

**7 DCNC2006/3324/N - CHANGE OF USE OF LAND TO A WASTE TRANSFER STATION FOR CONSTRUCTION AND DEMOLITION WASTE AT EXISTING TRANSPORT AND SAND/GRAVEL DEPOT AT UNIT 11, BROMYARD INDUSTRIAL ESTATE, BROMYARD, HEREFORDSHIRE, HR7 4NS**

**For: KTH Group Ltd per Gill Pawson Planning,  
Westman House, Chapel Lane, Nr. Tewkesbury,  
Gloucestershire, GL20 7ER**

**Date Received:  
17th October 2006**

**Ward: Bromyard**

**Grid Ref:  
65385, 55033**

**Expiry Date:  
12th December 2006**

Local Member: Councillors P Dauncey and B Hunt

**1. Site Description and Proposal**

- 1.1 The application site lies within Bromyard Industrial Estate at the former Porthouse Farm, to the north of Bromyard town centre.
- 1.2 The yard is used for the transfer of new aggregates (sand and gravel) stored in the bunkers and bagged up for onward transmission to customers. It has a good access road and there are industrial and manufacturing activities at other premises nearby.
- 1.3 The site accommodates the public weighbridge for the Bromyard area, also used by VOSA (heavy vehicle inspections) for checking loads.
- 1.4 In line with the Waste Hierarchy and government policies to reduce construction waste going landfill and to encourage re-use and recycling, the applicants wish to add the transfer of inert construction/demolition material (soil and stone, rubble, hardcore etc) to the existing use.
- 1.5 Skips containing such material would be brought to the site for sorting and bulking up to the existing outdoor storage bays or for transfer on in larger tipper lorries. No processing or treatment is proposed, any crushing or screening would be undertaken at other premises elsewhere. Sorting would be undertaken indoors in an existing building currently used for vehicle maintenance. Sorted materials would then be transferred to the yard bays for selling on in a similar way to the existing sand and gravel transfer, or trucked out in bulk as necessary. The vehicle maintenance repair workshop would be relocated elsewhere off-site.

## **2. Policies**

### **2.1 Regional Spatial Strategy**

WD1 Targets for waste management in the region

### **2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

S1	Sustainable development
S2	Development requirements
S6	Transport
S10	Waste
DR2	Land use and activity
DR4	Environment
DR9	Air quality
DR13	Noise
E6	Expansion of existing businesses
E8	Design standards for employment sites
W1	New waste management facilities
W3	Waste transport and handling

### **2.3 Herefordshire and Worcestershire County Structure Plan**

WD2 The disposal of waste

### **2.4 Government Guidance**

Planning Policy Statement 10 Sustainable Waste Management  
Minerals Policy Guidance 6 for Aggregates Supply in England (Amended 2003)  
Minerals Policy Statement 1 Planning and Minerals, Nov 2006  
Waste Strategy 2000

## **3. Planning History**

3.1 MH1557/78 - Erection of original buildings, vehicle maintenance, office, parking.

3.2 MH1033/80 - HGV hardstanding, storage bunkers.

3.3 MH0929/82 - upper floor office extension

3.4 The applicants acquired the site relatively recently, but they took over from the previous occupant (Delahay) who had developed the site as a transport yard since 1978 under planning permission reference MH1557/78. A further planning permission for a HGV hardstanding and storage bunkers was granted on 9th June 1981 under reference MH1033/80. The site is therefore long-established as a haulage and storage yard. There are no conditions on either permission that restrict the type or quantity of goods to be stored or transported.

## **4. Consultation Summary**

Statutory Consultations

- 4.1 Environment Agency have no objection, recommending one condition as a precaution should any contamination be unexpectedly discovered in the course of any remodelling works.

Internal Council Advice

- 4.2 Traffic Manager - No objection
- 4.3 Head of Environmental Health and Trading Standards - No objection

"I would advise that I have no objection to this proposal; however if it is minded to approve this application I would recommend the conditions suggested by the applicant in 6.1 of the supporting statement. Furthermore a site boundary noise level could be considered to control the noise from the sorting operation, however further noise monitoring would be required to verify the measurements taken by the applicant and to establish the existing background levels. Due to the nature of the existing operations it may prove difficult to set a reasonable enforceable level.

Conditions prohibiting the processing eg screening or crushing on site and restricting the operation to the handling of inert wastes with incidental timber from construction and demolition sites, could also be considered, however there may be some duplicity with the controls provided by the waste licensing systems."

