



COMMITTEE REPORT

Item Number:
Application Number: S/18/1000

Ward: St Margaret And South Marston
Parish: Stratton St Margaret

Proposal: Continued use as a waste transfer and treatment facility and additional use as an end of life vehicle authorised treatment facility, and erection of a site office and vehicle de-pollution workshop (sui Generis)

Location: Former Averies Site, Marshgate, Stratton St Margaret

Agent:

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Applicant:

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Officers Report

Background:

i) This application has been brought before committee at the request of Councillor Holland due to the history on this site.

Recommendation:

That planning permission be **GRANTED** with Conditions

The Proposal:

1 The continued use as a waste transfer and treatment facility and additional use as an end of life vehicle authorised treatment facility and erection of a site office and vehicle de-pollution workshop.

2 The scheme includes the construction of a new office at the entrance to the site measuring 10m x7m with a pitched roof and a proposed decontamination building measuring 18.3m x 9.15m and 7.7m high with a pitched roof.

The Site and Surroundings:

3 The site is within an industrial setting located within Marshgate. The site was a former coal yard that became a waste transfer facility in 2004. It is located at the

southern end of Marshgate industrial park. The site itself is broadly rectangular in shape and measures approximately 0.5ha. The nearest residential dwellings are located some 200m to the north of the site along Shrivenham Road. Immediate neighbours to the site are all industrial and commercial buildings. These are mostly car repair workshops, storage yard and B2 light industrial warehouse units.

4 The River Cole runs parallel to the southern boundary and is designated as a county wildlife site. Marshgate itself is a private road and is not adopted by the Local Highway Authority, although TROs (yellow lines) were noted along the road itself. The northern end of this road at the junction of Shrivenham Road is blocked off to prevent the road being used as a cut through. Immediately to the south east of the site is Greenbridge Retail Park with large areas of car parking adjacent to these retail units.

Representations:

Transport Management: No Objection

5 The proposal introduces additional uses and involves an intensification of use of an established use at the site and the issues for the highway authority are:

- o Whether the proposals will increase the demand for car parking and whether adequate provision can be made for that parking;
- o Whether the new use will generate sufficient vehicle movement to prejudice the safe and effective operation of the highway;
- o Whether the means of access to the site can safely and effectively accommodate additional vehicle movements;

6 The vehicle treatment activities will be relatively low-intensity in terms of staff numbers and given the scale of the site, adequate facilities for car parking be made. It is relevant also that the adjacent highway is controlled and breaches of parking in Marshgate are enforceable by the Council.

7 Marshgate forms a priority junction with Garrard Way. The junction appears to be suitable to accommodate a nominal increase in goods vehicle movement.

8 It is proposed to retain and use the existing site access. Whilst appearing to operate effectively as a single track, there is no reason to believe that the intensification in use warrants widening or other improvement.

Contaminated Land Officer:

9 Original comments: It is unlikely that this department would be involved in issuing a permit under the Environmental Permitting Regulations as this would fall to the Environment Agency.

10 Notes that the planning application does not address site drainage. In view of its proximity to the River Cole and thus enhanced risk of pollution in the event of spillage. Therefore considers it necessary to seek details of the surface/storm drainage and pollution control/interceptor system. The Design & Access statement

mentions vehicle de-pollution as the main activity, yet the site plan doesn't show the location of tanks that will be necessary to collect fluids arising from the cars being de-polluted.

11 Notes that the Drainage Engineer has asked for more details. Considers that the applicant should understand how the drains work, if there is any damage/loss of integrity and whether the interceptor is in an acceptable condition and capable of capturing the substances that will be released from the End of Life vehicle facility (ELV). The storage of petrol on site may require the operator to apply for a petroleum storage certificate or licence for the keeping of that petrol, depending on the method of storage, before the facility opens. This can be obtained from this department.

12 Following the submission of additional information, is of the view that the above concerns have been addressed and that sufficient information has been supplied. No Objections are therefore raised.

Drainage Engineer:

13 Original comments: Additional Information Required
Some information is missing from the submission. A surface water drainage scheme for the site is required.

Further comments:

14 No new surface water drainage has been proposed however the flood risk assessment states that the proposals will discharge at the Greenfield runoff rate. In this instance, these can be managed via condition.

