

TWC/2017/0882

Recycling House, Rock Road, Ketley, Telford, Shropshire, TF1 5HW
Variation of Conditions, 1 (revised site plan), Condition 9 (1 modern wheel wash),
Condition 11 (operating hours), Condition 16 (clarification of type of waste) and
Condition 17 (Importation limit) and Removal of conditions 31 and 32 (Mineshafts
and Landscaping) (previously discharged) of planning permission W2005/0906

APPLICANT

Johnsons Aggregates & Recycling Limited, Steve Johnson

RECEIVED

31/10/2017

PARISH

Ketley

WARD

Ketley and Overdale

OFFICER Kate Stephens

**KETLEY PARISH COUNCIL & WARD CLLR MARK BOYLAN HAVE REQUESTED
THE APPLICATION BE DETERMINED BY PLANNING COMMITTEE**

1.0 THE PROPOSAL

- 1.1 The application relates to an existing waste processing facility on Waterloo Road in Ketley. It seeks to vary various conditions on the existing planning permission W2005/0906 to allow a new operator (Johnson Aggregates & Recycling) to run their particular type of waste recycling business from the site by processing Incinerator Bottom Ash (IBA).
- 1.2 IBA is the non-hazardous waste left over from what is burned in municipal solid waste incinerators. "Ash" is a slightly misleading term, as IBA is not all powdery but contains glass, brick, rubble, sand, grit, metal, stone [source:]. Recycling it reduces waste going to landfill. Once the waste is processed to remove metals and other materials, the resulting Incinerator Bottom Ash Aggregate (IBAA) can be re-used in the aggregate and construction industry to make roads, pavement concrete, lightweight blocks for example.
- 1.3 The applicant and operator intends to make various alterations to the internal layout of the site to improve the working operations and practicalities of the site. The applicant is not yet operating from the site, as it needs to be cleared of waste that has been deposited by the previous interim operator. If this current planning application is granted, the site will be cleared of the existing waste, and then the applicant can reconfigure the site for its own operations.
- 1.4 The site already benefits from existing planning permission to accept and process waste and this is a significant and material consideration in the determination of this current application. The first consent (application ref: W99/0012) was allowed on appeal in 1999 for a waste transfer station for household, commercial and industrial waste for recycling. In November 2007 an application W2005/0906 for an "Extension of the existing recycling centre; extensions to existing building/workshop; construction of additional car parking; creation of hardstanding for storage, separating and crushing of hard core soil and materials; storage of skips; and associated landscaping" was

allowed on appeal for the then applicant and operator Wellings Limited. In granting consent the Inspector imposed 33 planning conditions, many of which were specific to Wellings Limited and the skip hire business they ran. It is some of these conditions that the current applicant wishes to vary.

- 1.5 The conditions and the proposed changes are set out below.
- 1.6 Vary Condition 1. This condition stipulates that the site shall be laid out in accordance with a specific plan (relating to Wellings Limited). The applicant wishes to substitute that plan with a new one that will allow a more efficient use of the site more suited to Johnsons' Aggregates type of business. The amendments include:-
- Demolish the smaller processing/workshop shed,
 - Install a second weighbridge and then position both weighbridges further into the site to reduce traffic congestion for waiting vehicles entering/leaving the site,
 - Create an area in the north and western part of the site for vehicles to unload/load waste and a waste storage and quarantine area,
- 1.7 Vary Condition 9. This condition required the installation of two full underbody wheel-wash facilities within 6 months of the appeal.
- 1.8 Vary Condition 11. This condition restricts the operating hours on the site and reads as:-

The operations hereby permitted shall only be conducted between 7am and 7pm on weekdays, and between 7am and 4pm on Saturdays, with no working or activities at all on the site on Sundays or Public Holidays.
Reason: To protect the residential amenities of the surrounding area.

The applicant wants to open the site an hour earlier Monday to Friday at 6am instead of 7am, to allow lorries pre-loaded, pre-weighed and parked the night before to be driven off at 6am. They also want to finish earlier on a Saturday (2pm instead of 4pm). There would continue to be no operations/activities on Sundays or Public Holidays

- 1.9 Vary Condition 16. This currently limits the type of waste to be stored on site to:-
- Only uncontained, inert, no-toxic materials shall be stored on the site.
Reason: To prevent pollution of the water environment.

The applicant wants to change this to read: "No waste other than Incinerator Bottom Ash shall be imported, stored and processed at the site". This effectively reduces and limits the range of waste that come and go from the site. However, IBA is similar in nature to inert Construction and Demolition waste (C&D) which the site is able to receive and process under the extant permission.

- 1.10 Vary Condition 17. This limits the total amount of waste that can be brought to the site and currently reads:-

Not more than 6,000 tonnes of waste materials shall be brought onto the site in any calendar month. Records of the amount of waste materials received at the site shall be maintained and made available for inspection by the Local Planning Authority at all reasonable times:

Reason In the interest of highway safety and the amenity of the area.

This condition currently allows the site to accept a maximum of 72,000 tonnes per year (based on 6,000 tonnes per month). The previous Environmental Permit granted for the site allowed a greater tonnage of waste (of differing types) to be imported through the site and so the planning condition was at odds with the permit allowance. The applicant originally proposed to increase the annual tonnage of waste through the site to 250,000 tonnes per annum with no increase in the number of Heavy Goods Vehicles (HGVs) visiting the site. However, in response to residents' and officer concerns, the applicant is willing to reduce the total tonnage for the site to 200,000 tonnes per year (i.e. 16,666 tonnes per month)

- 1.11 Remove condition 31. This was an enforcement-related condition imposed on the operator at the time by the appeal Inspector requiring ground investigations for mineshafts and any necessary treatment.
- 1.12 Remove condition 32. This was an enforcement related condition imposed on the operator at the time of the appeal requiring a hard and soft landscaping scheme.
- 1.13 Johnsons Aggregates will also need to apply for an Environmental Permit from the Environment Agency in order to operate from the site. The Environment Agency will be the lead body dealing with air quality, noise and ensuring other aspects/requirements of any Environmental Permit are adhered to.

General site operations

- 1.14 Johnsons Aggregates intend to use the site for the accepting and processing of Incinerator Bottom Ash (IBA). This is a non-hazardous end-product of incinerated waste. The waste is collected from the incinerator and doused with water (which produces a crust and prevents dust being generated) and then transported by lorry to the application site. Once on site, the lorries pass over the in-bound weighbridge before tipping the waste into specific outside stockpile bays divided with concrete brick walks, where the waste is doused with water again and left to 'mature' for between 8-12 weeks. The lorries may either then leave the site empty, or they may go and collect a load of "matured" waste from a different part of the site and take this load to its next destination, passing over the out-bound weighbridge. Stockpiles will not be allowed to exceed 5m in height to prevent them being visible along the north and north-eastern boundaries.
- 1.15 During maturation the waste will be tested to determine when it is ready for processing and recycling. Once the waste is ready for processing it is removed from the stockpile bay with a front-loading shovel and placed into a

feed hopper located outside the main processing building, which will have a raised roof to minimise stray dust. The hopper then feeds into a covered trommel screen and then onwards into the building. Once inside the building a series of magnets will remove metals and the IBA will be screened and crushed into various sizes of finished Incinerator Bottom Ash Aggregate (IBAA) products. Another front-loading shovel will take the finished products to external storage bays located on the eastern side of the site. Therefore the only plant and machinery outside the building will be the two front-loading shovels and the hopper and covered trammel.

