



# Planning Committee

Report of Head of Planning and Building Control on 8 February 2024

Plans List Item Number: 2

### Reason for bringing to committee

- Called in by a Councillor Andrew
- Contrary to the Unitary Development Plan

### Application Details

**Location:** GREEN LANE MOTOR SALVAGE, FRYERS ROAD, BLOXWICH, WS2 7LZ

**Proposal:** PROPOSED CHANGE OF USE FROM OPEN AIR STORAGE (CLASS B8 - STORAGE AND DISTRIBUTION) TO A SCRAP METAL PROCESSING AND END OF VEHICLE LIFE CENTRE (SUI GENERIS) RESUBMISSION OF 22/1386.

**Application Number:** 23/0929

**Case Officer:** Ann Scott

**Applicant:** Enviroarm Limited

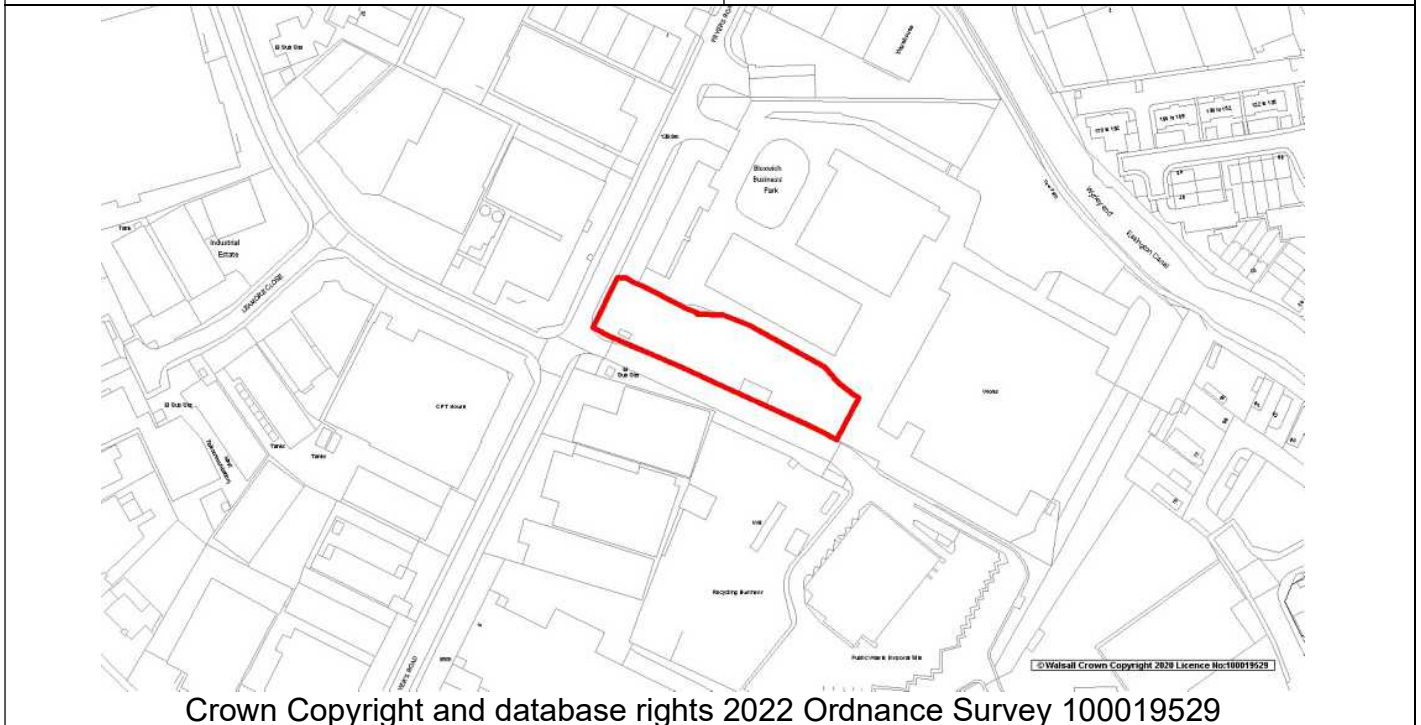
**Ward:** Birchills Leamore

**Agent:** Enviroarm Limited

**Expired Date:** 27-Dec-2023

**Application Type:** Full Application: Major Use Class Sui Generis

**Time Extension Expiry:**



### Recommendation

Refuse Permission

## Proposal

Proposed change of use from open air storage (Class B8 - Storage and Distribution) to a scrap metal processing and end of vehicle life centre (Sui Generis). The application site is known as the Green Lane Motor Salvage Fryers Road Bloxwich. This application is a resubmission of the previous application 22/1386. The proposal is to employ 9 full-time staff and will operate during the hours of 07:00 am to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays and will be closed on Sundays and Bank holidays.

