

**EAST HERTFORDSHIRE DISTRICT**

**PROPOSED CHANGE OF USE TO CAR TYRE SHREDDING AND  
CRUMBLING PLANT FOR PROCESSING OF USED TYRES AT UNIT 10A  
CAXTON HILL, HERTFORD INDUSTRIAL ESTATE, HERTFORD, HERTS.**

Report of the Director of Environment

Author:- Dan Szymanski. Tel:- 01992 556267.

Local Member:- Peter Ruffles.

**1. Purpose of Report**

To consider planning application ref. 3/1212-03 for the proposed change of use to car tyre shredding and crumbling plant for processing of used tyres at Unit 10A Caxton Hill, Hertford Industrial Estate, Hertford, Herts.

**2. Summary**

- 2.1 The application site is approximately 0.3 hectares in size and lies within Hertford Industrial Estate. The site currently lies vacant, but was last used by an engineering firm in 2001. This application proposes a change of use, which would involve the installation of a shredding and crumbling plant for used car tyres. The tyres would be imported onto site and shredded into granulate and then taken off site for re-use and recycling.
- 2.2 The proposal would on average generate 4 lorry movements (2 in and 2 out) per day for the import of tyres plus 2 additional movements (1 in and 1 out) per week in respect of the finished products. Noise suppression would be used on the shredding and crumbling plant. The proposed operations would use an extraction system, which would not involve pumping air to outside the factory unit. The hours of operation would be 08:00 - 18:00 on Monday to Fridays, and 08:00 - 12:00 on Saturdays.
- 2.3 A total of 216 properties were consulted on the application, with 29 letters objecting to the application. The main issues of concern can be summarised as being noise, dust, lorry movements, and fire hazard.
- 2.4 The County Council commissioned noise consultants to undertake an assessment of the possible impact of noise on surrounding properties. The outcome of this assessment will be reported orally. It is not

considered that emissions to air would be detrimental to amenity. The District Council, Environment Agency and the Fire and Rescue Service have raised no objection to the proposal. The lorry movements generated by the proposal are considered acceptable by the Highway Authority and by East Herts District Council.

### **3. Conclusion**

This report concludes that, subject to the noise assessment not identifying any significant adverse noise impacts which cannot be mitigated by condition, the Director of Environment should be authorised to grant planning permission for planning application ref. 3/1212-03. The planning permission should be subject to conditions relating to noise levels, dust extraction system, odour, hours of operation of plant and machinery, specification of machinery, lorry movements, no storage of tyres outside of the factory building, no burning of tyres, implementation of environmental risk assessment working plan, and throughput of material.

## **1. Description of the site and proposed development**

- 1.1 The application site is around 0.3 hectares and lies on the edge of Hertford Industrial Estate, adjoining residential properties in Woodland Road. The proposed operations would take place in the main industrial unit. The application area lies around 23m from the rear of the dwellings, but is separated by an earth bank ranging from around 2.5m in height (north-west) to 4m in height (south-east). The application site shares a vehicular access with an adjoining industrial unit (to the south), which currently lies vacant. An out building (Unit 10), which used to occupy part of the site, has been demolished and provides an area for car parking.
- 1.2 The application site currently lies vacant, and was last used by an engineering firm in 2001. This application proposes a change of use, which would involve the installation of a shredding and crumbling plant for used car tyres. All of the proposed operations would take place within the existing building. The tyres would be imported onto site and shredded into granulate. The granulate can then be sold for matting in the equine market, for mulching in garden centres or used to make products such as mouse mats and pencil cases. Metal would also be extracted from the tyres and exported as scrap metal. The proposed operations would expect to process around 40 tonnes of tyres per week.
- 1.3 The industrial unit would be sectioned into three main areas, which would involve storage of whole tyres and sorting, processing, and finished goods storage. Tyres would be piled in the warehouse in designated areas with the heights managed so as to make sure they are stable and not cause risk of injury. A working plan including an environmental risk assessment has been submitted with the application.
- 1.4 The proposal would, on average, generate 4 lorry movements (2 in and 2 out) per day, with two further movements (1 in and 1 out) per week. The vehicular entrance lies to the south east of the site, on the side of the industrial unit. The proposed operations would use an extraction system, which would not involve pumping air to outside the factory unit. The main shredding machine would be located within its own alcove with the unit, which provides soundproofing. The hours of operation would be 08:00 - 18:00 on Monday to Fridays, and 08:00 - 12:00 on Saturdays.

