

Local Member	
Mr. J. Oates	Tamworth - Bolebridge

Planning Committee 6 February 2020

Waste County Matter

Application No (District): [T.19/02/928 W](#) (Tamworth)

Applicant: [Stericycle](#)

Description: Change of use of existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works

Location: Units 40-46 Mariner, Lichfield Road Industrial Estate, Tamworth

Background/Introduction

1. The applicant currently operates a healthcare waste treatment plant and transfer facility at 1 Station Road, Four Ashes which is due to close when the current lease expires in 2020 (see Relevant Planning History below).

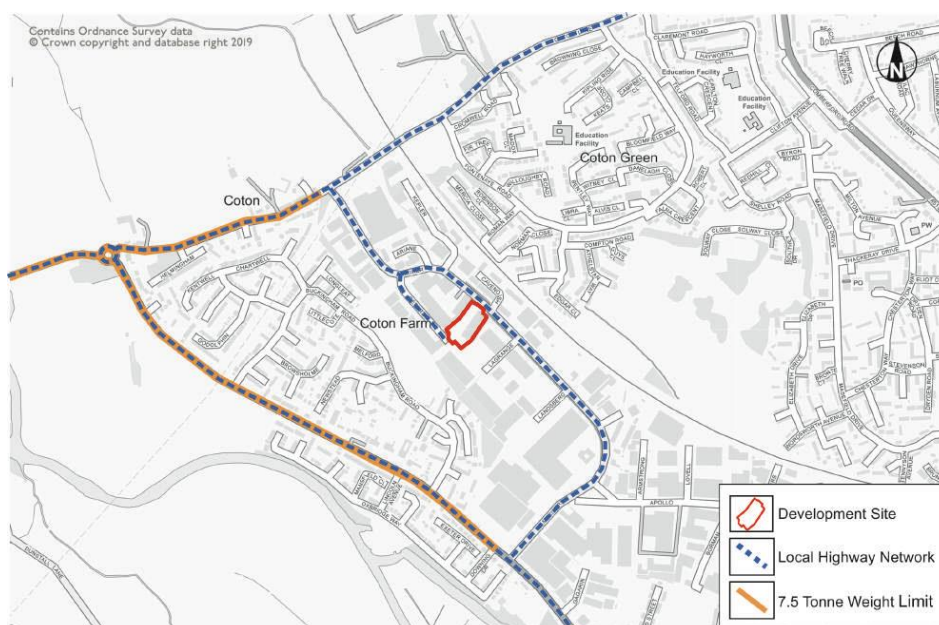
Site and Surroundings

2. The site consists of an existing concrete portal framed industrial building and a concrete service yard area which can be accessed from both the 'Mariner' and 'Gerard' access roads within the Lichfield Road Industrial Estate, to the north-west of Tamworth town centre (see photograph below). According to the supplementary information submitted with the application, the building has recently been refurbished having been vacant since 2007. The site is surrounded by B2 (general industrial) and B8 (storage and distribution) uses.



Extract from the marketing particulars appended to the 'Consideration of Tamworth Local Plan Policy EC7: Strategic Employment Areas'

3. The nearest residential properties are about 100 metres to the north east of the site, beyond industrial premises and the West Coast Mainline railway (Coton Green) and about 100 metres to the south west of the site, beyond industrial premises and woodland (Coton Farm) (see Plan 1).
4. The industrial estate is close to the A51 Lichfield Road and approximately 1.5 miles from the A5 trunk road which provides dual carriageway access to the M42 (Junction 10) and M6 Toll (Junction T4) motorways. Due to local weight restrictions there is a signposted route for HGVs accessing the industrial estate (see extract from the Transport Statement below).



