

Planning and Licensing Committee

Tuesday, 28 June 2016 at 10:30

County Hall, County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- | | | |
|----|--|-----------|
| 1 | Minutes of the last Meeting 24 May 2016 | 3 - 10 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of lobbying | |
| 5 | Summary of the Housing And Planning Act 2016 And its Implications for the County Council's Planning Work | 11 - 14 |
| 6 | Prior Notification Of Proposed Demolition Of Sports Centre, Leisure And Community Centre The Grove Leisure Centre London Road Newark | 15 - 26 |
| 7 | Installation Of Vertical Bar Railings At Back Of Footway Worksop Bus Station Newcastle Street Worksop | 27 - 36 |
| 8 | John Brooke Sawmills Limited the Sawmill Fosseway Widmerpool | 37 - 86 |
| 9 | Bunny Materials Recycling Facility Loughborough Road Bunny | 87 - 128 |
| 10 | Bilsthorpe Energy Centre Appeal Outcome | 129 - 136 |
| 11 | Development Management Progress Report | 137 - 148 |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 24 May 2016 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

John Wilkinson (Chairman)
Sue Saddington (Vice-Chairman)

	Roy Allan	Rachel Madden
	Andrew Brown	Andy Sissons
A	Steve Calvert	Keith Walker
	Jim Creamer	Yvonne Woodhead
	Stan Heptinstall MBE	

OFFICERS IN ATTENDANCE

David Forster – Resources Department
Sally Gill – Place Department
Rachel Clack – Resources Department
Jonathan Smith – Place Department
David Marsh – Place Department
Mike Hankin – Place Department
Ruth Kinsey – Place Department

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

To note the appointment of Councillor John Wilkinson as Chairman and Councillor Sue Saddington as Vice-Chairman by the County Council on 12 May 2016.

MEMBERSHIP**RESOLVED 2016/033**

That the membership of the Planning and Licensing Committee be noted

Roy Allan, Andrew Brown, Steve Calvert, Jim Creamer, Stan Heptinstall MBE, Rachel Madden, Sue Saddington, Andy Sissons, John Wilkinson, Keith Walker, Yvonne Woodhead

MINUTES OF LAST MEETING HELD ON 28 APRIL 2015

The minutes of the meeting held on 26 April 2016 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

HORSENDALE PRIMARY SCHOOL ASSARTS ROAD NUTHALL

Mr Smith introduced the report and gave a slide presentation and highlighted the following:-

- The application is for the erection of two freestanding double classrooms.
- The existing perimeter hedgerows will be retained however 5 trees will be removed with the same number replanted through the Conditions attached to the application.
- Sport England have no objections although part of the hard standing play surface will be encroached upon.
- The extension of the carpark will increase staff parking by 6 cars.
- There will be an increase in the capacity of the school from 210 to 315.
- The Highways Authority have raised no concerns over the increase in traffic in the area
- There is a separate process for the introduction of Traffic Regulation Orders

Following Mr Smith's introduction there were a number of speakers and a brief summary of speeches are set out below.

Mrs Walsham, local resident, spoke against the application and highlighted the following:-

- The 5 trees scheduled for removal have already been netted in advance of their removal
- Increase in traffic and inconsiderate parking around the vicinity
- School Travel Plans will not work as the catchment area includes housing across the busy A610.
- The impact on the environment is greater than the benefits of the application.

In response to questions Mrs Walsham responded as follows:-

- Not aware of when the development of new housing will commence
- On a typical day both morning and afternoon is one that has parents parking inconsiderately for residents and there are varied issues each day.

Councillor Owen, local member, spoke against the application and highlighted the following:-

- The fact the report states that I had no objections to the application, however this is not the case.
- There seems to have been a decision already made with the trees being netted now
- There is no real need for the additional school places at this school.
- The new development referred to in the report will not be commenced in the foreseeable future.
- There is not a chance that children will walk or cycle from the new development when it is built because they would have to cross the Nuthall Island and that's not the easiest route.
- There is a need for additional school places in the Broxtowe area but it is more in the north of the Borough that needs them.
- TRO's should be looked at for parking along Drummond Drive as it is becoming a car park and difficult for residents to move on their own street.

In response to a question Councillor Owen replied that the Children and Young Peoples Department should look to alternative sites as this site would only attract more City children into the Counties schools.

Mr Smith responded to comment made by Councillor Owen as follows:-

- Tree planting will form part of the Conditions attached to the application if approved. They have been netted at the applicant's expense to stop birds nesting just in case the application is approved.
- TRO's are separated issue to a planning decision.

Mrs Clack Legal advisor to the Planning Committee gave the following advice

The legal view with regard to having a condition which incorporates a TRO is that it is not necessary due to the fact it is a separate process and is not considered relevant to the granting of a planning Application. The Highways Authority have not objected to the application therefore the addition of a condition would be considered unnecessary, however it could be considered as an informative if approved.

Following the speakers and comments by the officers members debated the item and the following issues were raised:-

- Need to ensure that there are full consultations with local residents with regard to any TRO that is necessary to be made.
- Concerns about City children taking the additional school places before the new development is built therefore making it more difficult to get the children into the school anyway.
- There should be a 'chaperone zone' introduced in the area to help with traffic issue around the school
- There is S106 money attached to this development only so this would not be forthcoming for any other school in the area.

On a motion by the Chairman, seconded by the Vice Chairman it was:-

RESOLVED 2016/034

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 2 attached to the report.

With the consent of the Committee the Chair adjourned the meeting for 10 minutes (11.35-11.45 am)

SHERWOOD FOREST GOLF CLUB AND FORMER MANSFIELD COLLIERY TIP EAKRING ROAD MANSFIELD.

Mr Hankin introduced the report and gave a slide presentation and highlighted the following:-

- The application is to develop a new driving range, practice area and extend the carpark.
- The work will include the importation of 123k cubic metres of fill material which would be imported over a 12-24 month period.
- It is no longer proposed to use Eakring Road for any HGV's to gain access but to use Crown Farm Way instead.
- Natural England have raised no objection to the application

Following Mr Hankin's introduction there were two speakers.

Mr Oats, local resident, spoke against the application and highlighted the following:-

- Great news about the use of Crown Farm Way for HGV traffic.
- There will however still be serious reservations by the impact of this application on local residents.
- There is also a need for safety measures for all of the people that use the heath for jogging, walking and dog walking.
- The increase in size of the course will mean there will be more users and therefore an increase in traffic around the Eakring area.

There were no questions

Mr Dyson, representing the Sherwood Forest Golf Club, spoke in favour of the application and highlighted the following:-

- The club is one of two courses in the County ranked in the top 100 golf courses in the United Kingdom.
- The club is striving to keep its status alongside creating an area that is SSSI
- The application is aimed at attracting more people to the area and using the golf course by improving the facilities offered.
- Drainage issues around the course are being addressed through this application.

There were no questions

On a motion by the Chairman, seconded by the Vice Chairman it was:-

RESOLVED 2016/035

That planning permission be granted subject to the conditions set out in Appendix 2 attached to the report.

LAND ADJOINING STOKE BARDOLPH SEWAGE TREATMENT WORKS **STOKE LANE STOKE BARDOLPH**

Mr Hankin introduced the report and gave a slide presentation and highlighted the following:-

- The application is to extend the existing Anaerobic Digestion (AD) to the east of the site onto a grassed area and the installation of a biogas upgrade plant to the north.
- This will enable an additional 35k tonnes of agricultural feed crops to be processed each year.
- The NPPF have advised very special circumstances include the wider environmental benefits of the scheme.
- The transport assessment undertaken by the Highways Authority and the peak delivery during the harvest season will be 120 movements and this will reduce significantly at other times of the year.

Following Mr Hankin's introduction there was one speaker Mr Bridgwater, representing Severn Trent PLC, who spoke in favour of the application and highlighted the following:-

- It's a sustainable development which removes the nutrients to use as fertilizer or soil conditioner for the agricultural feed crops.
- The methane produced will be used to produce electricity and fed into the national grid.
- The odour produced from facilities like this is a nutty woody smell so not unpleasant.

There were no questions

On a motion by the Chairman, seconded by the Vice Chairman it was:-

Resolved 2016/0036

That planning permission be granted subject to the conditions set out in Appendix 1 attached to the report

Following consent from the Committee the Chair changed the order of business on the agenda therefore agenda item 11 was taken as the next item

**STANHOPE PRIMARY AND NURSERY SCHOOL KEYWORTH ROAD
GEDLING**

Mr Smith introduced the report and gave a slide presentation and highlighted the following:-

- This is an application for a 60 place freestanding double classroom.
- The additional space alongside internal changes to the school will mean the capacity will increase from 360 to 420.
- There will also be an increase in the size of the staff carpark from 4 to 18.
- The Highway authority raise no objections as it means less roadside parking by staff.
- There will be screening provided which alleviate the concerns about properties being overlooked on the Bayliss Road boundary.

Following Mr Smith's introduction there was one speaker Councillor Andrew Ellwood, Gedling Borough Council who spoke in against of the application on traffic grounds and highlighted the following:-

- The parking issues around the school are still a concern for local residents.
- There are further concerns about the increase in size of the school with the increase in parents who show no consideration to local residents at the start and end of a school day.
- There should be safety measures undertaken around the school gates to stop inconsiderate parking or by making Keyworth Road
- Not objecting to the building of classrooms but there are issues around traffic and parking around the residential roads.

There were no questions

On a motion by the Chairman, seconded by the Vice Chairman it was:-

Resolved 2016/0037

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 2 attached to the report.

HARWORTH COLLIERY SPOIL TIP BLYTH ROAD HARWORTH

Mr Smith introduced the report and gave a slide presentation and highlighted the following:-

- The application is to vary condition 3 of planning permission 1/14/01.625/CDM
- The nearest residential property is 600m to the application site.
- The application involves the importation and spreading of 3000 tonnes of high alkaline/organic waste material which will help reduce the acidity levels of surface water in the site.
- It is felt that there are no material considerations that indicate the proposed extension will be against all relevant Development Plan policies

Resolved 2016/0038

That planning permission be granted subject to the conditions set out in Appendix 1 attached to the report

DEVELOPMENT MANAGEMENT PROGRESS REPORT

On a motion by the Chairman, seconded by the Vice-Chairman, it was:-

RESOLVED 2015/039

That the Development Management Report be noted.

WORK PROGRAMME

On a motion by the Chairman, seconded by the Vice-Chairman, it was:-

RESOLVED 2015/040

That the Work Programme be noted

The meeting closed at 12.46 pm.

CHAIRMAN

28th June 2016**Agenda Item:5****REPORT OF CORPORATE DIRECTOR – PLACE****SUMMARY OF THE HOUSING AND PLANNING ACT 2016 AND ITS IMPLICATIONS FOR
THE COUNTY COUNCIL'S PLANNING WORK****Purpose of Report**

1. To advise Members of the implications of the Housing and Planning Act 2016 for the County Council's planning work.

Information and Advice

2. Members will recall that in April a report was brought to this Committee setting out the County Council's response to the Department for Communities and Local Government (DCLG) on the technical consultation on the implications of planning changes.
3. The consultation period on this document closed on 15th April and DCLG are now analysing the responses they received from relevant parties, including representatives from both the public and private sectors. They are expected to publish a summary of the responses shortly.
4. The purpose of the technical consultation was to seek views on the proposed approach for implementing the planning provisions in the Housing and Planning Bill. Running concurrently with the DCLG consultation the Housing and Planning Bill was going through Parliament. It has now completed all its parliamentary stages and has passed into law, having received Royal Assent on 12th May 2016.

What happens next?

5. The majority of the Housing and Planning Act relates to housing matters, particularly increases in house building and home ownership, which are not directly relevant to the planning work of this authority, albeit that an increase in house building would have implications regarding the supply of minerals.
6. The key areas relevant to planning generally are as follows;

Powers to intervene in Local plan making

The Secretary of State will have the power to prepare a local development scheme for a local planning authority and direct an authority to bring that scheme into effect. This would apply to designated authorities that do not have a plan or up to date policies, and those that have higher housing pressure and /or where intervention would have the greatest impact in accelerating local plan production. This provision came into effect on 26th May 2016 and enables the Secretary of State to direct a local planning authority not to take any steps in connection with the adoption of a development plan document pending possible use of other intervention powers. The Government has already used this power putting the Birmingham Development Plan on hold to allow for proper consideration of Green Belt issues.

7. At the time of the DCLG consultation clarification was sought as to whether minerals and waste local plans would be included in this proposal. Initial advice was that they would be excluded but definitive guidance on this is awaited.

Permission in principle

8. This provision, which is expected to come into force in July, relates to housing-led developments only. The Act specifically states that “permission in principle may not be granted for development consisting of the winning and working of minerals”. In addition, at various stages during the progression of the Bill an amendment was agreed explicitly excluding fracking development from being capable of being granted permission in principle.

Alternative provision of planning services: pilots

9. This provision of the Act, which takes immediate effect, introduces regulations to allow for pilot schemes to be set up to test the use of competition from alternative providers for the processing of planning applications. This would apply where an applicant chooses to use a “designated person” rather than the local planning authority to process their application. The determining, i.e. the decision making stage, of applications will remain with the local planning authority. Clarification on the Act confirmed that no advice from designated persons will be binding on the authority. An agreed amendment to the Act provides that the pilots will last for a maximum of five years.
10. The next stage for this will be for the Secretary of State to consult on the regulations for the pilots and bring an evaluation of the pilots back to Parliament when it is complete. Further details on how this will work in practice, and associated fee levels are awaited.

Other planning related measures

11. Other planning measures in the Act coming into immediate effect include setting timescales for neighbourhood planning decisions and requiring councils to keep registers of certain types of land (brownfield). These do not directly apply to the planning work of the County Council.
12. No further information is available about any proposed changes to planning fees and whether they will be linked to performance as indicated by the DCLG

consultation. This and other elements of the Act will come into force following the publication of future regulations.

13. County Council Members will be kept informed of any significant changes to the Council's planning processes or any financial implications for the County Council as a consequence of the Act.

Other Options Considered

14. There are no alternative options to consider as the report is for information only.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

16. If the proposals for "alternative providers" are taken forward following the pilot scheme there may be implications for applicants who currently submit applications to the County Council for determination.

Human Rights Implications

17. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.
18. There are no finance, public sector equality, human resources, crime and disorder, safeguarding of children, sustainability and the environment implications.

RECOMMENDATIONS

19. It is RECOMMENDED that Members note the contents of this report which sets out the implications of the Housing and Planning Act 2016 for the County Council's planning work.

TIM GREGORY

Corporate Director – Place

Constitutional Comments (SLB 15/06/2016)

20. This report is for noting only.

Comments of the Service Director – Finance (SES 08/06/16)

21. There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

All

Report Author/Case Officer
Jane Marsden-Dale
0115 9932576

For any enquiries about this report, please contact the report author.

28 June 2016**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR – PLACE****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/00944/CMA****PROPOSAL: PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF SPORTS
CENTRE, LEISURE AND COMMUNITY CENTRE****LOCATION: THE GROVE LEISURE CENTRE, LONDON ROAD, NEWARK****APPLICANT: NCC PLACE DEPARTMENT****Purpose of Report**

1. To consider a prior notification for the demolition of a sports centre, leisure and community centre at the Grove Leisure Centre, London Road, Newark. The key issue relates to safeguarding the local environment from the uncontrolled impacts of demolition. The recommendation is to approve the prior notification submission subject to conditions set out in Appendix 1.

The Site and Surroundings

2. The Grove Leisure Centre lies to the west of the recently redeveloped Newark Academy on the east side of London Road, New Balderton (B6326) approximately 2.2km to the south-east of Newark town centre.
3. The buildings to be demolished lie immediately to the north of former Newark Academy school buildings which are currently being demolished. A former pupil referral unit (Grove House) lies to the east, and buildings for demolition are bounded to the north by a watercourse (Middle Beck Main River) with Balderton Resource Centre and The Orchard Special School beyond. Residential properties lie 120m to the north on Glebe Park, 90m to the west on the west side of London Road, and 160m to the south on Smith Street (Plan 1).
4. Trees, notably to the north and east are established close to the buildings to be demolished. The car park to the west of the Leisure Centre is included in the site subject of the prior notification.

Proposed Development

5. Prior Notification of demolition of the former sports centre, leisure and community centre buildings, with supporting method statements has been provided. The works would be carried out over a two month period.

6. Asbestos would be removed from the buildings prior to demolition. Demolition would take place Monday – Friday between 07:30-16:30, and it is proposed that demolition would also take place at the contractor's discretion on Saturdays and Sundays without specifying working hours. Consideration would be given to the need not to conflict with the adjacent operational school.
7. A bat scoping survey has identified three areas of buildings to be demolished with bat roost potential (one with high risk potential and two other areas of limited potential).
8. Buildings on the site would be demolished to slab level, with the slab and areas of hard standing remaining *in situ*. The void of the swimming pool would be backfilled to leave level ground.
9. It is proposed that a noise and dust management plan would be submitted by the appointed contractor. Measures for the control of vibration are not specified other than to reference compliance with BS:5228 Part 1 (Code of Practice for Noise and Vibration Control on Construction and Open Sites). Arising material would be disposed off-site. Where practical, materials would be segregated for recycling.
10. The site would be secured by temporary Heras fencing during the period of demolition.

Consultations

11. **Newark and Sherwood District Council** - No response received. Any response received shall be orally reported.
12. **Balderton Parish Council** - No response received. Any response received shall be orally reported.
13. **NCC Highways Development Control** – No objection. *Lorry movements associated with demolition should follow those set out in the Environment Management Plan for the erection of the replacement Newark Academy, referring to lorry routeing, segregation of vehicles and pedestrians, and times of access to avoid school student arrival/departure times.*
14. **Trent Valley Internal Drainage Board** – No objection. *No Board apparatus would be affected by the proposals.*
15. **NCC Nature Conservation Team** – No objection subject to demolition proceeding in accordance with recommendations of additional surveys. *Cavity walls of the fitness suite have high bat roost potential. Further bat emergence/activity surveys are recommended but cannot be completed before mid-June due to the potential for the cavity wall features to support a maternity roost.*
16. **NCC Land Reclamation Team** – No objection subject to conditions. *The method statement is broadly satisfactory but it should be ensured that the validation process for asbestos clearance covers the exposed soils and the infilled materials designated for the pool basin.*

17. *Provision should be made for waste management and the designation of an asbestos waste skip or similar. The areas where crushing plant would stand should be identified. Materials used to fill the void of the swimming pool should be validated to confirm they are free of contaminants, including asbestos. Finished site surfaces should be tested to validate an absence of contaminants, including asbestos.*
18. **Environment Agency, NCC Project Engineer (Noise), National Grid (Gas), Severn Trent Water Limited, Western Power Distribution** - No responses received. Any responses received shall be orally reported.

Publicity

19. The prior notification has been publicised by means of a site notice displayed by the applicant in accordance with the procedure set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 11 Class B - *demolition of buildings* B.2(b)(iv).
20. Councillor Keith Walker has been notified of the application.
21. No representations have been received.

Observations

22. The purpose of Prior Notification is to give Local Planning Authorities the opportunity to regulate the details of demolition in order to minimise the impact of that activity on the immediate environment. *The developer must, before beginning the development—in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site;* - Schedule 2 Part 11 Class B Conditions -B.2(b)(i)(aa).
23. Advice in DCLG Planning Practice Guidance explains that: *Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.*
24. The Bat Scoping Report supporting the submission has identified the need for additional bat surveys to be carried out. Whilst the safeguarding of protected species falls outside of matters for consideration in determining this prior notification, bats are protected by The Wildlife and Countryside Act 1981. It will still be necessary for the applicant to undertake additional surveys and if required carry out suitable mitigation in accordance with a bat licence to be obtained from Natural England. An appropriate Note to Applicant is recommended (Note 1).
25. The proposed method of demolition, within recognised working hours, is generally acceptable and should not give rise to unacceptable impacts on neighbouring amenity. However proposed working hours and restrictions on demolition traffic movement need to be more tightly defined. Although NCC Highways Development Control has identified that lorry movements should take

place in the same way as for the construction of the adjacent school, the proposed demolition would be undertaken as a separate project, but would be secured through recommended Condition 6 and Condition 7. Condition 6 would remove the contractor's stated discretionary operation on a Saturday afternoon and all day on Sunday.

26. The works would take place in excess of 90m from the nearest residential property and demolition is considered unlikely to give rise to complaints. However, noise impacts should be limited and is the subject of recommended Condition 6e). Statutory nuisance which may arise would be regulated under separate legislation by Newark and Sherwood District Council.
27. The submission of a pre-demolition asbestos report is the subject of recommended Condition 9. A watching brief for asbestos will also be required (Condition 8). The void of the swimming pool will need to be backfilled with inert uncontaminated materials which should be tested as being free of asbestos containing materials and other contaminants (Condition 10). A validation report should be submitted that the ground surface, following the completion of demolition of the buildings to slab level, is free of contaminants, including asbestos (Condition 11).
28. Trees adjacent to the works will need to be safeguarded during construction (Condition 5) and any site vegetation works during the bird nesting season will need to be undertaken following inspection by a suitably qualified ecologist (Condition 4).
29. There are no current proposals for redevelopment of the site. The site would remain secure, enclosed by a perimeter fence and the visual appearance of the site is unlikely to deteriorate or impact on the visual amenity of the area. The proposal, to clear the site without covering the slab and retained areas of hardstanding with topsoil, is considered to be acceptable.
30. No additional details related to the method of demolition and restoration of the site are considered to be required prior to the commencement of demolition.