## Site and Surroundings

The application site is an area of land of 2750m<sup>2</sup>, situated on Fryers Road near to other industrial premises including metal working and scrap metal recycling enterprises. Behind the application site is a waste skip company. The application site was previously used as a skip site with vehicle parking. On the opposite site of the access road is a waste recycling site.

## Relevant Planning History

15/1099 – – Erection of a steel-clad portal frame industrial unit for storage of steel (class B8 use). Granted 1 February 2016.

19/0061 - Pavement crossover to an industrial open storage space with existing access gate. – Granted 29th May 2019.

22/1386 Proposed change of use from open air storage Class B8 Storage and Distribution to a scrap metal processing and end of life vehicle centre – Sui Generis – Refused 20 April 2023.

## Relevant Policies

### National Planning Policy Framework (NPPF)

[Read more on the national planning policy framework.](#)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social, and environmental terms, and it emphasises a "presumption in favour of sustainable development". The NPPF is a material consideration in the determination of a planning application.

### Human rights and reducing inequalities.

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been considered in reaching the recommendation contained in this report. The articles/protocols identified below were considered of relevance:

Article 8 – Right to Respect for Private and Family Life  
THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

## **Walsall Council Development Plan**

[Read more on the development plan published on the council website.](#) .

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocations Document
- Unitary Development Plan
- Walsall Town Centre Area Action Plan

Planning guidance is published within several Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

### **Consultation Replies**

**Highways** – Concerns previously raised insufficient information provided in relation to the proposed parking and means of access to the site. These concerns have been overcome by the submission of amendments to the proposed access, parking and turning to the site.

**Environmental Protection** – concerns raised that activities mentioned, such as crushing, screening and recycling of aggregates have not been adequately considered in the submitted dust, noise and odour management plans. In the absence of such information, it is not possible to provide meaningful comments on whether the site would be suitable for these operations.

In relation to the use of the site for scrap metal and end of life vehicle processing as our previous comment's details of the shearing operations and arrangements for noise control from scrap handling would need to be considered together with details of site drainage installations to ensure satisfactory site operation.

**Ecology** – No objections

**Fire Officer** – No objections

**Canal and River Trust** – No objections

**Coal Authority** – No objections.

**West Midlands Fire Officer** – Requirement B5: Access and facilities for the fire service These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010. Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

**Conservation Officer** – No objections.

## Representations

None received.

## Determining Issues

- **Whether the application has addressed the previous reasons for refusal (22/1386)**

- **Reason 1**

Insufficient information is provided to address the concerns with regard to the suitability of the site from the resulting sui generis use proposed. The application is considered contrary to the Black County Core Strategy Policy WM4 Locational Considerations for New Waste Management Facilities, Black County Core Strategy EMP3 Local Quality Employment Areas, and Site Allocation Document W3 New Waste Management Development – Waste Treatment and Transfer, Site Allocation Document IND3 Retained Local Quality Industry, and Saved Policies JP8 of the Walsall Unitary Development Plan Bad Neighbour Industrial Uses and Policy GP2 Environmental Protection.

This has not been addressed.

- **Reason 2**

Insufficient information provided regarding parking and access to the and therefore on the basis of the current submission the development will have an unacceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to The proposal is contrary to Policies BCCS Policy TRAN2 Managing transport impacts of new development, and saved policies T7 Car Parking, T13 Parking provision for cars of the Walsall UDP and paragraph 110 (d) and 111 of the National Planning Policy Framework 2021. This has been overcome.

- **Reason 3**

The proposal fails to demonstrate that the existing amenities of nearby residential properties and a local school would be protected from noise, dust, odour and pollution and the proposal is considered contrary to the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

This has not been addressed.

## Additional considerations

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Ground Conditions and Environment
- Any other key determining issues.

### Principle of Development

The site lies within the development limits for Bloxwich part of the Walsall Urban Area and is well related to the existing settlement pattern and other industrial type uses in this location. The site is relatively constrained on all sides by land in separate ownership, Fryers Road, and the vehicular access road to the application site.

Chapter 2 of the NPPF relates to achieving sustainable development and seeks to ensure that new development is sustainable in terms of the economy, social objectives, and environmental objectives.

Chapter 4, Paragraph 38 of the NPPF Decision Making advises that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Decisions should encourage the effective use of land by reusing land that has been previously developed. The application site is mostly on commercial land in a sustainable location.

The site lies within an area designated as Retained Local Quality Industry under SAD Policy IND3. Site reference IN12.1 – Leamore Lane / Commercial Road / Bloxwich Business Park, Bloxwich. The local quality employment site is also identified as a Potential Waste Site in the SAD.