**5. Representations**

- 5.1 Bromyard Town Council - supports the proposal, on the understanding that planning conditions and Environment Agency licensing would offer effective environmental protection.
- 5.2 Letters of objection have been received from Mr & Mrs D Quinton of 54 Kirkham Gardens, Bromyard, HR7 4EA, G T Ashford of 52 Kirkham Gardens, Bromyard, HR7 4EA, A M Harper, Hainsford, Tenbury Road, Bromyard HR7 4LP and Mrs O Richards of 66 Kirkham Gardens, Bromyard, HR7 4EA, also from Ms J McCarthy by email, jmccarthy@festivalhousing.org representing the landlord of Kirkham Gardens. Kirkham Gardens comprises sheltered bungalow accommodation adjoining the application site to the south.
- 5.3 The points raised are summarised as follows:
- Since KTH took over the site it has become considerably busier with an increase in noise and pollution;
  - One of their employees is using a fore-end loader bucket to scrape the yard surface;
  - The proposed change of use will undoubtedly cause an increase in noise and pollution;
  - Our bungalows are warden-controlled residences for the elderly, who cannot easily escape from the daily noise and we are at home for the most part;
  - The noise and dust will be totally unacceptable;
  - We are unable to hang out washing because of the dust;
  - The site is within a few yards of the bungalows in which many very elderly tenants live, most of them housebound;

- Most of us have breathing problems, the dust is very intense.
- Increased noise as loads are delivered by HGV
- More traffic using the site
- Increased amounts of dust
- Hazardous materials being brought to the site
- Difficulty in letting the properties
- Excessive noise and dust will be created
- HGV traffic will increase
- The building is insufficient in size
- There will be a conflict of interest in enforcing the legislation on this site
- Housing and wildlife will be affected by the pollution
- Bromyard already has a refuse tip

5.4 In addition to the submitted supporting statement and Environmental Information, a letter dated 7th November 2006 has been received from the applicant's agent. In summary it provides the following further information in support of the application.

- There are no other local sites able to accept clean inert waste for recycling and there is an urgent need to accommodate increasing arisings of Construction and Demolition waste;
- The site has a long-standing established use as a haulage depot for sand and gravel supplies and vehicle repair workshop, and the proposal is consistent with that use;
- If permission were granted, the heavy vehicle repair workshop would be relocated elsewhere and the waste transfer station would be located within the workshop building;
- Noise is created on site by vehicle reversing beeps, bagging operations, and yard cleaning, but there are also adjacent industrial sites generating similar or more noise. However, the applicant's vehicles are fitted with low-level beepers that are silent when vehicle lights are on. There is also an informal offer to relocate or insulate the bagging hopper to reduce existing noise impact.
- If planning permission is granted, a Waste Management Licence would be necessary. This would require in particular:
  - i. Improvements to the yard surface and drainage - it is anticipated that quieter cleaning operations would then be possible;
  - ii. Installation of a sprinkler system to control dust in dry weather;
  - iii. A Working Plan. This would specify that tipper lorries would not be used to access the building (therefore no increase in its height would be needed). Material would be delivered in smaller skip lorries, to be unloaded within the building for sorting and bulking up to full skips with clean loads to be removed off-site.
- Vehicle movements are summarised as the established use generating around 243 weekly trips to the yard, and with the proposed use approximately 260 trips including use of the weighbridge. However a reduction of about 10 trips could be achieved by utilising empty vehicles for transporting the waste transfer material. The proposal therefore does not represent a significant material increase in lorry traffic.

5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan are generally silent on matters relevant to this application, apart from Structure Plan policy WD2 which refers to the geographical relationship between waste sources and handling facilities. Malvern Hills District Local Plan Section 3 "Employment" highlights the need for industrial development to avoid significant harm to neighbouring properties (policy EMP 3) and to promote a safe environment. However all of section 3 relates in principle to new development, whereas the proposal is for a change to a well-established existing site on an industrial estate, with no requirement for new or altered buildings.
- 6.2 The emerging Unitary Development Plan is therefore the appropriate policy basis in this instance.

### Existing land use

- 6.3 The area around the application site is generally a mixture of residential and industrial employment uses, with no other environmental designations or constraints. In this respect the proposal complies with UDP (Revised Deposit Draft) policy W1. Waste Transfer is classed as a sui generis use, and therefore the proposal requires planning permission, however the site is an existing transport yard used for sand and gravel transfer, comparable to and compatible with the proposal.
- 6.4 Nevertheless, the nearest neighbours are residents of a sheltered housing scheme, who are likely to be vulnerable and elderly, spending much of their time at home. The applicant is aware of this and acknowledges concern for their welfare.
- 6.5 Bearing this in mind, the key issues in this application are:
- Sustainability;
  - Intensification of operational use;
  - Noise impact;
  - Dust and mud, according to weather conditions;
  - Traffic.