- 1.16 To improve site operations, traffic circulation and lessen the potential for lorry traffic to wait on the road before entering the site (as was the problem with the previous interim operator) the applicant intends to:-
- Demolish the existing smaller processing/workshop shed in order to make better use of the site and to remove a narrow pinch-point and create more room for vehicles to pass.
 - Widen the site access onto Waterloo Road to allow vehicles to enter and leave the site at the same time,
 - Install a second weighbridge and relocate both weighbridges further into the site away from the site entrance to allow any queuing vehicles to come into the site off the road.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located approx. 3kms north west of Telford town centre, accessed off Waterloo Road. The M54 runs along the site's southern boundary.
- 2.2 The nearest residential properties are in Sinclair Gardens to the north of the site together with a Garden Centre. Waterloo Road (and Rock Road as it becomes) serve several housing estates and Ketley Business Park, as well as linking to Old Park roundabout, and passing Newdale Primary School.
- 2.3 Wellings Limited have operated from the site for the majority of the time since the first appeal decision in 1999. More recently, since about 2014, another operator occupied and traded plastic waste from the site and were in the process of amending the appeal conditions to apply to their operations. However, that company has ceased trading from the site and have left their waste on site, which will need clearing away before the current applicant can operate.
- 2.4 There is a small processing/workshop building, a large processing building, a two storey office building, a weighbridge office, weighbridge, staff/visitor car park, and an area to the west at the 'top' of the site for the outside storage of waste and for vehicles to unload and manoeuvre. The site topography rises up to a higher ground level to the west of the site. There are some soil mounds/bunds around this area of the site. The interim operator, who has ceased trading and operating from the site and has left bales of unprocessed plastic on site, in the buildings and on an area

- 2.5 The site is 'white land' in the adopted Local Plan so has no particular designation. A small slither of designated 'Green Network' lies between the southern site boundary and M54. The site is also located within the 250m buffer of a landfill site to the east and is in a High Risk Coal Mining Area

3.0 PLANNING HISTORY

- 3.1 TWC/2016/1042 - Amendment and variation of various conditions of existing planning approval W2005/0906 to allow more HGVs, longer working hours and more waste tonnage, new zoning layout of external storage areas and internal traffic flow, widening of existing entrance/exit, provision of additional weighbridge and wheel wash and installation of two balers. Withdrawn 2/10/17
- 3.2 TWC/2014/0852 – Installation of two waste balers and alterations to existing work plan. Withdrawn 3/3/15.
- 3.3 TWC/2014/0622 – Variation of Condition 11 on W2000/0228 to allow putrescible domestic refuse and mixed municipal waste (retrospective). Withdrawn 3/10/14.
- 3.4 W2005/0906 - Extension of the recycling centre, extensions to existing building/workshop, construction of additional car parking, creation of hardstanding for storage, separating and crushing of hard-core soil and materials, storage of skips and associated landscaping. Refused 23 Jan 2007. Joint planning & enforcement appeal allowed 28 Nov 2007.
- 3.5 W2004/0933 – Extension to waste recycling facility. Withdrawn 8.12.04.
- 3.6 W2000/0228 – Erection of a waste transfer station incorporating offices, workshops, gate house, weighbridge re-fuelling area, landscaping and construction of a new vehicular access. Granted 14/8/2000.
- 3.7 W99/0012 – Outline planning (with all matters reserved) for change of use to waste transfer station – household, commercial and industrial wastes for recycling, excluding difficult and special waste types. Appeal against non-determination allowed 21/12/99.

4.0 PLANNING POLICY CONTEXT

- 4.1 National Planning Guidance:
National Planning Policy Framework
- 4.2 Telford & Wrekin Local Plan
SP1 Telford
SP4 Presumption in favour of sustainable location
C3 Impact of development on highways
BE1 Design Criteria

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

5.1 Environment Agency – No objection

- There is currently no active permit regularising waste handling activities at the site and the applicant is now seeking to control operations under a new lease and Environmental Permit.
- The EA is the competent authority for the regulation of certain activities.
- The proposal involves the treatment of non-hazardous slags and ashes with a capacity of more than 75 tonnes per day.
- An Environmental Permit will need to be issued under section 5.4, part A (1)(b)(iii) of the Environmental Permitting (England & Wales) Regulations 2016.
- Environmental Permits seek to identify and minimise the risks of pollution arising within an identified boundary, including those arising from operations, maintenance, accidents and incidents.
- It is normal to see specific conditions related to environmental management systems; energy and raw materials efficiency; waste avoidance, recovery and disposal; site security; operating techniques; closure and decommissioning; site protection; monitoring of emission to land, air and water, and the control of potential nuisances such as odour, noise and vibration.
- The permit does not seek to duplicate control of other operational aspects that normally fall within planning such as the hours of operation, landscaping and visual amenity, and the frequency, timing and routes of vehicle movements.
- The applicant has submitted an application for an Environmental Permit and have carried out a noise assessment (albeit prior to the proposed alterations and prior to the removal of existing waste on site) which concludes that levels are closest to the region specified as having a low impact.
- We may need additional information before an Environmental Permit can be issued.
- With respect of activities proposed at the site under the Environmental Permit being applied for, the noise levels would not be dissimilar to the activities previously carried out. Therefore do not have any objection to the proposed minor amendments to the planning permission.

5.2 The Coal Authority Response – no objection

- Conditions 31 and 32 seek to address risks to both public safety and ground stability posed by the recorded mine entry (shaft) within the planning boundary, the conjectured position of which is in the location of where the car park extension was previously proposed.
- Notwithstanding the above, in considering the justification provided by the applicant, together with the revised site plan (i.e. the area of where

the car park extension is now proposed to remain free from development), The Coal Authority would have no objections to the removal of Conditions 31 and 32.