Other Options Considered

31. The report relates to the determination of a prior notification related to proposed demolition. The County Council is under a duty to consider the prior notification as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

32. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

33. The site would remain secured following the completion of works of demolition.

Safeguarding of Children Implications

34. The site would remain secured during and following the completion of works of demolition.

Implications for Sustainability and the Environment

35. Materials from demolition are to be separated into different waste streams and recycled where possible.

Human Rights Implications

36. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.
37. There are no Implications for Service Users, Financial Implications, or Equalities Implications arising from the development.

Statement of Positive and Proactive Engagement

38. In determining this prior notification the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against all material considerations and consultation. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

39. It is RECOMMENDED that the prior notification for demolition is granted in accordance with the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 11 Class B - *demolition of buildings* subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report.

[RHC 08.06.2016]

Comments of the Service Director - Finance

There are no specific financial implications arising directly from this report.

[SES 08.08.2016]

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Balderton

Councillor Keith Walker

Report Author/Case Officer

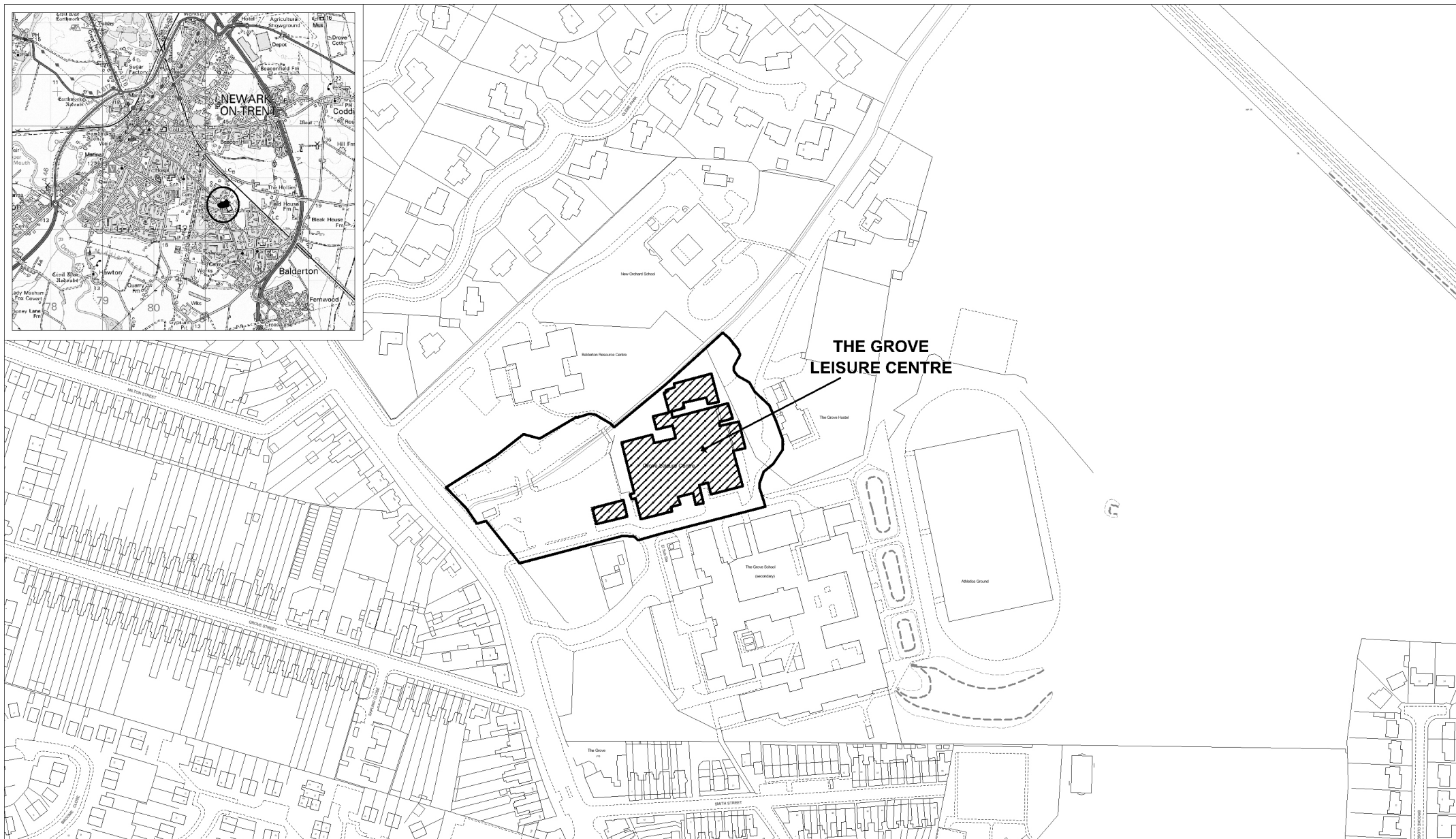
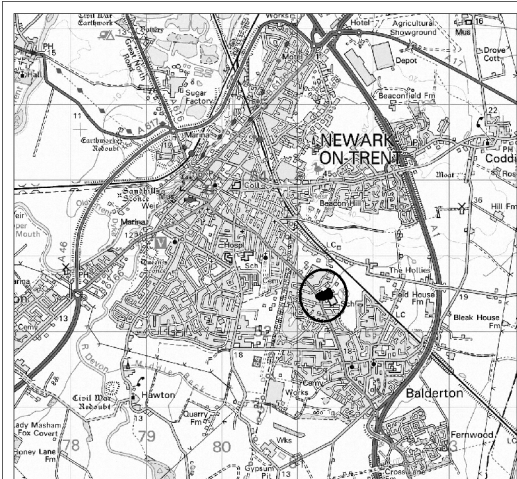
David Marsh

0115 9932574

For any enquiries about this report, please contact the report author.

PN/3503

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**Nottinghamshire
County Council**

Prior Notification of proposed demolition of sports centre, leisure and community centre.
The Grove Leisure Centre, London Road, Newark, Nottinghamshire.
Planning Application No. PN/3503

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Scale: 1: 3,000

Produced by: JW

Date: JUNE 2016

PLAN 1

RECOMMENDED PLANNING CONDITIONS

1. Demolition in accordance with the approved details shall be carried out within a period of five years from the date of this decision.

Reason: *To comply with Condition B.2(ix)(aa) of Part 11 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of works of demolition.

Reason: *To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the following documents and submission:

- a) the application form received by the CPA on 13 April 2016;
- b) Demolition Notification Planning Statement received by the CPA on 13 April 2016;
- c) Bat Scoping Report Survey and recommendations, received by the CPA on 25 April 2016;
- d) Pre-Appointment Method Statement for Demolition and Associated Works, received by the CPA on 13 April 2016; and
- e) Drawing PY PS 000004, received by the CPA on 13 April 2016.

Reason: *For the avoidance of doubt as to the development that is permitted.*

4. Should any tree, shrub, scrub or other vegetation clearance works be carried out between the months of March to August inclusive, the works shall be undertaken in accordance with a methodology which shall first be submitted to and approved in writing by the CPA. Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist and written confirmation from the ecologist first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

Reason: *To avoid disturbance to birds during the breeding season.*

5. Prior to the commencement of main site works, details of the design and alignment of proposed temporary fencing, positioned so as to reasonably safeguard the health of trees on the site, shall be submitted to and approved in writing by the CPA. The fencing shall be installed to the satisfaction of the CPA

on the approved alignment prior to the commencement of demolition, and shall be so retained throughout the period of demolition works.

Reason: Details are required to be submitted prior to the commencement of demolition to ensure that trees on the site are appropriately safeguarded.

6. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA ;
- a) no works of demolition shall be carried out or plant operated except between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;
 - b) works of demolition or plant operation shall not be carried out at any time on Sundays, Public or Bank Holidays;
 - c) no demolition related vehicle movements to or from the site shall take place on any day other than between 07:30–18:00 hours Mondays to Fridays and 07:30-13:00 hours on Saturdays;
 - d) in addition to the requirement of 6c), no demolition related lorry movements to or from the site shall take place on any school day between 08:00-09:00 hours and 14:45-15:45 hours;
 - e) the contractor shall employ measures to minimise noise impacts in accordance with guidance in BS5228-1:2009 *Code of practice for noise and vibration control on construction and open sites*, to ensure noise levels do not exceed 65dB LAeq,1hr 3.5m from the façade of any nearby receptor.

Reason: To safeguard the amenity of nearby residents and to minimise risk of pedestrian/cycle conflict with HGV/construction traffic when Newark Academy is in use.

7. Prior to the commencement of works of demolition, details of
- a) lorry routeing for construction traffic;
 - b) measures to prevent the deposit of debris on the public highway;
 - c) the segregation of demolition related vehicle movements and pedestrian movements on site;

shall be submitted to and approved in writing by the CPA. All construction shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the CPA.

Reason: Details are required to be submitted prior to commencement of works to ensure that appropriate measures are in place in the interest of highway safety.

8. Prior to the commencement of main site works, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the

approved details. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: Details are required to be submitted prior to the commencement of main site works to provide an appropriate methodology that will ensure that the site is remediated to an appropriate standard.

9. Prior to the commencement of works of demolition on site, a destructive asbestos survey of buildings to be demolished shall be submitted to and approved in writing by the CPA. Development shall not be carried out other than in accordance with the approved details.

Reason: Details are required to be submitted prior to commencement of works to ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

10. Any voids on site shall be filled with inert materials only which shall be tested and certified as being free of contaminations and asbestos containing materials.

Reason: To ensure that the site is restored in a satisfactory manner.

11. Within two months of the completion of works of demolition, a validation report to confirm an absence of contaminants including asbestos on the finished surface of the site, shall be submitted to and approved in writing by the CPA.

Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.

Informatives/Notes to Applicant

1. The Bat Scoping Report supporting the submission has identified the need for additional bat surveys to be carried out. Whilst the safeguarding of protected species falls outside of matters for consideration in determining this prior notification, bats are protected by The Wildlife and Countryside Act 1981. It will still be necessary for the applicant to undertake additional surveys and if required carry out suitable mitigation in accordance with a bat licence to be obtained from Natural England.

28 June 2016**Agenda Item: 7****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.:****PROPOSAL: INSTALLATION OF VERTICAL BAR RAILINGS AT BACK OF
FOOTWAY.****LOCATION: WORKSOP BUS STATION, NEWCASTLE STREET, WORKSOP****APPLICANT: PLACE DEPARTMENT****Purpose of Report**

1. To consider a planning application for the erection of vertical bar railings at Worksop Bus Station. The proposal is being reported to Committee for determination as the application is submitted by Place Department. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. Worksop Bus Station is located at the junction of Watson Road (B6040) and Newcastle Street (B6024) (Plan 1). Buses access the site from Queen Street and exit on to Watson Road. Traffic movement on Queen Street is one-way, accessed from Newcastle Street. Pedestrian access to the bus station is through the bus station building fronting Newcastle Street, or when closed around the building from Watson Road. There is no pedestrian access to the bus station permitted from Queen Street. A planted bed is provided to the north of the bus access on the frontage to Queen Street.
3. The bus station lies within Worksop Conservation Area (Plan 2).

Proposed Development**Planning Background**

4. 1/13/01372/CDM - Planning permission granted February 2014 for the erection of an eight-bay bus station.

Proposal

5. Notwithstanding there being no permitted pedestrian access to the bus station from Queen Street, the applicant is concerned that there may be foot traffic through the planted bed. Planning permission is sought to erect 2.0m high vertical bar railings coloured black (RAL9005), at the same height as the adjacent wall at 4 Newcastle Street, along the back-edge of the Queen Street footway (Plan 3). The railings are intended as a visual deterrent to pedestrians considering accessing the bus station from Queen Street whilst providing protection while planting becomes established.

Consultations

6. **Bassetlaw District Council** - No objection.
7. **NCC Highways Development Control** - No objection. *The proposal will not affect safety on the highway network.*
8. **NCC Built Heritage Team** - No objection. *The proposed railings are unlikely to cause any harm and rather may enhance the streetscape of this part of the conservation area by introducing a traditional feature that will strengthen the appearance of the boundary.*
9. **Severn Trent Water Limited, Western Power Distribution, and National Grid (Gas)** – No response received. Any comments received will be orally reported.

Publicity

10. The application has been publicised by means of press notice, site notice and neighbour notification sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review.
11. Councillor Kevin Greaves has been notified of the application.
12. No representations have been received.

Observations

13. The development in the context of its location in a conservation area has been appropriately assessed as required by the National Planning Policy Framework. The height and design of the proposed railing is considered to be acceptable and would not detract from the appearance of the conservation area in compliance with Bassetlaw Core Strategy & Development Management Policies DPD Policy DM8 *The Historic Environment – B. Development Affecting Heritage Assets* (which states a presumption against development that would be detrimental to the significance of heritage assets).

Other Options Considered

14. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

16. The proposal would act as a visual deterrent to pedestrians considering accessing the site from Queen Street.

Human Rights Implications

17. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.
18. There are no implications for Service Users, Finance, Equalities, Safeguarding of Children Human Resources or Implications for Sustainability and the Environment.

Statement of Positive and Proactive Engagement

19. In determining this application the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, and consultation responses received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

20. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the content of this report.

[SLB 06.06.16]

Comments of the Service Director - Finance

There are no financial implications arising from the contents of the report.

[RWK 09.06.2016]

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Worksop West Councillor Kevin Greaves

Report Author/Case Officer

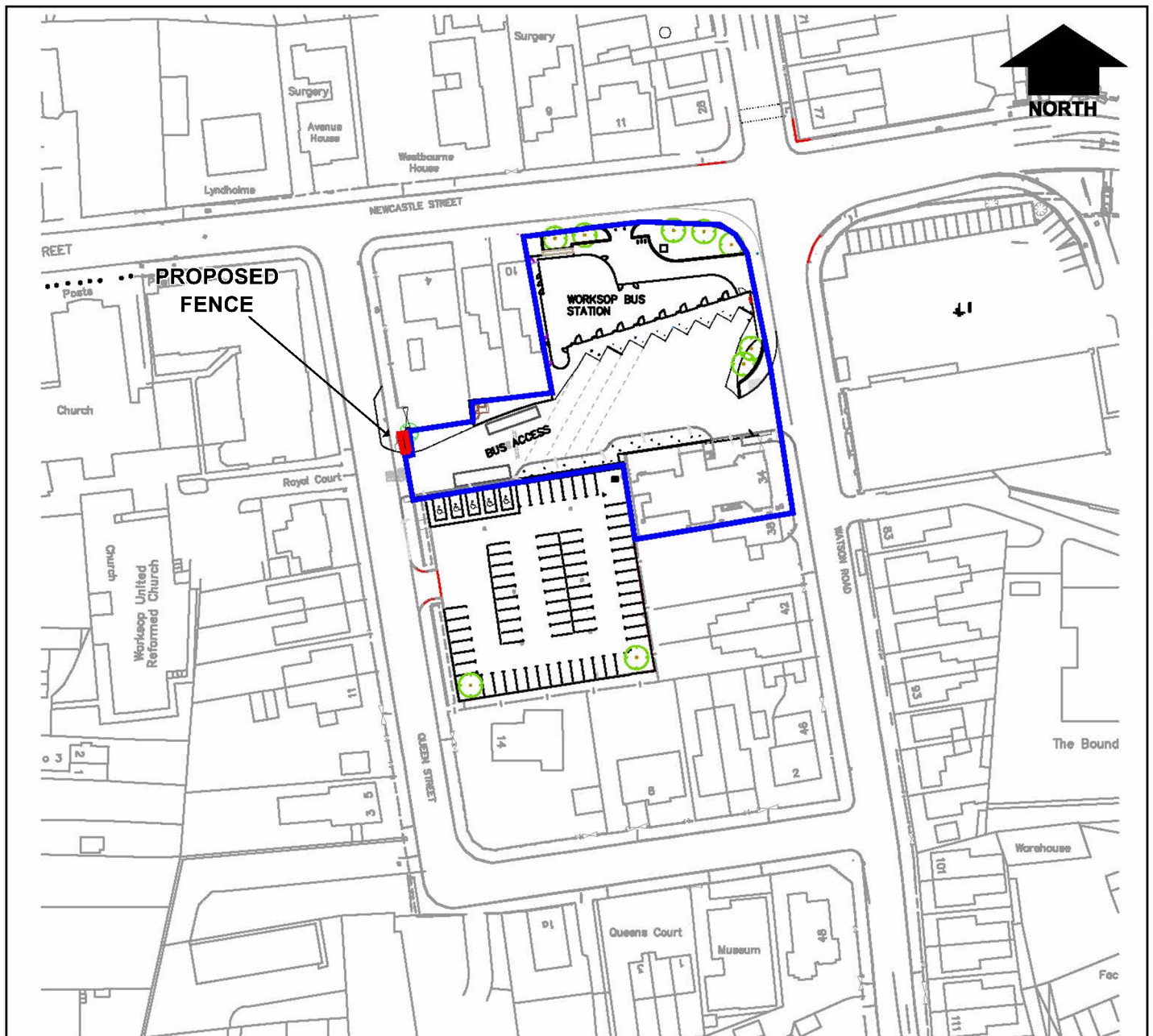
David Marsh

0115 9932574

For any enquiries about this report, please contact the report author.

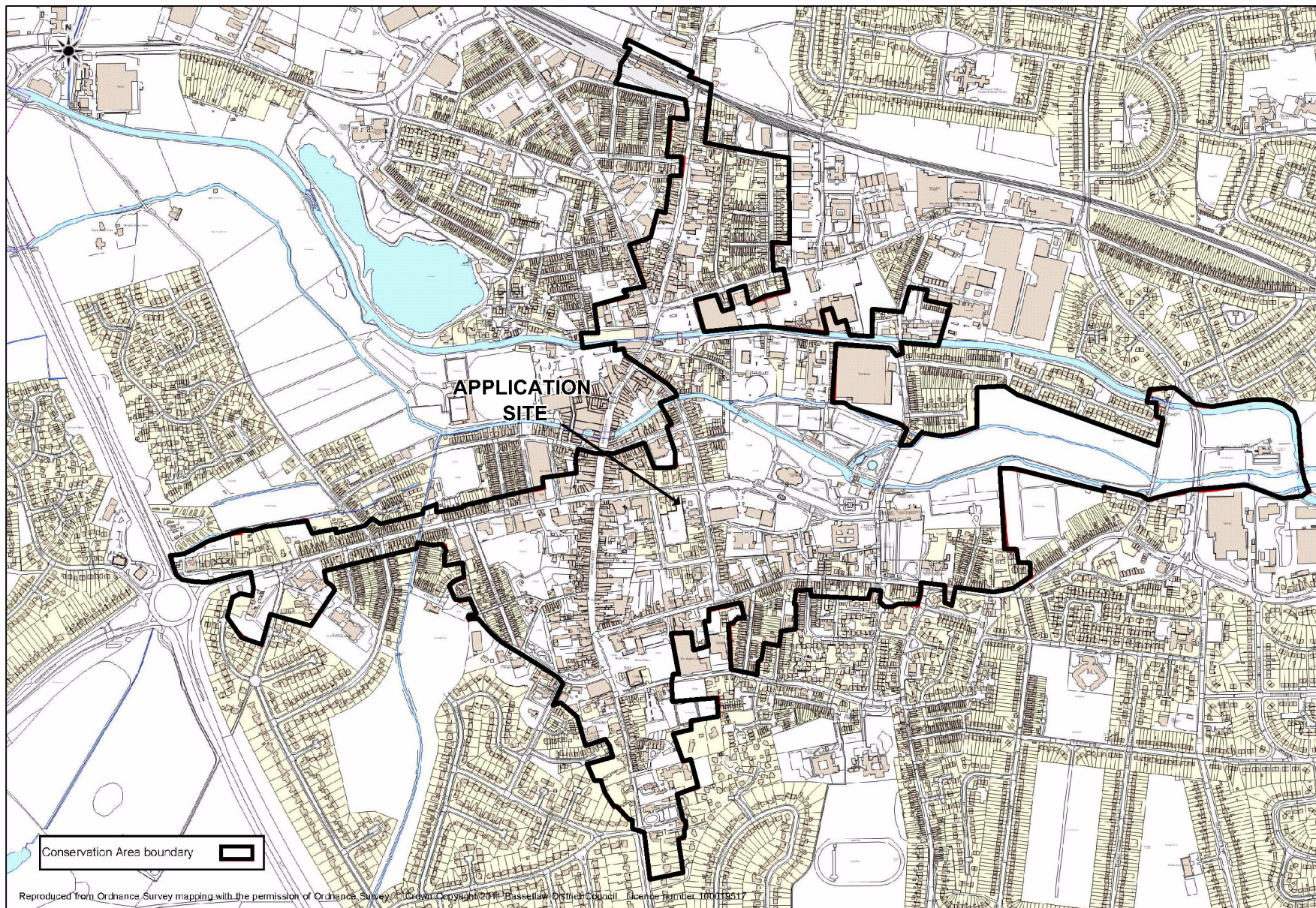
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**Nottinghamshire
County Council**

Installation of vertical bar railings at back of footway.
Workshop Bus Station, Newcastle Street, Worksop
Planning Application No. FR3/3508
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PLAN 2

28th June 2016**Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE**

LOCATION: JOHN BROOKE SAWMILLS LIMITED, THE SAWMILL, FOSSEWAY,
WIDMERPOOL

APPLICANT: JOHN BROOKE

PLANNING APPLICATION A

RUSHCLIFFE DISTRICT REF. NO.: 8/16/00398/CMA

PROPOSAL: PLACEMENT OF A 950KW PYTEC BIOMASS BOILER WITHIN THE
EXISTING BUILDING `C` INCORPORATING A 10M HIGH FLUE.
CONSTRUCTION OF A NEW ENCLOSURE TO THE SOUTH SIDE OF
THE EXISTING BUILDING TO COVER TWO FLIEGI DRYERS. AND
CHANGE OF USE OF THE EXISTING BUILDING TO A DRY PELLET
STORE

PLANNING APPLICATION B

RUSHCLIFFE DISTRICT REF. NO.: 8/16/00677/CMA

PROPOSAL: ADDITIONAL HARDSTANDING ON UNDEVELOPED LAND WITHIN
THE CONFINES OF THE EXISTING WOOD FACILITY SITE, THE
CONSTRUCTION OF 5M HIGH WALL FOR NOISE ATTENUATION
PURPOSES, AND THE RE-ORIENTATION OF THE WOOD SHREDDING
BUILDING FROM THAT WHICH IS CURRENTLY CONSENTED WITH
AMENDED ROOF DESIGN

Purpose of Report

1. To consider two planning applications concerning separate proposals at the site known as John Brooke Sawmills, an existing waste wood processing operation situated off the A46 Fosse Way at Widmerpool. The first proposal concerns a change of use and extension to an existing industrial building to enable processing and drying of wood chip for distribution as fuel to local customers. The second proposal is for an extension to the external materials storage and handling yard, along with a 5m high bunded wall to enclose this area. Amendments are also proposed for a currently consented, but as yet to be constructed, shredding building.
2. The key issues to consider relate to the adequacy of the site's direct access from/onto the A46; the effect of expanding built development into adjacent

undeveloped countryside; emissions of noise, dust and water; and cumulative impacts in combination with existing waste wood processing operations and in combination with an approved biomass power plant currently under construction at the site.