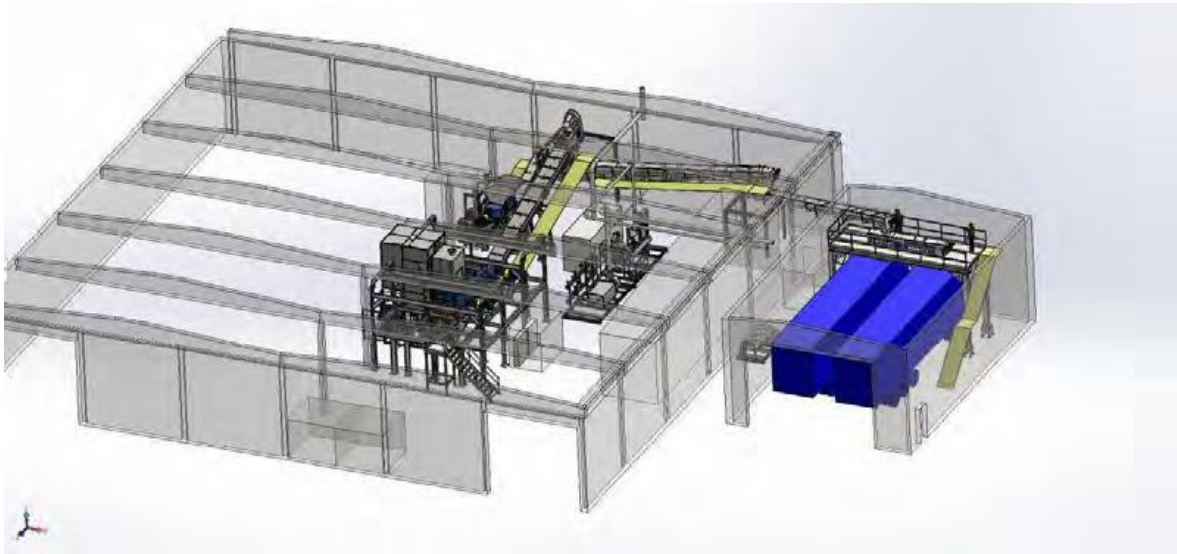
Extract from the Transport Statement - Figure 3.2 Local Highway Network

Summary of Proposals

5. The development proposals consist of the following elements:
 - a) The change of use of an existing vacant warehouse from a 'B' Use Class to a 'sui generis' healthcare waste treatment plant and transfer facility;
 - b) The erection of a freestanding open fronted building to the south-western elevation of the building which would be linked to the main building;
 - c) The installation of additional roller shutter doors on the north-western elevation of the building;
 - d) The erection of 1.8m high palisade fencing and gates internally within the site to separate the yard from the main parking area;
 - e) The provision of 13 additional car parking spaces (32 in total); and,
 - f) The installation of a 6-space cycle stand.

6. The facility would employ 57 people, some of whom would transfer from the existing facility at 1 Station Road, Four Ashes, which is due to close at the end of 2019.
7. The facility would receive packaged healthcare and related wastes that are suitable for either on-site treatment (physio-chemical or mechanical) or transfer off-site to other disposal or recovery facilities. The on-site treatment operations would involve a single gas fired steam auger with integral shredder for the heat disinfection and mechanical treatment of hazardous wastes and a separate cold shred line for mechanical treatment of non-hazardous wastes. These operations would also involve bin washing of re-useable waste containers and the storage of the treatment plant residues prior to transfer off-site. The transfer station operations would involve the storage of hazardous and non-hazardous wastes prior to on-site treatment or transfer to disposal or recovery facilities elsewhere, and re-packaging / light compaction prior to disposal or recovery elsewhere.
8. The treatment plant consists of a shredder, a single chamber steam auger and pollution abatement equipment. The process is described below:
 - a) The waste would be shredded under negative pressure before being transferred to the auger chamber where a combination of heat, moisture and residence time would disinfect the waste.
 - b) Steam would be supplied to the auger from the gas fired steam raising plant.
 - c) Off-gases from the auger would be cooled in a condenser with the resulting water being discharged to foul sewer. Any residual gases would be transferred through the abatement system with the off-gases from the shredder system.
 - d) The abatement system comprises a high efficiency particulate air (HEPA) filter, a coalescing vessel and a carbon filter bed that in combination are designed to remove any infectious bio-aerosols, excess moisture and any residual organic compounds and odours from the off-gases before their release to atmosphere.
 - e) There would be a single emission point to air from the treatment process where the final off-gases would be released, and a further associated emission point to air from the gas fired steam raising plant.
 - f) There would also be an emission point to foul sewer for effluent arising from the treatment process condensate and for effluent arising from the container washing process.
 - g) There would be no emissions to surface water arising from the activities at the site.
 - h) The shredded and treated residue would be stored on site pending transfer off-site for disposal to landfill or for recovery and use as a refuse derived fuel.
 - i) The thermal waste treatment process and mechanical treatment of offensive waste would be undertaken wholly within the process building with no treatment activities being undertaken outside the building (see drawing below). Light compaction of offensive waste would be the only activity which occurs externally. Waste would be stored in designated storage areas both inside and outside the building. All designated storage areas have impermeable surfaces

with sealed drainage and all waste would be stored in fully enclosed, leak-proof containers.