5.3 Shropshire Council (Historic) – No comments

5.4 Shropshire Fire Service – Comment

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

5.5 TWC Environmental Health (Pollution) – No comment

- In relation to operational hours it would be in line with other sites.
- Recommend conditions for :-
 - a. A post mitigation noise report shall be submitted to the Local Planning Authority, to demonstrate that the mitigation measures required and installed have had the desired noise reduction effect / impact. This report shall be submitted in writing to the Local Planning Authority and is also subject to approved by the Local Planning Authority before the development can be occupied. If the post migration report demonstrates that the noise mitigation measures have not worked as intended until all necessary additional works have taken place.
Reason for the above condition: In order to protect public health and preserve amenity
 - b. Reversing and warning alarms fitted to vehicles will not be audible at the site boundary between the hours of 6am and 7am Monday – Friday and Saturday 7am – 8am.
Reason for the above condition: In order to protect public health and preserve amenity

5.6 TWC Highways – now support with conditions

5.6.1 Initial comments:-

- As a result of the proposed increase in throughput of material, the average load size at peak HGV trip level will be more than tripled from the existing permitted scenario. It is therefore reasonable to consider that in order to sustain the proposed throughput, whilst maintaining the constraint of HGV movements, larger HGVs will be utilised, further exacerbating any existing issues, outlined below.
- As a direct result of HGV movements associated with the application site, the condition of Rock Road/Waterloo Road is deteriorating unsustainably. Any increase in loading as a result of the proposals would only serve to hasten the degradation of the adjacent highway

network and could potentially be a major contributing factor to the road no longer being fit for purpose. The geometry of the site access is inadequate in that there is insufficient space to allow two HGV's to access/egress simultaneously. Resultantly, HGV's entering the site are forced to wait on the highway to give way to exiting vehicles. Further to this, there are also concerns with regards to the road geometry to the north of the site, adjacent to Wrens Nest Lane; a tight bend in the road forms a 'chicane' like feature. The road geometry here forces HGVs to overrun into the opposing traffic lane in order to negotiate the chicane, and when coupled with the restricted forward visibility at this location, can be considered as a cause for concern in terms of highway safety.

- It is to be noted that this is not a formal recommendation for refusal at this time and the Local Highway Authority would recommend that the aforementioned concerns are given further consideration.

5.6.2 Further comments

- The planning consent granted at appeal under application no. W2005/0906 was originally granted for a skip business, and as such, the conditions placed upon the consent at the time pertaining to tonnage of material throughput and HGV movements, were designed in conjunction with the operation of this type of business, using predominantly skip lorries. This is evidenced by the Barbers Commercial Planning Statement prepared to support the application under planning reference [W2005/0906](#), which states 'The types of vehicle involved are skip lorries (height 11.5ft), a hook loader (height 14ft), "REL" – similar to a large dust cart (height 12.4 ft) and an articulated bulk lorry (height 13.6ft).'
- The amendments proposed to these conditions as part of this application would fundamentally change the dynamics of the site operation, which is currently not considered suitable in this environment, from a highways perspective.
- Regardless of the acknowledged 'fall-back position' in terms of the extant permission, the proposals will either result in the use of larger HGV's or increased numbers of HGV movements in order to attain the proposed throughput.

5.6.3 Highway Concern A (i.e. road geometry and HGV conflict)

- Acknowledging the 'fall-back position' with regards to the extant planning permission, the proposed increase in throughput of material will nonetheless inevitably result in the use of larger vehicles over those referenced in 2005.
- The adjacent highway network does have some geometric inadequacies in accommodating such vehicles - the primary example of this being the tight bends to the north of the site that forms a chicane adjacent to Wrens Nest Lane.
- HGV's negotiating these bends are forced to encroach into the opposing traffic lane, which when coupled with the reduced forward visibility around these bends, is considered a highways safety concern.
- This is further exacerbated by the introduction of even larger vehicles; a 12m (approx. 32 tonne) 4 axle rigid HGV and a larger 16.5m (approx.

44 tonne) 6 axle articulated vehicle shown as the 'Typical Johnsons Aggregates & Recycling HGVs' contained within Plates J & K of Appendix A. It is considered that there is no land with which to amend the road layout at this location in order to mitigate this issue.

- Recommend imposition of a condition requiring installation of an HGV triggered advanced hazard warning system located at either end of the chicane to the north of the site on Waterloo Road to alert vehicles approaching the chicane of oncoming HGVs tracking over the carriageway centre line, in the interests of highway safety.

5.6.3 Highway Concern B (i.e. conflict with pedestrians)

- There is a large amount of both vehicular and pedestrian traffic on the adjacent highway network during school drop off and pick up times, due to the close proximity of a primary school and nursery to the site.
- During these times numerous vehicles utilise the Wrens Nest Public House car park as a drop off/pick up point, which involves significant numbers of vehicles accessing and egressing via the existing dropped kerb access just off of the chicane. In addition to this, these times can be considered the peak times for pedestrian movements in this area, with a large number of pedestrians emerging from the Public Right of Way from the West, opposite Wrens Nest Lane; subsequently, a large number of pedestrians cross informally at this location in order to proceed to/from the school via the public house car park.
- This crossing location affords restricted visibility to the right due to the close proximity to the chicane. It is the Local Highway Authority's concern that the increase in traffic manoeuvring onto and off Waterloo Road and pedestrian movements associated with peak school times will give rise to an increased potential for conflicts with HGV traffic from the site, when coupled with the fact that the proposals will either result in the use of larger HGV's or increased numbers of HGV movements in order to attain the proposed throughput.
- Recommend condition restricting no HGV movements to or from the site during the hours of 08:00 – 09:00 & 14:30 – 15:30 to remove HGV traffic associated with the site from the network in order to minimise the potential for both vehicular and pedestrian conflicts with HGVs during peak times on the adjacent highway network, which are associated with school drop off and pick up times, in the interests of highway safety.

5.6.4 Highway concern C (i.e. existing access)

- The existing site access is also geometrically inadequate in that there is insufficient space to allow two HGV's to access and egress simultaneously, which will result in HGV's waiting on the highway.
- Recommend condition requiring the widening of the access within the site to allow enough width for two HGVs to access and egress the site simultaneously, to minimise the potential of HGVs waiting on the highway in order to gain access, in the interests of highway safety.

5.6.5 Highway concern D (i.e. state of road surface)

- The depth of bituminous construction of Rock Road does not lend itself to HGV traffic as it was originally designed to a specification for minimal HGV use. Resultantly, the structural condition of Rock Road is deteriorating.
- The principles of road wear suggest that the structural road wear attributable to vehicles is assumed to be proportional to the fourth power of the axle weight. This means that a 10% increase is assumed to increase structural road wear by 46%, and a vehicle with two times the axle weight of another will cause 16 times the wear. It is therefore reasonable to conclude that the proposed increased throughput of material will significantly hasten the degradation of the highway when compared to the existing permitted scenario. This is considered unacceptable to the Local Highway Authority.
- Although the agent/applicant has suggested that the increased tonnage of material can be comfortably accommodated within the existing threshold of 50 HGV movements in and 50 out, we must iterate that this is a maximum figure that was implemented by the inspector, with the skip business usage in mind, and not a target to be attained.
- Regardless of this, at peak HGV movements, the proposals would result in almost 3x increase in average load size, which, with the aforementioned principles of road wear in mind, would still result in a significant increase in road wear as a result of the proposals; to an extent which simply could not be sustained within a highway setting such as this.
- Therefore recommend S106 obligation of £54,000 towards carriageway plane and inlay works in the immediate vicinity of the site access.
- The monies are to be paid upon the commencement of the permission to vary Condition 17 to increase throughput of material from 72,000 Tonnes Per Annum to 200,000 TPA, indexed and any unspent monies after 5 years refunded to the applicant.

