

REGULATORY COMMITTEE
17th DECEMBER 2008

**CHRISTIAN MALFORD: DEMOLITION OF EXISTING OFFICE/STORAGE BUILDING AND
ERECTION OF NEW OFFICE STORAGE BUILDING ELSEWHERE ON SITE. RELOCATION OF
EXISTING WEIGHBRIDGE, CREATION OF CAR PARK FOR STAFF AND VISITORS AND
RESHAPING OF SOIL SCREENING BUND – LAND AT 28 MAIN ROAD,
CHRISTIAN MALFORD
FOR MR J.D. PORTER
(Application No. N/07/07020)**

Purpose of Report

1. To consider the above application and to recommend that conditional planning permission be granted.

The Site

2. The application site is an existing waste transfer station situated to the east of Christian Malford, immediately south of the B4069 Main Road.
3. To the west of the site is a residential property (No. 28 Main Road) and agricultural fields to the south. Further residential properties are located to the west and north of the site. To the east runs Friday Street, along which are situated other dwellings and businesses.
4. A location plan, together with plans showing the existing layout of the site and the proposed location of the new building are attached at **Appendices 1, 2 and 3**.

Planning History

5. In brief, the planning history of the site is as follows:

<u>N/93/0526</u>	Certificate of Lawful Use (for continued use of site as a scrap metal business) granted by North Wiltshire District Council on 28 th July 1993.
<u>N/04/0486</u>	Application for a Certificate of Lawfulness (for use of land as a scrap yard for the hiring and storage of skips and processing of waste) refused by Wiltshire County Council on 9 th December 2004.
<u>N/04/0487</u>	Planning application for extension of existing site for the storage of waste skips and formation of new vehicular access. Withdrawn by applicant on 31 st January 2005 in light of the refusal of N/04/0486.
<u>N/05/07003</u>	Planning application for change of use from scrap yard to waste transfer station, construction of sorting bay, new vehicular access, skip storage area and landscaping (retrospective). Approved by Wiltshire County Council on 31 st May 2006.

The Proposal

6. Planning permission for the extension of the site to accommodate the waste transfer activities was approved by the County Council in May 2006. Since this time, the applicant has found that the existing arrangement of the buildings impedes the safe and efficient operation of the site.
7. This application seeks planning permission for the following:
 - Demolition of existing office/storage building and erection of new office/storage building elsewhere on site
 - Relocation of existing weighbridge
 - Re-modelling of soil screening bund
 - Creation of staff and visitor parking area.
8. The existing office/storage building and weighbridge are located in the centre of the yard, away from the new site entrance. The applicant proposes to relocate the building and the weighbridge to the south-east of the yard, adjacent to the site entrance. The proposed building is similar in floor space to the existing building and would be clad in grey steel sheet. The maximum height of the building would be 6.3 metres. The existing building would be demolished and removed from site.
9. To accommodate the office/storage building, a small area of the soil bund that forms the southern boundary to the site would need to be re-aligned.
10. The current parking area in the south-west of the site means that visitors have to walk across the site to and from their vehicles. The relocation of the parking area adjacent to the site entrance would mean that visitors would no longer need to cross the yard to reach the office.
11. The proposed location and operation of a mobile vehicle de-pollution unit on the site has subsequently been withdrawn from the application.
12. The applicant states that the volume of material coming into the site would not increase but that the additional space created by reorganisation of the site would allow the enterprise to operate more safely and efficiently. As it is not proposed to extend operating hours or tonnages of waste imported to the site, the applicant contends that the development would have no additional effects on the character and appearance of the area or the amenities of local residents.

Planning Policies

13. The following policies are considered relevant to this application:
 - Policy W4 of the Adopted Wiltshire and Swindon Structure Plan 2016 (adopted April 2006) (WSSP).
 - Policy 6 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 (adopted March 2005) (WSWLP).
14. The relevant policies are set out in **Appendix 4**.