## **2. Consultations**

- 2.1 East Herts District Council do not object to the proposal, subject to the imposition of conditions relating to the hours of operation of plant and machinery, no external working, details of plant and machinery including dust and noise attenuation measures to be submitted and approved, and no burning of tyres taking place on site.

- 2.2 East Hertfordshire District Council Environmental Health Department: No objection.
- 2.3 Highway Authority: No objection.
- 2.4 Fire and Rescue Service: No objection.
- 2.5 Environment Agency: No objection, subject to the provisions of the 'Working Plan: Environmental Risk Assessment' being strictly adhered to.
- 2.6 Health and Safety Executive: Do not wish to comment as the proposal falls outside their remit.
- 2.7 Transco: No objection.
- 2.8 Hertford Town Council: Object on the grounds of health and quality of life of local residents, noise, pollution, vehicle movements, a pedestrian walkway to be reinstated.
- 2.9 Waste Management Unit: Consider that the facility will be important in meeting new demands as a result of the targets of the Landfill Directive.
- 2.10 A total of 216 properties were consulted on the application, with 29 letters objecting to the application. The main issues of concern can be summarised as:
- noise;
  - suitability of the location of the site for such a use so close to residential properties and in a light industrial business park;
  - odour/air pollution;
  - dust;
  - danger to public health;
  - lorry movements;
  - vibration from lorries;
  - highway safety;
  - damage to road surface;
  - worsening of the problem of Foxholes Business Park being a rat-run into Hertford Industrial Estate.
  - fire hazard from tyres left outside;
  - storage space for tyres;
  - material brought in on imported tyres;

- inadequate contingency in case of breakdown or health hazard;
- inadequate handling volume and facilities for delivery;
- damage to the environment;
- the hours of operation are unacceptable;
- the industrial estate was built for light industry.

### **3. Planning Considerations**

3.1 The principal issues to be taken into account in determining this application are:-

- Need;
- Location;
- Amenity;
- Traffic Generation and movements;
- Fire Hazard;

#### Need

3.2 In respect of the need for the capacity and facilities of the type proposed, the EU Landfill Directive requires that no tyres in any form be landfilled by 2006. The proposed facility would expect to process around 40 tonnes of tyres per week. Initially it is expected that 25% of tyres will come from Hertfordshire and 75% would come from the rest of the southeast. Waste Local Plan Policy 2 states that the establishment of facilities such as the one proposed by this application will be supported provided that there is a clearly established need for additional capacity. Hertfordshire Structure Plan Policy 55 (Waste Management) encourages and supports re-use of waste as a means of dealing with waste further up the waste hierarchy. This process involves the reduction of materials going to landfill from re-use and recycling which is the second highest level of the waste hierarchy.

3.3 Therefore it has been proven that there is a need to provide facilities. Should this proposal not be granted planning permission another site would need to be sought for such a proposal within the next couple of years in order that European and National and local requirements of the landfill directive are met.

#### Location

3.4 The application site is not identified by Waste Policy 12 as an area of search for a permanent facility for re-use, recovery, recycling and transfer of waste. Therefore, it should meet the requirements of Waste Policy 13, which details criteria for potential waste sites. Criteria (i) to minimise impacts on local or natural environments is discussed below in paras 3.7-3.13. The vehicles would access the industrial area via the A414 from the A119 (Ware Road). Therefore, vehicle movements

spend only a short distance off of the primary road network, thus meeting the requirements of criteria (ii). Criteria (iii) relates to large plants and, given the specialised nature of the waste, criteria (iv) is not considered relevant to this proposal. Criteria (v) requires that the proposal is located on land falling into one of 4 categories. The application site is located both on (a) previously developed land, and (c) within established industrial/employment areas designated in District Local Plans.

- 3.5 The application site is designated in the Adopted District Local Plan as an Employment Area (Policy EMP2 and HERT2). Policies EMP2 and HERT2 give favourable consideration to business, industry or storage and distribution uses. The District Council have raised no objection to this proposal, and it is considered that this proposal meets the broad locational requirements of the District and Waste Local Plan Policies.