Environmental Health:

15 No adverse comment to make.

Environment Agency:

16 Original comments: Object to the proposal on flood risk grounds. The submitted Flood Risk Assessment (FRA) does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.

Revised comments:

17 No objections to the proposed development, consider the approach used will give a conservative assessment of climate change so accept this method as detailed in the Flood Risk Assessment, to be secured by way of a planning condition on any planning permission.

Stratton Parish Council Comments:

18 Following a site visit the Councillors have had their concerns answered:

Access - The new depot has bigger and better access than that at Powdrills Yard.

Fire - Fire proof fencing has been installed and a fire prevention plan has been completed to satisfy the Fire Brigade.

Noise - located in a business area, trading only during normal working hours.

Liquid - all liquids are removed and taken off site for recycling.

19 The Parish Councillors were very pleased with the preparation that the company had put in place to ensure safety and fire prevention is maintained as a high priority. Recommendation: The site should be an end of life site or a recycling site, not both.

20 Planning History:

S/03/1164 - Change of use from coal yard to waste transfer and recycling station: GRANTED - 20th Aug 2004

S/11/1365 - Redevelopment of waste transfer & recycling station including new building to house processing plant and weighbridge office - GRANTED - 8 March 2012

S/12/0426 - Removal of condition 21 (waste limits) of planning permission.

S/COND/15/0033 - Discharge of conditions 4, 10, 12, 13 & 15 from previous permission S/11/1365 for the redevelopment of waste transfer & recycling station including new building to house processing plant and weighbridge office.

S/17/0241: Proposed 2 no. biomass boilers and associated 10 metre high chimneys to burn wood at Marshgate waste transfer station in order to provide on-site heating and material drying facilities. Refused – April 2017 and dismissed at appeal.

Planning Considerations:

21 Swindon Borough Local Plan 2015 is the local plan for this area. The policies that are of relevance to this application include policies DE1 (high quality design), EN9 (contaminated land) and TR2 (Transport and development) of the Swindon Borough Local Plan 2026. Waste Core Strategy 2006 - 2026 – policy WDC2: Managing the impact of Waste management. Also of consideration is the National Planning Policy Framework 2018 (NPPF) which sets out the Governments policies for England.

22 Swindon Metal Recycling Ltd (the applicant) is a local company that serves the End of Life Vehicle requirements for primarily Swindon but also Wiltshire, Gloucestershire and Avon in general. They have been trading since 2008 and is based and currently operates as an authorised treatment facility (AFT) out of Unit 5C Powdrills Yard. This proposal will enable SMR Ltd to move their operation to Marshgate.

23 The site's previous approved use of waste transfer and treatment will continue unchanged in principle, with the addition of an end of life vehicles waste streams. Planning has previously been granted for waste transfer and treatment on this site.

24 Under the End of Life Vehicle Regulations and the Scrap Metal Dealers Act 2013, end of life vehicles are considered waste just as previously treated waste on this site. The addition of a comparatively small vehicle treatment building is required to safely and productively de-pollute, recover and recycle end of life vehicles including their components and will house all the treatment process. Swindon Local Plan policy DE1 echoed by Waste Core Strategy 2006 - 2026 – policy WDC2 seek to ensure there will be no adverse impact upon amenity resulting for the proposal. Given the nature of the existing authorised use and the use proposed and the synergy with existing surrounding uses, it is considered that no significant additional or unacceptable impact upon local amenity will arise. The proposal accords with local and National policy in this respect.

End of Life Vehicle (ELV's) de-pollution processes:

25 ELV's are currently sourced from the general public in Wiltshire and treated at Swindon Metal Recycling Ltd ELV authorised treatment facility at Unit 5C Powdrills yard. If approved this process will move to Marshgate. The operations at Powdrills Yard will cease and relocate, as the Marshgate site offers greater scope for increases in recovery rates. European legislation now requires a 95% recovery/recycling rate on all end of life vehicles, which requires greater space and the benefit for easier large and HGV vehicle movements.

26 As with previous operations at Powdrills Yard the site will operate within the parameters of an Environment Agency standard rules permit and will follow the best practise as set out on the DEFRA guidance on Authorised Treatment Facilities (ATF).