3. Application B for the expansion to the hardstanding and associated wall would in effect extend the site into the open countryside as designated by the Rushcliffe Borough Council Non-Statutory Replacement Local Plan. The relevant Policy E20 (Protection of Open Countryside) generally restricts development in such situations except for certain types as are listed. The proposed development does not fall within one of these exceptions and accordingly this particular application has been treated as a 'departure' from the Development Plan. This matter is weighed against other considerations within the report.
4. The recommendation is to a) to approve planning permission for the redevelopment of unit C subject to conditions and the completion of a legal agreement to secure lorry routeing and b) approve planning permission for the additional hardstanding, wall and revised design of the shredding building subject to conditions.

The Site and Surroundings

5. The site is known as John Brooke Sawmills, a site comprising a waste wood recycling operation and until recently also a timber products manufacturing facility. The site is situated beside the southbound carriageway of the A46 (Fosse Way) in open countryside in the vicinity of Widmerpool and Hickling Pastures. The site is within Upper Broughton Parish and Rushcliffe Borough. The county boundary with Leicestershire is 3km to the south.
6. The Widmerpool grade-separated junction is 1km to the north, where the A606 intersects with the A46. The A606 (Melton Road) runs to the north-east through the small linear settlement of Hickling Pastures-which is the nearest main residential settlement and which lies at an elevated height to the application site. Between this settlement and the site is a patchwork of small fields of permanent pasture enclosed by hedges and tree lines following the course of a small brook at the base of a small valley. The Network Rail test track runs on an embankment through these intervening fields to the east of the site.
7. Access is taken directly from the south-bound carriageway of the unimproved section of the A46 dual-carriageway. There is no sliproad and there is a gap within the central reservation creating a crossing place over to the northbound carriageway and also providing access across to a farm opposite. The site is largely screened from passing views by trees alongside the A46.
8. Other than the settlement at Hickling Pastures there are isolated properties and farms located in the vicinity. Turnpike Farm has landholdings adjacent to the north. To the south is Broughton Grange Farm- a Grade II Listed Building 250m to the south-west beyond which is Broughton Lodge Farm. A further farm (South Lodge Farm) lies to the west of the A46. One residential property (Keepers Cottage) lies immediately adjacent to the site with the current occupier

being related to the applicant. This property is however considered to be a sensitive receptor for the purposes of assessing amenity impacts. The site and surroundings are shown on plan 1.

9. Within the site itself there are three industrial type buildings situated within a yard to the front (west) of the site when entering off the A46. The largest- unit C- is a typical portal framed building clad in metal sheet cladding and was until recently in use as a manufacturing facility producing timber products such as fencing and sheds. The building is now empty and subject to the proposed redevelopment under application A. Adjacent to these buildings is the location for a new 7MW biomass fuelled power plant currently in the early stages of construction. Members resolved to grant planning permission in 2014 and permission was issued in 2015 following the completion of a legal agreement. This permission is highly relevant to the context for considering the present applications.
10. To the east of these buildings is an area of extensive hard-standing which is used for the external recycling of waste wood and green waste including its unloading/loading, processing/shredding utilising various mobile plant, and stockpiling. An element of composting is also permitted. Previous extensions to the hard-standing have expanded the site to the south and east and which incorporated earth bunds to enclose the site. Fairham Brook run along the eastern boundary of this area. A Local Wildlife Site- Broughton Wolds Grassland is situated 400m further to the south-east. The extent and layout of the wider site is shown on plan 2.

Proposed Development

Background/Planning history

11. Recycling operations at the site were first permitted (retrospectively) in 2007 for green waste composting. This permission (ref 8/06/00086/CMA) allowed for 10,000 tonnes of green waste to be imported, shredded and composted at the site and included associated site infrastructure such as concrete hard-standing, site office and weighbridge.
12. The composting operation diversified and started to accept wood waste. This operation was deemed to be outside the scope of the composting operation and so planning permission 8/08/00847/CMA was granted in 2008 to allow for the importation of an additional 10,000 tonnes of waste wood for processing. This was processed for a variety of markets including power station fuel and chip board manufacture.
13. Planning permission 8/09/01871/CMA was granted retrospectively in 2010 for an extension to the concrete pad on 0.4 hectares on land to the south of the existing area of yard, incorporating an earth bund to surround it. This also permitted an increase in stockpile heights and a total tonnage restriction rather than individual restrictions on green and wood waste to allow greater flexibility in changing markets.
14. A further extension to the yard was permitted by resolution of this Committee in 2014 by virtue of permission 8/14/00380/CMA. This resulted in an L-shaped

extension to the south-east corner of the site into adjacent undeveloped agricultural land. This was for approximately 1.4ha and again included earth bunds enclosing the newly expanded area along the southern and eastern sides. As part of this extension went into an area at risk of flooding from the adjacent Fairham Brook, a separate, associated application was permitted at the same time for a scheme to provide for an area of flood compensation (ref 8/14/00610/CMA). This compensation has yet to be implemented by the applicant.

15. In addition to the above developments concerning the composting and waste wood recycling operations, planning permission was granted after resolution of this Committee in 2014 for the development of a 7 megawatt wood-fuelled renewable energy biomass plant including the erection of two new industrial buildings (hereafter referred to as the 'biomass plant'). This permission also encompassed the existing wood and green waste recycling facility and allowed a tripling of the overall throughput of waste materials from 20,000 tonnes per annum to 60,000 tonnes in order to provide sufficient fuel for the biomass plant (ref 8/13/02185/CMA). This development is now under construction and is relevant to the present application B under consideration.
16. Several minor amendments have been approved to the biomass plant under delegated authority. This reflects the final choice of plant supplier and its engineering. Of relevance to the application B under consideration is that the approved shredding/chipping building known as unit D has been granted approval to be moved 40m south onto a different footprint to that originally granted planning permission. It has since become apparent that this new footprint has intruded onto the adjacent undeveloped field which was to be retained as such as part of the approved landscape strategy for the site.

Proposals

17. **Application A** seeks planning permission to change the use of an existing portal-framed industrial building (unit C) from a manufacturing facility previously producing timber products to a facility to process (dry) bio-mass fuel chips and store/distribute this fuel to customers. This building is now vacant and measures 34m by 30m and is 5.5m in height to its eaves and 7.1m to its maximum ridge height. It is partly clad in brown metal cladding with concrete walls below. An extension measuring 20m by 8m and 8.6m high is proposed to the southern elevation in order to house wood drying equipment comprising two Fliegl Dryers. Initially these would be used in connection with an internal 950kw biomass boiler which would require installation of a 10m high flue through the roof- this would extend 2m above the existing roof line. In due course when the bio-mass power plant currently under construction is commissioned, the dryers would be connected by pipe to the power plant in order to benefit from the surplus heat generated. The proposed extension to unit C is depicted on plan 3.
18. On completion of the works unit C would be operated by a third-party biomass fuel supplier serving domestic and non-domestic customers locally with biomass fuel chips. The proposed operation would require importation of 9,000 wet tonnes of incoming wood chip or virgin logs per year which would be dried to reduce moisture content so to produce an efficient and consistent solid fuel for sale. It is most likely that the incoming material would be virgin wood or

biomass, rather than waste wood sourced from the waste wood processing side of the John Brooke site. This is because there can be quality issues in supplying wood chip sourced from waste product. However if high quality uncontaminated waste wood is available there is the option to source such material from the adjacent wood recycling site. The adjacent recycling operation will have a permitted throughput of 60,000 tonnes per annum of waste/green wood once the biomass power plant is operational, the majority of this material would be required to fuel this new bio-mass power plant, but the applicant believes there would be scope to cross-source some of this for unit C.

19. Whilst unit C is situated on part of a wider site used for waste wood processing and shares a single point of access, it is considered to be a separate planning unit in its own right. The drying plant would operate 24/7, but the loading/unloading would take place between 7am and 7pm Monday-Saturdays and 8am to 4pm Sundays and Bank Holidays. The wet biomass would be initially stored in external storage bays and moved into the dryers using a telehandler. After drying the chipped material would be conveyed into the main part of the building for storage, pending delivery to customers. Approximately 5,000 tonnes of high quality dried woodchip would be produced for the non-domestic customer market.
20. In terms of associated traffic movements the applicant states that assuming loads are of 20-25 tonnes, incoming material would generate around 8-9 HGV incoming deliveries per week. Outward deliveries of finished fuel product to customer would again be at loads of 20-25 tonnes which would generate around 5-6 outward HGV deliveries per week however the applicant explains that as the market for the supply of biomass fuel is highly seasonal HGV deliveries could be greater in December and January and less during summer months.
21. The operations would result in three full time equivalent jobs.
22. **Application B** seeks planning permission for an extension to the area of external yard or hard-standing for storage and handling of waste wood-particularly related with the supply of this material into the new biomass power plant. As part of this yard extension a 5m high concrete wall battered by a landscaped earth bund would enclose the yard along its southern boundary between new unit D and an existing building. Surface water run-off would be collected and stored in a new holding pond so that it can be reused on site to control dust. The proposed layout is shown on plan 4, whilst a cross-section of the wall and bund is shown on plan 6.
23. The application also seeks to amend the external form and appearance of the previously approved wood chipping building- unit D. As noted above, this was originally approved as part of the bio-mass power plant permission, but has since been given approval on the new footprint to the south. The application now seeks to rotate this building so that the open side faces east rather than west. A further change would be made to the roof form, changing from a 'Dutch barn' inspired form to a conventional apex/pitched roof. Otherwise the height and size of the building are unaltered. This building would measure 40m by 20m and in height 8m to its eaves and 10.7m to its ridge. Changes are also proposed to the external materials. The building would now use concrete walls for the

lower half of the building with metal profiled sheet cladding above, finished in an 'olive green' colour. The proposed elevations are detailed on plan 5.

24. The applicant contends that the hard-standing and other changes are needed to enable an efficient flow of wood material around site and to enable the turning and movements of HGVs.

Consultations

Application A

25. **Rushcliffe Borough Council** - *No comments have been received. Any comments will be orally reported to Committee.*

26. **Upper Broughton Parish Council**- *No objection*

Concerns are though raised regarding the safety of the access to the site which comes straight off the A46 without a slip road.

27. **Hickling Parish Council** (neighbouring parish) - *Objection raised*

Noise is already an issue from the site and the proposed installation of two additional dryers will only contribute further to noise pollution. The chimney is also a concern to council members as it is felt that the environmental issues from dust and emissions have already affected the local area and further environmental harm to the surrounding area is unwelcome. The over-industrialisation of the area has been raised as a concern by the parish council for previous applications and the parish council is concerned that the objections raised are not being listened to. There has already been a wind farm erected within a few miles of the site and a large chimney is now proposed in what is considered a rural area which is being slowly industrialised against the wishes of local residents.

28. **Highways England** - *No objection.*

Highways England has previously raised concerns that the Transport Assessment submitted in support of the application includes details of proposed signing at the access to the development. The signs as proposed are not enforceable, as they will only be visible to vehicles exiting the site. In addition there is no signage proposed to the central reservation area confirming to drivers that they shall not use the gap. It is also noted that there are no signs to inform drivers en-route to the site that they are unable to turn right into the site access through the aforementioned gap.

Appropriate signage should be provided that must be enforceable by the police, to ensure drivers are fully aware of the restrictions on movements. A condition is recommended.

29. **Environment Agency**- *Raises no objection.*

30. **NCC (Noise Engineer)** – *No objection.*

The applicant has adequately considered the noise impact of the proposed development, and has proposed suitable mitigation to adequately reduce noise levels to acceptable levels. Therefore there is no objection to the proposed application, subject to the inclusion of suitably worded planning conditions.

The proposals are in addition to those previously approved for the main biomass plant (ES/2872). The approved biomass building will operate 24hrs a day, 7 days a week. The new proposals which include additional plant in the form of a biomass boiler and 2 Flegi dryers and a 10m high flue at building C will also operate 24 hours a day, 7 days a week.

The noise assessment has considered the daytime and night time noise impacts of the overall operation including the main biomass building, green waste shredding and external movement of loading shovels in accordance with BS4142:1997 which is the standard used to assess noise impact for the main biomass building. The assessment has modelled operations with the 5m high wall as proposed in application ref: F/3475 (application B) and concludes that noise impact will be acceptable at all identified nearby receptors with the exception of Keepers Cottage during the night-time. Here additional mitigation in the form of a 2.75m high close boarded fence is proposed to ensure that noise levels from night time operations are acceptable. The 2.75m high fence has therefore been included in the proposals for application ref: F/3475 (application B).

31. NCC (Reclamation) - No objection.

The wood storage areas chipped wood and wood waste reception are concrete hardstanding and as such will contain any potential contamination risk, however there appears to be no indication as to drainage of runoff. A fuel unloading bay and fuel store should be bunded to contain any spills/leakage.

32. NCC (Flood Risk Management Team) - No comments.

33. NCC (Highways) Rushcliffe – Vehicular access to the site is via the A46 which is managed and maintained by Aone+ on behalf of Highways England.

34. NCC (Built Heritage) - No objection.

The site is approximately 250 metres north of Grade II Listed Broughton Grange. It was felt that the previous application had a less than substantial impact on the setting of the listed building.

The agreed landscaping plan was put in place to help mitigate this and involved reinstating native planting of trees and hedgerows which would provide considerable screening of the site from the listed building. The phased removal of a band of conifers was also considered to be of benefit.

There will be a marginal increase to the roof height of the extended section of the building [and new chimney]. It is considered that the previously approved landscaping should still serve to mitigate this.

The introduction of industrial buildings and associated hardstanding has a further erosive impact to the wider setting of the Listed Building. In NPPF terms

this should still be considered to be less than substantial harm to the significance and that the proposed landscaping provides some mitigation in this respect.

35. **NCC (Planning Policy)** have not responded. Any response received will be orally reported.

Application B

36. **Rushcliffe Borough Council** – *No comments have been received. Any comments will be orally reported to Committee.*

37. **Upper Broughton Parish Council** – *No objection.*

Concerns are though raised regarding the safety of the access to the site which comes straight off the A46 without a slip road.

38. **Hickling Parish Council** (neighbouring parish) - *Objection raised*

The proposed wall is an inappropriate structure to the area and it will result in further over-industrialisation of the area as will additional hardstanding. The visual impact of these proposals will have a significant detrimental impact on the area and members of the Parish Council hope that the County Council will support the concerns of the local residents and prevent further over-development of this site.

39. **Highways England** – *Raises no objection.*

40. **Environment Agency** – *Raises no objection.*

41. **NCC (Noise Engineer)** – *No objection.*

The applicant has adequately considered the noise impact of the proposed development, and has proposed suitable mitigation to adequately reduce noise levels to acceptable levels. Therefore there is no objection to the proposed application, subject to the inclusion of suitably worded planning conditions.

The proposals to re-orientate the chipping and shredding building so that the open façade faces east, has been re-assessed to determine if this will have any impact at the nearest receptors, including at a receptor to the east at Manor Farm. This concludes that there will be no notable impact at Manor Farm. The wood chipping/shredding operations and green waste processing, will be restricted to between 07:00 – 19:00hrs Monday to Saturday and 08:00 – 16:00hrs on Sundays/Bank Holidays.

The noise assessment has considered the daytime and night time noise impacts of the overall operation including the main biomass building, green waste shredding and external movement of loading shovels in accordance with BS4142:1997 which is the standard used to assess noise impact for the main biomass building. The assessment has modelled operations with the 5m high wall as proposed in application ref: F/3475 (Application B) and concludes that noise impact will be acceptable at all identified nearby receptors with the

exception of Keepers Cottage during the night-time. Here additional mitigation in the form of a 2.75m high close boarded fence is proposed to ensure that noise levels from night time operations are acceptable. The 2.75m high fence has therefore been included in the proposals for application ref: F/3475 (Application B).

Should the scenario arise whereby application ref: F/3449 (Application A) be approved and F/3475 (Application B) be refused, the position and height of the wall for noise attenuation purposes will revert to that previously approved in the application for the biomass plant. This will lead to an exceedance of the night time noise limit condition of L90+5dB by 3.5dB at the nearest receptor i.e. Keeper's Cottage.

42. NCC Nature Conservation – No objection.

Much of the application site (formerly grassland extending to around 0.34ha) has already been cleared, and the adjacent hedgerow removed, as part of previously consented works. As such, it appears unlikely that the proposals would give rise to any significant direct ecological impact. A Landscape Strategy has been provided to provide for tree and hedgerow planting and wildflower seeding, details of which can be addressed.

43. NCC (Built Heritage) – No objection.

The site is approximately 250 metres north of Grade II Listed Broughton Grange. It was felt that the previous application had a less than substantial impact on the setting of the listed building.

The 5m high wall would be in closest proximity to the listed building. It is noted that that the proposed bund would limit the visual impact of this to a wall of 2.5 metres when viewed from the listed building. Added to this the planting provided by the previously agreed landscaping and the new planting proposed to the bund it is felt that the wall would theoretically fall outside of the visual setting of the listed building. The appearance of the concrete wall could be very stark as a feature in the open landscape as seen from the south and it is queried whether this could be timber clad or somehow softened during the period that the planting is to become established.

The introduction of industrial buildings and associated hardstanding has a further erosive impact to the wider setting of the Listed Building. In NPPF terms this should still be considered to be less than substantial harm to the significance and that the proposed landscaping provides some mitigation in this respect.

44. NCC Landscape- No objection.

Advice is given about the design of the landscaped bund.

45. NCC (Planning Policy); NCC (Flood Risk Management Team) and NCC (Reclamation) have not responded. Any response received will be orally reported.

Publicity

46. The applications have been publicised by means of site notices, a press notice and neighbour notification letters sent to three of the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review. No representations have been received.
47. Councillor John Cottee has been notified of both applications.

