

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS COMMITTEE – 22 September 2009**

Agenda Item	4.1
Report No	42/09

**09/00254/FULSU: William Munro Construction (Highland) Ltd
Beechwood Road, Evanton**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Extend approved site use to include the transfer of household waste and sealed asbestos waste and extend Saturday operating to 7:00pm

Recommendation - GRANT subject to conditions

Ward : 7 – Cromarty Firth

Development category : Local

Pre-determination hearing : Not applicable

Reason not delegated : Council's interest.

1. PROPOSAL

- 1.1 The application is a detailed proposal to intensify the use of the existing waste transfer station at Beechwood Road in Evanton Industrial Estate to accept residual household waste and sealed skips of asbestos waste together with a proposal to extend the working hours from 4pm to 7pm on Saturdays. The application proposes that a maximum of 50,000 tonnes of waste would be handled annually, representing a net increase of 29,000 tonnes on the existing permission relating to recycle and in-vessel composting.
- 1.2 No new buildings are proposed. The application proposes adjustments to the layout of the existing waste transfer building on site (the large former airfield hangar) to accommodate the household waste. Two new roller shutter doors are proposed and the existing two large sliding doors will also be replaced with smaller roller shutter doors.
- 1.3 It is proposed to continue to use the existing single access point onto Beechwood Road. Traffic management arrangements on the site are however proposed to be adjusted to adapt to the increased and amended arrangements for waste handling. This will involve all vehicles continuing to use the route around the north of the hangar via the weighbridge on their entry to the site and two separate doors into the west side of the hangar for household and for recycle waste, emerging through two separate doors on the east side emptied. The skip vehicles for bulking up will take the same routes through the building emerging laden at the eastern side before exiting the site onto Beechwood Road.

- 1.4 A Supporting Statement and Waste Management Plan prepared by TPS Planning Ltd accompanied the application. This confirms that all waste will be handled inside the existing hangar building except for the asbestos waste which will be stored in padlocked skips in the defined skip storage area for onward transfer to the central belt. Clarification is given that the asbestos waste will consist of low risk bonded felt, floor tiles and cement, removed from buildings under controlled conditions. A maximum of six skips could be accommodated within the defined area however the Statement indicates that it is likely only two or three will be stored at any one time due to the amount of material which requires transfer.
- 1.5 The Statement also summarises the vehicle movements anticipated in association with the change and increase in throughput. This concludes that based on an average vehicle capacity of 10 tonnes incoming and 25 tonnes outgoing, an average increase of 24 heavy goods vehicle movements per day will result, with 8 incoming deliveries, 8 outgoing empty vehicles, 4 incoming empty skip vehicles and 4 laden skip vehicles. In addition, asbestos material will be delivered and forwarded on an *ad hoc* and infrequent basis. Most vehicles will approach the site from the A9 trunk road via the Skiach junction with the B9176.
- 1.6 The traffic statement which accompanied the original application for recyclate handling and compost waste/wood chips based the numbers on 5 tonne loads incoming of material for composting and 20 tonne loads of incoming recyclate and wood chip. This gave an average daily total of 26 heavy vehicles in and the same out per day. Thus, whilst the proposed tonnage throughput is more than doubled, it is estimated that the current proposals will result in heavy traffic numbers only increasing by 50%.
- 1.7 Further to concerns expressed after consultation with SEPA and TECS (Environmental Health) modifications have been made to the layout of the hangar building, the traffic management system and elevations of the hangar to incorporate the new pair of roller shutter doors. Additional details of the odour controls to be implemented have also been submitted in consultation with SEPA.

2. SITE DESCRIPTION

- 2.1 The site extends to just under 2ha and includes three main built elements:
- a hangar building which currently handles recyclate;
 - two smaller buildings and plant to the immediate south of this which comprise a composting facility using animal by-products and wood chip; and
 - a more recently erected storage building close-by the southern boundary of the site used for the storage of sorted dry recyclate, including baled paper and cardboard, baled and bagged plastics, ground gypsum and final product compost.