27 ATF are a requirement of the End of Life Vehicle Regulations. All ELV's by law must be de-polluted prior to recycling and recovery. This involves removing all hazardous items from the vehicle, such as oils, batteries, air con gas, fuel, tyres and catalytic converters. ATF are the only organisations that can issue certificates of destruction which confirms members of the public's vehicles have been legally depolluted and recycled. AFT's are also the only organisations that can help local authorities comply with the regulations which state all end of life vehicles must have a 95% recycling/recovery rate. Many are depolluted and removed for recycling, recovery and reused within a maximum of 72 hours. Other's that require a more thorough removal of items of value will remain up to 14 days, as contractors who purchase engines, body panels etc. visit the site and remove these commodities.

28 Swindon Metal Recycling average between 4000 - 5000 certificates of destruction each year. Vehicles are not store for parts for sale on-line nor direct sales to the public. Members of the public are actively discouraged to come to sites looking for parts, due to health and safety factors. The agent states that the company performs well in terms in OPRA scores (the Environment Agency's measure of performance).

29 It is acknowledged that the site has previously been poorly run as a waste transfer and treatment facility in the past by the former owners. The site operators managed to store several thousand tonnes of waste out in the open which caught fire and burned for over 50 days. SMR Ltd state that there is no link between the

previous operators and SMR. As of the 25th of July, SMR are the sole owners of the Marshgate site.

Infrastructure Improvements

30 Considerable resources have been employed to improve the infrastructure of the site since its acquisition by SMR Ltd. A 5m concrete retaining wall has been removed and replaced with a more secure wall. This has been extended around the site boundary, to give continuous security, improved visual impact and fire safety. Made of 4m sleepers will withstand 1200 degree fire for 4 hours or more, thus inhibiting any spread off site. The fire officer also confirmed that the Fire Prevention Plan as detailed, would result in any fire being extinguished within 4 hours, the Environment agency's guidance timescale.

31 As well as cleaning work to the site, improvement works have been carried out including drainage system improvements, with the replacement of pipework to be undertaken that were highlighted. New gulley and drains have been added to aid site drainage. A petrol interceptor will be added to the existing silt and oil interceptor, as a third stage of security for the drainage of water off site via sewer.

32 Policy EN9 (contaminated land) due to the previous use on the site, officers have requested much additional information, to be considered by the statutory consultees, to ensure that contamination issues and drainage issues have been addressed. As stated above the site has had a lot of work undertaken to it to ensure that contamination has been addressed.

33 The existing entrance will remain unchanged, as will the location of the weighbridge. The current workshop on site will be retained for use of maintenance of the recovery vehicles operated by Swindon Metal Recycling. The existing bank of portacabins will be removed. The proposal complies with policy TR2 and there are no highway objections to the proposal.

34 Along the River Cole the buffer space with vegetation will be retained, at 4m and a concrete fence will be completed along that entire site boundary, for security, amenity and flood prevention.

35 The change of use to ELV de-pollution should have no additional measurable impact on the amenity of local business or residents. The specified waste treatment activities do not give rise to dust, mud, litter or odours. Noise is limited, as the company employ up to date pollution equipment such as hydraulic catalytic converter removers (akin to fireman's snips) which produce little noise in comparison to older techniques of using circular saws etc. It is considered that the impact upon amenity will be much less reduced from previous site operators.

Flooding

36 A full Flood Risk Assessment has been carried out as part of the site are within flood zone 3, as designated by the Environment Agency. The Environment Agency had raised some concerns based upon the de-pollution building being in the flood

zone. As a response to this the proposed site of the de-pollution bay has been moved adjacent to the existing workshop, which lies outside of the flood zone 3.

Fire Prevention

37 As part of the application for a standard rules environmental permit, SMR has been required to submit a detailed Fire Prevention Plan (FPA) to the EA. The FPA's are required to ensure that fires (such as the Marshgate Work fire) are either prevented, or able to be extinguished within 4 hours. SMR site operations have been specifically designed around the strict guidance. Safety measures adopted include a 6 metre fire break between each row of stored vehicles. Rows are to be 2 wide and 2 high. Each side of each row will be adjacent to a 6 metre fire break to allow access for fire appliances. Sources of ignition must at all times be 6m away from any combustible material. A designated quarantine area is also highlighted in the FPP, which material can be isolated in and dealt with in case of fire.

