to 18:00hours Monday to Friday, 09:00hours to 13:00hours Saturday, No working on Sundays or Public Holidays
7. DCustom Noise generated by activities and operations on the site shall not exceed +5dB rating level as determined at any noise sensitive receptor in accordance with British Standard 4142:1997
8. Dcustom Total annual throughput of material shall not exceed 50,000 tonnes

- I25e Trenches
- I25m Nesting birds
- I32 Fire authority
- I35custom Great crested newts
- I35custom Storage of materials
- I35custom Ground nesting species
- I40 Conditions
- I44 Reasons for grant of approval

OBJECTIONS RECEIVED: Yes.

MAIN ISSUE: The impact of a larger building (relative to the recently approved building – reference TWC/2014/0335) on the amenity of the area including its visual impact.

PROPOSAL:

The application is for a building for aluminium storage and associated water tank for dust suppression, additional acoustic barriers and removal of a mobile phone mast.

The new building would measure 25 metres wide by 35 metres long and would be 12.3 metres high to the ridge of the roof, 9.5 metres to the eaves in height. The new building will be constructed of concrete, metal panels with internal lining and acoustic panelling located at a central part of the site approximately 10 metres from the western boundary which is heavily landscaped. The aluminium compound will have sliding doors in the north-western elevation which will be closed when a lorry unloads or loads materials providing an effective acoustic enclosure.

An additional length of 110 metres of new acoustic fencing measuring 8m high would be located primarily on the western and northern boundaries and will adjoin the existing acoustic barrier and the proposed new building to provide a continuous acoustic barrier around the majority of the site.

There are currently three mobile phone masts on site and the sharing of these means that the most northerly mast and compound on the western boundary can be removed to accommodate a new 25 metre length of acoustic barrier 8 metres high. These masts are approximately 17 metres high and are the only structures taller than the surrounding trees.

The applicant has advised that he has submitted a revised application because the company that operates from the site has re-evaluated how the building that has been granted planning permission would be operated. A larger building would allow lorries to back into the building and unload more effectively. The applicant is of the view that a larger building, in combination with the additional acoustic buffers proposed, would help contain noise from the current site.

The application is accompanied by the following technical documents:

- Design and access statement
- Noise impact assessment
- Stability report declaration form
- Coal mining risk assessment

SITE AND SURROUNDINGS:

The application site is located north of the former disused railway line and houses at Leasowe Green. The surrounding area is mixed in nature and includes housing and other commercial industrial uses.

The site is approximately 60 metres to the nearest residential property at Leasowe Green to the south of the site, 95 metres to the nearest residential property at Gravel Leasowes to the north west of the site and 100 metres to the nearest property at Holly Road, Little Dawley to the north east of the site.

The majority of the site is hardstanding, with a small level change from the northern part of the site to the centre; generally the levels outside of the site rise dramatically to the north. A large industrial building is situated within the centre of the site on the eastern boundary of the site abutting the highway. The site is screened from the Lightmoor Road frontage by a scrubland type hedgerow. Within the site, the skyline is dominated by the existing acoustic

fencing, telecommunication masts, and a pylon to the south.

PLANNING HISTORY:

The site has a long history of use for scrap metal related activity.

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PLANNING POLICY CONTEXT:

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Saved Wrekin Local Plan Policies

UD2 Design Criteria

LDF Core Strategy

CS2 Jobs

CS3 Telford

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

SUMMARY OF CONSULTATION RESPONSES:

Telford and Wrekin councillors

Councillor Boulton:

Has asked for the application to be considered by Planning Committee for following reasons:

- Highways problems – HGV's park outside site before 8am blocking road and causing noise/ pollution. Wagons speed along this road– dangerous with blind corners and hidden access to and egress from Leasowes Green estate.
- Heavy industrial land use inappropriate in a mainly residential area.
- Noise levels have not decreased since acoustic barrier built. Most unloading takes place outside of the barrier and noise levels appear to have increased. Nature of materials now being recycled has also now changed taking it outside Environment Agency jurisdiction who say they do not have any powers of control over its operation. Residents do not have any confidence that unloading will take place within barriers or in the shed.
- Residents believe this is not an appropriate site for this company and efforts should be made to re-locate. However, they would not wish to oppose attempts to improve noise levels on site. Conditions should be made to ensure noise levels are reduced significantly.

Dawley Hamlets Parish Council: Object.

Similar concerns as expressed in application TWC/2011/0749. At that time, it was acknowledged that the application sought to mitigate against noise levels. Parish council

sought a condition that noise levels on the site be maintained at an acceptable level. This has not happened and noise from this site still heard as far away as Malvern Crescent.