The majority of the site is flat, at a level with the access from Beechwood Road to the north. An embankment along the southern fringe of the site falls away steeply to Airfield Road to the south. The site contains extensive *ad hoc* external storage of empty skips and other more general material. A fenced area along Beechwood Road and the embankment to the south contain a number of trees – however both areas are currently enveloped in weeds.

3. PLANNING HISTORY

3.1 05/00917/FULRC Development of Waste Recycling and Composting Facility – Planning Permission granted 01.02.2006.

07/00668/FULRC Erection of recycling building – Planning Permission granted 14.11.2007.

08/00481/FULRC Erection of storage building – Planning Permission granted 05.02.2009.

08/00859/FULRC Formation of trailer parking area and siting of three portable buildings (retrospective) – not determined.

4. PUBLIC PARTICIPATION

4.1 Advertised : Section 34

Representation deadline : 10.07.2009

Timeous representations : For - 0 Against - 1 Neutral - 0

Late representations : For - 0 Against - 0 Neutral - 0

4.2 Timeous points raised are summarised as follows:

- Concerns over competency of applicant to handle asbestos.
- Concerns over proposed extension to Saturday working hours given proximity of housing to site.
- Odour – Smell on occasions is unbearable.
- The existing operation has caused problems with flies.
- Noise – This includes dumping of skips, reversing beeps from lorries and horns tooting for doors to open.
- Seagulls – An influx of seagulls has occurred since Munros started their operations.
- Increase in traffic and deterioration in state of road since Munros started which is dangerous to other road users and pedestrians.
- Poor workmanship of firm and disregard for local people, including disregarding regulations and conditions imposed.
- Increase in use of dangerous junction at Skiach (A9).

4.3 The letter of representation can be viewed at the Dingwall Area Planning Office.

5. CONSULTATIONS

5.1 **Kiltearn Community Council:** Objects on the following grounds :-

- environmental health issues, in general in relation to the handling of asbestos, and from the transfer of household waste;
- concern about odour control;
- loss of residential amenity to the houses at Wester Teaninich and Novar Toll in general and in particular on Saturdays due to extended opening hours;
- possible impacts on health to those working on or near the site and to those living close-by;
- increased operation leading to increased noise;
- increase in traffic and vehicular activity, including at the Skiach junction on the A9;
- the cumulative impact of operations on the site on environmental protection;
- the possibility of release of odour, dust and noise resulting in loss of amenity both on nearby houses and commercial premises;
- the potential impact of discharge of effluent or leachates on adjacent land and water courses;
- concern about the storage of hazardous waste, ie asbestos, on the site;
- concern about whether the operation of the site will be in line with any operational licences.

5.2 **TECS (Transport):** No objections.

5.3 **TECS (Environmental Health):** No objections. Only involvement would be in terms of noise. Although the neighbouring householders appear to be disturbed by noise, noise arising from the site has not constituted a statutory nuisance. If additional mechanical ventilation and filtration is to be installed, the applicant must give consideration to noise, however it is assumed that such equipment would not require to operate overnight. High pitched reversing alarms are one of the most common sources of complaint and can be extremely annoying even during the day. The development is likely to result in a substantial increase in heavy vehicle movements. The traffic system must be designed to avoid the need for reversing outwith the main hangar.

5.4 **Transport Scotland:** No objections.

5.5 **SEPA:** Initial objections on the grounds of lack of information relating to the air extraction system proposed; discrepancy between amount of waste proposed to be handled in Waste Management Licence application with amount in planning application; storage of hazardous materials; compatibility with National Waste Strategy; fuel storage; and changes to existing buildings and welfare facilities.

- 5.6 Objections now withdrawn based on additional information provided. Sufficient information has now been provided to the effect that the proposals could be suitable for licensing under the Waste Management Regulations. Specifically the amended Supporting Statement and Waste Management Plan has clarified how the waste pit within the main hangar building will be serviced by an additional system linking to existing woodchip bio-filter system and negative air-flow mechanism which currently controls air movements and quality in the adjoining composting plant. The activity of keeping and treating household waste has the potential to give rise to offensive odours. However the applicant intends to control odours through improved working practices, such as keeping doors closed in addition to installing specific odour control equipment.
- 5.7 The applicant has provided additional information identifying how the proposal will support National Waste Strategy objectives. In relation to disposal of waste it is understood that the waste will be landfilled outwith Highland in Peterhead or Perth. There are no alternatives presently as recent applications for Energy from Waste Plants in Invergordon and Inverness have been refused permission and withdrawn respectively. There is therefore no other practical alternative at present to exporting the waste from the Highland Council area.