5.6.6 Further Conditions

- Request that a condition is implemented pertaining to vehicle weigh bridge logs in order for the LPA to monitor both vehicle numbers and weights, and this data is to be made available when requested by the LPA.

5.7 **TWC Drainage – now support subject to conditions**

When permission for the original site use (W2005/0906) was granted, a drainage condition was placed on the site. As the site is upstream of a flooding hotspot, an 8 litre per second restricted surface water discharge was required (i.e. the developed site was not allowed to release rainwater runoff to the public sewer at a greater rate than an undeveloped site). In order to store the additional volume of water that the new site usage would generate, a design with an attenuation pond was submitted. The site was never fully hard surfaced and an attenuation pond was never constructed.

This new application (TWC/2017/0882) has sought to vary some of the conditions of W2005/0906 and to concrete the entire yard area. As part of this, a new site layout was submitted and this layout showed the area originally identified as an attenuation pond changed to a storage yard/open ground. No alternative means of surface water attenuation was proposed. As a result of this, and particularly because of the downstream flood risk, Drainage Planning objected to the new proposals.

Following discussions with the developer and the submission of additional drainage information (including a Drainage Strategy), the developer is now proposing to install an attenuation pond as previously agreed. The rate of surface water discharge from the site will be 8 litres per second, as agreed under the original planning permission W2005/0906.

In addition to this, the new proposals are seeking to utilise rainwater harvesting as part of the site operation, therefore when the site is in running, surface water runoff will be reused within the site and will not drain towards the downstream flood risk area. This should provide an additional betterment to the flood risk in this area.

Therefore support subject to conditions and more information either prior to approval or as a suitably worded condition on any planning permission:

- Detailed designs for the attenuation basin, showing side slopes and maintenance access into the feature and flow control feature.
- A Microdrainage model for the site in .mdx format.
- Add Condition: Development shall not take place until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall restrict surface water runoff to 8 litres per second and any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. The approved details shall be implemented in full prior to the first occupation of the development.
Reason: To ensure satisfactory drainage of the site and avoid flooding.

5.8 **Ward Cllr John Ashford (Ketley & Overdale) - object**

With the nature of this business and the close proximity to the residential area, this application would be best suited elsewhere. The air pollution, logistic problems and the fact that there was a similar problem with HGVS using this poorly designed road layout will only reinforce that fact that this type of business cannot be placed in this area

5.9 **Ketley Parish Council – Object and call-in application**

- The Parish Council objects to this application.
- The lives of local residents were blighted by the effects of this recycling facility under previous operating restrictions.
- Any increase in working hours is highly likely to be detrimental to the quality of life of local residents.
- The application was considered at the Parish council meeting in November where the council agreed to unanimously oppose the application.

- A residential area is wholly unsuitable for a high volume waste recycling operation. The Borough council, in the interests of local residents, should do everything in its power to provide an alternative site for this company - we understand that this was considered and discussed with the previous occupier of the site.
- This should be in an industrial area where local householders would not have to suffer the inconvenience and safety hazards of living next to such a site.
- Residents are frustrated and angry following the disruption caused by the previous operator with issues going on for a considerable time, any decision to increase working hours would have a negative impact on the quality of life and safety of local residents.

5.10 Highways Considerations

- A visual inspection of the road would confirm that it is not suitable for the movement of large Heavy Goods Vehicles.
- Issues constantly occur when two large vehicles meet on this road, requiring one vehicle to mount the pavement in order to pass - some parts of the road have no pavements and this factor when coupled with heavy vehicle traffic would continue to put pedestrians, especially parents with children, at risk of injury.
- Further heavy goods traffic will increase the risk of injury to pedestrians and motorists using this road as well as further damage to existing footpaths.
- Residents have previously reported that recycling vehicles were regularly exceeding the speed limit, further increasing the risk of injury to road users and pedestrians. The 'S' bend approaching the site from the Wren's Nest is difficult to negotiate for general traffic, increased numbers of large vehicles will further increase the risk of vehicle collisions.
- Pavements have been damaged previously by large vehicles regularly mounting the pavement due to the unsuitability of the road and the roads were constantly dirty and messy due to the numbers of large vehicles using them.

5.11 Noise/Disturbance

- Residents will be subject to noise disturbance from vehicles and machinery Street furniture/lamp posts have been damaged by large vehicles on a number of previous occasions due to the roads being unsuitable for large vehicles.
- The numbers of large vehicles accessing and leaving the site exposes houses along this route to vibration due to the size and weight of vehicles passing by.
- An increase in operating hours will make these problems worse than they have been previously.

5.12 Smells/Dust

- The smell from the site has previously been a major problem for local residents. To a point this is something that you may expect for a recycling site but this is another potential issue affecting the amenity and quality of life of residents. Loading/unloading and large numbers of

vehicle movements will also cause dust and grime which will affect residential properties.

- The material being processed is ash which, by its nature, could provide a dust problem for local residents.
- Once again, allowing longer operating hours will significantly worsen existing problems.

5.13 Capacity of physical infrastructure

- Access to this site is wholly unsuitable for large vehicles – there is a clear public safety risk to pedestrian and drivers.
- Damage to roads and pavements has previously been a problem and these vehicles will be carrying more weight.
- The siting of this business close to residential properties with unsuitable access roads has already caused significant misery for residents.
- The Parish council would recommend that a suitable site for recycling be identified to allow the business to trade without adversely affecting the quality of life of local residents.

5.14 **Lawley & Overdale Parish Council - object**

- The Parish Council have always felt that this facility should not be at this site, although we recognise that the Planning Inspector's decision to grant planning approval in 2008 means that it can continue to operate.
- But concern that many of the conditions imposed by the Inspector do not appear to have ever been properly enforced and we would ask Telford & Wrekin Council's Planning Committee to ensure that all conditions relating to the site are reviewed and enforced where necessary. With regard to the current application our comments are as follows:
- Condition 6 - The Planning Inspector's 2008 report states that within 6 months of his approval of the application i.e. By August 2008, the site "shall be covered with an impermeable concrete hardstanding". This does not appear to have been done and should therefore now be completed as part of this application.
- Condition 9 - The 2008 report states that "two full underbody wheel-wash facilities shall be provided on site at all times ... in the interests of highway safety." The Parish Council believes this condition should stand and the application to reduce to one wheel-wash should be refused.
- Condition 11 - The 2008 Report imposed the current working hours "to protect the residential amenities of the surrounding area." Local residents clearly do not want the hours extended to allow lorries to leave the site before 7am and we support them. We would also ask the applicant to consider the residential nature of the surrounding area and stop the site opening on a Saturday. We would also ask the applicant to ensure that drivers of lorries using the site are instructed to use Rock Road and Waterloo Road only, and not to travel via Overdale and Garfield Road as this route is totally unsuitable for HGVs.