Observations

Principle of the proposed developments

48. The two applications should be determined in accordance with the 'development plan' while having regard to any material considerations. In this case the relevant plans and policies comprise the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1- The Waste Core Strategy (WCS) and saved environmental policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) as they relate to waste operations; and the Rushcliffe Local Plan Part 1- Core Strategy and saved policies in the Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP). Relevant material considerations are the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW).
49. The context for considering the proposals is that of an operational waste wood and green waste recycling facility – principally taking place on the main areas of hard-standing across the eastern side of the wider John Brooke site. The scale of these operations in terms of throughput, for example, will shortly expand threefold to supply fuel to a new bio-mass fuelled power plant for which Members resolved to grant planning permission and for which ground works are now underway.
50. Unit C for which the first application is concerned had previously operated separately as a timber manufacturing business. Permission is now sought for its change of use and for a proportionate extension in order to process and dry wood chip fuel. The throughput of material may include waste wood material, although it may also process virgin wood due to quality issues. In due course it would be supplied with heat from the new biomass power plant.
51. Firstly then in terms of relevant waste planning policy, if waste wood is processed through unit C, this would in effect drive waste up the waste hierarchy by turning waste wood into a biomass fuel product suitable for an alternative market in terms of local domestic and non-domestic customers with biomass boilers. This would therefore provide a limited amount of additional capacity (9,000 tpa) which would support the aims of Policy WCS3 of the (WCS) in raising the recycling rate towards its aspirational 70% target and would reasonably be considered to be an extension to an established waste processing facility which have priority under this policy. Policy WCS8 also supports in principle the extension, or redevelopment or improvement of existing waste management facilities particularly where this would increase capacity or improve waste management methods and reduce environmental impacts.

52. In terms of the locational acceptability in planning policy terms for this extension Policy WCS4 (Broad locations for waste treatment facilities) and Policy WCS7 (General Site Criteria) generally do not support countryside locations, however small scale transfer stations can be supported particularly where this would enable the reuse of buildings and would provide employment opportunities. It is notable that the proposal would involve the reuse of an existing industrial building which is currently vacant following the closure of the applicant's sawmills business and would constitute (at 9,000 tpa) a small scale operation.
53. Further principle support is achieved from Rushcliffe Policy EN16 and Policy EN17 which permits, respectively, the conversion/change of use and alteration/extension to buildings which are outside of settlements subject to various provisos to protect local character and amenity. Whilst the proposal includes an extension to this building it is proportionate in scale, adding approximately 20% to the overall floor space and would utilise similar materials and cladding. It would be situated on part of the peripheral yard, rather than undeveloped land and the screened and isolated nature of the site entails that the extension would not adversely impact on the character of the site or surroundings and would be of a use that would be wholly compatible with the adjacent activities. The proposal should not significantly increase any adverse amenity impacts as will be discussed further and that therefore it is considered to accord with the terms of these policies.
54. In terms of unit C possibly utilising virgin wood, rather than waste wood, such fuels are recognised as virtually carbon-neutral which can displace conventional fossil fuels such as oil or gas fired heating systems, with consequent benefits to reducing carbon emissions. Policy WCS14 (Managing Climate Change) would lend its support therefore to the proposal in this respect. The NPPF is also supportive of maximising renewable and low carbon energy developments.
55. As well as the above policy support there are also apparent merits in locating this facility alongside an existing waste wood processing facility. Feedstock can be sourced from this existing operation if it meets the relevant quality requirements which could assist in reducing transport movements. Furthermore the rationale to use surplus heat for the drying plants from the new biomass fuelled power plant, when operational, presents a unique opportunity to realise the full sustainability benefits from this development- in effect creating combined heat and power (CHP) generation. There is a need in the interim to utilise a temporary boiler, however there is a high degree of confidence that the eventual conversion to take heat from the power plant will materialise, given that the subsidy regime for this renewable energy scheme will require the surplus heat to be effectively used. There are no other obvious users for this heat.
56. In principle therefore the change of use of unit C is supported by Policy WCS4 WCS7 and WCS8 and by Rushcliffe Policies EN16 and EN17, though this is subject to demonstrating acceptable amenity, highways and environmental impacts.
57. In terms of the second application for the additional hardstanding, wall and revised design to building D, again consideration must be given to Policies WCS4, WCS7 and WCS8 in assessing the site's suitability in principle terms. The assessment is slightly more complex given the required land is currently

undeveloped and has until recently been maintained as pasture, albeit of marginal agricultural value given its small size and the fact that it is bounded on two sides by developed parts of the site.

58. For the purposes of planning policy the site can be assessed as open/undeveloped countryside and therefore Policy WCS4 requires a convincing case as to its need in such a location. However WCS8 is generally favourable towards extensions to existing sites such as this if it would result in operational or environmental benefits. Rushcliffe Policy EN20 similarly seeks to protect the open countryside from development save for certain exceptions none of which apply in this case.
59. Hickling Parish Council have objected to both applications citing an over-industrialisation, in part due to the proposed additional hardstanding and wall.
60. The applicant has provided additional reasoning for the need for the proposed hardstanding. Essentially the case is advanced that certain changes are needed to enable a free-flow of vehicle movements and materials around the site and that as currently consented the approved layout of the biomass power plant, the shredding building, along with a planned set of weighbridges, would make it hard to turn and manoeuvre HGVs. This is also why it is proposed to re-orientate the approved shredding building so that it opens out to the east, rather than as presently consented to the west, so that HGVs can unload and turn within a much larger area before the material is fed into this building for shredding.
61. Once shredded within unit D the material would be conveyed into the new yard area to the west of this building, where it would be stockpiled before it is fed, as required, by mobile plant into the biomass power plant to the north. In theory this feedstock could be sited elsewhere on site, but the proximity to the biomass power plant is relevant as it would be most operationally efficient and would therefore have some support from Policy WCS8 in this respect. The new area of hardstanding also provides a defined area in which to store this material/feedstock.
62. Whilst the site is, for planning policy purposes, considered to be open countryside, this should also consider the facts on the ground as relevant context. It must be recognised that the proposed yard extension represents a small addition (around 6,000sqm) to the overall site, albeit that over recent years the site has previously been expanded on several occasions. Second, the parcel of land in question would, in effect, amount to an infill to the developed land rather than a new projection out into surrounding fields. Thirdly the site already has permission for a building – unit D- such that a large part of the site would be developed in any case. The permission which stands does not include an external yard around this building at present. The reality of the situation therefore is that the open nature of the site is already compromised and the provision of hard-standing would provide operational benefits to the site.
63. The proposed hardstanding would also incorporate a 5m high concrete wall with a 2.5m high landscaped earth bund along its exterior face. This wall is advanced broadly for three reasons. Operationally it would work as a ‘push wall’ and enable externally stored stockpiles to be handled easily by a loading shovel.

Secondly, as will be explored later, the wall would serve to mitigate noise arising from the combined site operations. Thirdly the landscaped bund would assist in screening and containing the wider site and, in particular, the new buildings and structures associated with the new biomass power plant.

64. The wall would not be a typical feature of a rural context, as noted by Hickling Parish Council in their objection, but in the semi-industrial setting of this site it would not necessarily be out of place and would provide an envelope or barrier to enclose the site from the surrounding countryside. Furthermore the bund and the proposed planting upon it would largely screen the wall itself. This bund would be similar-albeit bigger- to other landscape bunds around the wider site. Further consideration to the visual aspects of the wall are considered later, however it should be noted that, with the exception of the revised building D, the development would not be viewable from public vantage points and is screened by existing buildings and trees from the A46.
65. During the course of the application it has become apparent that an 'acoustic barrier' in a similar location has approval from this Authority, by virtue of the approval of various noise mitigation measures pursuant to conditions for the biomass power plant. Previously though, this was planned at a height of 3.7m. The application now seeks to implement a higher (5m) barrier in the form of a concrete wall so to provide mitigation not just for the existing and permitted operations but also for the additional noise which would arise from the planned operations at unit C subject to the first application (a). In effect therefore the wall is advanced and designed to mitigate noise from the combined operations of Unit C, the new biomass power plant and the existing waste recycling/composting operations. Noise mitigation is further considered later.
66. The revised design for the shredding building -unit D- is a relatively minor change when compared with the approved design- principally the change from a 'dutch barn' roof design to a conventional pitched form (see plan 5). This would result in neutral landscape impact and in principle this element of the second application is supported.
67. In summary therefore whilst the proposed site extension would intrude onto 'open countryside' for the strict purposes of land use policy, this must be tempered by the relevant context considered above and the justifications advanced by the applicant. It is material that the existing permission for unit D would allow the applicant to construct this on this part of the site, along with a lesser acoustic wall. This would therefore be the fall-back option for the applicant should permission be refused for application B. Also to be noted are the operational benefits which would arise from the proposed development in terms of efficiencies for the handling and loading of materials at the site whilst providing continued mitigation in terms of noise and landscape screening. This would lead to the second application according with Policy WCS8. On balance a need/justification has been established to also satisfy Policies WCS4 and WCS7. These are considered to outweigh any non-compliance with Rushcliffe Policy EN20.

Landscape and design/ visual impact

68. The John Brooke Sawmills site is generally well-screened by trees and vegetation, particularly along the western side with the A46 and otherwise there are few immediate public vantage points.
69. In terms of design and visual impact considerations WLP Policy W3.3 requires that new buildings are positioned such that they minimise impact on adjacent land, are kept as low as practicable and finished with appropriate cladding. WLP Policy W3.4 requires details of screening landscaping. Policy WCS15 requires high standards of sustainable design and landscaping. Rushcliffe Policy GP2 requires proposals to be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
70. Application A concerns the change of use and extension to unit C which is situated on the A46 side of the site forming a small grouping of such buildings behind a screen of trees. The proposal would be a functional and proportionate extension in which to house various drying plant and equipment. It would have various openings and louvers but otherwise would utilise matching sheet metal cladding. Its scale is entirely acceptable in this discrete situation- in terms of its height it would be only 1.5m higher than the present building. The proposed flue protruding between 2m to 3.5m above the roofline would not be visually intrusive. The development of unit C is considered to accord with these policies and a condition can require details of matching cladding and painted finish- likely to be brown.
71. In terms of Application B, the main visual impacts would be from a 5m high wall partly screened by a 2.5m landscaped bund fronting this (see plan 6). The revised design for unit D also requires consideration. Policy W3.3 is again relevant and in particular the requirement to keep the development as low as practicable. Policy W3.4 is also relevant as it considers landscape screening proposals. Policy WCS15 also requires high standards of design and landscaping.
72. The height of the wall has been informed by the noise assessment as mitigation to control noise emanating from the wider site. If this was any lower, then there would be a resultant noise impact to the adjacent Keepers Cottage. Two options for the landscaped bund have been considered. One was for a large, steeply pitched bund rising near to the top of the 5m wall, the second for a 2.5m bund with a shallower profile. The landscape officer raised concerns about the viability of tree and shrub planting on the larger bund and which would also pose issues with regards to its future maintenance. The lower bund is considered to be more suitable and has the best chance of establishing tree cover, although new trees will take 5 to 10 years to offer full screening. A wildflower/grass mix can be used as ground cover.
73. Despite the overall height of the wall and bund it would not be visually noticeable except from Keepers Cottage and from private agricultural land to the south and it would help screen views of stockpiled materials in the extended yard as well as partially screening the various buildings including Unit D (10m high to ridge) and the new biomass power plant which will rise to 20m high with a flue at 37m high.

74. The landscaped bund would form part of a much wider landscape master plan secured in relation to the approval for the biomass power plant. The details of this have approval and have incorporated the proposed developments including the landscape bund fronting the wall. Notwithstanding this it remains appropriate to require by planning condition a landscape planting/seeding and maintenance scheme for Application B- the yard extension and wall. This would ensure the proper landscape screening of the site in accordance with Policies W3.3, W3.4 and WCS15
75. In terms of the other aspect of Application B- the amended design for Unit D-the previous 'Dutch barn' inspired roof has been altered to a conventional pitched roof and a greater use of concrete walls employed for the lower half of the fabric. The remainder would be clad in olive green metal sheet cladding. These changes are considered acceptable to meet the design terms of Policies WCS15 and W3.3 and create a building not dissimilar in appearance to a modern agricultural barn.

Traffic, Access and HGV Movements

76. Access is taken for the purposes of both applications directly from the southbound A46 via a gated entranceway. Whilst there is a gap and crossing in the central reservation, HGVs accessing the John Brooke wood recycling site are forbidden from entering or exiting the site via right turn manoeuvres as set out in a lorry routeing agreement, part of a legal Section 106 agreement, tied to the site's planning permission for the new biomass power plant, which also incorporated the existing wood/green waste recycling/composting operations. A key plank of this permission is that when the shredding building associated with the biomass plant becomes operational the throughput of waste materials will triple to 60,000 tpa. A condition also caps the number of HGVs accessing the site to deposit waste materials to no more than 15 per day.
77. Application A for the change of use of unit C would result in additional, though limited, traffic over and above the 15 per day currently consented. The application states that, taking an average figure for across the year, incoming deliveries would amount to between 8 and 9 HGVs entering the site *per week* (18 two-way movements). Following drying the outbound delivery of woodchip fuel would result in between 5 and 6 HGVs exiting the site *per week* (12 two-way movements).
78. The applicant has provided figures to show that, when previously in use for timber manufacturing, this building could have generated 238 two-way movements over the course of week, not including staff cars. This is not a definitive figure, and the types of these vehicles are not known and are likely to comprise a mix of light goods and heavy goods vehicles, but nonetheless it shows that the proposed use of unit C would be notably less intensive than its previous use in terms of highway impacts.
79. Saved WLP Policy W3.14 states that permission will not be granted for waste management proposals if the resulting vehicle movements cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance to local communities. WLP Policy W3.15 enables the

imposition of conditions or obligations to dictate the routing of such associated traffic.

80. In assessing the situation, firstly there is some uncertainty in quantifying the above numbers (proposed) because of the inherently seasonal nature of supplying the biomass fuel market. The application states that in peak winter time the deliveries could exceed the stated numbers and similarly in the summer, deliveries would be less. Average figures have therefore been provided. Despite this it is apparent that these numbers represent a small additional increase to HGVs entering and existing this site and the application states that where possible deliveries would be coordinated and batched in larger loads (20-25 tonnes) rather than requiring multiple smaller vehicles. Both incoming and outgoing loads are indicated to be typically between 20-25 tonnes so it would also be possible to utilise the same HGVs to export fuel product. It is also interesting to note that, if possible, Grade A material could be cross-sourced from the adjacent wood recycling yard, thereby reducing the need to import virgin material. Such an approach would comply with Policy WCS11 in that this would make best use of the existing transport network and reduce distances travelled in undertaking the proposed operations.
81. Given the absence of local residential areas and the prevalence of background traffic on the A46, the additional traffic generated would not adversely impact on the amenity of residential properties or cause disturbance, therefore satisfying part of Policy W3.14.
82. The first tract of Policy W3.14 relates to whether the highway network is able to accommodate the proposed traffic. Whilst the A46 as a dual-carriageway provides ample capacity it is the presence of the gap/crossing in the central reservation which has been of particular concern to Highway England (formerly the Highways Agency) during their consideration of this application. Upper Broughton Parish Council have also raised a safety concern with the use of this gap, although not so far as to formally object to the application.
83. Highways England have confirmed that the proposed vehicle numbers are acceptable and do not raise an objection to the proposed development. Discussions have taken place with Highways England about the placing of highway signage on the approach from the northbound A46 to prevent right-hand turns into the site and instead to direct them to the Widmerpool junction before returning along the southbound carriageway. There would also be signage at the exit of the site instructing drivers to turn left out only- as is required by Highways England. Agreement has been reached with Highways England for this signage which forms part of the traffic management plans for the approved biomass power plant and it will be in place shortly. The vehicle movements associated with application A would also need to comply with this signage and the routes they direct (i.e. no use of the gap in the central reservation).
84. It is considered that planning permission can be granted subject to a condition relating to a sign at the site entrance. In addition to this a legal agreement requiring off-site signage and routing is recommended to ensure no such right turn manoeuvres into or out of the site. This would stand alongside the existing Section 106 agreement covering the operation of the biomass

power plant and wood/green waste recycling/composting operations which would continue to require these vehicles to do likewise. The proposal in application A is therefore considered to accord with Policy W3.14

85. Application B for the additional hardstanding etc would itself not generate additional traffic and does not alter approved throughputs. On that basis there is no objection from Highways England to this second application and as such the relevant transport policies are not applicable.
86. Highways England are ultimately planning to close the gap in the central reservation (and others along this section of the A46). This is subject to separate due procedure being completed, which would require consultation with affected landowners and the police, but the present road safety risk is clearly the motivation to find a lasting solution. In the meantime there remains the need for the aforementioned signage and routeing agreements which are enabled by Policy W3.15.

Noise and Operating Hours

87. Impacts from operational noise and its mitigation have been carefully considered on a cumulative basis so that the combined noise effects from the site are understood. This has therefore looked at the existing recycling/composting operations; the approved biomass power plant; the proposed drying operation in unit C subject to Application A; as well as associated movements of mobile plant and vehicle movements. The resulting noise picture has been assessed at the nearest four residential properties as shown on plan 1. As can be seen most are some distance from the site with the exception of Keepers Cottage which is located directly to the south of the John Brooke Sawmills site.
88. Keepers Cottage has consistently been treated a sensitive property for the purposes of noise assessment since the application for the biomass power plant was considered and as part of the resultant planning permission for the plant, a package of noise mitigation measures are to be implemented including the provision of an acoustic barrier or wall along the southern site perimeter- not dissimilar to the wall now proposed in Application B.
89. This noise assessment and mitigation work has now been updated to take into account the proposed operations at unit C under the first application and the additional noise which would be generated from the operation of dryers, a boiler and flue. This system would operate 24 hours a day, 7 days a week.
90. The noise impact from wood shredding and chipping operations have been considered previously, however the noise impact needed to be reassessed in light of the new proposal to re-orientate the building so that the open façade faces east.
91. The wood chipping/shredding operations and green waste processing, is time limited to 07:00 – 19:00hrs Monday to Saturday and 08:00 – 16:00hrs on Sundays/Bank Holidays.

92. The noise assessment work has therefore taken all of this together and considered both daytime and night-time noise impacts at these properties in accordance with the correct British Standard. In mitigation this has led to the proposal in the second application for a 5m high wall –slightly higher than the 3.7m high wall previously approved in a similar arrangement. In addition to this wall a short section of close boarded fence at 2.75m high is required immediately around the side of Keepers Cottage. With the provision of this mitigation the noise impact at Keepers Cottage (and all others) would be within acceptable limits at all times. If either the wall (should planning permission be refused) or the fence not be provided then the assessment indicates that night-time noise impact at Keepers Cottage would exceed the applicable limit of L90+5dB by 3.5dB. In most circumstances when assessing such noise impact against Policy W3.9 such an exceedance at night time at a sensitive residential receptor would be considered unacceptable and non-compliant with this particular policy, on this particular issue and would have to be weighed in the overall planning balance. Similarly Policy WCS13 may not be fully satisfied if there is a resulting unacceptable amenity impact. Whilst Keepers Cottage has been assessed as a sensitive receptor for noise purposes, Members may wish to note that the occupant is understood to be a family member of the applicant. However at no time has the applicant sought to weaken or question the noise mitigation measures and therefore it has continued to be treated as sensitive.
93. Therefore whilst there would be satisfaction on noise grounds should both applications be supported, because effectively the second would mitigate the first, should Members not support the second application for the hardstanding, wall and revised design unit D, then even with the re-imposition of the previously approved noise barriers, there would remain an unacceptable night time noise impact at Keepers Cottage.
94. The re-orientation of unit D to have its open side facing east would not result in any notable impact to receptors to the east and noise levels would be well within acceptable limits. This aspect of the second application is therefore acceptable.
95. If Members are minded to approve both applications, then conditions are recommended by the Noise Engineer to require acoustic treatment of unit C and the use of silencers on plant and equipment as well as white noise type reversing alarms on mobile plant. These would be in accordance with Policy W3.9. Post completion of the biomass power plant a noise monitoring scheme will be undertaken to check the validity of the noise assessment modelling and to ensure operations are compliant.
96. In summary therefore both applications A and B are supported on noise grounds and the size and extent of the wall has been determined through this process to mitigate noise at Keepers Cottage in particular. The possible consequences of a split decision have been noted and is further considered at the conclusion of this report.

Ecological Impact

97. There is little to no ecological value at the sites for both applications. The area of grass field on which the yard extension is planned has already been cleared and

would unlikely have been of value. Similarly a stretch of hedgerow along the eastern side of this area has been grubbed up as part of the consented works for unit D and the associated power plant.

98. A site-wide landscape strategy is to be implemented as part of the planning approval for the development of the biomass power plant. This would include the planting of trees and seeding of the new bund to provide a small ecological enhancement to the two proposed developments. The proposals would thereby conform with Policy WCS13.

Air Quality/Dust

99. The development of Unit C includes a temporary biomass fuelled boiler as part of the drying plant set-up. This is envisaged as a stop-gap solution until spare heat can be taken from the new biomass power plant when operational. Emissions from the temporary boiler would be controlled through the Environmental Permitting regime and/or the approval of Rushcliffe Borough Council Environmental Health. A supplier's certificate though has been included with the application for Unit C to demonstrate that the specified temporary boiler meets the air quality requirements of the non-domestic Renewable Heat Incentive regulations. As such these emissions are not considered to lead to unacceptable impacts to air quality and the proposal thereby accords with Policy WCS13 on this issue.
100. The handling and processing of waste wood has potential to generate dust emissions, and potentially fugitive emissions beyond the site boundary. There are few sensitive residential receptors in the vicinity and the existing operations are covered by a Dust Management Plan which sets out the means of controlling and monitoring these emissions and it also includes a complaints procedure.
101. Dust management should be an active and evolving process by the operators and as such the management plan has been updated and submitted against both applications and has taken them into account alongside other existing and permitted activities on site including with the new biomass power plant. This plan is considered by the Rushcliffe Environmental Health Officer to be a comprehensive document which should be enacted by the operators.
102. The change of use to Unit C and the additional hardstanding would not fundamentally alter the risk of dust emissions at this site and is capable of being adequately controlled as part of day-to-day site management. A planning condition is recommended to require best practice means of controlling dust in accordance with this management plan and which if all measures prove inadequate could also require temporary cessation of certain dusty activities. With this the development proposals would accord with WLP Policy W3.10. The site would be periodically monitored by this Authority and dust would also be controlled through the environmental permitting regime.