Parish Council continues to receive concerns from residents about unacceptable noise. This additional facility would exacerbate problem. Existing noise prevention measures not effective and proposal would add an additional noise impact which would simply add to the residents' discomfort.

Council and external technical consultees

Drainage: No comments.

Highways: No objections.

Shropshire Fire Service: Comment:

Recommend that the applicant have regard to the service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" note.

Ecology: Comment

Recommend lighting plan and ecological informatives.

Coal Authority: No objection.

Environment Agency: No objection

Confirm the facility has to operate under an environmental permit (EP). As part of their permit compliance the applicant needs a Noise Management Plan which assesses noise impact of each process on site, details how these will impact on local receptors and how any noise impacts will be mitigated. Noise Management Plan must be updated and agreed with the Environment Agency before any operations taking place within the new building. The permit requires that all emissions are controlled to acceptable levels at all times.

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Pollution Control (Environmental Health): Comment.

Ask the Committee to refer to detailed comments made in connection with application TWC/2014/0335. No objection subject to conditions requiring a noise management plan, restricting hours of activity and requiring the acoustic barriers to be built in accordance with the noise mitigation impact report.

Residents

13 submissions have been received which raise the following issues:

- Inappropriate use in a residential area. Applicant now using this for a different purpose than historic use.
- Under present ownership, both noise and HGV traffic levels have increased.

- Traffic on Lightmoor Road dangerous, national speed limit. HGVs accessing the site have to drive on wrong side of road.
- Access to the site places unacceptable risks on walkers, cyclists, horse riders and other traffic. No footpaths. Pedestrians can't use the road.
- Acoustic barrier has not addressed noise problems. Won't work in future.
- Noise sounds like a waterfall of metal with crashing and screeching. It's incredible. Residents cannot enjoy use of back gardens, have to close windows. Sudden rushes of noise are disturbing. Little Dawley residents fed up with the noise.
- Light pollution from current activities including at all times of the night.
- Applicant has paid lip service to complaints without solving the problem or to ignore the complaint entirely.
- Company should move to a new industrial site. It needs to be closed down. Committee should reject this application to give time to Metal Waste company to seek an alternative site which does not seriously impact on the quality of life for residents. Don't encourage applicant to spend more money on this site.

One resident have also written in to state that HGVs have been sighted outside the site at 7.45am outside of their authorised starting time of 8am.

PLANNING CONSIDERATIONS:

The Planning Committee granted planning permission for a similar proposal in July 2014. The Committee report in relation to that application is attached to this report. The current proposal is for a building that is 10m longer than the recently approved development. Accordingly, the main planning issue is the impact of a larger building on the amenity of the area including its visual impact.

A 35 metre long building will not result in an intensification of use relative to that approved in July 2014 provided a condition is imposed restricting the throughput of scrap material on the site. There is some merit in having a larger building as this will allow lorries to manoeuvre into the building and unload/ load materials in an enclosed building.

A longer building will not have any materially adverse visual impact on the surrounding area relative to the recently approved building that would justify a refusal of planning permission. It would be located to the west of the site away from housing and would be screened by the extensive landscaped area on the Lightmoor Road frontage of the site.

It is therefore recommended that planning permission be granted subject to a suite of conditions and informatives similar to those which the Planning Committee imposed in July 2014. In summary, these conditions seek to control noise associated with this development and to restrict the hours of operation of this building.

Other matters for consideration and conclusion

Some local residents are clearly very concerned about the existing use and do not support the proposal. Officers recognise that the use causes some disturbance locally, have carefully reviewed these submissions and offer the following comments:

- The site has an authorised use for scrap related activity and is not in a wholly residential area.
- The development will not add to vehicle movements on Lightmoor Road provided a condition is imposed restricting the amount of tonnage the site can take each year.
- Restricting operating hours will protect residential amenity. The council has no authority to stop an HGV waiting outside the site just before it opens for business.
- The proposal will incorporate a number of measures to reduce noise impacts. These include enclosing some of the activity on the site and the erection of acoustic barriers.

The council will have powers to prosecute against noise impacts. These include breach of condition notices or notices under the Environmental Protection Act 1990 if there is a statutory nuisance.

- The company may wish in time to relocate but the council is unable to force its relocation. It is inappropriate to use the planning system to winkle out an existing business by refusing planning permission for a development required as part of its operations.

Officers conclude that the residents' submissions do not raise any new matters that would reasonably justify the refusal of planning permission for this development.

Recommendation

RECOMMENDATION: Based on the conclusion above, the recommendation to Planning Committee on this application is that delegated authority be granted to the Service Delivery Manager of Development Management to **GRANT PLANNING PERMISSION** subject to the following conditions (with authority to finalise conditions and reasons for approval):

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