#### Amenity and Health Implications

- 3.6 The proposal needs to demonstrate that it would not adversely impact on the amenity of surrounding residents and the environment to an unacceptable level. For a facility of this nature, the key environmental considerations are emissions to air and noise
- 3.7 The application site lies within 23m of residential dwellings in Woodland Road. There has been concern raised that the emissions from the facility would result in unacceptable odour and air pollution detrimental to human health. The application states that there would be no emissions to air from the proposed operations, and extra information has been provided to address this issue has been provided by the applicant. The only emission arising from the operations is that of dust as a result of the shredding and crumbling process. Details have been provided of the proposed dust extraction unit. This would be fitted to the machines to collect airborne particles. The air is cleaned through a series of filters, which collect and store the dust for disposal whilst clean air is pumped back into the factory unit. The extraction system is designed to work within the unit, and therefore does not use an outlet to the external environment. The District Council Environmental Health Department have assessed the proposal including the specifications of the dust plant and consider the proposal acceptable. The proposal meets the requirements of Structure Plan Policy 55 (Waste Management), Waste Local Plan Policy 13 and Draft District Local Plan Policy ENV33 (Air Quality).
- 3.8 Concerns have been raised over the health and amenity impacts arising from potential emissions. Both the Environment Agency and District Environmental Health Department raise no objection to the proposal. A condition would be imposed to control any possible odour nuisance that may occur.
- 3.9 One objection has been received raising concerns with regard to the fact that insects carrying foreign diseases may be carried by the tyres

brought to the site for processing. The tyres to be processed will be collected from within the UK, which therefore provide the same risk from disease as any tyre in the UK.

- 3.10 There have been concerns raised regarding the potential noise generation from the proposed operations. The proposal needs to meet the requirements of Structure Plan Policy 57 (Potentially Polluting Development), Waste Policy 40 (Noise) and Draft Local Plan Policy SD22 (Pollution). This needs particular consideration given the mechanical nature of this process and the distance to neighbouring residential properties. Whilst the residential properties are located close to the application site, there is an earth bank located along the rear of the unit which would provide some form of sound attenuation to the residential properties. The plant generating the highest level of noise (the granulator) is proposed to be located within an insulated alcove within the unit, and the dust extraction system has no external outlet. The applicant has supplied manufacturers' specifications including noise generated by the plant and machinery used in the proposed operations.
- 3.11 The County Council appointed noise consultants to undertake an assessment of the information provided, to judge whether any noise proposed to be generated would be to the detriment of amenity to surrounding properties. The assessment was carried out using the standards set out in BS:4142, reflecting MPG11, PPG24 and incorporated into Hertfordshire Waste Local Plan Policy 40 (Noise). The results of the noise assessment will be reported orally.
- 3.12 There have been objections to this application from adjoining properties regarding the hours of working of the proposed facility. The hours of working are proposed to be 08:00 – 18:00 Monday to Fridays, and 08:00 – 12:00 on Saturdays. Subject to the outcome of the noise assessment, these are considered as being reasonable for an industrial operation of this nature and a condition could be attached to the planning permission restricting the operator to only operate during these hours.

#### Fire Hazard

- 3.13 A number of objections have been received with regard to the proposed operations being a potential fire hazard, which could be exacerbated by tyres being stored outside of the factory unit. The Health and Safety Executive have no comments on this planning application as this falls outside of the type of application they would comment on. The Fire and Rescue Service have no objection to the proposal. A condition would be attached to any planning permission granted stating that no tyres are to be burnt on site, and that no storage of tyres would be permitted outside of the factory building at any time.

### Traffic generation

- 3.14 Objections have been received from companies within the industrial estate, and some nearby residents with regard to lorry movements generated by the proposed development. The applicant has stated that on average there will be 4 lorry movements (2 in and 2 out) per day {2 x 17.5 tonne and 2 x 7.5 tonne}, and additionally one articulated lorry (2 movements - 1 in and 1 out) will collect the granulate. It was noted on site visits that there are businesses generating heavy goods vehicle movements already on the industrial estate.
- 3.15 Lorry movements generated by the proposal would use Caxton Hill (a privately owned road) and Ware Road (A119) to gain access to the primary road network, a distance of approximately 520m on the public highway. The proposal meets the requirements of Structure Plan Policy 29 (Traffic and Road Safety Implications of Development Proposals), Adopted Local Plan Policy M1 and Draft Policy TR1 (Road Hierarchy), and Waste Policy 43 (Traffic) which requires that development generating heavy traffic should use primary and distributor in preference to other minor roads. The Highway Authority and District Council have raised no objection to the proposal.
- 3.16 Concerns have been raised that this proposal would worsen the use of Foxholes Business Park as a 'rat-run' through to Hertford Industrial Estate. Given the existing permitted use and the relatively low level of traffic generated by the proposal this is unlikely to be a significant issue. This issue could also be dealt with through the enforcement of highway regulations.