The applicant has clarified where the asbestos containers will be stored on site. The storage and onward transportation of hazardous wastes will be regulated by SEPA through the Waste Licensing Regulations and Special Waste Regulations.

6. POLICY

- 6.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan (2001)

G1	Conformity with Strategy
G2	Design for Sustainability
W1	Waste Management
W4	Waste Disposal
W5	Facilities for the waste management network

Ross and Cromarty East Local Plan (2007)

GSP1	Design and sustainable construction
GSP5	Waste Management
2.16(a)	Within Evanton Settlement Area – allocated for industrial/business use.

6.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG), and Planning Advice Notes (PAN):

- Scottish Planning Policy
- SPP10 Planning for Waste Management

7. PLANNING APPRAISAL

7.1 Determining issues - Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 Proposals require to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. Proposals require detailed assessment of the following fundamental issues, where relevant:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

7.3 Key issues

7.4 Policy

The site is part of a wider area allocated for industrial and business use on the margins of the settlement of Evanton as identified in the adopted Ross and Cromarty East Local Plan. It has an established planning permission for handling recyclate waste and waste for composting. It lies adjacent to a scrap metal dealer, tyre recycling centre and liquid waste recycling site. The industrial estate is well connected to the road network lying close to the existing junction onto the A9 trunk road at Skiach. SEPA is satisfied with the proposals with regard to compliance with both National and Area Waste Plans. The application is therefore considered to comply generally with adopted local and national policy with regard to waste management.

7.5 **Servicing** - There are no servicing difficulties or technical objections.

TECS (Transport) and Transport Scotland are satisfied with the existing access arrangements which involve using the established industrial estate service road which joins the B9176 close by the junction with the A9 trunk road at Skiach.

- 7.6 **Community Council objection** - A letter of objection has been received from Kiltearn Community Council. Concerns over impact on the road network are not supported by TECS (Transport) or Transport Scotland. The majority of the vehicles that will use the facility already use the road network and it is submitted that any impact on the Skiach junction would be negligible. The development will take advantage of the existing industrial estate service roads and junction onto the A9 which have been designed to carry HGV traffic. The facility in Evanton will reduce overall vehicle miles and emissions as all waste from the former Ross and Cromarty area is presently taken to Inverness.
- 7.7 Concerns over environmental issues, including odour, are matters which are controlled by SEPA under the Waste Management Licence which requires to be issued prior to the amended operations taking place on site. In addition, the applicant has submitted that the revised vehicle movement system on site should make a significant contribution to reducing the amount of noise in that there will be no need for mainstream heavy vehicles to reverse outwith the hangar building. A standard condition restricting noise levels can be attached if permission is granted similar to that attached to the original permission for the site.
- 7.8 **Representations** - One letter of objection has been received from the householder at Wester Teaninich, a detached house which lies approximately 50m due west of the site boundary at the western end of Beechwood Road. The concerns expressed by the objector, which are detailed at 4.2 above, are similar to those raised by the Community Council. Furthermore, there are allegations from the complainant that the existing operation has given rise to nuisance problems which have resulted in complaints to SEPA and TECS (Environmental Health). TECS have confirmed that whilst complaints have been received and investigated in relation to noise, no statutory nuisance has been recorded. SEPA acknowledges that it is a matter of record that there have been substantial complaints relating to existing activities and SEPA has taken regulatory action to address these.
- 7.9 Whilst there is sympathy with the concerns of the objector, the location of the house immediately adjacent to an industrial estate is likely to generate a degree of conflict with industrial users. In addition, most of the issues raised relate to the management practices of the operator. **Such past performance is not a material consideration to be taken into account by the Planning Authority in determining the application.** The planning application relates to the site and not to any individual operator. However, it is disappointing to note that SEPA has on record a catalogue of previous complaints. It is hoped that the revised traffic management system and air filtration measures proposed will ensure a more effective solution and reduce future potential complaints.