Residential amenity

103. Policy WCS13 requires that new or extended waste management facilities need to demonstrate that there would be no unacceptable impact to the quality of life of those working or living nearby. Issues of noise, traffic, dust/air quality have been individually considered above, and are considered to be acceptable. When taken together it is evident that the character and amenity of the environs would not be fundamentally changed as a result of the present application proposals.
104. This site is located such that it is distant from the local settlement of Hickling Pastures, however there are sporadic rural properties and farms in the vicinity. The amenity of these surrounding receptors would be preserved should permission be granted, however the situation at one property- Keepers Cottage- which lies immediately adjacent to the south of the site, requires careful consideration.
105. It is understood that the current occupier of Keepers Cottage may have family connections with the applicant. However the applicant has at no time sought to relax the sensitivity of this property and how it is treated for the purposes of noise assessment. Accordingly it has consistently been considered a sensitive receptor for the purposes of assessing noise and other amenity impact to this property and appropriate mitigation is therefore provided in the form and size of the concrete wall.
106. The outlook at Keepers Cottage would be partly affected by the new landscaped bund but this would serve to screen this property from operations within the new extended yard area including from noise, dust and visual impact. The wall on the inside face of this bund would serve to attenuate noise as is discussed above, such that the standard of residential amenity at Keepers Cottage would be preserved as a result of both the consented biomass plant and the proposed developments.
107. Members should note that without the wall/bund subject to the second application for the yard extension (and revised Unit D), nighttime noise impact at Keepers Cottage would be above acceptable thresholds and would therefore fail to satisfy Policy W3.9 (noise) and Policy WCS13. In such a circumstance, in the overall planning balance, the first application for the change of use at Unit C would not be supported. As submitted however the two applications and the amenity impacts are considered to adequately protect the quality of life of the occupants of Keepers Cottage and are considered to accord with Policy WCS13.

Protection of ground environment and surface water drainage

108. A range of grades of waste wood are handled at the existing recycling site, but a condition of the existing planning permission specifies that only waste wood and oversized green waste shall only be accepted at the site. This will also apply to the new area of hardstanding but an allowance needs to be made for Unit C to accept virgin wood. Such restrictions are one means of preventing contaminated material impacting the environment.
109. The other means of containing materials and preventing pollution to the ground environment is the provision of impermeable concrete hardstanding. Unit C

already benefits from a concrete surface and has a sump to capture liquid run-off. Whilst the area of additional hardstanding outside would be built with a similar impenetrable surface.

110. The site is not identified as at risk of river flooding but provision for surface water run-off from the hardstanding is necessary. In this case such run-off would be drained to a proposed holding lagoon, where such water can be reused on site. There would therefore be a neutral impact to rates of surface water run-off. Final details of this drainage can be required by condition. The Environment Agency raise no objections. The provision of adequate drainage would also be a requirement under the Environmental Permitting regime.
111. A condition is also recommended to ensure any emergency generator fuel (diesel) is appropriately bunded/contained. Subject to agreeing detailed drainage arrangements the proposals would comply with Policy WCS13 of the WCS and Policies W3.5 and W3.6 of the WLP with respect to preventing pollution to the ground environment and ground waters.

Heritage

112. The nearest listed building is at Broughton Grange Farm which is 250m to the south-west and screened by a line of trees. These trees will be gradually replaced and reinforced as part of an agreed landscape masterplan for the site. The Conservation Officer (Built Heritage) considers that, taking into account these trees and other planting, the proposed extension to unit C and the new 5m high bunded wall would be outside the visual setting of the listed building. Nonetheless the officer considers that there would be a further erosive impact to the wider setting of the listed building and considers the level of 'harm' to the significance of this building to be 'less than substantial harm' for both proposals.
113. Paragraph 132 of the NPPF states that great weight should be given to the conservation of heritage assets and that significance can be harmed through development within its setting. Paragraph 134 states that in such cases of there being less than substantial harm that this harm should be weighed against the public benefits of the proposal.

Economic development /employment

114. Application A for the change of use of Unit C would bring back into economic use this currently vacant building and create an estimated two to three new positions. The various aspects of Application B would support the efficient operation of the consented biomass power station, whilst enabling the applicant to continue with the wood recycling/composting side of the business. There is policy support within Policy 5 of the Rushcliffe Core Strategy to encourage economic development of an appropriate scale to diversify and support the rural economy. The NPPF at paragraph 28 also sets out to promote the rural economy and supports the sustainable growth and expansion of business enterprises in rural areas, including through reuse of existing buildings. RBNSRLP Policy EMP2a) states that the expansion of existing employment uses in rural areas will be supported provided it would not lead to an over-

intensification and would not adversely affect neighbouring/surrounding land uses. Cumulative impacts and the issue of intensification is considered below.

Cumulative and intensification impact

115. It is evident from the planning history that there has been a gradual expansion of the recycling site in recent years and the construction of the new biomass power plant is set to markedly increase the amount of built development and the levels of activity at this site. Concerns about 'over-industrialisation' and 'over-development' have been voiced by neighbouring Hickling Parish Council in their objection. Whilst the two application proposals should each be considered on their own merits, clearly they also need to be considered cumulatively and in context with existing and consented developments.
116. Policy WCS13 requires that in assessing impacts to the environment and local population proposals for new or expanded waste management facilities should not result in an unacceptable cumulative impact. WLP Policy W3.29 states that proposals should not result cumulatively in a significant adverse impact to landscape and/or amenity of nearby settlements. Also RBNSRLP Policy EMP2a) is relevant in that support for rural business expansion is supported subject to it not leading to an over-intensification of activities or increased adverse effects.
117. Application A for the change of use of Unit C is not expected to lead to a more intensive operation/use of this building. Indeed when compared to the previous use as a timber manufacturing facility the proposed use is expected to be significantly less intensive and involve fewer vehicle movements. The noise environment in its former use is not fully known but the proposed installation of drying equipment has been assessed and appropriate mitigation has been proposed so that resultant noise levels would be within acceptable thresholds.
118. The second application for the yard extension, wall/bund and revised Unit D would on the one hand add to the amount of built development at the site, in what is otherwise a rural situation, but on the other hand represent relatively small changes to the already approved biomass power plant scheme. The second application would also provide mitigation for noise, dust and landscape for the first application and cumulatively with existing operations and the consented biomass plant.
119. Taken together the two application proposals are not considered to result in an unacceptable cumulative impact and would not increase environmental or amenity impacts. The proposed bund/wall would help screen and contain the site from surrounding countryside. Traffic and highway impacts have also been considered. Planning conditions are recommended to control various matters and the site would also be regulated under the Environmental Permitting regime. The proposals therefore accord with Policies WCS13, W3.29 and EMP2a in this respect.

Legal Agreement

120. A lorry routeing agreement and provision for off-site HGV routeing signage is recommended for the purposes of application A should Members be minded to support the grant of planning permission. This will need to be secured by a Section 106 legal agreement after such a resolution. The routeing agreement and the signage would replicate the existing provisions attached to the extant permission for the new biomass power plant and which also governs the remaining wood recycling/composting operations. This would have the effect of preventing the right-hand turns of HGVs into and out of the site until such time that the gap in the central reservation is closed by Highways England.

Other Options Considered

121. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

122. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

The proposed development would be located at an established recycling site benefiting from perimeter security measures and passive surveillance.

Human Rights Implications

123. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the close proximity of one residential property. The proposals have the potential to introduce impacts such as noise and dust upon the occupier(s). However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as generation of new jobs and sustaining a current business. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Sustainability and the Environment

124. The proposals would assist in the efficient operation of this existing wood recycling and biomass energy generation site. Drying equipment in Unit C

would benefit from surplus heat from the new biomass power plant. The site is not particularly environmentally sensitive and emissions of noise, dust/air quality and surface water are capable of being controlled through the environmental permit and by appropriate planning conditions. Wider landscaping works would result in bio-diversity and landscape benefits.

125. There are no financial; equalities; children safeguarding; or human resource implications arising. There are no implications for NCC Service Users

Conclusion

126. Two separate but inter-related applications are under consideration at the existing John Brooke sawmills and wood recycling site. The first relates to the redevelopment of an existing industrial building so to dry woodchip and supply this biomass fuel to local customers. The second application proposes an extension to the external yard and storage area along with a 5m high containing wall with a landscape bund. Revisions are also proposed to the already approved designs for a further building - unit D.
127. There is principle support for these extensions/alterations to the existing recycling site under Policies WCS3, WCS4, WCS7 and WCS8 and under Rushcliffe Policies EN16 and EN17, particularly for reusing the existing building. The yard extension, because of it encroaching onto an undeveloped field, requires a more convincing justification in this rural location and would not be supported by Rushcliffe Policy EN20, however supplementary information has been provided which has satisfied Policies WCS4 and WCS7. The yard would enable a more efficient flow of materials around the site and permit turning of HGVs. It would be a modest infill of the site rather than a large projection into the countryside.
128. The site is well screened from the adjacent A46 by trees and vegetation. The proposed landscape bund against the 5m high wall would help define the new extent of the site and screen buildings and operations from the open countryside to the south.
129. Access is directly off the A46 dual carriageway. Highways England require that HGVs do not turn right into/out of the site through a gap in the central reservation. This can be secured through a routeing agreement and signage in a Section 106 agreement. A condition is also recommended to ensure HGVs comply with the left-turn only sign at the site entrance.
130. Emissions of noise, dust and surface water have been addressed to protect the environment and amenity of nearby residents. In particular noise would be controlled to acceptable levels at the adjacent Keepers Cottage by the 5m high wall and by other measures subject to recommended planning conditions.
131. Concerns from the neighbouring Parish Council about over industrialisation are duly noted. Cumulatively, whilst the site is going through a significant expansion with the construction and eventual operation of a 7MW biomass power plant, the proposed developments under consideration would not lead to unacceptable cumulative impacts. The redevelopment of Unit C would be less intensive than its previous use and the extension to the yard and construction of the wall and bund would assist in mitigating visual impacts and emissions such as noise and dust. The noise assessment has taken into account the combined noise at the site including that predicted to be generated by the new biomass power plant. The dust assessment has also been updated. The proposals therefore accord with Policy WCS13 in protecting the environment and local amenity without leading to unacceptable cumulative impacts.

132. Paragraph 134 of the NPPF states that the less than substantial harm identified to the setting of the Grade II Listed Broughton Grange Farm should be weighed against the public benefits the proposal would bring. The Authority must also pay special regard to the desirability of preserving the setting of this heritage asset affected by the proposed development in weighing this level of harm against other factors.
133. In conclusion the two proposals are considered to accord with the relevant policies of the Waste Core Strategy and saved policies of the Waste Local Plan, although there is partial non-compliance with Rushcliffe Policy EN20 with respect to application B and less than substantial harm identified to the setting of a nearby listed building. The proposals are considered to be sustainable development under the NPPF and NPPW in terms of helping the management and recycling of waste wood and in terms of benefits to the local economy in creating carbon neutral fuels for local customers. These factors are considered to outweigh any policy conflict and limited heritage impact and in reaching this conclusion this authority has afforded considerable importance and weight to the preservation of the heritage asset affected.

Statement of Positive and Proactive Engagement

134. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

135. As the 5m high wall which forms part of application B would provide the necessary noise mitigation with respect to Unit C which is the subject of application A, it is recommended that Members consider the two applications in the following order:

Recommendation 1- Application B

136. It is RECOMMENDED that planning permission be granted for planning application 8/16/00677/CMA subject to the conditions set out in Appendix 2. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

Recommendation 2- Application A

137. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to provide a lorry routeing agreement and appropriate signage on the A46 pursuant to planning application 8/16/00398/CMA so to prevent right-hand turn manoeuvres into/out of the site entrance.

138. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 28/09/16 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the development sought under planning application 8/16/00398/CMA subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by 28/09/16, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the content of this report.

SLB 14/06/2016

Comments of the Service Director - Finance [RWK 13/06/2016]

There are no financial implications arising from the proposals in this report.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Keyworth- Councillor John Cottee.

Report Author/Case Officer

Joel Marshall

0115 9932578

For any enquiries about this report, please contact the report author.

RECOMMENDED PLANNING CONDITIONS- 8/16/00398/CMA - UNIT C

Commencement /notification

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Waste Planning Authority (WPA) shall be notified in writing at least 7 days, but not more than 14 days, prior to the date of:

- a) Commencement of development hereby permitted;
- b) Commencement of operation.

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Copy of permission

3. The applicant shall be responsible for ensuring that, from the commencement of the development, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the WPA during normal working hours.

Reason: To ensure the development hereby permitted is carried out in accordance with the approved details.

Approved details

4. Unless where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- a) Completed planning application forms and certificates received by the WPA on 5th February 2016.
- b) Dwg RHA1520-0111a as marked up as the location/ownership plan dated and received by the WPA on 4th February 2016.
- c) Statement entitled 'The Proposed Development' received by the WPA on 7th January 2016.
- d) Dwg WID_SP_PV1 Rev V4 'AMP Widmerpool Drying Site' dated 6th January 2016 and received by the WPA on 7th January 2016.
- e) Dwg WID_SP_IV1 Rev V4 'AMP Widmerpool Drying Site' dated 6th January 2016 and received by the WPA on 7th January 2016.
- f) Dwg WID_SP_EV1 Rev V4 'AMP Widmerpool Drying Site' dated 6th January 2016 and received by the WPA on 7th January 2016.

- g) Dwg WID_SP_IV2 Rev V4 'AMP Widmerpool Drying Site' dated 6th January 2016 and received by the WPA on 7th January 2016.
- h) Dust Management Plan by SLR dated December 2015 and received by the WPA on 7th January 2016.
- i) Transport Statement by AMP received 1st February 2016 and supplementary details provided on 16th May 2016.
- j) Noise Assessment by SLR (Ref 403.05764.00002.001v2), dated April 2016 and received by the WPA on 29th April 2016.

Reason: For the avoidance of doubt and to define the permission.

Construction

- 5. If, during the construction of the development hereby permitted, contamination not previously identified, is found to be present at the site, then no further development shall be carried out until a method statement has been submitted to and been approved in writing by the WPA. The method statement shall detail any investigations and remediation requirements to deal with the unsuspected contamination, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the agreed site investigations. The method statement shall be implemented in accordance with the approved details as part of the continued construction of the development hereby permitted or in accordance with any other such timescale as may first be agreed in writing with the WPA.

Reason: To ensure that the construction of the development hereby permitted does not pose a risk to public health or the wider environment by ensuring that the site is made suitable for its intended use, in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Materials

- 6. Prior to their use on site the final colour(s) of the cladding materials, doors and louvres to be used in the construction of the external surfaces of the building/extension hereby permitted shall have been submitted to and approved in writing by the WPA. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of providing a high quality design in accordance with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.

Floodlighting

- 7. Prior to their installation, details and specific location(s) of any external floodlighting proposed around Unit C shall have been submitted to and approved in writing by the WPA. The external lighting shall thereafter be installed and maintained in accordance with the approved details.

Reason: To protect residential amenity and to accord with Policy WSC13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan- Part 1: The Waste Core Strategy.

Drainage

8. No development shall commence until drainage plans for the disposal of surface waters have been submitted to, and approved in writing by, the WPA. The scheme shall be implemented in accordance with the approved details before the development hereby permitted is first brought into use.

Reason: Details are required prior to commencement so to ensure that the development is provided with a satisfactory means of drainage in addition to minimise the risk of flooding in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Transport /access

9. All HGVs entering and leaving the site both for construction and its operation shall only do so by means of a left turn into and out of the site. No HGVs shall cross the central reservation of the A46 when entering and leaving the site.

Instructions shall be issued to drivers instructing them to enter and leave the site by means of a left turn manoeuvre only and such drivers shall abide by these instructions throughout the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

10. The development hereby permitted shall not commence until details of signs to be erected at the site entrance directing HGV drivers to enter and leave the site by means of a left turn manoeuvre only have been submitted, to and approved in writing by, the WPA. The approved signage shall be installed in accordance with the approved details and thereafter maintained in good condition throughout the life of the development.

Reason: Details of signage are required prior to commencement to ensure that the A46 continues to serve its purpose as part of a national Trunk Road Network and to minimise disruption from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policies W3.14 and W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

11. Measures shall be employed to prevent the deposit of mud and other deleterious materials on the surrounding public highway during the construction and operation of the site. Such measures may include the provision of wheel washing facilities, regular sweeping and cleaning of the access and vehicular circulation routes. In the event that such measures prove inadequate, then within two weeks of a written request from the WPA, a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the WPA for its approval in writing. The approved steps for the protection of the surrounding roads shall be implemented within the timeframes specified in the scheme and thereafter maintained at all times.

Reason: In the interests of highways safety in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

Capacity

12. The maximum amount of waste wood/virgin timber accepted through Unit C shall not exceed 9,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of material processed at the site including totals of weekly and monthly tonnages and such records shall be provided in writing to the WPA within 7 days of a written request from the WPA.

Reason: To ensure that impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.

Types of acceptable materials

13. Only waste wood and virgin wood/timber shall be accepted at the site. No other waste types shall be imported into the site.

Reason: In the interest of amenity and protection of the environment in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.

Hours of operation

14. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the WPA within 48 hours of their occurrence), the following shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays Bank/ Public Holidays
Construction works	7am to 7pm	7am to 12pm	Not at all
Operation of the drying plant	24 hours a day	24 hours a day	24 hours a day
Loading and unloading of HGVs and deliveries to/from the site	7am to 7pm	7am to 7pm	8am to 4pm

Outside of these hours the site shall be closed for the receipt, treatment, movement and transfer of waste wood/virgin wood and the operation of associated plant and machinery.

For the avoidance of doubt, the above operations are restricted to the area outlined in red on Dwg RHA1520-0111a received by the WPA on 4th February 2016.

Reason: To minimise noise and other impacts associated with the operation of the site, and in the interests of local amenity to

accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-Waste Core Strategy.

Controls on Noise

15. The façade and roof construction of Unit C shall be designed to achieve a noise reduction index of at least $R_w=25\text{dBA}$. Details shall be submitted to the WPA for its written approval to demonstrate compliance.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

16. In the event that a complaint is received regarding noise from the site, the operator shall, within 1 month of a request from the WPA, undertake and submit to the WPA for its written approval a BS4142:1997 noise survey to assess whether the combined “Rating Level” from the development in conjunction with any other operations associated with the John Brooke Sawmills site including but not restricted to; the operation of the biomass plant and wood recycling and composting operations (pp 8/13/02185/CMA); and from the area of additional hardstanding and wall (8/16/00677/CMA); exceeds the daytime criterion of 10dB(A) above the existing background noise level or night time criterion of 5dB(A) above the background noise level, after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997. In the event of either criterion being exceeded, the report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion. The BS4142:1997 noise survey methodology shall have been agreed in writing in advance with the WPA in light of 24hr operations and shall include details of the locations of noise monitoring equipment to be used and the methodology to be followed.

Reason: To minimise the risk of noise cumulative pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

17. Within three months, six months, nine months and 12 months of Unit C coming into operation as notified under condition 2 (b) above and annually thereafter until the WPA is satisfied that noise levels from the site are within permitted levels as informed by any assessment carried out in accordance with condition 16 above, the results of noise monitoring shall be submitted to the WPA for its approval in writing in accordance with a noise monitoring scheme which has been submitted to the WPA within one month of Unit C coming into operation and which has also been approved in writing by the WPA. The scheme shall provide details of the locations of noise monitoring equipment to be used and the methodology to be followed given the 24 hour operations on site. This shall include the provision of updated background noise levels if the WPA is of the opinion that the local noise climate has materially changed.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

18. Measures shall be used to ensure that noise is minimised. All vehicles, plant and equipment to be used on site in processing and movement of materials

shall incorporate noise abatement measures and be fitted with effective silencers and 'white noise' reversing warning devices maintained in accordance with the manufacturers' specifications at all times.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Controls on dust

19. Measures shall be employed to ensure that dust generated from the site is kept to a minimum and contained within the site. These measures shall follow the recommendations contained within the approved Dust Management Plan under condition 4h) above and the site shall thereafter operate in compliance with the approved control measures throughout its operational life.

In the event that dust is not controlled to the satisfaction of the WPA then within 1 month of a written request of the WPA the operator shall prepare and submit to the WPA for its approval in writing additional steps or measures to remedy the nuisance. The additional steps and measures shall be implemented in accordance with the approved details and the site shall thereafter operate in compliance with the approved control measures throughout its operational life.