Extract from the Flood Risk Assessment Revision 1 – November 2019 – Figure 3.1

9. The majority of the waste received at the facility would be produced by the NHS, with the largest single contract being with the West Midlands Clinical Waste Consortium, a group of NHS trusts in the region.
10. To service the public and private hospitals, doctors' surgeries, health centres, dental practices and other producers of similar type wastes, the operations would take place on a 24 hour / 7days per week, 365 days per year basis.
11. The facility would have the capacity to treat up to 2 tonnes of healthcare waste per hour with an annual throughput of 17,500 tonnes and the capacity to transfer an additional 6,000 tonnes of waste per year to be sent for recovery or disposal. The residual waste following treatment sent off-site would be classified as a solid recovered fuel and the transferred waste would be sent for incineration or recovery elsewhere with only small amount sent to landfill such that 100% of the treated waste is recycled / recovered and up to 80% of the transferred waste is reused / recycled / recovered or subject to energy recovery.
12. Up to 22 commercial vehicles would operate from the facility comprising of 9 cars/vans (<3.5 tonnes) and 13 HGVs (7.5 to 26 tonnes) plus 2 additional HGVs vehicles which would regularly visit the site to transfer waste to other sites. A maximum of 48 two-way commercial movements per day (24 in and 24 out).
13. The application is accompanied by a number of documents and plans including:
 - Planning Statement (incorporating the Waste Development Statement and Statement of Pre-application Engagement)
 - Transport Statement
 - Air Quality and Odour Risk Assessment
 - Flood Risk Assessment

- Noise Assessment
- Existing and Proposed Layout Plans
- Existing and Proposed Elevations

14. The following supplementary documents have also been submitted:

- A Revised Flood Risk Assessment
- A response to third party representations
- Consideration of Tamworth Local Plan Policy EC7: Strategic Employment Areas

The Applicant's Case

15. The applicant, [Stericycle](#) contend that they are the UK's leading provider of healthcare waste services. They are part of Stericycle Inc which provides healthcare services to over half a million customers worldwide. Clinical waste management is one of their business operations and with their national network of clinical waste facilities they can process all types of healthcare waste including orange, yellow and tiger bagged waste, sharps and pharmaceutical waste and other difficult to process waste streams.

Relevant Planning History

16. The County Council has not issued any planning permissions related to the site or nearby however the following planning permissions relate to the existing 1 Station Road, Four Ashes site:

- [SS.006/01/614 W](#) dated 25 March 2002 – to replace the clinical waste incineration with clinical waste disinfection unit. The permission is accompanied by a Section 106 Legal Agreement dated 22 March 2002 which includes obligations related to a liaison committee, traffic routing and a limit of 20 vehicles leaving the site between 10pm and 7am.
- [SS.003/01/614 W](#) dated 25 March 2002 - to renew the clinical waste transfer station permission. The above legal agreement also accompanies this permission.
- [SS.00/00636](#) dated 4 September 2000 – permission to continue temporary use as a clinical waste transfer station

Environmental Impact Assessment (EIA)

17. As the proposed development (falls within / could fall within) the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has issued a "Screening Opinion" which concluded that the proposed development is not EIA development and therefore the planning application need not be accompanied by an Environmental Statement (ref: [SCE.253/Units 40-46 Mariner](#) dated 21 June 2019).