- In addition, the Parish Council asks that Telford & Wrekin Highways take into consideration the residential nature of the area, the proximity of the local Primary School and play area, that this road is a designated route for pedestrians and vehicles to travel to the Primary School and HLC Secondary School and the dangerous bend close to the site on Waterloo Road and impose a 20mph speed limit on both Rock Road and Waterloo Road to improve the safety of pedestrians and other road users.

5.15 Parish Cllr Bill Gilmour (Lawley & Overdale Parish Council) - object

- Whilst this site has planning permission to be a recycling centre I am very disappointed that the Town planners continually allow Companies access to this site given the totally inappropriate road used by articulated vehicles to gain access to the site. At one end of Rock road the access is limited and narrow. There is a junior school with no footpath provision in places making it very dangerous for school children walking in the road to get to school. At the other end there are two blind hairpin bends making it impossible for the articulated vehicles to remain on their side of the road when negotiating them.
- Given the proximity of houses and bungalows to the road, it is not appropriate to have 100 + lorries a day travelling on this inappropriate road.
- The proposed extended working hours starting at 6 am is also not acceptable.
- My understanding that the company maybe burning or producing ash which cannot be kept within site and will cause dust problems and potential health problems to local residents.
- I wholly support the objections of other local residents as both a resident and Parish Councillor for part of this area and neighbouring areas.

5.16 Parish Cllr Sheila Slaney (Lawley & Overdale Parish Council) - object

- As a parish councillor and a resident of Lawley I am objecting to this proposal on the grounds of health and noise pollution to everyone within the surrounding areas.
- At present our NHS is under tremendous pressure and it is almost impossible to see a doctor within a week, and if this treatment works is allowed to proceed then I can envisage many more adults and children developing lung and other health problems in the future so putting even more pressure on our over-stretched health system. PRH has already been hit by cuts and it is a constant battle to provide adequate services for the people of Telford & Wrekin.
- Equally I am supporting the residents of Lawley & Overdale whom I represent within the Lawley & Overdale Parish.
- This revised site facility should be moved to a properly designated industrial site where it is outside the boundaries of a built up and growing residential area.

- The problems in this area of traffic congestion, air pollution, noise saturation and overall disturbance can only get worse and we are at a stage where this can be nipped in the bud by our local council who should be supporting their residents in a more positive manner.
- It seems irrational to give planning consent for housing on one side of the M54 and approval for an increase to a waste plant directly on the opposite side of the motorway.

5.17 **Neighbour consultation responses**

174 letters of objection received from local residents, summarised below:

5.18 **Highways Concerns**

- A visual inspection of the road would confirm that it is not suitable for the movement of large Heavy Goods Vehicles. The area of Ketley Town has changed considerably since these original plans were passed. The amount of normal traffic has now increased significantly as well as the flow of pedestrians.
- With this proposal, there will be around 100 Lorries a day going to and from this site, which will probably also include Lawley Drive to access the site from the M54.
- Some roads in the area have no pavements at all, others are damaged due to large vehicles mounting them.
- Due to nearby primary school, nursery and parks large number of parents with young children walk down the road, as limited footpaths, so are put at risk from oncoming traffic.
- The location of crossings near the site are also cause for concern, as there is restricted visibility due to chicanes in the road.
- Recycling vehicles regularly exceed the speed limit, further increasing risk of injury. Risk to motorists and pedestrians is likely to increase with this proposal due to an increase in HGV traffic and further damage to existing footpaths.
- Traffic caused by HGVs can result in the blocking of routes to the hospital for general public.
- The parking of these Lorries on the road and mounting verges and footpaths often leads to the road being unpassable.
- Some cyclists on the footpath end up being forced into the fencing by a lorry, which mounted the pavement.
- The access to the site is extremely inadequate, with insufficient space to allow two HGVs to access/egress simultaneously such that HGVs entering the site are forced to wait on the highway to give way to exiting vehicles.
- The increased operating hours would mean 1 HGV could be on the road waiting entry or exist every 8 minutes during normal operating periods.
- Concern with road geometry to the north of the site, adjacent to Wrens Nest Lane as a tight bend in the road forms a "chicane". This forces HGVs to overrun into the opposing traffic lane in order to negotiate the chicane and when coupled with the restricted forward visibility at this

location, can be considered as a cause for concern in terms of highway safety.

- HGV movements are causing the condition of Rock Road/Waterloo Road to deteriorate and roads are constantly dirty and messy and becoming no longer fit for purpose.
- The depth of bituminous construction of Rock Road does not lend itself to HGV traffic as it was originally designed to a specification for minimal HGV use – hence structural condition of Rock Road is deteriorating.
- The principles of road wear suggest that the structural road wear attributable to vehicles is assumed to be proportional to the fourth power of the axle weight. This means that a 10% increase is assumed to increase structural road wear by 46%, and a vehicle with two times the axle weight of another will cause 16 times the wear.
- At peak HGV movements, the proposals would result in almost 3x increase in average load size, which, with the aforementioned principles of road wear in mind, would still result in a significant increase in road wear as a result of the proposals; to an extent which simply could not be sustained within a highway setting such as this.
- With regards to the extant planning permission, the proposed increase in throughput of material will inevitably result in the use of larger vehicles, meaning the issues that already exist will only increase in severity.

5.19 Noise / Disturbance

- Noise disturbance is regularly caused by vehicles and machinery.
- Street furniture including lamp posts have been damaged by large vehicles on a number of previous occasions due to roads being unsuitable for large vehicles.
- Potential vibration damage to road side properties is more than likely going to occur because of the large number of HGVs, a significant detrimental impact on my families quality of life and that of those living in the surrounding areas will become apparent.
- Increase in operating hours will exacerbate these problems.
- A mix of 8 wheeled 20 tonnes and / or 26 tonne HGVs to manage, with a maximum of 100 movements per day, so over a standard working day of 13 hours we can expect an average of one these passing and shaking our house every 7.8 minutes.
- The developers only 'propose' (not would stick to!) 10 pre-loaded HGVs leaving the site between 6am and 7am so in fact at the earliest and quietest time of the day subjecting us to one rumbling past every 6 minutes. This is the equivalent noise pollution effects and intrusion frequency from living under an airport flight path that is proven to increase health issues such as high blood pressure.

5.20 Smell/Dust

- Incinerator Bottom Ash will produce dust when piled up to mature and then again create dust when moved. The dust created can be inhaled, get into homes and gardens and cover the surrounding area, resulting in a massive impact on both the health of nearby residents and the environment.