### Sustainability

- 6.6 The applicant's skip-hire business serves the construction industry. At present the application site is used for bagging up and transporting new sand and gravel, but there is increasing pressure on such businesses to re-use waste soil and rubble in line with the Waste Hierarchy, to comply with the Waste Framework Directive through the UK Waste Strategy 2000. Re-use of secondary aggregates also reduces the drain on regional natural mineral reserves as required by targets set in MPG6, now incorporated into the new MPS1.
- 6.7 The proposal to sort, separate and bulk up incoming mixed skip-loads of construction waste would enable a high proportion of this material to be re-used and/or recycled, significantly reducing the amount going to landfill. The yard would offer local facilities for the Bromyard area, observing the proximity principle and Best Practical Environmental Option (BPEO). These factors are supported by UDP (Revised Deposit Draft) policies S1, S10 and Structure Plan policy WD2.

Intensification of use

- 6.8 Rather than an additional use, the proposal comprises a substitute use for the building currently used as a heavy vehicle repair workshop – which would be relocated elsewhere. Therefore there should not be any net overall intensification arising directly from the proposal. The waste transfer station would complement the existing established sand and gravel bagging operations and would seem to be an appropriate and logical expansion/rationalisation of an existing business in line with UDP (Revised Deposit Draft) policies E6 and E8. There is no proposal to treat or process any wastes at the site, and any wastes other than inert soil, rubble and hardcore would either not be accepted at the site or would be transferred out for disposal/treatment elsewhere.

Noise

- 6.9 The applicant acknowledges that some of the operations at this site are noisy, however the site is on an established industrial estate surrounded by other noisy establishments including a tool hirer and a metal component manufacturer in the immediate vicinity. Nevertheless, mitigation is offered through planning conditions in terms of confining waste transfer work within the existing building, keeping the doors of the building closed during tipping and sorting, and ensuring minimal reversing beepers on vehicles. There is also the possibility of relocating and/or noise insulating the existing bagging hopper, although this would be on a voluntary basis as it would be outside the remit of this planning application.

- 6.10 The proposal to bring in waste would require a Waste Management Licence from the Environment Agency, which would very likely require improvements to the yard surface and cleaning methods, precluding the practice of yard scraping with a fore-end loader bucket. If permission were to be granted significant environmental improvements could be achieved - and reductions in existing noise nuisance to residents would therefore be possible, to ensure compliance with UDP (Revised Deposit Draft) policies DR4 and DR13.

Dust and Mud

- 6.11 Dust and mud are acknowledged to be a problem, but as with noise issues, mitigation is available through planning conditions and would also be a requirement of the Waste Management Licensing regime. Waste tipping and sorting would be undertaken entirely within the building and a ventilation system to arrest dust particles would be essential. Emissions of dust to air would not be acceptable to either the local planning authority or the Environment Agency. The aforementioned improvements to the yard surface would enable regular sweeping, and a sprinkler system could dampen down outdoor dust from stockpiles of sand and gravel as well as control any fugitive dust from skips accessing and leaving the building, to comply with UDP (Revised Deposit Draft) policy DR4. Waste Management Licensing conditions would therefore control emissions including dust from both the yard and the building.

Vehicle Movements

- 6.12 The applicant has demonstrated that whilst the proposal involves some increase in vehicle trips the removal of the heavy vehicle repair workshop would be a reduction, the net difference being approximately 10 extra trips per week. The site is currently a transport yard with no existing restrictions on vehicle numbers or tips. On the basis of the submitted details the proposal would not constitute a significant increase in traffic,

and the Traffic Manager has not raised any objection or concern. The proposal does not therefore conflict with UDP (Revised Deposit Draft) policies S6 and W3.