Findings of Consultations

Internal

18. **Highways Development Control** (on behalf of the Highways Authority (HA)) - no objection, subject to conditions to require more details of the parking, turning and space for manoeuvring and details of the secure cycle parking. The HA reviewed the Transport Statement and noted that: the existing weight restrictions which prohibit vehicles over 7.5 tonnes passing through the village of Hopwas; there are no existing accident problems in the area that would be exacerbated by the proposed development; the site has generally good accessibility by sustainable transport means; the provision of 32 car parking spaces (19 existing, 13 proposed included 1 disabled space) is acceptable, however the dimensions of 14 spaces shown on the plans appear not to be adequate. The HA concluded that 'the proposed development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe'.
19. **Flood Risk Management** (on behalf of the Lead Local Flood Authority (LLFA)) – no objection subject to conditions to require a more detailed Surface Water Drainage Scheme. The LLFA commented that the site lies in Flood Zone 3 and adjacent to an unnamed watercourse.
20. **County Noise Engineer** – no objection subject to a condition to limit the number of commercial vehicle movements outside of the normal daytime period to the proposed level (20). The Noise Engineer reviewed the Noise Assessment and noted: the location within an existing industrial estate; the location of residential development within 125 metres and 180 metres of the site, albeit with no line of sight; the location of the West Coast mainline railway; and, the results of representative background noise levels which produced daytime LA90 level of 38 dB and a night time level of 28 dB at the residential locations and a daytime level of 48dB close to the site on Mariner. The Noise Engineer concluded that there is the potential for an adverse noise impact from the external operations, particularly the vehicle movements, during the early morning period (0400 to 0600).
21. **Planning Regulation Team** – no comments on the current application and confirmed that they had no records of complaints about the existing site at Four Ashes.

External

22. **Tamworth Borough Council – Planning** – no objection and confirmed, following a request from the Case Officer, that there are no restrictions to 24 hour use, including vehicle use on the site. However... 'following research there have been some restrictions to vehicular uses between 0000 hrs and 0600 hrs on other units on Lichfield Road Industrial Estate in order to protect residential amenities although these appear to relate to properties adjacent to dwellings. Some restriction on the type of vehicular use during night time operating hours may therefore be appropriate'. Also... 'I would expect appropriate conditions to be applied in respect of noise and odours, which I understand is of concern to nearby residents.'
23. **Tamworth Borough Council – Environmental Protection** – no issues or concerns having reviewed the submitted documents, including the Noise Assessment and Air Quality and Odour Risk Assessment.

24. **Environment Agency** – no objection subject to conditions following consideration of a revised Flood Risk Assessment which contained more details about the level of the internal and external storage of waste relative to the ‘breach level’ of the local flood defence barriers.
25. **Severn Trent Water** - no objection and advised that the applicant would be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991 for use or reuse of sewer connections either direct or indirect to the public sewerage system.
26. **Staffordshire Fire and Rescue Service** – no objection and provided information about: access requirements; the Waste Industry Safety and Health Forum (WISH) publication ‘[Reducing Fire Risk at Waste Management Sites](#)’; their policy in favour of the installation of an automatic water suppression system and advice available from the [British Automatic Fire Sprinklers Association](#).
27. **Public Health England (PHE)** – no comments other than to advise that they are not a statutory consultee and do not normally comment on planning applications ‘unless there are specific chemical & environmental hazard concerns which have the potential to impact on the health of local communities. Impacts on public health from local air quality, noise and contaminated land fall under the remit of the local authority and it is their responsibility to decide whether or not to comment on these aspects of the planning application. PHE are usually consulted at the Environmental Permitting stage and it is at this point that PHE will pick up any public health concerns.’
28. **Western Power Distribution (WPD)** - provided information about WPD Electricity /WPD Surf Telecom apparatus in the vicinity of the site.

Publicity and Representations

29. Site notice: YES Press notice: YES
30. About 100 neighbour notification letters were sent out and 31 representations have been received, together with an on-line petition containing about 390 names. The concerns raised in the representations and petition are summarised below:
 - The facility, although needed, is too close to residential areas and a playing field - Hopwas, The Alders Farm, the Riverside estate and the Coton Green. Consequently, the risk of: air pollution and odours; night time noise from reversing alarms, from the loading and emptying of vehicles and containers and from the use of the roller shutter doors; and, the risk to human health from outside storage and from sharps being spilled on the Lichfield Road which is used by school children. The risks should also be independently assessed.
 - The impact of traffic 24/7 per week, 365 days per year, including the increased risk of accidents and congestion.
 - Lower property prices.