8. CONCLUSION

- 8.1 The proposed amendment to include household waste handling at the existing waste transfer depot is considered appropriate in terms of land use policy and impact on most adjoining uses. The location is immediately adjacent to other 'dirty' uses within an established industrial estate close to the trunk road network and the proposals are therefore generally consistent with the development plan.
- 8.2 Against this, the close proximity of three houses at the western end of Beechwood Road, all within 80m of the site boundary, are incompatible within their industrial setting and this is the one aspect which is of particular concern. Such nearby housing will be affected, if not palpably, then through the perception that they are

located next to the Waste Transfer Station. The increased amount and different type of waste to be handled brings with it an increased risk of nuisance, particularly from additional heavy goods vehicle movements, noise and odour.

- 8.3 In terms of environmental controls, SEPA is the responsible authority and in this respect the applicant will require to satisfy SEPA in amending the existing Waste Management Licence which will contain conditions on waste types, odour, duration of putrescible waste on site and vermin/insect/bird control. SEPA has now confirmed that further to additional information being provided by the applicant's environmental consultants it has no outstanding objections to the planning application.
- 8.4 Accordingly it is considered that, on balance, the proposal is acceptable subject to the conditions listed below. It is however imperative that conditions attached to the planning permission and the Waste Management Licence are adhered to tightly through sound management practices on site to ensure nuisance to the nearby householders is not any more than can reasonably be expected in such a location on the edge of an industrial estate.

RECOMMENDATION

It is therefore recommended that the application be **granted subject to the following conditions** and reasons / notes to applicant:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this planning permission has been submitted to and acknowledged by the Planning Authority. From the date of acknowledgement, the Site Notice attached to it shall be posted in a publicly accessible part of the site until the development is completed.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. For the avoidance of doubt, in addition to the recycle and composting waste handling approved under planning permission 05/00917/FULRC the facility shall receive only residual municipal solid waste from within the Highland Council area to a maximum throughput of 30,000 tonnes per annum, together with sealed asbestos waste as specified within the application, and any alteration to those arrangements shall require the further express permission of the Planning Authority after consultation with SEPA.

Reason : For clarification and to ensure that the Planning Authority can retain effective control over the development hereby approved.

4. There shall be no external storage of materials whatsoever, except for the storage of empty clean skips and sealed skips of asbestos waste within the area defined on the approved plans, unless with the prior written approval of the Planning Authority.

Reason : To ensure that the development progresses with sensitivity to its surroundings and respects the visual amenity of the area.

5. Hours of operation shall be restricted to 7:00am – 7:00pm Mondays – Saturdays and not at all on Sundays, unless with the prior written permission of the Planning Authority.

Reason : To minimise potential disturbance to neighbouring properties.

6. All plant, machinery and equipment installed or operated in the implementation of this permission shall be so enclosed or attenuated that noise therefrom does not at any time increase the ambient equivalent noise level to above 45dB(A) at the nearest residential property (Wester Teaninich).

Reason : To minimise potential disturbance to neighbouring properties.

7. For the avoidance of doubt, the site shall be operated fully in accordance with all details submitted along with the application, including the amended traffic management measures and Working Plan, August 2009, Issue B, except where agreed in writing by the Planning Authority (for example where specifically required to be amended by SEPA in determining the Waste Management Licence application.)

Reason: To ensure that the development progresses with sensitivity to its surroundings and respects the established amenity of the adjoining properties.

Note to Applicant

Conditions: Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

Waste Management Licensing: Please note that whilst the information provided to SEPA has allowed them to withdraw their objection to the planning application you may be required to provide further information prior to SEPA determining the modification to the licence.

Current Site Condition: Please note that the random storage of skips and other material throughout the site is unacceptable and currently does not comply with the terms of planning permission 05/00917/FULRC or any subsequent permissions. The site should be immediately tidied and regularised to conform with the approved site layout and specifically Condition 4 above to avoid the Planning Authority having to take enforcement action.