Reason: To minimise fugitive dust in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Controls on storage

20. No waste wood or virgin wood materials, or product processed in Unit C shall be stored externally to the west of Unit C until details of storage bays/areas and stockpile heights have been submitted to and approved in writing by the WPA. Any external storage to the west of Unit C shall be carried out in accordance with the approved details. For the avoidance of doubt no dried fuel product processed in Unit C shall be stored externally.

Reason: In the interest of visual amenity and to minimise dust emissions in accordance with Policy W3.4 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

21. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Closure of the site / plant redundancy

22. Within 3 months of Unit C first taking heat from the adjacent biomass power plant a methodology and timetable for the removal of the temporary boiler flue shall be submitted to the WPA for its written approval and the flue thereafter removed in accordance with the approved scheme to ensure the continued compliance with the noise reduction index required under condition 15 above.

Reason: In the interests of visual amenity and in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

23. In the event that the use of the site for the importation of waste wood or virgin wood materials should cease for a period in excess of three months then, within one month of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

Informatives/notes to applicants

1. The activities proposed may require an Environmental Permit from the Environment Agency. If this is not the case and if the activities also do not fall under the same environmental permit as for the biomass power plant, then you should contact the Environmental Health department of Rushcliffe Borough Council with respect to obtaining any necessary chimney height approval under the Clean Air Act 1993.

**RECOMMENDED PLANNING CONDITIONS- 8/16/00677/CMA – ADDITIONAL
HARDSTANDING, WALL AND UNIT D**

Commencement /notification

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Copy of permission

3. The applicant shall be responsible for ensuring that, from the commencement of the development, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the WPA during normal working hours.

Reason: To ensure the development hereby permitted is carried out in accordance with the approved details.

Approved details

4. Unless where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
 - a) Completed planning application forms and certificates received by the WPA on 8th March 2016.
 - b) Dwg 001 'Site Location Plan; dated February 2016 and received by the WPA on 15th February 2016.
 - c) Dwg 002 'Application Site and Ownership Boundaries' dated February 2016 and received by the WPA on 15th February 2016.
 - d) Dwg 003 'Existing Site Layout' dated April 2016 and received by the WPA on 14th April 2016.
 - e) Dwg 004 'Proposed Site Layout' dated April 2016 and received by the WPA on 14th April 2016.
 - f) Dwg 005 'Changes to Building Elevations' dated February 2016 and received by the WPA on 23rd February 2016.

- g) Planning Application Supporting Statement by SLR dated February 2016 and received by the WPA on 15th February 2016.
- h) Supplementary letter from SLR dated and received by the WPA on 26th April 2016.
- i) Noise Assessment by SLR (Ref 403.05764.00002.001v2), dated April 2016 and received by the WPA on 29th April 2016.
- j) Dust Management Plan by SLR dated December 2015 and received by the WPA on 23rd February 2016.

Reason: For the avoidance of doubt and to define the permission.

Permitted development

- 5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or subsequent amending legislation, no fixed plant or machinery, buildings, structures or private ways, shall be erected, extended, installed or replaced at the site, other than those expressly authorised by this permission, without the prior written approval of the WPA.

Reason: In the interests of visual amenity.

Drainage

- 6. Prior to the commencement of the development hereby permitted, a scheme for the storage, collection, use or disposal of surface waters within the site shall be submitted for approval in writing by the WPA. The scheme shall detail measures to ensure the timely collection and appropriate storage of collected water and its use in the wood processing operation for dust suppression. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: Details are required prior to commencement so to ensure that the development is provided with a satisfactory means of drainage in addition to minimise the risk of flooding in accordance with Policies W3.5 and W3.13 of the Nottinghamshire and Nottingham Waste Local Plan.

Construction

- 7. Details of construction and contractors' working arrangements and associated vehicle access shall be as those approved pursuant to conditions 7 and 8 of planning permission 8/13/02185/CMA, unless a submission is made to the WPA for its written approval.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and highways amenity and to ensure that the development is in compliance with Policy W3.3 and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

- 8. If, during the construction of the development hereby permitted, contamination not previously identified, is found to be present at the site, then no further development shall be carried out until a method statement has been submitted

to and been approved in writing by the WPA. The method statement shall detail any investigations and remediation requirements to deal with the unsuspected contamination, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the agreed site investigations. The method statement shall be implemented in accordance with the approved details as part of the continued construction of the development hereby permitted or in accordance with any other such timescale as may first be agreed in writing with the WPA.

Reason: To ensure that the construction of the development hereby permitted does not pose a risk to public health or the wider environment by ensuring that the site is made suitable for its intended use, in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Materials/cladding

9. The vertical wall cladding upon unit D (the shredding building) hereby approved shall be finished in 'Olive Green'.

Reason: In the interest of providing a high quality design in accordance with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.

Storage of materials

10. No storage or stockpiling of waste wood within the area marked on dwg 004 ('Proposed Site Layout' received by the WPA on 14th April 2016) shall take place until the 5m high wall and bund have been fully constructed.

Reason: In the interests managing dust emissions and in the interests of visual amenity in accordance with Policies W3.10 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

11. Stockpiles of waste wood within the area marked on dwg 004 ('Proposed Site Layout' received by the WPA on 14th April 2016) shall not exceed 5m in height as measured from the engineered surface of the storage yard.

Reason: In the interests managing dust emissions and in the interests of visual amenity in accordance with Policies W3.10 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

Landscaping details

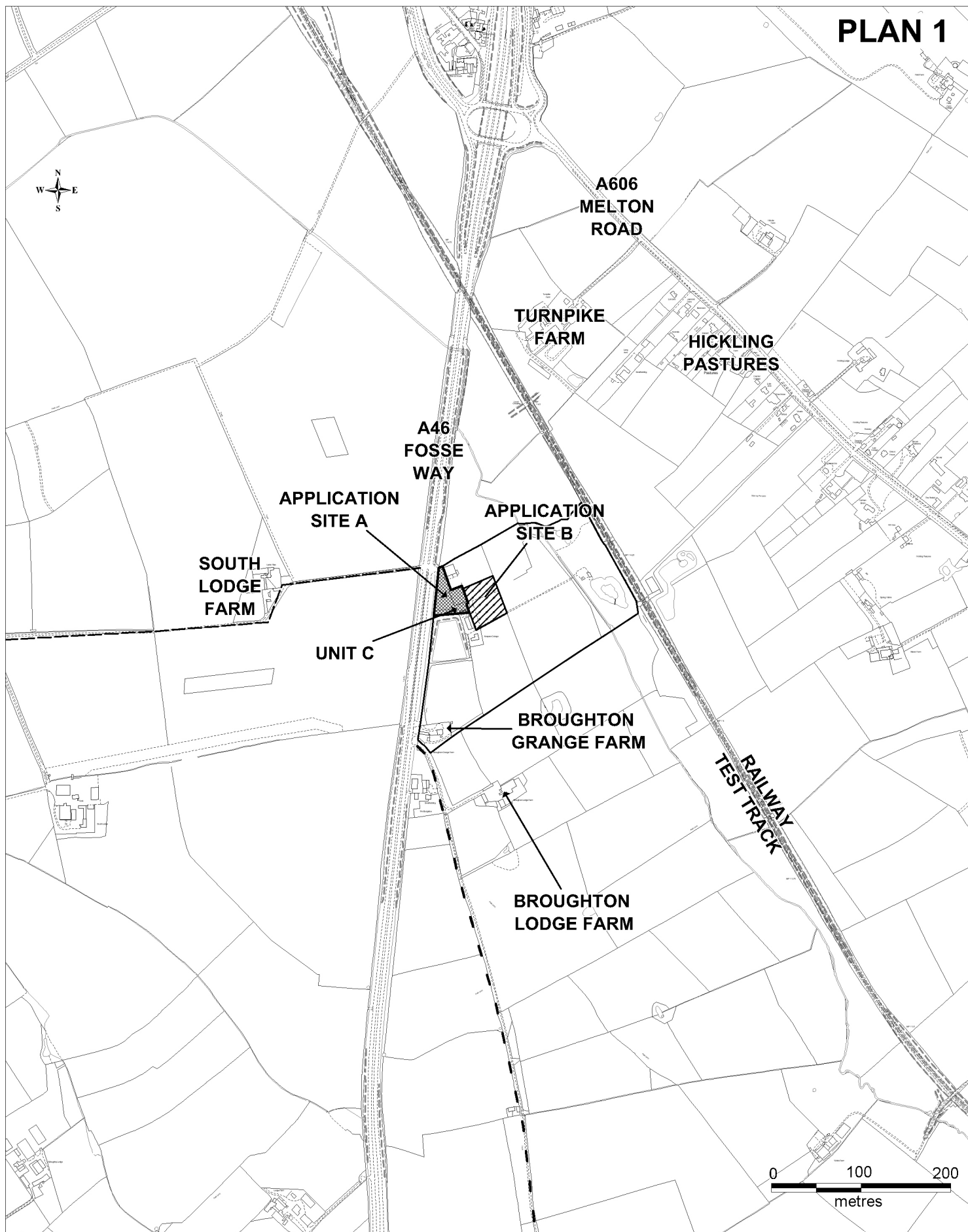
12. Within 3 months of the date of commencement as notified under Condition 2 above, a scheme for the landscaping of the bund as detailed on drawing no. 004 'Proposed Site Layout' received by the WPA on 14th April 2016 shall be submitted to the WPA for its written approval. The scheme shall broadly accord with drawing no. RHA1520-0119c 'New Earth Bank Planting as proposed' received pursuant to application Ref 8/13/02185/CMA and shall include numbers; species (which shall be native species and appropriate to the local area); proportions and density of hedgerow species planting and the sowing of wildflower areas where appropriate.

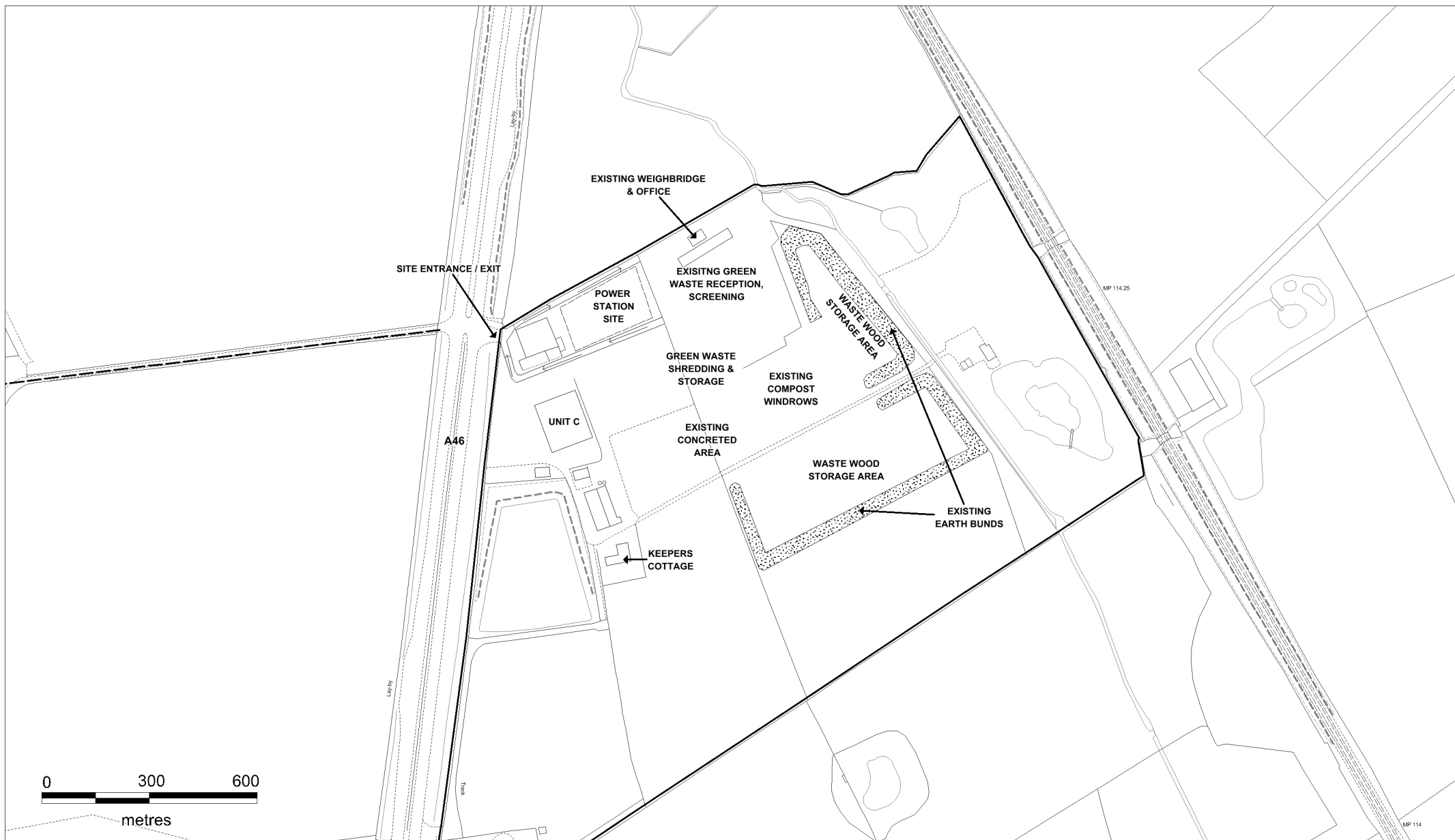
The scheme shall also include an aftercare and maintenance programme to ensure the successful establishment of planting for a period of 5 years. The approved scheme shall thereafter be implemented in the first available planting and sowing season following its approval in writing by the WPA.

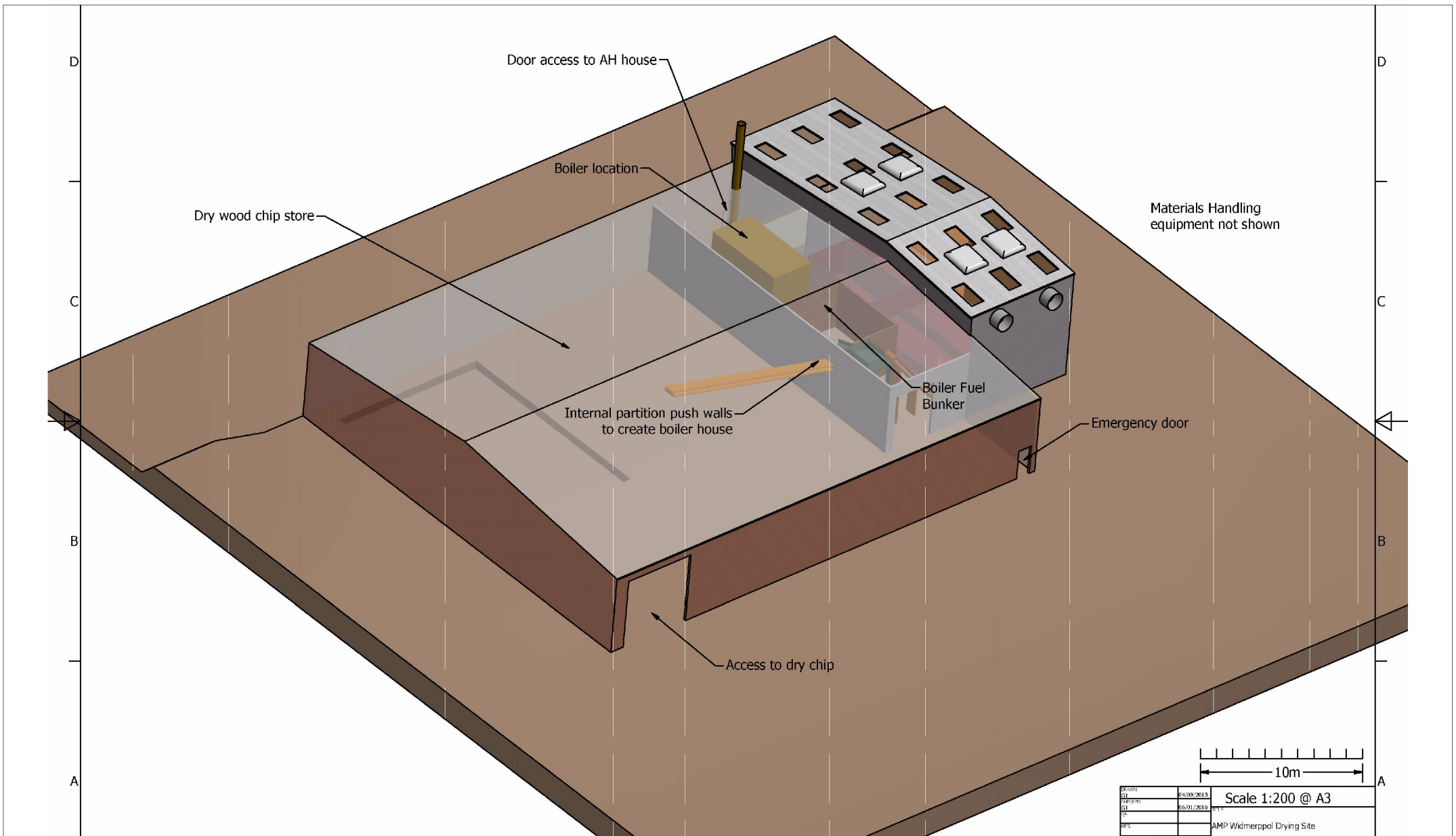
Reason: In the interest of visual amenity and to lessen the impact on the setting of a listed building in accordance with Policy W3.4 and Policy W3.28 of the Nottinghamshire and Nottingham Waste Local Plan.

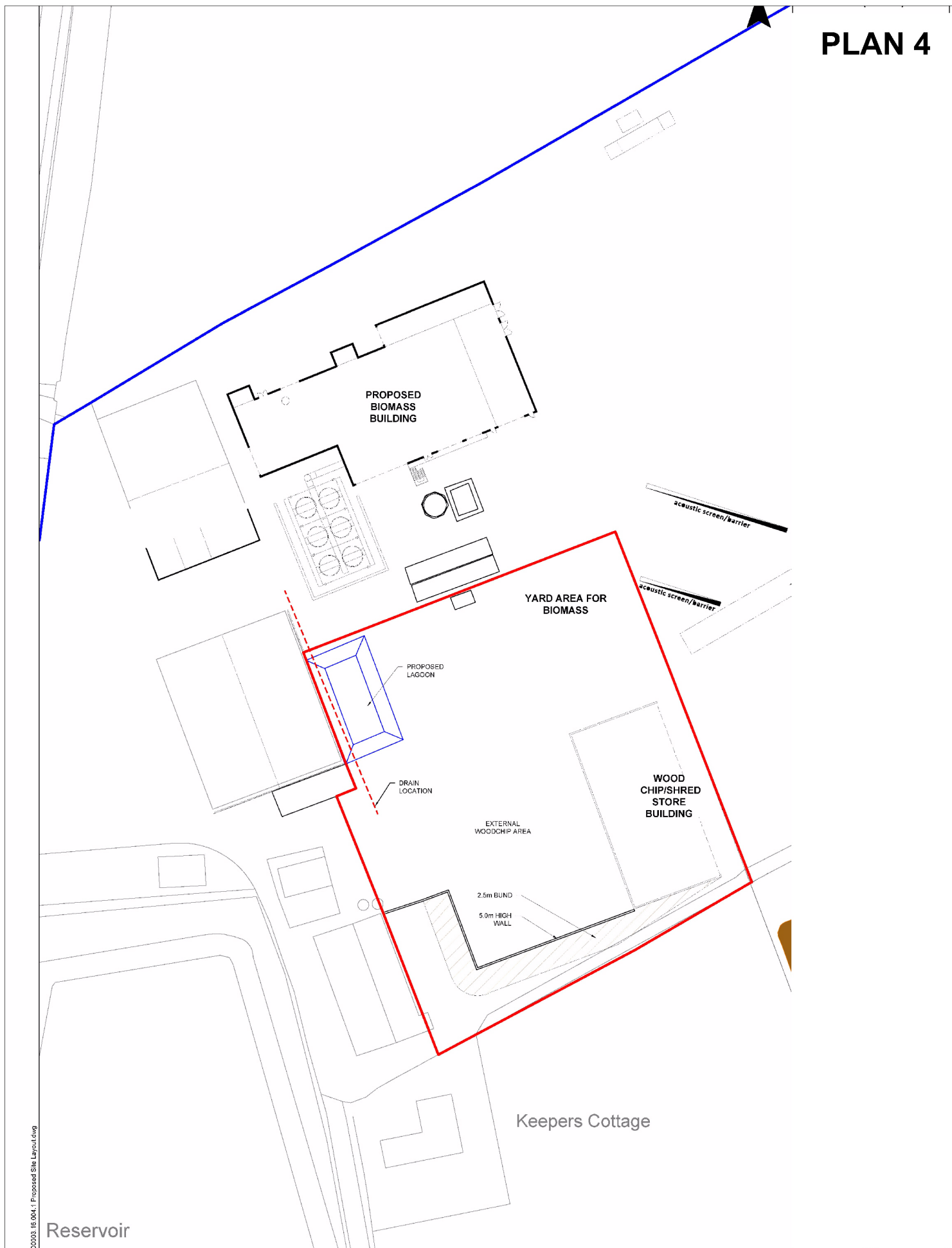
Informatives/notes to applicant

1. This permission should be read alongside planning permission Ref.8/13/02185/CMA (The Erection of 2 New Industrial Buildings and Installation of 7MW (approximate) Wood Fuelled Renewable Energy Biomass Plant, retaining existing wood recycling and composting operations) and the appended planning conditions and Section 106 agreement governing operations across the John Brooke site.
2. The applicant is advised to discuss with the WPA the planning requirements for any proposed weighbridge/weigh office.