The development plan policies (and proposals) and the other material planning considerations relevant to this decision

31. National Planning Practice Guidance – Determining planning application - [How must decisions on applications for planning permission be made?](#) explains that:
- ‘To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- This includes the presumption in favour of development found at [paragraph 11 \(not 14 as stated\) of the \[National Planning Policy\] Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.’
32. [Appendix 1](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

33. This is an application for a change of use of an existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works at Units 40-46 Mariner, Lichfield Road Industrial Estate, Tamworth.
34. Having given careful consideration to the application and supporting information, including the information subsequently received, the consultation responses and the representations received, the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- The general development plan policy and other material planning policy considerations
 - The site-specific development plan policy considerations and the matters raised by consultees and in representations

The general development plan policy and other material planning policy considerations

The right type, in the right place and the right time?

35. [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (WLP) Policy 2.3 Broad Locations requires waste management facilities to be located:
- a) as close as possible to where the waste arises to reduce the need to transport waste great distances;
 - b) on general industrial land (including urban and rural general industrial estates alongside B2 (general industrial) and B8 (storage and distribution) uses);
 - c) (for facilities of a sub-regional scale) within or close to large settlements
 - d) (for facilities of a regional scale) within the waste supply area to minimise

transport; viable sustainable alternatives should be considered; the development should be of a scale and size which is proportionate and appropriate to the area; and, avoid causing unacceptable adverse impacts.

36. Commentary: The majority of the waste received at the facility would be produced by the NHS, with the largest single contract being with the West Midlands Clinical Waste Consortium, a group of NHS trusts in the region. The site is on the Lichfield Road Industrial Estate which is identified as a B2 / B8 employment area in the [Tamworth Local Plan](#) (TLP) (Policy EC7) (discussed below). Tamworth is identified as a large settlement in the WLP. This is a replacement for an existing facility serving the same catchment area and for the reasons discussed below it is considered that the waste operations would not cause any unacceptable adverse impact.
37. TLP Policy SS2 repeats the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) at the time of adoption that proposals for development that demonstrate that they are in accordance with policies in the plan and are sustainable will be granted planning permission without any delay. [Note: the latest version of the NPPF (February 2019) refers to accordance with up-to-date development plan policies.]
38. Commentary: A recent review of the WLP confirmed that the plan policies continue to carry weight in the determination of planning applications for waste development. The TLP is the current local plan for the area.
39. The [National Planning Policy Framework](#) (NPPF) contains no specific waste policies. Instead the [National Planning Policy for Waste](#) (NPPW) explains the need to:
 - a) drive waste management up the waste hierarchy;
 - b) promote a more sustainable and efficient approach to resource use; and,
 - c) ensure that waste is considered alongside other spatial planning concerns.
40. The NPPW also emphasises the importance of:
 - a) putting in place the right waste management infrastructure at the right time and in the right location;
 - b) providing a framework in which communities and businesses are engaged to take more responsibility for their own waste;
 - c) securing the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and,
 - d) ensuring that the design and layout complements sustainable waste management.
41. WLP Policy 1.1 promotes the principal that waste is a resource and seeks to encourage the diversion of waste away from landfill and supports waste development which manages waste higher in the 'waste hierarchy'.
42. Commentary: The facility is expected to divert waste from landfill by recycling / recovering 100% of the 17,500 tonnes of treated waste and 80% of the 6,000 tonnes

of transfer waste. The facility is needed now as the lease on the current site will expire in 2020. For the reasons discussed below the site is an acceptable location. The site would primarily serve the West Midlands Clinical Waste Consortium, a group of NHS trusts in the region. As discussed below, the submitted assessments and consultee comments confirm that the operations would not endanger human health or harm the environment.

43. Conclusion: Having regard to the general development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that the site is the right type, in the right place and the proposals are at the right time. Therefore, the proposals are considered to be acceptable in principle. The site-specific considerations are discussed below.

The site-specific development plan policy considerations and the matters raised by consultees and in representations