Landscaping: Please note that the current condition of the landscaped areas along Beechwood Road and Airfield Road is unacceptable and does not comply with the terms of planning permission 05/00917/FULRC or any other subsequent permissions. The Planning Authority recognises the recent efforts of the applicant in employing consultants to address this issue through the submission of revised landscaping and maintenance details. It is expected that such details, on approval by the Planning Authority, shall be implemented in accordance with the approved timetable of implementation again to avoid the Planning Authority having to take enforcement action.

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager (C,S&ER)

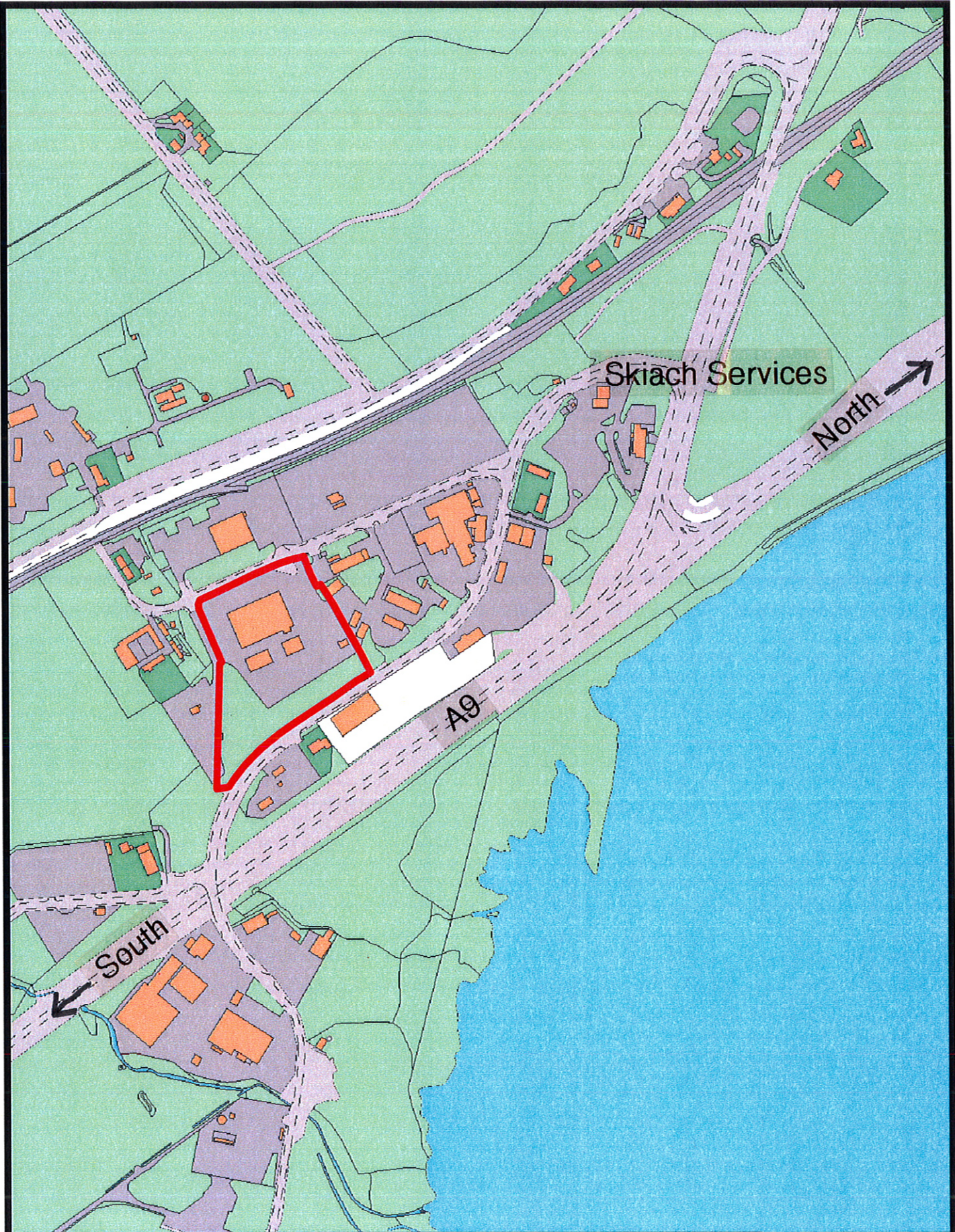
Author: Dorothy Stott

Designation: Principal Planning Officer

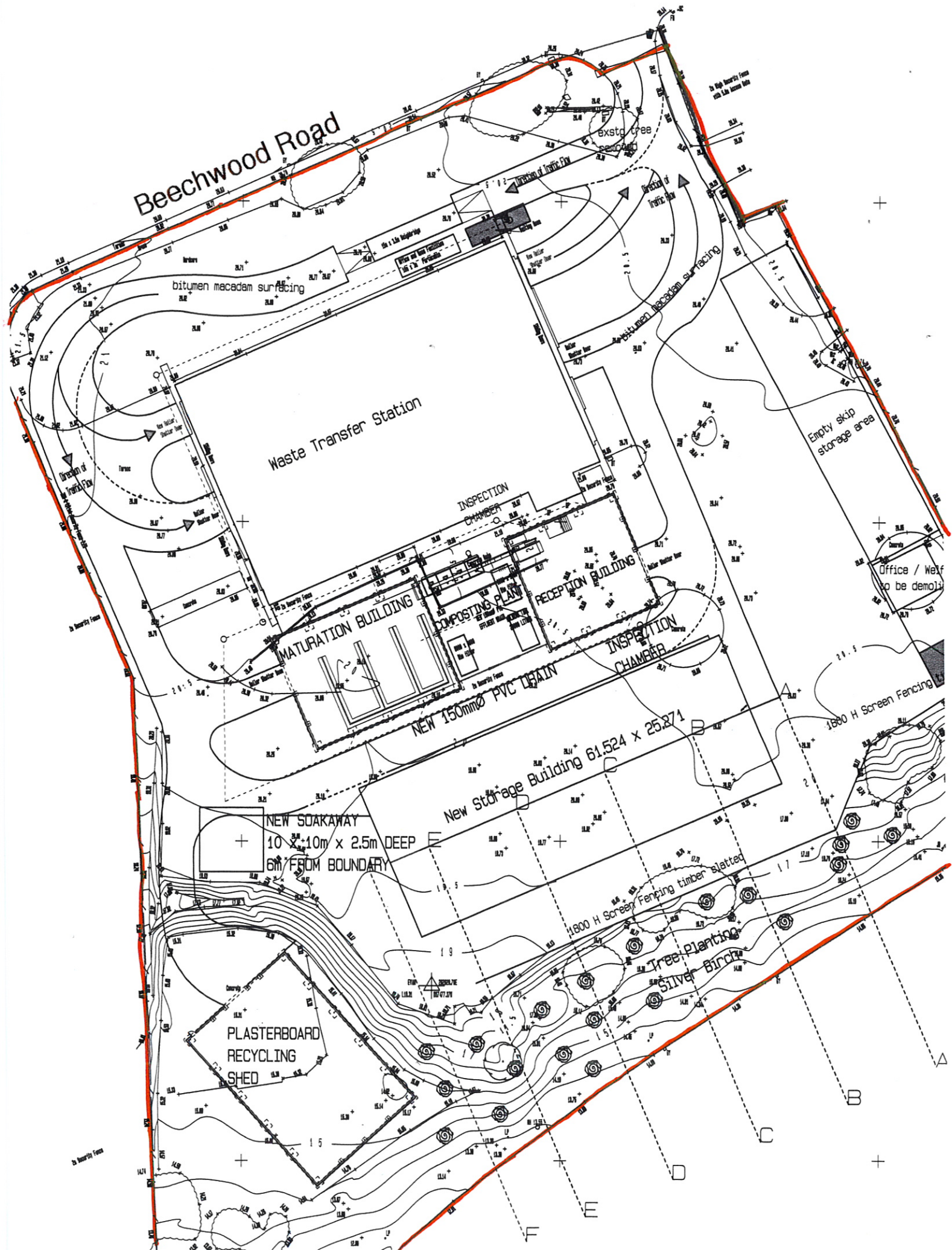