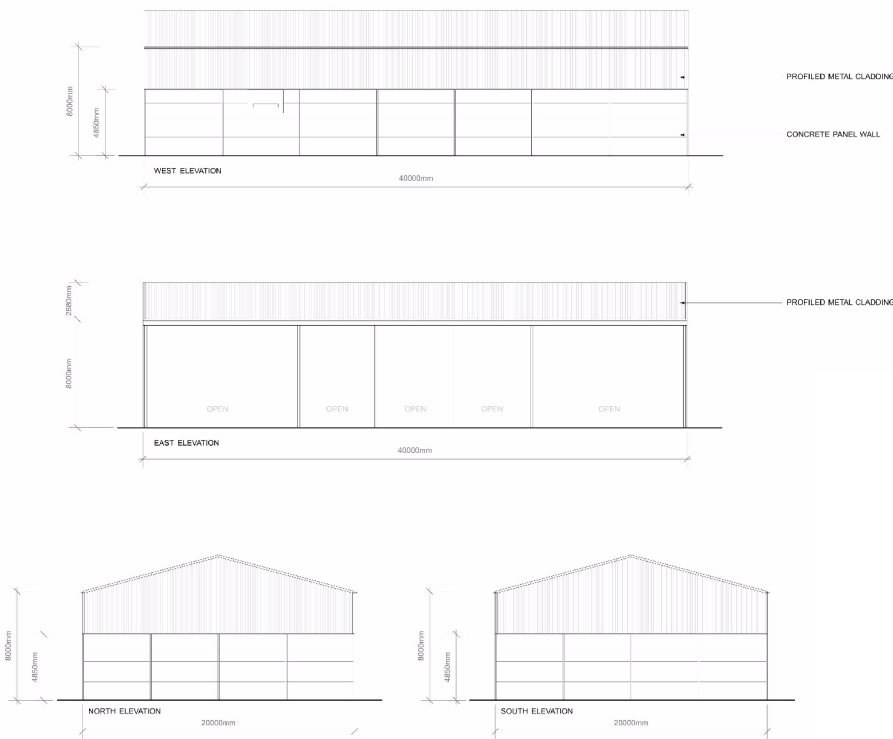
**Nottinghamshire
County Council**

Replacement of 950KW Pytec biomass boiler within the existing building 'C' incorporating a 10mm high flue.
 Construction of a new enclosure to the south side of the existing building to cover two Flegi dryers and
 change of use of the existing building to a dry pellet store. Planning Application No. F/3449
 Additional handstanding on undeveloped land within the confines of the existing wood facility site,
 the construction of 5m high walls for noise attenuation purposes, and the re-orientation of the wood shredding
 building from taht which is currently consented with amended roof design. Planning Application No. F/3475
 John Brooke (Sawmills) Limited, The Sawmill, Fosse Way, Widmerpool

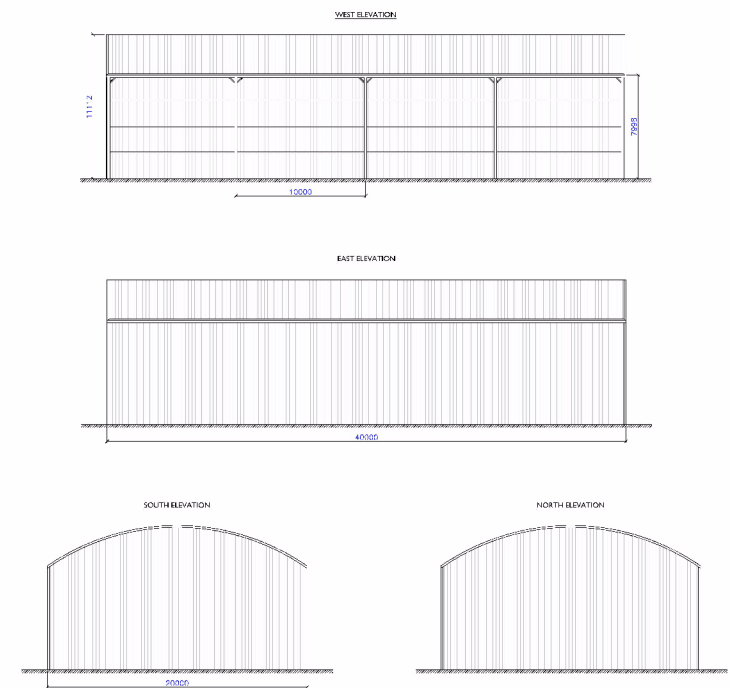
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Proposed



Consented



**Nottinghamshire
County Council**

Replacement of 950KW Pytec biomass boiler within the existing building 'C' incorporating a 10mm high flue. Construction of a new enclosure to the south side of the existing building to cover two Flegi dryers and change of use of the existing building to a dry pellet store.
Planning Application No. F/3449

Additional hardstanding on undeveloped land within the confines of the existing wood facility site, the construction of 5m high wall for noise attenuation purposes, and the re-orientation of the wood shredding building from taht which is currently consented with amended roof design.

Planning Application No. F/3475

John Brooke Sawmills Limited, The Sawmill, Fosse Way, Widmerpool

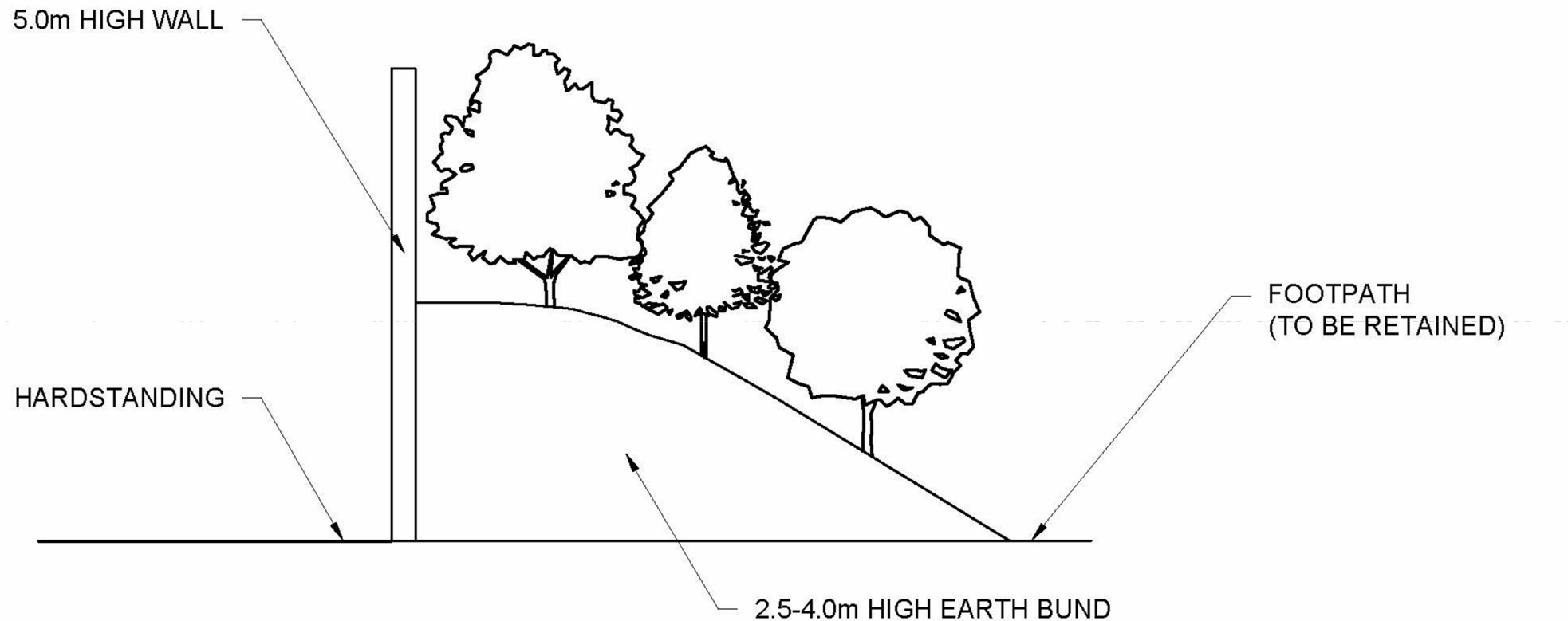
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PLAN 5



SECTION A-A'



**Nottinghamshire
County Council**

Replacement of 950KW Pytec biomass boiler within the existing building 'C' incorporating a 10mm high flue. Construction of a new enclosure to the south side of the existing building to cover two Flegi dryers and change of use of the existing building to a dry pellet store.
Planning Application No. F/3449

Additional hardstanding on undeveloped land within the confines of the existing wood facility site, the construction of 5m high wall for noise attenuation purposes, and the re-orientation of the wood shredding building from taht which is currently consented with amended roof design.

Planning Application No. F/3475

John Brooke Sawmills Limited, The Sawmill, Fosse Way, Widmerpool

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Date: JUNE 2016

PLAN 6

28 June 2016**Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE****RUSHCLIFFE DISTRICT REF. NO.: 8/16/00059/CMA**

PROPOSAL: SECTION 73 PLANNING APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 8/12/01028/CMA, CONDITION 7 OF PLANNING PERMISSION 8/96/79/CMA AND CONDITION 9 OF PLANNING PERMISSION 8/94/00164/CMA TO EXTEND PERMITTED OPERATIONAL HOURS FROM 0730 HOURS TO 0600 HOURS MONDAYS TO SATURDAYS TO ALLOW FOR 12 OUTBOUND PRE-LOADED HGV MOVEMENTS FROM THE SITE

LOCATION: BUNNY MATERIALS RECYCLING FACILITY, LOUGHBOROUGH ROAD, BUNNY

APPLICANT: MR STEVE JOHNSON

Purpose of Report

1. To consider a planning application to extend permitted operational hours and bring forward the site's opening time to 6am Mondays to Saturdays (from an approved start time of 07:30am) to allow for twelve pre-loaded outbound heavy goods vehicles (HGVs) to leave the Bunny Materials Recycling Facility (MRF), Loughborough Road, Bunny, daily. The key issues relate to the capacity of the local highway network to accommodate associated vehicular movements, and traffic impacts and associated health and amenity impacts (air pollution and dust, light and noise) on local residents and two nearby care homes (Greenwood Lodge and Hillside Farm).
2. The site lies within the Green Belt. Accordingly the application has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to the conditions in Appendix 1.

The Site and Surroundings

3. The MRF site lies on the southern side of Nottingham approximately 10.2km from the city centre, and approximately 11.5km to the north-east of Loughborough. It is located 0.75km to the south of the village of Bunny, and is situated on the western side of Loughborough Road (A60), to the south-west of its junction with Gotham Lane, just beyond the former Bunny Brickworks. It is situated within the Nottingham-Derby Green Belt.

4. The nearest residential properties to the site are Woodside Farm, which is situated approximately 120m to the east of the MRF, albeit separated from the site by the A60 (see Plan 1); and Chestnut Farm and Hillside Farm Care Home approximately 160m to the south-west, beyond the boundary of a former landfill site. Broadly to the north of the site beyond the former Bunny Brickworks, is residential development within Gotham Lane including Greenwood Lodge Care Home which is the nearest sensitive receptor within Gotham Lane, at a distance of 220m from the site. More distant residential development is situated beyond Gotham Lane within Bunny Village on Main Street, approximately 750m to the north of the site.
5. To the west and south lies the former Bunny Landfill site which has recently been restored to grassland. Beyond the former landfill site to the west and south-west lies arable land, with further agricultural land to the east beyond the A60. To the north lies the former Bunny Brickworks beyond which a wood and field separate the industrial works from residential development on Gotham Lane.
6. The MRF site comprises approximately 1.06 ha. of operational land, and is an established recycling/recovery facility for the crushing and screening of inert construction and demolition waste, and non-hazardous commercial and industrial waste, including incinerator bottom ash (IBA) material.
7. There is bunding to the south-eastern boundary of the site, providing screening along Bunny Hill. The MRF site is accessed off the A60 Loughborough Road.
8. The MRF site layout comprises two areas, one of which is a dedicated waste transfer area for the receipt, storage and processing of commercial and industrial waste and includes a waste transfer building which is currently used for the indoor storage and processing of IBA. This area occupies the south-eastern part of the site. The IBA storage bays occupy the most southerly sector of this part of the site and have an overall footprint of 2,300sq.m.
9. A separate area for the crushing and screening of construction and demolition waste occupies the western part of the MRF site. It comprises separate stocking areas for raw and processed aggregate, with stockpiles up to 7m in height.
10. There is no fixed plant except in the waste transfer building which contains a feed hopper and conveyor belt system with mobile plant including a crusher, loading shovels, hydraulic grab, and stockpile conveyors. The MRF site also contains site offices, vehicle parking, wheel-wash facilities and a weighbridge.
11. The site is substantially screened from view from the nearest receptors by the topography of the land, earth bunds, concrete fences, material stockpiles and mature, dense vegetation comprising tree belts, hedgerows and mature trees.
12. The nearest designated nature conservation sites are Bunny Works Grassland Local Wildlife Site (LWS) to the north of the site, and Bunny Old Wood LWS and Nature Reserve which lies approximately 400m to the south-east on the opposite (eastern) side of the A60 (Loughborough Road).

Relevant site history and background

13. The application relates to an established MRF which operates under a number of planning permissions granted by the County Council as Waste Planning Authority over the years. A planning permission (Plg. Ref.8/15/00050/CMA) covering the temporary storage of reclaimed aggregates on part of the former Bunny Brickworks has now ceased, and the MRF has reverted back to extant planning permissions 8/12/01028/CMA, 8/96/79/CMA and 8/94/00164/CMA.
14. Planning permission (Plg. Ref. 8/94/00164/CMA) was originally granted in September 1994 to Safewaste (UK) Ltd, for a recycling centre on land adjacent to Bunny Brickworks, for the receipt and processing of a range of inert construction and demolition wastes. An annual operational throughput of 100,000 tonnes of inert waste material was established under this planning permission.
15. In December 1996, a further planning permission (Plg. Ref. 8/96/79/CMA) was granted for a change of use on buildings and land in the south-eastern part of the MRF site, to allow for the receipt and processing of non-hazardous commercial and industrial wastes. Operational hours which are still in force today were set at 7.30am – 6pm Mondays to Fridays, and 7.30am to 1pm on Saturdays and within these times crushing and screening operations were only permitted between 8am and 5pm on weekdays and 8am to 12.30pm on Saturdays with no permitted working on Sundays, Bank or Public holidays.
16. The planning application also proposed an extra 15 vehicles per day entering and exiting the site, in addition to the 40 vehicles per day established under the previous planning permission.
17. Two further planning permissions (Plg. Ref. 8/00/976/CMA and 8/00/973/CMA) were granted in December 2001 and November 2002 respectively, for the storage of secondary recycled aggregates and storage of skips and wood associated with the recycling operations.
18. A non-material amendment to planning permission 8/96/79/CMA was approved in March 2012 to allow the current operator Johnsons Aggregates to install storage bays in an existing waste transfer building to support IBA processing inside the building.
19. March 2013 saw retrospective planning permission (Plg. Ref. 8/12/01028/CMA) being granted for the erection of outdoor IBA storage bays, and a change of use on land to extend the commercial and industrial waste transfer/processing area to accommodate IBA storage.
20. Finally, two temporary planning permissions were granted in March 2014 (Plg. Ref. 8/13/01494/CMA) and June 2015 (Plg. Ref. 8/15/00050/CMA) to use land to the immediate north of the MRF site for reclaimed aggregate storage, initially for twelve months and then for a further 6 month (time limiting the permission until 31st August 2015). The March 2014 permission also permitted a temporary relaxation of working hours to allow IBA to be processed until 8pm on weekdays only, with this expiring on 31st August 2015. A variation to conditions 7 and 9 of planning permissions 8/96/79/CMA and 8/94/00164/CMA respectively, allowed for these extended working hours.

21. With regards to existing operations, and following on from the temporary permissions expiring, planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA are the three main planning permissions that the MRF operates under, and which the applicant seeks to vary by way of the current planning application to allow HGVs to leave the site from 06:00am onwards. These applications collectively authorise the importation, storage, processing and transfer of inert construction and demolition wastes, and also non-hazardous commercial and industrial waste materials, involving primarily the acceptance and processing of IBA.
22. With regards to the current planning application it seeks to regularise intermittent early morning lorry movements, with this activity initially having been brought to the WPA's attention through a complaint from a member of the public in early 2015.
23. In this respect, a complaint was received in February 2015 regarding noise from HGV movements travelling outside permitted hours, specifically relating to the use of the A60 and singling out Johnson's HGVs. Initial investigations revealed that HGV movements were largely unrelated to the site, however a number of out of hours movements from Johnson's lorry fleet were observed involving up to 10 HGVs. The County Council's Monitoring and Enforcement Senior Practitioner observed vehicles leaving the Bunny site on the mornings of the 5th and 19th of March 2015, on both occasions from as early as 5.45am. Whilst 100 HGVs were observed in an hour, only 8-10 were Johnson's HGVs, with 90 per cent not connected to the site at all, but largely related to the nearby gypsum works. On both occasions HGVs were also seen entering the site before the permitted start time.
24. The applicant was instructed to cease these out of hours operations or risk enforcement action being initiated without further notice. Further discussions were then pursued between the County Council and the applicant resulting in the current planning application.
25. The existing MRF site operates under an Environmental Permit issued by the Environment Agency for waste management purposes.
26. The site continues to be subject to regular monitoring inspections by the WPA.

Current operations

IBA operations

27. IBA recycling operations have now been carried out for approximately four years at the Bunny MRF. HGVs (articulated tipper lorries) bring in raw material to the site where it is unloaded onto raw material stockpiles and left to mature.
28. On receipt into the MRF, the raw IBA is unloaded into the open air storage bay where it undergoes a cooling, crushing and weathering process.
29. Outdoor operations involve the crushing of the raw IBA using a loading shovel to both feed the unprocessed IBA into a hopper and remove processed materials.

The initial crushing allows magnets to remove metallic materials (Ferrous and Non-Ferrous metals). A large skip is located at the side of the crusher for the containment of ferrous metals removed by magnet. All metallic materials removed from these operations are then stored on part of the impermeable area within the storage bay. All mobile crushing operations are carried out within the storage bay area.

30. Following the outside storage and partial processing of the raw IBA material, the matured IBA is fed into the 'in-feed' hopper by a front end loader shovel and is then transferred to the waste transfer building where it is blended with other inert waste to make a secondary aggregate (IBA aggregate).
31. The IBA passes through the various processes within the building before exiting via conveyors into product bays. A front end loader moves the final graded product to reclaimed aggregate stockpiles.
32. Finally, the end product is tested for quality under the EA's Regulatory Position Statement before being stored on an area of hardstanding prior to dispatch off site. Processed material leaves the MRF, generally on rigid wheel tipper trucks, (having been loaded by front end loaders) outbound to customers across the county.

Aggregate and soil recycling operations

33. The MRF also carries out aggregate and soils recycling operations. This involves soils, stone and masonry products being brought to the site to be crushed, sorted and stored, prior to being dispatched to customers as aggregates and graded soils.