#### Conclusion

- 6.13 The identified environmental effects (mainly noise and dust) could be controlled and mitigated through planning conditions, but in any event the proposal could not be implemented unless a Waste Management Licence were granted by the Environment Agency. This licence would set stringent standards for environmental protection and control of emission, subject to regular inspections and enforcement if necessary.
- 6.14 The existing 1978 planning permission reference MH1557/78 does not include any protective or restrictive conditions. Members are urged to consider the fact that regardless of the outcome of this proposal the applicant is therefore free to continue current operations unrestricted by the local planning authority or the Environment Agency, on an established industrial estate.
- 6.15 The proposal however offers an opportunity to impose modern planning conditions at the site to protect the amenity of neighbours (in particular the elderly and vulnerable residents of Kirkham Gardens), which would also be regulated by the Environment Agency. This would reduce the current impact of the established sand and gravel yard, as well as mitigate any adverse effects of the proposed waste transfer station, and should actually improve conditions for neighbouring residents once the physical improvements had been implemented. Informal offers to further improve working practices at the site are welcomed, including noise insulation for the bagging hopper.
- 6.16 In addition, the proposal could contribute positively to the concept of a sustainable network of small, manageable facilities to assist and improve recycling of the large amounts of construction waste generated within the county and reduce amounts going to landfill.

#### **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 - The development hereby permitted shall be undertaken in accordance with the operational details found at paragraphs 2.0 - 2.4 inclusive of the submitted supporting statement dated October 2006.**

**Reason: To define the terms under which permission for change of use is granted.**

**3 - A11 (Change of use only details required of any alterations )**

**Reason: To define the terms under which permission for change of use is granted.**

- 4 - No waste materials shall be deposited or sorted in the building, outside the hours of 08.00 to 18.00 hours Monday to Friday unless otherwise agreed in advance in writing by the local planning authority.
- 5 - Before the development commences a scheme for a water misting system in the yard shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. The installed system shall be maintained in good working order and used to damp down all stored materials kept out of doors whenever dry weather allows dust to blow around the site.

**Reason:** To protect the amenity of local residents and to minimise any adverse effects of dust, in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2 and DR9.

- 6 - Before the development commences a detailed scheme for a ventilation and air extraction system within the building, including dust particle arrestment, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and the ventilation system used and maintained in good working order throughout the use of the waste transfer station.

**Reason:** To prevent pollution and dust emissions to atmosphere, in the interests of health and safety and the amenity of local residents in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2, DR4 and DR9.

- 7 - All waste tipping and sorting shall take place within the building with the doors kept closed.

**Reason:** To protect the amenity of local residents and to ensure the efficiency of the ventilation system required by condition 6 of this permission, in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2 and DR9.

- 8 - No unsorted waste materials shall be stockpiled or stored outside the building unless otherwise agreed in advance in writing by the local planning authority.

**Reason:** To protect the amenity of the local area in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policy S2.

- 9 - No wastes or waste materials other than those specified in this application shall be received at the application site.

**Reason:** To prevent pollution in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2 and DR4 and because any other type of waste materials would raise environmental and amenity issues that would require further consideration by the local planning authority.

- 10 - No burning, incineration, crushing, screening or otherwise treatment or processing of any waste materials shall take place at the premises.



**Reason: To prevent pollution and protect the amenity of the occupiers of nearby properties in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2, DR4 and DR9.**

- 11 - All wastes brought into or taken out from the site shall be transported in securely covered or enclosed skips or vehicles.**

**Reason: In the interests of road safety and to prevent pollution or nuisance, in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2, DR4 and W3.**

- 12 - F28 (No discharge of foul/contaminated drainage )**

**Reason: To prevent pollution of the water environment.**

- 13 - If, during development, contamination not previously identified is found to be present at the site then, unless otherwise agreed in writing by the local planning authority, no further development shall be carried out until a Method Statement detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter development of the site shall be carried out in accordance with the approved Method Statement.**

**Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health. [Environment Agency's required condition, - see informative note 2]**

- 14 – *(Adapted) G04 (Landscaping scheme (general) ) (Landscaping/planting scheme for SE boundary to be submitted within 12 months of the permission)***

**Reason: In order to protect the visual amenities of the area.**

- 15 - *(Adapted) G05 (Implementation of landscaping scheme (general) ) (implementation of approved landscaping in first planting season following scheme approval)***

**Reason: In order to protect the visual amenities of the area.**

## **INFORMATIVES**

- 1 - To protect local amenity in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2 and DR13, it would be of great benefit to residential neighbours if a scheme of noise mitigation for the existing bagging hopper could be produced and agreed with the local planning authority, to include either relocating the hopper away from residential neighbours, or enclosing it or lining it with sound insulating material.**
- 2 - Condition 13 refers to mitigation for the possibility of contaminated material being inadvertently imported with the construction waste, and also to any alterations to the surface of the yard or to the building, including changes to the inspection pit currently at the site.**