- Increased tonnage of waste from 75,000 tonnes to 250,000 tonnes means even more loose ash will be transported by HGVs on our local roads.
- Also leads to levels of air pollution increasing, impacting the health of local residents, including those in Ketley, Overdale and Lawley.
- With the excavations and building of Ironstone and the recent open cast mining, Lawley has endured constant noise and dirt pollution. Residents have already had to limit opening windows and doors, due to a film of black dust houses. This development will exacerbate matters.
- No evidence has been provided to suggest that the IBA is non-hazardous. The level of hazard posed by IBA is determined by chemical testing and the applicant has provided no information to suggest that regular chemical test checks will be carried out on its stock materials
- Some residents have said that every day when travelling past the site there is always a smell like burning materials. Not only does this effect people in the area with breathing problems, it makes the whole area unbearable to be in when burning is happening.
- Since the previous site shut down, teachers at the local school have noticed a huge difference and improvement in children's breathing and associated problems like asthma.
- If allowed then residents can envisage many more adults and children developing lung and other health problems in the future, putting even more pressure on our health system.
- From a schools perspective, this development is very worrying and will lead to a number of potential problems. Schools encourage healthy lifestyles and want children to grow up in the cleanest environment possible – which is not possible with the site being so close to residential dwellings.
- The stench from the old "Pink Skips" site was dreadful, to the extent of having to keep children inside at play times on a regular basis. This is something that might have to start happening again if this development is granted.
- The Dust Management Plan document on the application states, 'The EP application seeks a permit to accept up to 250,000 tonnes of IBA and 50,000 tonnes of other permitted materials per annum'. So, in reading that, I assume that the quoted number of vehicles will be even more due to this additional 50,000 tonnes. Leading to even more dust and air pollution being created.
- One resident stated that having worked with IBAA very recently, when wet the smell is horrendous. Although the applicant might attempt to mitigate dust generation from the stockpiles, having what is essentially a large wet pile of the material will generate a smell which will surely travel within the local area.

5.21 General Concerns

- This development is situated in the middle of a large, built up area where homes are still being built. Due to the residential nature of the surrounding area – request the site stops opening on a Saturday.

- A lot of health and safety issues are likely to occur i.e. rats, Lorries on paths, accidents and near misses on beds will occur more regularly, dust and mud, paths and kerbs damaged.
- Other residents have extreme concerns over the unsuitable location, as it is in close proximity to two schools and children's play areas. Some believe a 20mph speed limit on both Rock Road and Waterloo Road should be introduced, to improve safety of residents.
- Need to ensure that drivers of Lorries using the site are instructed to use Rock Road and Waterloo Road only. Not to travel via Overdale and Garfield Road as this route is totally unsuitable for HGVs.
- It is not fair on the residents who live along the route to have HGVs rumbling past their houses at 6 o'clock in the morning. From past experiences Lorries arrive way before the opening time and queue up along the road causing an obstruction waiting for the site to open.
- All of these factors have led to a large number of residents having concerns that house prices might be affected by this development.
- There are plenty of industrial estates in Telford that are purpose-built and better suited for this use.
- Despite only 2 incidents occurring in the last 5 years on this road and neither suggesting any fault due to HGV's, presumably these are only recorded whereby the Police or Ambulance services have been called out and the majority of incidents that residents witness on this road are of the nature of bumps and scrapes between vehicles encroaching over the central white line due to large oncoming traffic that don't result in any personal injury. If this application is passed, then we can only expect an increase of these incidents and the expenditure with the heightened frequency and risk potential that a pedestrian will get hurt.
- Approximately 50% of the vehicles will be owned and managed by Johnsons Aggregates & Recycling firm and so we would hope that they enforce their application conditions of ensuring that the vehicles are covered always and washed accordingly without bringing residue on to Rock road. It is the remaining 50% that is operated by independent haulers that have previously proven not to adhere to these conditions and so not only littered the approaching roads with dirt and dust but also our homes and possessions.
- Conditions previously imposed by the Inspector do not appear to have been properly enforced. Residents wish to ensure that all conditions relating to the site are reviewed and enforced where necessary.
- Condition 6: The Planning Inspectors 2008 report states that within 6 months of his approval of the application, by August 2008, the site "shall be covered with an impermeable concrete hard standing". This does not appear to have been done and should now be completed as part of this application.
- Condition 9 – The Parish Council believes this condition should stand and the application to reduce to one wheel-wash should be refused.
- Condition 11 – Local residents clearly do not want the hours extended to allow Lorries to leave the site before 7am and we support them.

5.22 Comments

- No objection to the use of the site - as someone who has spent over 50 years in private business I understand the need for entrepreneurial business to develop and support the local economy and the employment of local labour.

5.23 **Head teacher Newdale Primary School - object**

- I am writing in support of the local residents and in the interest of our school site. Many people who work at this school and many of our parents live in the vicinity of this proposed development. From a school's perspective, it is very worrying by way of many potential significant problems:-
- Both current and past children walk past the proposed site on their way to and from either our school or HLC secondary school. The number of huge HGV lorries would be a huge risk by way of road safety as we know from past experience that they mount the curb and block access etc.
- Pollution and quality of the air from not only the number of lorries but also the incinerator waste. We encourage healthy lifestyles and want our children to grow up in the cleanest environment possible – the site is simply too close to residential dwellings.
- Parents and wheelchair users often use the pavements located near the proposed site and the concern around safety is too high a risk. If the lorries met each other, they would have no choice other than to mount the pavement to get passed.
- Times of operation – again I cannot see how this would be fair considering the local residents and our own school children.
- We are about to open an outdoor classroom at the front of the school site which sits adjacent to the Rock Road. This space will be occupied by children very regularly and hence would be severely impacted upon should this application be approved – lorries travelling up and down the Rock road would clearly have a huge impact by way of noise pollution and diesel fumes.
- As a school we oppose the development of this site wholeheartedly and do hope that the permissions to develop are not granted.
- A lot of our families use the Rock Road to walk and cycle to school inline Government initiatives to get children more active.
- The Governors and staff at the school object to the proposal and would urge a different site to be located.

5.24 **Employee of Meadows Primary School - object**

- I strongly object to this application.
- This type of industry should never be situated near a residential area, surely this was why industrial estates were designed.
- Working at a nearby school, the stench from the old 'Pink Skips' site was dreadful, to the extent of having to keep children in at playtimes on a regular basis.
- Should this site re-open on a bigger basis, with plans to burn on site as well will make the situation even worse.