### Rights of Way

- 3.17 There have been requests received through letters of objection to reinstate a footpath that it has been claimed had been in use for around 37 years which runs along the south eastern border of the application site. The path specified is no longer used as a tall wire fence occupies the land where the footpath would have been routed. The fence appears to have been there for a number of years. The alleged footpath would run through the middle of a shared access between the application site and adjoining vacant industrial unit. This planning application does not propose any alterations to the access as it currently exists and therefore does not affect the route of the suggested footpath.

### Property Values

- 3.18 Some objections received consider that this planning application should not be granted due to the detrimental impact that the proposed development would have on the value of surrounding residential dwellings. Property prices are not a material consideration in the determination of a planning application.

### Contingency and Operating Volumes

- 3.19 There have been concerns raised regarding the handling volumes of the proposed operations and contingency in the event of a breakdown or health hazard emanating from the unit. These considerations are governed by the Environmental Protection Act 1990 (Sections 35-41, Waste Management Licensing). The Environment Agency (as Waste Regulation Authority) would consider these issues in the determination of an application for a Waste Management Licence. The Environment Agency have raised no objection to this planning application, subject to the provisions of the 'Working Plan: Environmental Risk Assessment' being strictly adhered to. A condition could be attached to any planning permission granted required that the appropriate documentation is adhered under the appropriate circumstance. A condition could also be attached to stipulate that no tyres are stored outside the unit.

## **4. Conclusions**

- 4.1 The need for a facility of this nature has been generated as a result of legislation to come into effect in the near future. It is felt that the site has met relevant criteria in relation it's broad location required by the Development Plan. The proposal is located within an existing established employment area with good access to the primary road network. Further to this there has been detailed consideration of amenity issues.
- 4.2 The County Council has commissioned noise consultants to undertake an assessment of the possible impact of noise on surrounding properties. The outcome of this assessment will be reported orally. It is not considered that emissions to air would be detrimental to amenity. The District Council and Environment Agency have raised no objection to the proposal.
- 4.3 With regard to concerns of fire hazard, the Fire and Rescue Service do not object to the proposal. The lorry movements generated by the proposal are considered acceptable by the Highway Authority and by East Herts District Council, given the location of the development in an existing employment area and close to the primary road network.
- 4.4 This report concludes that the Director of Environment should be authorised to grant planning permission for planning application ref. 3/1212-03. The planning permission should be subject to conditions relating to noise levels, dust extraction system, odour, hours of operation of plant and machinery, specification of machinery, lorry movements, no storage of tyres outside the building, no burning of tyres, implementation of environmental risk assessment working plan, and throughput of material.

## **5. Financial implications**

- 5.1 Planning applications should be determined on the basis of material planning considerations, and not on the basis of their financial implications for the County Council. However, it is a requirement of the County Council to advise all Committees of the financial implications that may arise from their decisions.
- 5.2 If a planning application is refused or is not determined within a specific period, the applicant has a right of appeal. Any appeal would result in additional costs, which in part can be met from existing budget provisions. However, a major public inquiry may give rise to significant costs for which there is no specific budget provision. If the County Council refuses an application without reasonable planning grounds on which to base its decision, it may be liable to pay the costs of the applicant in contesting the appeal.

### *Background information used by the author in compiling this report.*

Planning application reference 3/1212-03 (and accompanying statements and plans).

Consultation responses and representations received in response to planning application ref. 3/1212-03.

Hertfordshire Waste Local Plan 1995-2005, adopted January 1999; Policy 2 (Need for waste management facilities), Policy 12 (Areas of search for permanent facilities for re-use, recovery, recycling and transfer of waste), Policy 13 (Criteria for permanent facilities for re-use, recovery, recycling and transfer of waste outside areas of search), Policy 40 (Noise), Policy 43 (Traffic).

Hertfordshire Structure Plan Review 1991-2011, adopted April 1998; Policy 29 (Traffic and Safety Implications for development Proposals), Policy 55 (Waste Management), Policy 57 (Potentially Polluting Development and Location of Potentially Polluting Development).

The East Hertfordshire Local Plan 1986-2001 (with Alterations) adopted December 1999; Policy BE10 (Noise), Policy EMP2 (Employment Areas), Policy M1 (Road Hierarchy), HERT 2 (Employment Areas).

The East Herts Local Plan Second Review (Deposit Version - December 2000); Policy SD22 (Pollution), Policy TR1 (Road Hierarchy), Policy EDE1 (Employment Areas), Policy ENV28 (Noise Generating Development), Policy ENV33 (Air Quality).