- 3 - If the inspection pit will be filled in, only inert material should be used. Only clean uncontaminated rock, subsoil, brick, rubble or ceramic should be permitted as infill. Such other materials as timber, paper, plasterboard, plastics, or any other material capable of producing polluting leachate, should not be permitted, to prevent pollution.
- 4 - The applicant should contact the Environment Agency local regulatory waste team regarding a Waste Management Licence, available on 08708 506506.
- 5 - HN01 - Mud on highway
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC

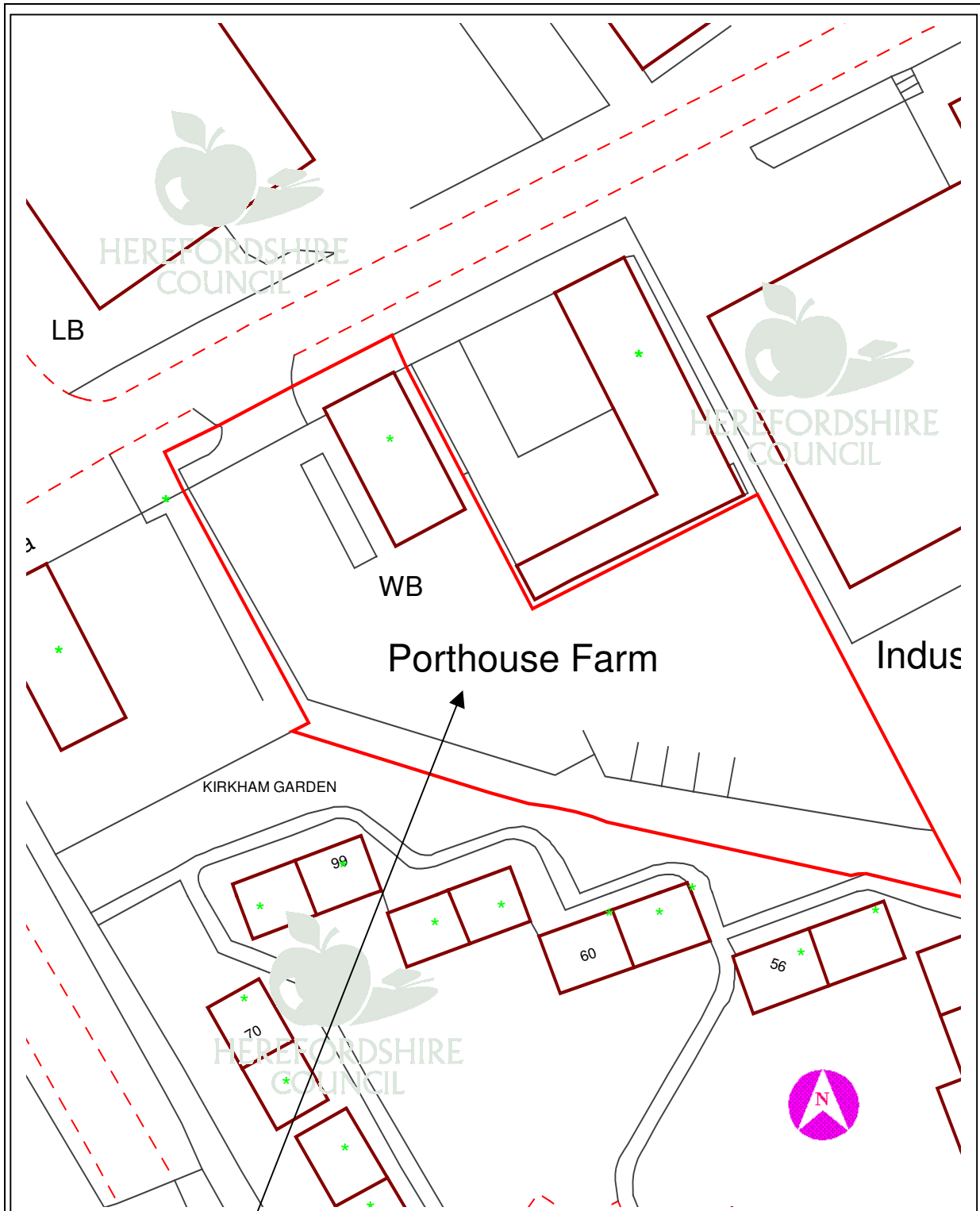
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2006/3324/N

**SCALE :** 1 : 714

**SITE ADDRESS :** Unit 11, Bromyard Industrial Estate, Bromyard, Herefordshire, HR7 4NS

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