The site-specific requirements

44. [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (WLP) Policy 3.1 sets out the general requirements for new and enhanced waste management facilities which should be:
- a) fully contained within well designed purpose built or appropriately modified existing buildings or enclosed structures appropriate to the technology or process; and,
 - b) compatible with nearby uses, and appropriate in scale and character to their surroundings giving careful consideration to any cumulative effects that may arise.
45. Commentary: Other than some external storage in sealed containers and light compaction, the waste operations would take place inside an appropriately modified existing building and enclosed structure which is appropriate to the technology and processes. For the reasons discussed above and below it is reasonable to conclude that the proposals are compatible with nearby uses, and appropriate in scale and character to their surroundings having given careful consideration to any potential cumulative effects that may arise.
46. [Tamworth Local Plan](#) (TLP) Policy EC6: Sustainable Economic Growth supports the protection and enhancement of the existing network of strategic employment areas. TLP Policy EC7: Strategic Employment Areas identifies the Lichfield Road Employment Area as one of those areas. The policy states that where non B1(b, c), B2 and B8 uses are proposed within strategic employment areas, the developer will be required to demonstrate:
- a) through an independent assessment, that the site is no longer attractive to the market for its existing permitted use, which will include evidence that it has been marketed for a period of at least 12 months, a market view of the site and details of the marketing;
 - b) evidence to demonstrate that there are no other more suitable locations outside of strategic employment areas that are available;
 - c) good accessibility by walking, cycling and public transport, and,

- d) there will be no direct or cumulative negative impact on the vitality, viability or function of strategic employment areas and other centres.

47. Commentary: the site is within the Lichfield Road Employment Area identified in the TLP and the agent has provided the following additional information to address the Policy EC7 criteria (a) to (d):

- a) The site has been vacant since mid-2007 despite being actively marketed since 2008. The latest landlords have been marketing the site since February 2016 and had no interest until now. There are also a number of other units up for sale / lease in the local area. The agent therefore contends that 'the premises are no longer attractive to the market for its existing permitted use and consideration of an alternative use of the site is therefore acceptable.'
- b) A 6-step process was followed to identify a suitable site from a general search, initial site visits, a short-list, internal review, site investigations, and final review. Sites in Birmingham, Coventry, Stoke-on-Trent, Dudley, Wolverhampton and Coleshill were ruled out and it was therefore concluded that 'there were no other more suitable locations outside of the strategic employment areas that are currently available to meet the needs of the proposed development.'
- c) The findings of the Transport Statement have confirmed that there is good accessibility by walking, cycling and public transport to the site.
- d) The planning assessment 'demonstrates that the scale of the operation proposed would be appropriate to and compatible with neighbouring land uses and premises. It has also been established in the assessment of the proposals that the proposed waste management facility would be acceptable in terms of air quality, noise, odour and vibration. The proposed development is therefore acceptable in all respects without harming the amenities of occupiers of units elsewhere on the industrial estate. The proposed development is also an employment generating use proposing 57 jobs and would bring back into active use a site that has been vacant for a considerable period of time. The agent concludes that 'The proposals would therefore have no negative impact on the vitality, viability or function of the Lichfield Road Employment Area.'

48. It is reasonable to conclude that this additional information does satisfactorily address the policy requirements.

Design considerations

49. WLP Policy 4: Sustainable design and the protection and improvement of environmental quality similarly seek to ensure that waste management facilities are well designed, compatible with adjoining land uses and the locality, and would not give rise to materially harmful impacts, except where the material planning benefits of the proposals outweigh the material planning objections.

50. TLP Policy SU3: Climate Change Mitigation promotes, amongst other matters, the effective use of land.

51. Commentary: For the reasons discussed above it is considered that the proposals are well designed (the operations primarily taking place within an industrial building) and compatible with adjoining land uses and the locality thereby an effective use of

the land (being on an industrial estate allocated for B2 and B8 uses and occupying existing vacant premises); and, for the reasons discussed below (the consideration of the submitted assessments by consultees who raised no objections) it is considered that the proposals would not give rise to any materially harmful impacts.

52. WLP Policy 4.2 includes a list of possible considerations. Relevant to this case are the potential effects of the proposals on:
- a) people and local communities (including the potential health effects);
 - b) the highway network; and,
 - c) air, water and flood risk.
53. Similarly TLP Policy SU2: Delivering Sustainable Transport promotes sustainable forms of travel and highway safety; TLP Policy SU4: Flood Risk and Water Management seeks to direct development to areas of lowest flood risk, subject to the sequential and exceptions tests and requires Flood Risk Assessments in zones 2 and 3; and, TLP Policy SU5: Pollution, Ground Conditions requires assessments of the risk of pollution and mitigation measures; and, states that development will be refused where there is an unacceptable risk to public health, quality of life or the environment.
54. Commentary: Having considered the submitted assessments, the relevant consultees have raised no objections to the proposals, subject to the conditions recommended below.