Consultation

15. **North Wiltshire District Council** – no objection, but suggests full details of the mobile de-pollution unit need to be provided via a suitably worded condition.
16. **North Wiltshire District Council (Environmental Health Officer)** – no objection.
17. **Christian Malford Parish Council** – concerned whether the bunding is of sufficient height to counter the new proposals.
18. **Local Member, Mrs. J. Scott** – no comment received.
19. **Environment Agency** – no objection subject to the inclusion of conditions relating to surface water drainage works and flood protection.
20. **Countryside Section** – initially concerned that the drawings that have been supplied do not accurately reflect what has been permitted under previous permission N/05/07003, but satisfied that revisions made now provide a satisfactory landscaping scheme along the southern bund.
21. **Local Highway Authority** – no objection subject a condition securing the ongoing provision of the car park.
22. **Rights of Way Section** – advises that there is currently an application lodged to divert the footpath that runs to the east of the site entrance.
23. Copies of the consultation replies referred to above are available in the **Members' Room**.

Publicity

24. The application has been advertised in the local press and by site notice. A neighbour notification exercise has been undertaken. Two letters of representation have been received. The concerns raised are as follows:
 - The proposals would expand the business beyond reasonable levels.
 - Conditions of the existing permission are regularly breached.
 - Proposed mobile de-pollution will lead to continued noise from site.
 - Plans should include more extensive planting.
 - Conditions controlling stacking heights and operating times should be re-applied.
25. Copies of the representations are available in the **Members' Room**.

Planning Considerations

26. The planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

27. This application proposes a series of measures to address current deficiencies in the layout of the site and accommodation. The planning permission granted in May 2006 for the change of use of the site included the formation of a new vehicular access onto the B4069. This new point of access is located on the opposite side of the site to that which had existed for many years. The site operator has subsequently found this arrangement to impede safe and efficient operation of the site. It is not proposed that any of the existing conditions of the planning permission granted in May 2006 be altered.
28. The existing workshop/office is in poor condition and it is proposed that it be replaced. Rather than rebuild on the present footprint in the centre of the yard, it is proposed that a new building of similar size be constructed in the south-east corner of the site adjacent to the entrance/exit. Relocating the building to this position would provide a clear open area within which to turn, load and unload vehicles and store skips, unlike at present where working areas take the form of constrained strips of land alongside and around the workshop/office building.
29. Concern has been expressed that the reorganisation of the yard will result in an expansion of the business. However, the applicant does not envisage the volume of material passing through the site to rise, only the level of sorting. Whereas generally material would be bulked-up into larger skips/containers before onward transportation to landfill, the new requirement is to recover all recyclable waste from skips before they can be taken to landfill. The conditions of the existing permission which would still apply relate to restriction of operating hours and vehicle numbers, the heights to which material and skips can be stacked and specify the areas within which the handling and storage of materials can take place.
30. Officers consider that relocating the building to the proposed position would improve the operation of the site in terms of safety and efficiency and should also avoid the problems recently experienced at this site where some activities have strayed outside permitted areas. It follows that in relocating the building, the weighbridge and staff/visitor parking area should also sensibly be located next to the entrance/exit. The new building itself would be clad in profiled steel sheet, coloured grey and is considered by officers to be of an appropriate design for its location and proposed use.
31. The Parish Council has questioned whether the bunding which forms the southern boundary of the site is of sufficient height to counter the new proposals. The adequacy of this landscaped bund was considered as part of the determination of the 2005 planning application. It was concluded that once established it would provide an effective screen to the site. The new proposals necessitate a small alteration to the alignment of the bund, after which the approved planting scheme would be completed. Positioning the new building on this boundary would also shield views of the waste handling activities from those properties that lie to the south of the site, as well as reduce the break-out of noise and light spill towards these properties.

Conclusion and Recommended Reasons for Granting Approval

32. The replacement office/storage building, weighbridge, provision of a staff and visitor parking area and associated reshaping of the screening bund are considered reasonable and necessary measures for the safe and efficient operation of this site.
33. It is considered the new building is of an appropriate design for its location and proposed use and subject to compliance with the conditions the development would not cause any significant harm to the amenities of the local area.

Recommendation

34. That planning permission be granted for the above reasons and subject to the following conditions:

1. The development hereby permitted shall commence within three years of the date of this permission.

Reason: To comply with Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Waste Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

3. As the area may exceptionally be prone to flood from time to time, the finished floor level in the building hereby approved should be set at least 250mm above the general yard and site access road levels.