Other relevant Local Plan Policies include:

- BCCS WM4: Locational Considerations for New Waste Management Facilities
- BCCS EMP3: Local Quality Employment Areas
- SAD Policy W3: New Waste Management Development – Waste Treatment and Transfer
- SAD Policy IND3: Retained Local Quality Industry
- The provisions UDP Saved Policy JP8: Bad Neighbour Industrial Uses and Policy GP2:

Environmental Protection will also apply.

BCCS Policy WM4 advises that operations likely to be suitable on Local Quality Employment Areas include:

- Transfer stations / skip hire;
- Small scrap yards and open storage facilities;
- Hazardous waste treatment / processing facilities;
- Storage/ screening/ other treatment of contaminated soils.

All waste proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health, and localised impacts on neighbouring uses from noise, emissions, odours, vermin and litter. To minimise such impacts, wherever possible, waste management operations should be contained within a building or other physical enclosure. The clustering of related or complementary waste treatment, transfer and disposal operations in a specific location will also be supported, where this would not have adverse cumulative impacts on neighbouring uses.

The design of new buildings, other structures, boundaries, and landscaping should also make a positive contribution to the area (BCCS Policy ENV3).

The policy requires that all proposals for new waste management facilities include details of the proposed operations and the technologies involved, the types of waste to be managed, the maximum throughput capacity, the source of the wastes, and in the case of recycling, composting

and recovery facilities, the recovery rate/end products and whether the end products will be waste or usable raw materials.

The policy also sets out the Assessment Criteria for New Waste Management Facilities which include:

- Whether the proposal supports national and local waste strategies
- Whether the proposal is well-located in relation to the sources of waste it will be managing
- Whether the location is suitable for the type of facility and operations proposed and can adapt to changing circumstances
- Whether the proposal would provide opportunities for co-location of related use
- Whether the proposal would involve re-use of previously developed land
- Whether the proposal contributes towards the positive environmental transformation of the Black Country
- Whether the proposal is compatible with neighbouring uses (considering the nature of the wastes being managed, the technologies used, the hours of operation and cumulative effects)
- Whether the proposal supports economic and growth objectives for the Black Country
- Whether the proposal would address impacts on the highway/ transport

The site lies in the middle of an industrial area with other similar uses nearby, including the council's household waste transfer station (although this is due to relocate to Aldridge). The proposed use would be in accordance with the allocation of the site under SAD Policy IND3 (Retained Local Quality Industry) and the relevant waste management policies of the BCCS (Policy WM4) and SAD (Policy W3).

The proposal can therefore be supported in principle on planning policy grounds subject to resolving other relevant development control criteria.

## **Heritage Assessment**

The Council's Conservation Officer has advised that they have no objections in principle to the proposal which is not considered to adversely affect existing heritage assets. In relation to the Black Country Core Strategy: ENV2 Historic Character and Local Distinctiveness, Saved Policy ENV27 Buildings of Historic or Architectural Interest of the Walsall Unitary Development Plan.

## **Design, Layout and Character**

The character of the area is primarily commercial and industrial premises. Whilst the proposed use may be considered an industrial process the site use does fall into a "sui generis" use class of its own. Environmental Protection have concerns regarding a lack of information on the proposal in relation to noise, dust, and the type of waste streams to be recycled. In addition, whilst floor plans of the proposed layout of the site have been provided there is limited detail regarding the proposed buildings other than the proposed site office no elevations have been provided. Further information was requested on these issues and the amended information did not provide any additional details on the design and external appearance of the proposed sorting buildings on the site. The proposal fails to overcome the policy concerns. Contrary to the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

## **Amenity of Neighbours and Amenity of Future Occupiers**

The site does lie within the proximity of existing residential properties less than 200m away and a nearby school over the canal which is less than 400 metres away from the application site. There are no objections to the proposal from the Canal and River Trust. However, Environmental Protection have concerns regarding a lack of information on the proposal in relation to noise, and dust and odour as there is limited information in the submitted amended information to provide meaningful comments. In addition, the use of the site for scrap metal and end of life vehicle processing is described in the description of development but the submitted amended information refers to general waste and would not therefore fall under the description of development. In particular the working plan for the development and operation of the waste transfer station and scrap metal storage and processing submitted on the 9 December 2023 relates to the operation of general waste transfer and treatment operation. The applicants have been given the opportunity to provide an amendment to overcome the concerns on these issues and the amended information has failed to overcome the policy concerns. It is considered that the proposal fails to demonstrate that the existing amenities of nearby residential properties and a local school would be protected from noise, dust, odour and pollution and the proposal is considered contrary to the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

## **Highways**

The local highway authority previously expressed concern regarding the provision of adequate access and concerns raised insufficient information was provided in relation to the proposed parking and means of access to the site. Amended information and plans have now been submitted to address these concerns and the Highway Authority therefore considers that there is sufficient information provided regarding parking and access to the site and therefore on the basis of the current submission the development will have an acceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to the Revised NPPF 2023 paragraph 115.