Comments from consultees

55. Internal and external consultees have no objections, subject to conditions (e.g. conditions to require more details of the parking and the foul and surface water drainage arrangements, and to limit night-time traffic). The applicant's agent has accepted the heads of terms of the conditions and informatives that are recommended below.
- The proximity to residential areas and consequential risks (air pollution, odours, night time noise, risks to human health and independent risk assessments)
56. Local residents (and others via the on-line petition) have expressed concerns about the location relative to residential areas. As described earlier (and shown on Plan 1), the site is located on an industrial estate and at least 100 metres from the nearest residential property. The site is also separated from residential properties by the industrial estate buildings, and in some instances by woodland, the West Coast mainline railway line and open spaces.
57. As explained previously, as the proposals would occupy existing premises on the Lichfield Road Industrial Estate, the location is acceptable from a WLP and TLP policy point of view.
58. The application is accompanied by air, odour, flood and noise assessments and a transport statement which conclude that there would be no unacceptable adverse impacts. Technical consultees, including Tamworth Borough Council's Environmental Protection Team, the Environment Agency, the County Council's noise engineer and the Flood Risk Management Team have all independently considered the

assessments and have raised no objections albeit that the County Council's noise engineer did have some concerns about the potential impact of night time traffic noise and recommended a condition to limit the night time vehicle movements to 20 (as proposed between 04:00 and 06:00 hours). Tamworth Borough Council's planners also acknowledged that a restriction on vehicular use during the night may be appropriate. The applicant's agent has accepted the condition recommended below.

59. It is relevant to note the government guidance on waste which explains that:

'There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively (emphasis added). The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.' (ref. [Guidance – Waste - Regulatory regimes](#)).

60. The day-to-day operations would be controlled by an Environmental Permit regulated by the Environment Agency.

61. It is also worth noting that no complaints have been received by the Planning Regulation Team about the applicant's existing operations at Four Ashes which are due to transfer to this site.

The impact of traffic (365 days per year, the risk of accidents and congestion)

62. The Transport Statement (TS) has assessed the impact of the vehicle fleet of 22 (+2) vehicles (cars, vans and HGVs) as a result of the proposed 365-day per year operation and the typical movements between 04:00 and 06:00 hours and between 13:00 and 15:00 hours each day. In total, having regard to the number of employees (drivers and site staff), it is estimated that there would be 134 two-way daily movements, comprising of 104 car and van movements and 30 HGV movements. The TS compared this with the impact of a typical B2 / B8 use in the AM and PM peak periods and concluded that that the proposed use would generate 10 fewer two-way movements in the AM peak and an increase of 2 two-way movements in the PM peak. The TS also reviewed the local traffic accident records, noted that there are no unusual patterns or trends and concluded that there are no inherent highway safety issues in the area immediately surrounding the site which would likely be exacerbated by the proposed development.

63. The Highways Authority agrees with the conclusions in the TS that 'the proposed development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe'.

Lower property prices

64. The facility would occupy an existing industrial unit, which has been vacant since 2007, on an existing industrial estate which is separated from residential areas by trees, a railway line and open spaces. Furthermore, the Planning Committee will

know that the courts have ruled that in general:

'planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.' (emphasis added)(ref. Planning Practice Guidance - [How must decisions on applications for planning permission be made?](#) paragraph 008 - 'What is a material planning consideration?').

65. Conclusion: Having regard to the site-specific development plan policies and the matters raised by consultees and representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the conditions recommended below.

Overall Conclusion

66. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to application, the supporting information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development accords with the development plan and as such represents sustainable development, and there are no clear and convincing reasons to indicate that the application for planning permission should not be permitted.

Recommendation

Permit the application for a change of use of an existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works at Units 40-46 Mariner, Lichfield Road Industrial Estate, Tamworth, subject to conditions.