Reason: To minimise any flood risk consequences at the site.

4. The building hereby permitted shall be constructed entirely of the materials details of which are shown on Drawing No: 1206/11D dated June 2008.

Reason: To ensure that the development is carried out in accordance with the approved details.

5. The building shall not be occupied until space has been laid out within the site in accordance with Drawing No: 1206/11D dated June 2008 for eight cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway.

6. All hard and soft landscape works shall be carried out in accordance with the approved details of which are shown on Drawing No: 1206/11D dated June 2008 and to a standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Waste Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the first available planting season with others of species, size and number as originally approved.

Reason: To ensure the provision, establishment and maintenance of a satisfactory standard of landscaping in accordance with the approved designs.

7. The site access road, its junction with the public highway and the visibility splays shall be laid out, constructed and surfaced in accordance with the approved details which are shown on Drawing No: 1206/1D dated August 2006 approved under planning permission ref: N.05.07003 dated 31st May 2006. The visibility splays shown shall be provided and maintained free of all obstruction to visibility at or above 600mm above the nearside carriageway level.
- Reason: In the interests of highway safety.*
8. Operations authorised by this permission, including commercial vehicles entering and leaving the site, shall be restricted to the following periods:
- 08.00 hours to 18.00 hours Monday to Friday
08.00 hours to 13.00 hours Saturday
- and shall not take place on Sundays or Bank or Public Holidays.
- Reason: To protect the amenities of local residents and visitors to the area.*
9. No more than 30 heavy goods vehicles shall enter the site in any one day during the period Mondays to Fridays inclusive and no more than 15 heavy goods vehicles shall enter the site on a Saturday.
- Reason: To protect the amenities of local residents and to regulate the use of the land.*
10. No waste transfer operations shall take place on site outside the confines of the building approved for this purpose as shown on Drawing No: 1206/11D dated June 2008, the details of which are shown on Drawing No: 1206/02 dated October 2003 approved under planning permission ref: N.05.07003 dated 31st May 2006, and no loose waste materials shall be deposited or stored on the adjacent open areas or outside the waste receiving bay or the salvaged/reclaimed materials storage bays as shown.
- Reason: To ensure that the development is carried out in accordance with the submitted details and to protect the amenities of the area.*
11. The height of any stockpiles or stacks of reclaimed or salvaged materials shall not exceed a height of 3.0 metres above existing ground level.
- Reason: In order to protect the visual amenities of the area and to regulate the use of the land.*
12. All plant or machinery shall be parked at ground level outside the hours of operation as specified in condition 8 above and not on top of any stockpile.
- Reason: In order to protect the visual amenities of the area and to regulate the use of the land.*

13. Empty skips shall not be stacked/stored in excess of a height of 2.5 metres above existing ground level.
- Reason: In order to protect the visual amenities of the area and to regulate the use of the land.*
14. There shall be no screening, shredding and crushing of any material on the site at any time.
- Reason: In order to protect the amenities of the area and to regulate the use of the land.*
15. Steps shall be taken to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other detritus on the highway. Efficient means shall be installed, maintained and employed for cleaning the wheels and chassis of all lorries leaving the site.
- Reason: To ensure that mud and other detritus is not carried onto the public highway in the interests of highway safety.*
16. No external floodlighting or other illumination shall be erected or installed at the site without the prior written approval of the Waste Planning Authority.
- Reason: To ensure that the development is carried out in accordance with the submitted details and to protect the amenities of the area.*
17. All existing trees, shrubs and hedges within the site and those immediately adjoining the site where this land is in the control of the applicant shall be retained for the duration of the development unless shown on the approved drawings as being removed and shall not be damaged, destroyed, uprooted, felled, lopped or topped without the previous written approval of the Waste Planning Authority. Any such trees removed without permission or dying or being seriously damaged or diseased during that period shall be replaced in the following planting season with trees of such size and species and in locations as may be approved by the Waste Planning Authority.
- Reason: To ensure the continuity of amenity afforded by existing trees, shrubs or hedges.*

GEORGE BATTEN

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The following unpublished documents have been relied on in the preparation of this Report:

Consultation replies and correspondence