- Access to the site, via Rock Road is not fit for purpose for such huge recycling lorries and is also a huge hazard to pedestrians.
- Hopefully someone in planning will see sense and not allow this preposterous application to go any further

6.0 PLANNING CONSIDERATIONS:

6.1 Having regard to the development plan policy and other material considerations, the planning application raises the following main issues;

Principle of development
Highways
Drainage
Impact upon amenity
Other matters

6.2 Principle of Development

- 6.2.1 The new applicant (Johnsons Aggregates & Recycling Limited) intends to operate from the site and process residual ash from incinerators, known as Incinerator Bottom Ash (IBA). The applicant wishes to vary some of the conditions more relevant to their own operations so as not to be in breach of them. The site is 'white land' in that it does not have any designation or allocation on it in the adopted Local Plan. The site is located within Telford's urban and built up area where development is to be focused under TWLP Policy SP1.
- 6.2.2 The site received permission to operate as a waste recycling and skip hire business in 1999 (allowed on appeal), with a further extension of the recycling centre, extensions to existing building/workshop, construction of additional car parking, creation of hard-standing for storage, separating and crushing of hard-core soil and materials, storage of skips and associated landscaping also allowed on appeal in November 2007 (W2005/0906).
- 6.2.3 The principle of allowing a waste business to operate from this site has already been established. This "fall back" position is a significant and material consideration in the determination of this application as the existing permission runs with the land, not with a particular company or operator. This means that refusing this current application does not remove the use on the site nor does it stop the site continuing to be used as a waste transfer station, regardless of who is operating it.
- 6.2.4 TWLP policy ER7 (Waste management facilities) expects altered waste facilities, such as this, to help increase rates of recycling, create new employment opportunities and minimise the impact of the facility on the local environment and possibly contribute the local community. The proposal to recycle IBA will increase recycling rates and will accord with the government's Waste Strategy of finding other uses for waste and moving it up the waste hierarchy, with landfill being the last resort. There will be some job

opportunities, like with the existing site, for on-site operatives as well as with the associated other activities such as HGV drivers.

6.2.5 Issues regarding minimising the impact of the facility on the local environment and contributing to the local community will be discussed later in this report.

6.3 Highways

6.3.1 The fall-back existing planning permission and conditions for this site are relevant when considering and comparing this current application from a highway capacity and safety perspective.

6.3.2 Highway issues have been a big concern for residents. The interim operator, who has now vacated the site, ran a different type of waste business and used very large articulated HGVs. Local residents reported issues of encountering these large lorries on the 'S' bends of Waterloo Road, with lorries crossing the central white lines, causing concerns to vehicles drivers as well as pedestrians. There were similar concerns when the lorries drove south along Rock Road, which narrows and bends in places without a pavement and passes Newdale Primary School. Also these lorries would, at times, wait parked up on the road outside the site because there wasn't room on site.

6.3.4 The site has an existing access onto Waterloo Road whose geometry and visibility is deemed acceptable. However, our Highways engineers have advised that it would benefit from being widened inside the site to more comfortably allow HGVs to pass and enter/exit the site at the same time. The applicant is willing to do this and this could be conditioned as a requirement before the applicant starts operating (as the site has to be cleared of previous waste and the site reconfigured) and would help overcome the previous problem of "waiting lorries" .

6.3.5 Parking on site should be adequate. There is an existing staff/visitor car park of 17 spaces adjacent the existing two-storey office building that is already marked and laid out. Once cleared of the left waste this can be re-used for its intended parking purpose. The reconfigured site will also allow more space on site for vehicles to arrive, manoeuvre and wait to be loaded up, as well as stop at the relocated weighbridges on their way in and out.

6.3.6 Planning officers are also satisfied that the changes proposed to the internal layout of the site with a widened access, relocation of weighbridges and demolition of a building in a narrow pinch-point, will go a long way towards improving general site operational efficiency as well as reducing the issue of "waiting lorries" parked on the road outside the site.

6.3.7 The applicant does not seek to amend condition 18 that currently restricts the number of HGVs visiting/leaving the site to 50 HGVs in and 50HGVs out on any day. This will stay the same. An HGV is a vehicle that is over 7.5 tonnes and the condition makes no distinction between types or sizes of HGVs, so the existing use and site could receive HGVs of any size regardless of this new application. Furthermore, condition 18 does not prevent or limit the

number of other smaller lorries, vans and cars entering or leaving the site. This is a material consideration that has to be taken into account and limits what highway issues can be considered or what restrictions could be imposed when considering this current application.

6.3.8 However, the applicant wishes to vary condition 17 to allow an almost three-fold increase in the tonnage throughput of waste. Without any increase in the number of HGVs this will mean a combination of lorries carrying heavier loads (and IBA is dense and heavy especially as it is transported doused in water) and larger HGVs visiting the site. It is this that causes concerns for residents and officers.

6.3.9 It is harder to control the type of vehicles using the site and the route they take as the existing permission would still allow 100 two-way HGV movements a day without any controls. Waterloo Road and Rock Road are part of the borough's highway network and can be used by any HGVs or other vehicles driving through Telford. Imposing any vehicle or route restrictions on this new operator would not prevent other HGVs from elsewhere using the road. The operator may also use sub-contractors to bring/take waste to and from the site, so vehicles would not necessarily be marked "Johnsons Aggregates", and other vehicles from other businesses can legitimately use Waterloo Road and Rock Road and drive past the site entrance in either direction. Therefore it would not be reasonable to impose such a restriction as it would not be possible to enforce it.

6.3.10 The Council's Highways Engineers fully recognise the limitations of the existing permission, the practicalities of the local road alignment and of large vehicles trying to negotiate the 'S' bends and residents' concerns. In doing so they suggested various mitigation measures and conditions.

6.3.11 One suggestion was a Section 106 contribution of £54,000 to go towards road surfacing improvements in the immediate vicinity of the site access. Despite the applicant acknowledging that they haven't caused any road damage, and with other road users allowed to travel along the road any damage that may or may not occur would not necessarily be attributable to them, they are willing to pay this. In identifying the required s106 planning obligation on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits and that the obligation is:

- necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Planning officers consider that a payment to repair existing damage not caused by the applicant or to contribute to future repairs that may not necessarily be caused by them, does not meet the tests hence is not CIL compliant. As such officers consider that the Highways request for a s106 contribution of £54,000 is not CIL compliant and therefore it cannot be requested, despite the applicant's willingness to pay it.

- 6.3.12 The Highways engineers have also suggested the addition of several new conditions namely, the installation of an HGV triggered advanced hazard warning system to be located at either end of the chicane to the north of the site on Waterloo Road, and that there are no HGV movements to and from the site between the hours of 08:00 – 09:00 & 14:30 – 15:30 Monday to Friday.
- 6.3.13 The installation of an HGV triggered advanced hazard warning system would certainly help advise motorists and pedestrians of an on-coming HGV on the bends. However, such a system would only be advisory, unless traffic lights were installed obliging motorists to stop, but this would affect all vehicles using the road. Whilst acknowledging that HGVs of any size can continue to visit the existing waste site regardless of this application, to require the imposition of such a condition indicates that there is problem. Planning officers consider it is unreasonable and unacceptable to potentially compound and worsen the problem with a likely increase in the number of large or heavy HGVs not being able to negotiate the bends.
- 6.3.14 The suggested condition to cease HGV movements in/out of the site between 8 – 9am and 2.30 – 3.30pm to avoid rush hours and school collection times (to safeguard both motorists and pedestrians) would be difficult to enforce and hence would not pass the six tests for conditions. For this reason planning officers consider it unreasonable to impose such a condition.
- 6.3.15 Planning officers therefore consider that to allow an existing waste use to be altered to such a degree that will potentially increase the number of larger HGVs on inadequate roads and worsen pedestrian/motorists encounters would not improve the local environment and not positively contribute to the local community and is hence contrary to TWLP policy ER7. Furthermore, the suggested conditions and commuted payment to help mitigate the impact of the development on the borough's local road network are not reasonable, enforceable or CIL compliant and would be contrary to TWLP policy C3.