38 The vehicles that SMR deal with are an asset which when treated correctly, given a revenue, this may not have been the situation as per the previous owners. It is in SMR's interest to ensure fire does not break out.

39 The site will be under 24 hour CCTV surveillance with a monitoring station off site. Each building will have a two tier alarm system. One is triggered by movement or break in and is linked directly to the police. This will minimise the ability of arsonists to set a fire. There will also be thermal and smoke detectors that are linked to the Fire Service. With the close proximity of fire stations to the site, the fire service predicted that they could be on site within 5 minutes. There are two fire hydrants adjacent to the site and several more within 100m. The site has been surveyed by a professional fire prevention supplier who have also given SMR their recommended specification for hand held extinguishers. The fire officer has considered the scheme and it is acceptable.

Concluding Comments:

40 SMR has operated out of Powdrills yard since 2008 and had grown organically into an important, compliant (in terms of the Environment Agency and European recycling rates for end of life vehicles) and a forward thinking authorised treatment facility in Swindon.

41 The LPA considers that subject to the conditions set out below the proposal will not have an adverse impact on the amenity of the area. Pollution arising from Flood Risk from has been assessed and are subject mitigation by a condition recommended by the EA and risk from Fire has considered acceptable by the fire brigade. The buildings are considered acceptable in scale appearance and location. The proposal is considered to be in accord with policies DE1 (high quality design), EN9 (contaminated land) and TR2 (Transport and development) of the Swindon Borough Local Plan 2026 and policy WDC2: Managing the impact of Waste management of the Waste Core Strategy 2006 - 2026 and the NPPF.

Recommendation

That planning permission be **GRANTED** with Conditions

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2. This approval shall be in respect of :

Location plan: 12 June 2018;

Proposed office block and storage building TD12972/1 only as far as it refers to the buildings), 12 June 2018

Design and access statement 12 June 2018;

New layout plan 11 July 2018;

SU00286-SHT01 Rev 01 received 11 July 2018;

Preamble received 14 August 2018;

Topographical survey 15 August 2018;

Flood Risk Assessment (FRA) ref:87941-May-MarshgateWTS, V3.0, Unda Consulting Limited, September 2018;

Surface Water Drainage Strategy for Planning Oct 2018 (ref 88390-May-Marshgate);

Plan showing the revised position of the buildings received 20 September ; received by the Local Planning Authority on various dates.

Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

3. Works for the construction of any new building shall not commence above ground level until details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.

Reason: To ensure that the appearance of the development is satisfactory

4. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Flood Risk Assessment - Marshgate Waste Transfer Station, Version 3.0, 24 September 2018', has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include, but not be limited to:

Evidence that the proposed flows from the site will discharge at or below greenfield runoff rates, or as close as practical for any areas that have been previously developed;

Details of how the drainage scheme has incorporated SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS Manual C753;

Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;

Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;

General arrangement, which should be coordinated with the landscape proposals and the masterplan;

Manhole Schedules;

Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime;

Details of how the scheme shall be maintained and managed after completion;

Any drainage systems offered for adoption will be designed to Sewers for Adoption 7th edition and/or SBC standards as part of the detailed design and relevant technical approval processes.

5. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) ref: 87941-May-MarshgateWTS, V3.0, Unda Consulting Limited, September 2018 and the following mitigation measure:

No built development or raising of ground levels above existing within the 1% AEP plus climate change flood extent.

Reason: To prevent flooding elsewhere by ensuring there is no loss of floodplain storage as a result of the development.

6. The site shall not be used as an end of life treatment facility until provision has been made within the site for the parking of vehicles in accord with details that have first been submitted to and approved in writing by the local planning authority. Thereafter the area shall be kept clear of obstruction and shall not be used for any purpose other than the parking of vehicles in connection with the use of the premises as permitted.

Reason: To ensure that satisfactory provision is made for vehicles to be parked off the highway at all times.

Informatives

1. CIL Liable Development: This development may constitute Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk . To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.