The conditions to include the following:

1. To define the permission - the site and the approved documents and plans
2. To define the date of commencement of the development and the date when it is brought into use
3. To define the cessation of operations, site clearance requirements and expiry of the planning permission
4. To define the access arrangements
5. To define waste types – non-hazardous and hazardous healthcare waste
6. To limit the waste quantities – 17,500 tonnes in a 12-month period (treatment) and 6,000 tonnes in a 12-month period (transfer)
7. To specify the operating hours for the avoidance of doubt - 24 hours per day, 7 days per week, 365 days per year
8. To limit total traffic movements to 48 (24 in and 24 out) of which night-time traffic movements not to exceed to 20 vehicle movements (10 in and 10 out)
9. To require that no deleterious materials are deposited on the public highway
10. To require the site to be laid out as shown on the Proposed Site Layout plan
11. To require best practicable means to minimise noise – roller shutter doors closed, non-intrusive reversing / warning systems
12. To require best practicable means to minimise the risk of odours
13. To require details of vehicle parking, turning and manoeuvring space to be submitted and approved prior to the commencement of the development;

- implemented prior to the development being brought into use; and, thereafter, to require the parking and turning areas to remain available for the approved use.
14. To require details of the secure cycle parking arrangements to be submitted and approved prior to the development being brought into use; and, thereafter maintained
 15. To require the waste operations to be carried out inside the building and any external storage of waste or recyclable materials to be in sealed containers
 16. To require the transfer of waste to and from the site to be carried out in sealed containers
 17. To require all yard surface water, trade effluent, sewage effluent or contaminated water to be disposed of through the mains sewerage system connected to the site
 18. To require the storage of oils, fuels and chemicals to be carried out on an impervious base
 19. To require the mitigation measures described in the Revised Flood Risk Assessment to be carried out in full including:
 - a) all waste stored internally to be stored at least 150 millimetres above the breach flood level of 58.05m AOD; and,
 - b) all waste stored externally to be stored at least 1 metre above existing ground levels.
 20. To require a Flood Emergency Management Plan to be submitted and approved
 21. To require a detailed Surface Water Drainage Scheme to be submitted and approved
 22. To require all plant, vehicles and equipment not in current use to be stored in an orderly manner and redundant plant, vehicles and equipment to be removed from the site
 23. To require external floodlighting or other illumination not to cause glare to neighbouring business and road users
 24. To require the boundary fencing and entrance gates to be maintained in good condition and fit for purpose to secure the site
 25. To require record keeping – vehicle movements; waste tonnages – treatment and transfer; and, complaint handling.

The informatives to include the following:

1. The advice received from Western Power and Distribution.
2. The advice received from the Staffordshire Fire and Rescue Service.
3. The advice received from Severn Trent Water.
4. The advice received from the Environment Agency

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A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).

Appendix 1 The development plan policies (and proposals) and the other material planning considerations, relevant to this decision

The development plan policies (and proposals)

[Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#)

(adopted 22 March 2013):

- Policy 1: Waste as a resource
 - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
 - 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.1 Sustainable design
 - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

[Tamworth Local Plan \(2006 - 2031\)](#)

(adopted 23 February 2016)

- Policy SS2: Presumption in favour of sustainable development
- Policy EC6: Sustainable Economic Growth
- Policy EC7: Strategic Employment Areas
- Policy SU2: Delivering Sustainable Transport
- Policy SU3: Climate Change Mitigation
- Policy SU4: Flood Risk and Water Management
- Policy SU5: Pollution, Ground Conditions

The other material planning considerations

- [National Planning Policy Framework](#) (updated February 2019):
 - [Section 2](#): Achieving sustainable development –
 - [Section 6](#): Building a strong, competitive economy
 - [Section 8](#): Promoting healthy communities
 - [Section 9](#): Promoting sustainable transport
 - [Section 11](#): Making effective use of land
 - [Section 12](#): Achieving well-designed places
 - [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
- [Planning Practice Guidance](#)

- [Determining a planning application](#)
- [Design](#)
- [Flood risk and coastal change](#)
- [Hazardous substances](#)
- [Health and wellbeing](#)
- [Noise](#)
- [Transport evidence bases in plan making and decision taking](#)
- [Travel Plans, Transport Assessments and Statements](#)
- [Use of planning conditions](#)
- [Waste](#)
 - [Determining planning applications](#)
 - [Regulatory regimes](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014):
 - Determining planning applications (paragraph 7)
 - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
 - Appendix B – locational criteria:
 - a) protection of water quality and resources and flood risk management
 - b) land instability
 - c) landscape and visual impacts
 - d) nature conservation
 - e) conserving the historic environment
 - f) traffic and access
 - g) air emissions
 - h) odours
 - i) vermin and birds
 - j) noise, light and vibration
 - k) litter
 - l) potential land use conflict

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