6.4 Drainage

- 6.4.1 The Council's drainage engineers had some initial concerns regarding the applicant's proposed surface water drainage system and water storage mechanisms. Whilst not objecting to the water storage in principle, in light of known flooding problems in the vicinity of the site (but not caused by the site) the applicant was asked to submit additional information to clarify and address these concerns. The Council's drainage engineer is now satisfied. The attenuation pond that was meant to be provided by Wellings Limited under the previous consents had not been installed, but this will be installed as part of the applicant's current drainage proposals. As such there will be some local betterment in local drainage and reducing flooding.

6.5 Impact upon amenity

- 6.5.1 The nearest residents are those in Sinclair Gardens who effectively back onto the site. Also residents along Waterloo Road and Rock Road and Newdale

Primary School encounter HGVs and vehicles visiting the site. They also experience any other vehicles or lorries traveling on the highway network. However, the site has had an established waste transfer use since 1999 which can attract vehicles and 100 HGV movements a day and these movements are not proposed to be increased as part of this application.

6.5.2 The type of waste to be processed is non-toxic IBA, a by-product of the incinerator process. The stockpiles of this waste will be doused with water to reduce airborne dust. The Environment Agency will need to issue an Environmental Permit before the applicant can operate from the site and they will be the chief agency to monitor activities on site, including dust and air quality. They have no objection to the use of the site for the storage and processing of IBA. The Council's Environmental Health pollution team have no objection.

6.5.3 With regards the increased hours, this will be for an hour earlier in the mornings between 6-7am Monday to Fridays. Whilst there would be no deliveries of waste to the site and no processing of waste between 6-7am and the vehicles can be pre-loaded and parked ready to be driven out of the site in a forward manner, there would still be increased activity at this early hour (which is deemed a night-time hour), that planning officers consider would be detrimental to the amenities of the surrounding area. As such the proposal would be contrary to TWLP policy BE1 (xi)

6.6 Other Matters

6.6.1 Wellings Limited did not fully carry out all the appeal conditions. Part of the site for storage was to be covered with an impermeable concrete hardstanding under condition 6. Therefore this remains an outstanding requirement. The current applicant will be able to do this when the site is cleared of the left waste. Therefore the condition needs amending slightly to address this and ensure the area is concreted after the area is cleared of waste and before the applicant starts operating. The Council's drainage engineer has considered the laying of concrete in the surface water drainage calculations.

6.6.2 With regards condition 9 and the request for the condition to stipulate a single wheel-wash facility instead of two. Following the last appeal, Enforcement Officers agreed with the previous applicant (Wellings) that the single wheel-wash proposed was adequate and there was no need for two. Therefore officers continue to agree that a single wheel-wash facility for existing vehicles will be adequate and would agree to this condition variation.

6.6.3 The applicant advises that they have entered into a contract with the landowner that requires the landowner to clear the site of all existing waste within 3 months of the date of the planning permission.

7.0 CONCLUSION

- 7.1 Many of residents' concerns refer to the site being an inappropriate location and an alternative site should be found. Whilst this may be desirable, the fact remains that there is an existing permission on the site. This is a material consideration in the determination of this application. It is also a fall-back position because the permission runs with the land, not an operator. This means that even if this application was refused for Johnson Aggregates & Recycling, Mr Wellings or another operator could continue to run the skip hire and waste business from the site. Just because residents would prefer an alternative location is not a reason for refusal.
- 7.2 This current application seeks to reduce the type of waste the site can process to just IBA – no longer plastics, cardboard for example. The applicant also proposes to make various changes to the layout of the site to improve the operational efficiency of the site. The processing of a different waste (in this case IBA) still accords with the government's waste strategy and helps reduce the amount of waste going to landfill.
- 7.3 Widening the site access will enable HGVs to pass and enter/leave at the same time, hence avoiding the previous issue of HGVs vehicles waiting on the road to enter the site. Demolishing the smaller workshop/processing shed will remove a pinch-point within the site and create more operating/manoeuvring space. A second weighbridge will be installed so that lorries don't have to wait, and both weighbridges will be positioned further into the site away from the entrance – this means that vehicles can pull off the road and wait insidier the site. Officers consider that these various changes together will make a better operational site that will address many of the issues caused by previous operators.
- 7.4 As a result, officers agree to:-
- Vary condition 1 to replace the layout plan,
 - Vary condition 9 to allow the installation of a one full underbody wheel-wash facility instead of two,
 - Vary condition 16 to amend the description of waste that can be processed at the site to be only Incinerator Bottom Ash.
 - Remove condition 31.
 - Remove condition 32.
- 7.5 However, although the number of HGVs is not being increased the applicant wants to increase the tonnage of waste the site can process almost three-fold from 72,000 tonnes per year to 200,000 tonnes per year. This will mean the use of heavier and/or larger HGVs, which already have trouble negotiating the inadequate geometry of the local approach roads that cannot be widened due to third part land. Officers therefore consider that to allow an existing waste site to be altered to such a degree that will exacerbate an existing situation and worsen pedestrian/motorist encounters on the local highway network would not improve the local environment and not positively contribute to the local community. Furthermore, the suggested conditions and commuted payment to help mitigate the impact of the development on the borough's local road network are not reasonable, enforceable or CIL compliant.

- 7.6 Whilst there will be some improvements to the operations of the site and a betterment to local drainage and reduction of localised flooding, planning officers consider that on balance the issues relating to HGVs and the early opening hours will be detrimental to highway safety and the amenity of the surrounding area and indicate the general unsuitability of the proposal. Furthermore some of the proposed mitigating conditions are not enforceable and financial contributions, would not be CIL compliant.
- 7.7 As such officers cannot agree to vary condition 11 to allow the site to open at 6am Mon to Fri (but not to operate/process waste or take deliveries until the current time of 7am) and to close earlier at 2pm on Saturdays (instead of 4pm); or vary Condition 17 to increase the tonnage of waste throughput to the site to 200,000 tonnes per year (instead of current 72,000 tonnes per year).
- 7.8 Therefore overall officers grant planning permission, agreeing to vary conditions 1 (layout), 9 (wheel wash) and 16 (description of waste) and remove conditions 31 and 32 (minshafts & landscaping) with some minor changes necessary to some other conditions to reflect the knock-on effect. However officers do not agree to vary conditions 11 (hours) and 17 (waste tonnage) and as a result the wording of these conditions will remain unchanged and as they appear on the Inspector's set of conditions (W2005/0906) and as replicated in paras 1.6 and 1.8 above.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee is to **GRANT PLANNING PERMISSION** to vary conditions 1, 9, and 16 and to remove conditions 31 and 32.