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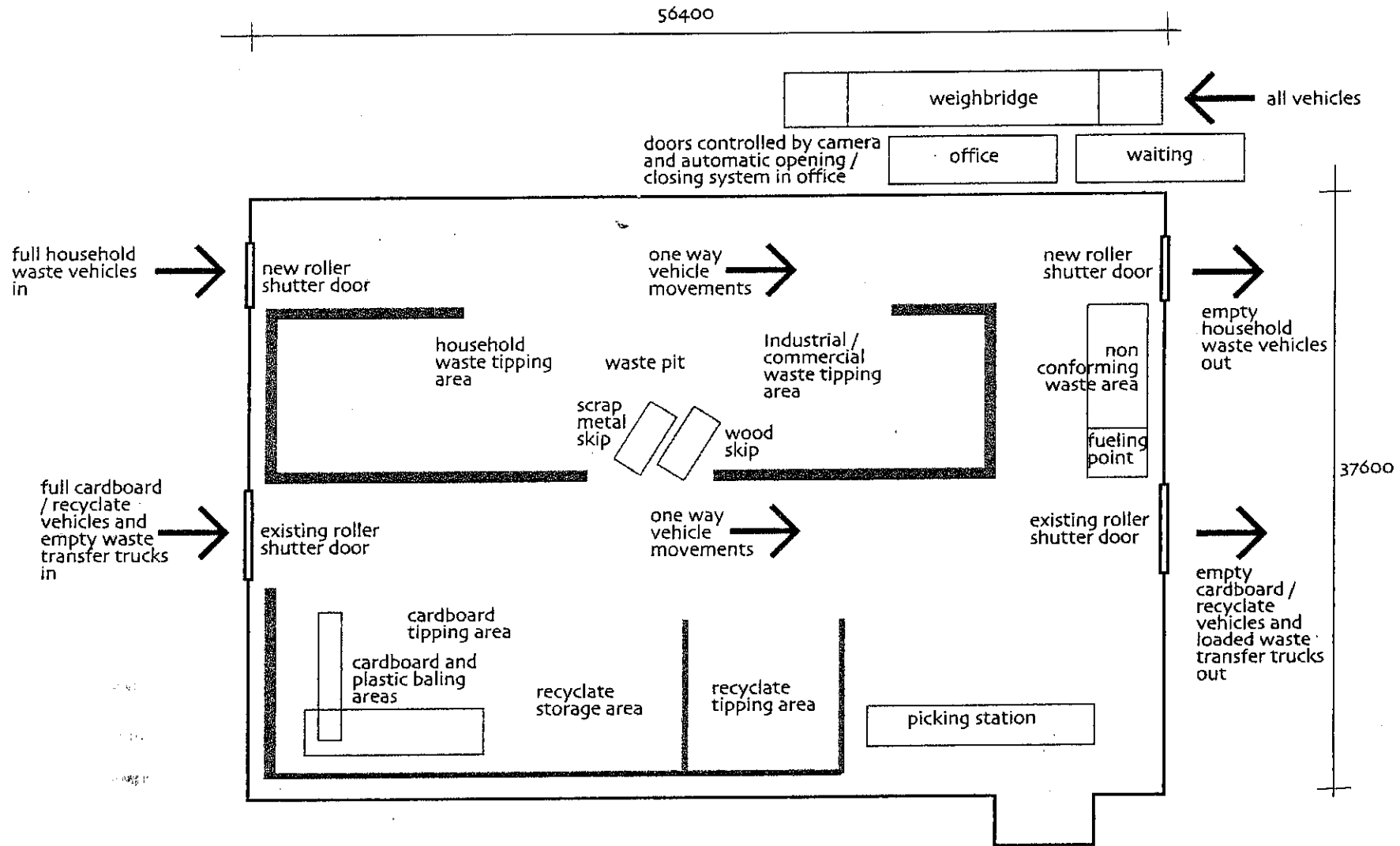
Background Papers: Highland Structure Plan (2001)
Ross & Cromarty East Local Plan (2007)
As referred to in the report above and case file reference number
09/00254/FULRC)

Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – Floor Plan



SITE LAYOUT PLAN





see site layout plan for vehicle swept paths and access/egress routes

floor plan and vehicle access/movement routes