## **Ecology**

The Councils Ecology Officer has no objections to the proposal. In relation to the Revised National Planning Policy Framework 2023 and the SPD "Conserving Walsall's Natural Environment".

## **Flood Risk / Drainage**

The site is in flood zone one and is at low risk for flooding as defined on the Environment Agency Flood Map for Planning. The proposal does not conflict with the Black Country Core Strategy Policy ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

## **Ground Conditions and Environment**

The application site is situated in a high-risk area for Coal Mining activity however the Coal Authority consider that the proposal will not propose a significant risk and do not object to the application. Following the submission of a quantitative environmental risk assessment on ground stability. The report concludes that there is limited potential for instability due to the mine working depths being over 100m and the cessation of workings over 150 years ago. There are no records of shafts or adits within the development footprint. Therefore, no further investigation is required. In relation to "Saved" Unitary Development Plan Policy ENV10: Pollution and The Black Country Core Strategy ENV8 Air Quality.

## **Any other key determining issues.**

Environmental Protection noted the submission of amended documents in support of the application. Environmental Protection advise that the submitted Working Plan for the Development and Operation of the Waste Transfer Station and Scrap Metal Storage and Processing Facility Reference ARM/SCM/WPGLMS/1.00/2023, relates to a general waste transfer and treatment operation. This is at odds with the details in the consultation document and the description of development that has been publicly advertised.

The site is presently described as being used for the storage of skips and Heavy Goods Vehicles and the applicants are seeking to change the use of the site to scrap metal processing and end of life vehicle processing. The range of waste streams detailed in the working plan and the operations to be conducted on the site as described in the plan indicate that the facility will be a general waste transfer and sorting operation and that scrap metals and end of life vehicles will be a small part of the overall site use. This is not in accordance with the description of the development on the application forms.

Environmental Protection are concerned that the activities mentioned in the submission such as crushing, screening, and recycling of aggregates have not been adequately considered in the submitted dust, noise, and odour management plans. In the absence of information to assess this proposal for the described wastes the application cannot be supported due to insufficient information to determine whether the site would be suitable for this purpose and operation.

In relation to the use of the site for scrap metal and end of life vehicle processing in line with the previous concerns set out in the earlier comments from the Environmental Protection, advise that there is insufficient detail on the location of shearing operations, arrangements for the control of noise from scrap handling and other operations as set out in the submission together with the need to ensure the site drainage proposal is satisfactory in relation to sealed sumps and intercepted outflows, concerns still remain. The proposed use of the site therefore is unclear and there is insufficient information put forward to overcome the policy concerns against the development. Contrary to Black County Core Strategy Policy WM4 Locational Considerations for New Waste Management Facilities, Black County Core Strategy EMP3 Local Quality Employment Areas, and Site Allocation Document W3 New Waste Management Development – Waste Treatment and Transfer, Site Allocation Document IND3 Retained Local Quality Industry, and Saved Policies JP8 of the Walsall Unitary Development Plan Bad Neighbour Industrial Uses and Policy GP2 Environmental Protection.

## **Conclusions and Reasons for Decision**

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

## **Positive and Proactive Working with the Applicant**

Officers have spoken with the applicant's agent to request further information in support of the proposal in relation to Ground stability/Environmental Protection/amenity concerns and Highway safety. Additional information was provided and has overcome the Ground stability and highway safety concerns but is still not sufficient to overcome the policy concerns in regard to the environmental protection concerns and in this instance are unable to support the proposal.



## Recommendation - Refusal

1. Insufficient information is provided to address the concerns regarding the suitability of the site from the resulting sui generis use proposed. Whilst additional information has been provided, there is still insufficient information submitted for the design of the buildings on the site and the types of waste to be recycled, from the resulting development. The application is considered contrary to the Black County Core Strategy Policy WM4 Locational Considerations for New Waste Management Facilities, Black County Core Strategy EMP3 Local Quality Employment Areas, and Site Allocation Document W3 New Waste Management Development – Waste Treatment and Transfer, Site Allocation Document IND3 Retained Local Quality Industry, and Saved Policies JP8 of the Walsall Unitary Development Plan Bad Neighbour Industrial Uses and Policy GP2 Environmental Protection.

2. The proposal fails to demonstrate that the existing amenities of the locality including nearby residential occupiers and users of a local school, would be protected from noise, dust, odour and pollution and the proposal is considered contrary to the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

3. The proposal fails to demonstrate sufficient information in relation to noise, dust, and the type of waste streams to be recycled. In addition, whilst floor plans of the proposed layout of the site have been provided there is limited detail regarding the proposed buildings other than the proposed site office no elevations have been provided. Further information was requested on these issues and the amended information did not provide any additional details on the design and external appearance of the proposed sorting buildings on the site. The proposal fails to overcome the policy concerns. Contrary to the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

**END OF OFFICERS REPORT**