Proposed Development

34. Planning permission is sought to vary operational hours on extant planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA, to extend permitted operational hours from 7.30am to 6pm Mondays to Saturdays to allow twelve pre-loaded HGVs to leave the site before the early morning peak hour. It is anticipated that the majority of these lorry movements would occur between the hours of 6am and 7am and an updated noise report (addendum October 2015) in support of the planning application has been based on this assumption.
35. The planning application originally sought to bring forward operating times on the IBA waste transfer area from 7.30am to 7am Mondays to Fridays, as well as the variation set out in the above paragraph. However, the development proposal has subsequently been amended to dispense with this particular element of the proposals.
36. The proposals involve varying the following planning conditions to reflect an amended start time of 6am:
37. Condition 3 of planning permission 8/12/01028/CMA states:

38. *'Except in emergencies where life, limb and property are in danger, which shall be notified to the WPA within 48 hours of their occurrence, the IBA waste transfer area, shall only be operated in accordance with the time periods of 0730hrs to 1800hrs Mondays to Fridays and 0730hrs to 1300hrs on Saturdays. Within these times crushing, and screening operations shall only take place between the hours of 0800hrs and 1700hrs Mondays to Fridays and 0830hrs to 1230hrs on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery, including HGV movement onto and off the site, shall be carried out on Sundays, Bank or Public Holidays'.*
39. Condition 7 of planning permission 8/96/79/CMA states:
40. *'Unless in emergency, or as otherwise previously agreed in writing by the County Planning Authority, the site shall only operate between the hours of 7.30am to 6.00pm on weekdays and 7.30am to 1.00pm on Saturdays. Within these times crushing, screening and wood shredding operations shall only take place between the hours of 8.00am and 5.00pm on weekdays and 8.30am to 12.30pm on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery shall be carried out on Sundays, Public or Bank Holidays'.*
41. Condition 9 of planning permission 8/94/00164/CMA states:
42. *'Unless in emergency or as otherwise previously agreed in writing by the CPA, the site shall only operate between the hours of 7.30am to 5.30pm on weekdays and 7.30am to 12.30pm on Saturdays. Within these times crushing and screening operations shall only take place between the hours of 8.00am and 5.00pm on weekdays and 8.30am and 12.30pm on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery shall be carried out on Sundays or Bank Holidays'.*
43. It is proposed to have a designated parking bay within the existing waste transfer compound for the fleet of early-start lorries. This dedicated area would make use of existing surfacing (compacted hard-core) within the yard area, where HGVs would be parked overnight in a forward gear ready to drive off site the following morning with minimal noise and disturbance to the nearest sensitive residential receptors. Vehicles would be pre-loaded and pre-wheel-washed during operational hours on the previous day.
44. No other operations, except for the movement of up to twelve pre-loaded HGVs outbound from the site would take place during the extended morning hours, and all other permitted waste operations (screening and crushing operations and the acceptance of waste including IBA material into the site) would remain unchanged.
45. No vehicles would enter the site during the extended early morning hours.
46. The proposed development would not result in any increase in annual throughput of waste materials (100,000 tonnes per annum), and similarly there would be no change to existing traffic movements in terms of actual daily vehicle numbers (100 movements per day, 550 movements over the working week).

The proposals would simply involve a relaxation in the start time of the site to allow flexibility to dispatch existing HGVs earlier than currently permitted.

47. An addendum noise survey (dated October 2015) has been submitted in support of the planning application.

Consultations

48. **Rushcliffe Borough Council (RBC)** *No objection.*
49. *The Borough Council has had sight of the draft planning conditions and has no objection subject to their imposition.*
50. **RBC Environmental Health Officer (EHO)** *No objection.*
51. *The applicant is seeking to have existing conditions amended to allow a limited number of early morning HGV movements from the site that are prepared the previous day and would not have any reversing or other movements associated with them. These would access the A60, a main road used by traffic (HGV and cars) throughout the day and night periods, directly from the site. There is limited concern in relation to the noise from this aspect of the proposals due to the road being a major traffic route and with the 'Design Manual for Roads and Bridges' (DMRB) 2011 noise assessments indicating negligible noise impacts.*
52. *It is noted that the County Council's Noise Officer has recommended certain planning conditions to ensure mitigation and controls are in place. These would cover aspects such as the pre-loading and sheeting of early morning HGVs the day before; and the parking of vehicles in a position whereby they can be driven in a forwards motion out of the yard without the need for reversing. Aside from these lorry movements, no HGVs would be permitted to enter the site until after 07:00hrs; and no other plant would be operated between 06:00hrs-07:00hrs.*
53. *These recommendations are supported and provided they are implemented there would be no objection to the proposal on environmental health grounds.*
54. **Bunny Parish Council** *Objection on the following grounds:*
55. *The WPA is aware of the concerns local residents have regarding the existing arrangements for the site and to allow an extension of the operating times would only add to the noise and disturbance problems affecting residents.*
56. **The Environment Agency (EA)** *No objection.*
57. *Johnsons Aggregates and Recycling Ltd hold an environmental permit which they must comply with. The operator is required to control the on-site activities through an Environmental Management System (EMS) which takes account of the environmental risks posed by the activities on site, including those brought to the attention of the operator through complaints. This would include any noise complaints.*
58. **NCC (Landscape)** *No objection.*

59. *There are no comments to make on this planning application.*
60. **NCC (Nature Conservation)** *No objection.*
61. *The proposed variation of conditions is unlikely to give rise to a significant ecological impact.*
62. **NCC (Planning Policy)** *No objection.*
63. *There are no specific planning policy comments to make on the proposal, but comment on the environment and amenity impact of the proposed changes to site operations (particularly in relation to noise impact) should be sought from relevant teams within the County Council and other statutory bodies. In relation to this, attention is drawn to Policies WCS13 and 15 of the adopted Nottinghamshire and Nottingham Waste Core Strategy (WCS) and the more detailed policies and development management considerations set out in the saved policies of the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP).*
64. **NCC (Highways) Rushcliffe** *No objection.*
65. *It is noted that whilst the proposal would result in an overall increase in traffic from the site in the morning, this traffic would be accessing the highway network at a time when background traffic flows are relatively low. Therefore its impact in terms of capacity and safety should be no greater than the existing peak hour flows associated with the site.*
66. **NCC (Noise Engineer)** *No objection subject to planning conditions regarding controls over other plant not operating between 06:00 hours-07:00 hours; and controls over HGVs departing the site between these hours to ensure that vehicles are pre-loaded the day before, sheeted and parked in a position which enables them to drive in a forwards motion out of the yard without the need for reversing. Furthermore, no HGVs would be permitted to enter the site until after 07:00 hours.*
67. *All other noise conditions shall be carried forward from the extant permissions covering site operations, and existing noise conditions shall be varied to allow up to 12 preloaded HGVs to depart the site between 06:00 hours and 07:00 hours.*
68. *It is noted that the impact from 12 preloaded HGVs leaving the site has been assessed using BS4142, a standard not considered appropriate for assessing noise from HGV movements particularly in a noise climate already dominated by road traffic. A subsequent assessment was therefore made using the impact methodology for change in road traffic noise contained in the DMRB. This compares the road traffic noise levels before and after change in traffic composition and determines the impact from the change in noise level.*
69. *The A60 is a principal road into Nottingham City Centre so traffic levels are already relatively high between 06:00 hours and 07:30 hours and therefore the change in noise level attributed to the additional 12 HGVs is negligible.*

70. *It is important that there is no loading of HGVs and that HGVs avoid any reversing manoeuvres in the yard before 07:00 hours. In addition, there should be no permitting HGVs to enter the site until after 07:00 hours.*
71. *The above controls are recommended in addition to the proposed variation in condition, in order to minimise any potential noise impact.*
72. **Nottinghamshire Wildlife Trust** has made no response. Any comments received will be reported orally to Committee.

Publicity

73. The application has been publicised as a departure application by means of site notices, and a press notice. Twenty-six neighbour notification letters have been sent to the nearest occupiers on Gotham Lane, Bunny Hill, Bunny Hill Top, Main Street and Loughborough Road, Bunny; Fleming Gardens, Clifton; and Burton Walk and De Ferrers Close, East Leake; including Hillside Farm Care Home and Greenwood Lodge Care Home, in accordance with the County Council's adopted Statement of Community Involvement Review.
74. Nine letters of representation objecting to the proposed development have been received from nine separate households, including six on Gotham Lane, Bunny, and single households on Fleming Gardens, Clifton, Loughborough Road, Bradmore, and Bunny Hill Top, Costock.
75. The grounds of objection can be summarised as follows:

Noise impact

- a) Noise impact from transport to and from the site is already considerable and infringes on residential life, the noise being clearly audible outdoors and even indoors when windows are open;
- b) the hours of operation are already in excess of a 'normal' working day and to extend them further would mean the noise being audible whilst residents are still in bed;
- c) A 7.30am start is early enough in the morning for residents especially on Saturdays;
- d) on the busiest weekdays, the normal traffic noise does not become noticeable until after 7.30am but the proposals would change this;
- e) lorries covering this site are already a noise nuisance to those living on the A60, and an earlier start would mean the noise nuisance starting earlier;
- f) lorries branded with the site name already travel to access the site from 5.30am along the A60, even if they cannot actually access the site upon arrival;

- g) a 6am start involving movement of HGVs is unreasonable because of the noise of the vehicles, and a 7am start would be much more reasonable;
- h) as Gotham Lane has numerous residents parking along it, this results in stopping and starting of vehicles when travelling up and down the lane, and braking/accelerating further adds to the noise pollution;
- i) to extend the hours when residents suffer from extreme noise pollution from HGVs is not something residents would ever agree to. In fact, if anything, residents of Gotham Lane would like to reduce the hours to prevent babies and young children being woken up by HGV traffic;

Residential amenity impacts

- j) there are numerous children living within residential property along Gotham Lane, and the disturbance the site can cause to their sleep (despite double glazing) is yet another reason not to allow earlier operational hours;
- k) Young families will be sleeping during the new proposed hours and the HGVs create a lot of noise as they are loaded, unloaded and travel by residential property in Gotham Lane;
- l) lorries will be coming past residential properties when children as young as one and three years old are sleeping, in properties that are not particularly well insulated, and do not prevent much of the road noise, let alone lorries, and 12 additional lorries will considerably add to the problem;

Odour impacts

- m) living so close to the site (Gotham Lane) residents are already acutely aware of odour coming from the operations;

Traffic impacts and access

- n) Gotham Lane is not meant for heavy traffic and the residents suffer enough already;
- o) there has been a noticeable increase in road traffic to and from this site, since it originally opened much of which speeds past the front of houses along Gotham Lane;
- p) Gotham Lane is a restricted road with street lamps less than 200m apart and therefore subject to reduced noise between 11:30pm and 07:00am. Moving operational hours to 6am is clearly outside of this. Furthermore, the use of horns is prohibited on restricted roads during these hours, and a horn or ability to flash lights is important to negotiate with oncoming traffic given the on-street parking;

- q) overall considering Gotham Lane is a rural road, the WPA is urged to consider the appropriateness of this proposal and the impact it would have on all residents;
- r) this particular lane already experiences a large volume of lorries not only from Johnson Aggregates but also from the British Gypsum plant at East Leake and from general haulage through the village, which run at all hours of the day;
- s) the volume of lorries is exacerbated by their speed, with vehicles travelling down Bunny Hill on Loughborough Road (A60) at speeds of at least 50 mph, and speed limits are rarely observed by the aggregate lorries which seem to travel faster than the articulated lorries. Speed cameras which are already in use at the Victoria and Albert Road end of the village should be installed at the Gotham Lane end, where the problems seem worse;
- t) it is suggested that Johnson Aggregates connect their access road to the works, which would provide a long-term solution to this problem;
- u) extending the HGV operating hours at the Bunny Recycling Facility from 6am Mondays to Saturdays is clearly unacceptable and inconsiderate;

Cumulative impacts

- v) these continuous applications are leading by stealth to 24/7 operations, which should not be allowed;
- w) concerns over the need to increase hours of working because the site is already working to full capacity;
- x) local residents are already suffering from an increase in noise, odours and traffic levels;
- y) some sort of balance needs to be maintained between site operations and the residents of Bunny and the growing child population;

Health issues

- z) there are already concerns over the health implications that the dust from the site operations may cause and the increase in traffic volume due to the extra hours only adds to resident worries;
- aa) noise, air and dust pollution from the lorries will have a huge detrimental effect on families and their general health and well-being;

Light pollution

- bb) lorries and heavy vehicles cause significant and impacting light pollution as they drive along Gotham Lane;

Air and dust pollution

cc) air and dust pollution from the lorries will have a huge detrimental effect on family life and general health and well-being;

Safety issues

dd) in a number of places (sections of Loughborough Road between Gotham Lane and the petrol station) the pavements are unsafe and barely wide enough to safely walk in one direction. The pavement is not up to current DDA standards for wheelchair users and added to this there are other vulnerable residents at Greenwood Lodge, all of which would not be helped by increased traffic and road noise throughout the evening, night and early morning;

Other considerations

ee) operations would seem better and more sustainably located within an inner urban industrial area;

ff) why encourage the 'carting' of incinerator waste material out to a village;

gg) these operations have unsettled communities in Ruddington, Bradmore and Bunny.

76. Bunny Parish Council and the nine objectors referenced above were subsequently informed by letter of the amendment to the proposals which removed the proposal to operate the IBA waste transfer area from 7am.
77. Councillor Reg Adair has been notified of the application.
78. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

79. The application has been submitted by the current operators, Johnsons Aggregates, a leading recycler of IBA material in the East Midlands, to both regularise unauthorised lorry movements, and to improve operational practices with regards to the supply and deliveries of secondary aggregates to customers in the north of the county.
80. As well as seeking to regularise early morning lorry movements (as notified and required by the County Council's Monitoring and Enforcement Senior Practitioner), the need for the application and reasoning behind the proposal is to overcome current time restrictions on early-morning lorry movements, which limits the ability of the company to make timely deliveries to its more distant customers in the north of the county. This has business and economic implications for the applicant, in terms of lengthier journey times for those early

morning deliveries. Due to the early morning peak hour traffic, between 1-1½ hours can be added onto the journey time as delivery vehicles navigate around or directly through Nottingham City Centre, to travel onto the north of the county.

81. The extra time it takes vehicles to travel through the central Nottingham city area impacts on the efficiency of Johnson's business operations given that the first deliveries of the day of outgoing materials with destinations to the north of Nottinghamshire cannot be made on time. An earlier morning start would allow Johnson's HGVs to avoid early-morning peak hour traffic, thereby enabling its first deliveries of the day to be made on time.
82. There is therefore a reasoned justification in business and economic terms, however this needs to be balanced against the environmental and residential amenity impacts that could potentially be generated by extending operational hours to allow a 6am start. Whilst this would be restricted to pre-loaded outbound lorry movements only, it would still involve running HGVs out of the site in the early hours of the morning, outside the permitted working hours which have historically operated at the Bunny MRF over the years, controlling site operations including lorry movements to a start-time of 7:30am.
83. Reference is now made to those material considerations relevant to the determination of this planning application.

Planning policy considerations

84. In national planning policy terms, the proposed development is given due consideration in light of the National Planning Policy Framework (NPPF) (March 2012), the Planning Practice Guidance (PPG) (published on-line in March 2014 and periodically updated), and the National Planning Policy for Waste (NPPW). Relevant policies and direction as set out in these documents are material considerations to the determination of the application.
85. The NPPF sets out the national policy approach towards development, and whilst it does not specifically make reference to waste, which is covered by the NPPW, it does set out guidance as to the degree of weight that should be afforded local plans since its publication. It states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies are to the Framework, the greater the weight that may be given)'.
86. Planning applications should be determined with regard to the development plan as far as material to the application and any other material considerations and decided in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application, and in line with Paragraph 215 of the NPPF, the proposal has been assessed against any key strategic policies in the Waste Core Strategy (WCS) and relevant saved policies in the Waste Local Plan (WLP) and the Rushcliffe Borough Non-Statutory Replacement Local Plan 2006 (RLP).
87. Overarching policy direction is set out in the NPPW with the presumption in favour of sustainable development and resource efficiency (including supporting

local employment opportunities and wider climate change benefits), and supporting activities which drive waste up the waste hierarchy.

88. Of particular relevance is Section 1 of the NPPF '*Building a strong, competitive economy*' Paragraph 19, which directs that the planning system does everything it can to support sustainable economic growth. In this respect, planning should operate to encourage and not act as an impediment to sustainable growth, with significant weight being placed on the need to support economic growth through the planning system. To help achieve economic growth Paragraph 20 directs that local planning authorities should support the development needs of business. This policy offers weight to the proposals under consideration in this planning application.

Consideration of environmental and amenity impacts

89. Of relevance is WCS Policy WCS13 which supports extended waste treatment facilities where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in unacceptable environmental impacts.
90. NPPW Appendix B (locational criteria) sets out the potential environmental considerations that could arise from waste developments and their associated activities. Of particular relevance in the context of this application are matters relating to traffic impact and any associated noise, air emissions including dust, vibration and light impacts.
91. The potential environmental impacts associated with the proposed change to site operations (particularly in relation to noise impact) are material considerations in determining the acceptability of this application; and the more detailed policies and development management considerations set out in the saved policies of the WLP are particularly relevant.

Green Belt Policy considerations

92. Central Government guidance on National Green Belt policy is provided within Section 9 (Protecting Green Belt Land) of the NPPF. In terms of the local development plan the RLP remains a material consideration when determining planning applications, with due consideration continuing to be given to Policy EN14 which sets out local Green Belt policy.
93. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; with the essential characteristics of Green Belt being their openness and permanence. The NPPF sets out what would constitute appropriate development in the Green Belt (Paragraphs 89 and 90).
94. There is a general presumption against inappropriate development within the Green Belt and in this respect 'very special circumstances' would need to be demonstrated to justify the granting of planning permission.

95. Under the criteria based listings as set out in both the NPPF (Paragraphs 89 and 90) and RLP Policy EN14, Green Belt policy is silent on operational development such as that contained in the current planning application. The proposals are not identified as being appropriate development in the Green Belt, however various aspects of the development suggest there is a case to be made under the 'very special circumstances' test. In this respect, the proposed development needs to be considered in a proportionate manner given the nature of what is being proposed. The proposals relate to operational development which is ancillary to an established waste management facility, and which it is considered would have a neutral impact in terms of implications for the Green Belt.
96. In terms of definition, the development would simply involve a change to site operations, involving the parking up of a fleet of up to twelve HGVs (pre-loaded and pre-washed) in a designated part of the site overnight for an early morning start the following day. These vehicles would ordinarily already be parked up within the MRF site and there are no additional lorries being added to the existing fleet. The parking bay would be contained within an established waste recycling site, and whilst it would involve the block parking of a fleet of up to twelve HGVs within a permanently designated area, which is not insignificant in terms of visual impact, it is considered that the HGVs would be substantially screened from the surrounding area by a combination of attenuation bunding and mature perimeter vegetation, and the topography of the land. This would mitigate impact on the Green Belt.
97. The planning application originally involved extending waste operations on the IBA processing area, as well as seeking to regularise early morning outbound lorry movements. As such, the application was advertised as a departure application in the Green Belt. However, with the removal of that part of the proposals relating to the IBA processing area, it is considered that the early morning lorry movements including their parking up on-site overnight in a designated parking bay would have extremely limited implications in terms of the appropriateness of the development in the Green Belt. In this respect, the proposals would involve no fixed plant or structures and propose nothing other than allocating a limited amount of space within the yard area to vehicle parking; there is no built development associated with the proposals. It is not proposed to hard-surface the parking area, and there would be no alterations to the existing surfacing (compacted hard-core). The proposals would involve no physical alterations to the existing waste materials recycling site.
98. Given that there would be no physical change either in terms of the appearance of the site or how the compound is used other than running an existing fleet of up to twelve lorries out of the MRF site in the early hours of the morning, it is considered that there are extremely limited implications in terms of Green Belt policy. Whilst the proposals relate to a waste facility in an area of washed over Green Belt, the proposals would not affect either the openness or character of the Green Belt, and would not conflict with the purposes of including land in the Green Belt, namely:
- *to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns merging into one another;*

- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

99. Whilst the proposals may not technically be listed as appropriate development in the Green Belt under either RLP Policy EN14 or the NPPF, the proposals are ancillary to an existing waste operation, and as detailed above would have a neutral impact on the Green Belt. The aspects of the proposed development set out in paragraphs 90 to 93 of this report could provide the 'very special circumstances' which would justify allowing what is technically inappropriate development in the Green Belt. As such, it is considered that the proposed operational development would not be unacceptable for the purposes of Green Belt policy as set out in the NPPF.

Visual impact

100. WLP Saved Policy W3.3 seeks to minimise the visual impact of waste management facilities and associated activities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Saved Policy W3.4 seeks to secure both the retention and protection of existing features which have value in terms of screening, and the appropriate use of screening and landscaping to minimise visual impacts, including earth mounding, fences, and/or tree and shrub planting.
101. The visual impact of the development is assessed as being low to insignificant. With regards to surrounding sensitive receptors, it is anticipated that there would be no views of the parked up fleet of lorries from Woodside Farm, the nearest residential property. Views to other sensitive receptors, notably property at the western end of Gotham Lane, the residential care home (Hillside Farm) and the edge of Bunny Old Wood LWS, especially the bridleway along its northern edge, are filtered by existing vegetation, the topography of the land, and the fact that the lorries would be parked up set against the industrial elements of the MRF works. As such, the development accords with WLP Saved Policies W3.3 and W3.4 in terms of visual amenity impacts, being substantially mitigated by the existing character of the surrounding landscape, the industrial nature of the site and substantial screening of the site from existing mature vegetation and bunding. It is noted that the County Council's Landscape Officer has no comments to make regarding the proposals.
102. The other potential environmental and amenity impacts associated with the proposed development are now considered.

Traffic considerations

103. WLP Saved Policy W3.14 indicates that planning permission will not be granted for activities associated with waste management facilities where the vehicle movements likely to be generated cannot be satisfactorily accommodated by

the highway network or where such movements would cause unacceptable disturbance to local communities. This is the key policy against which to assess the traffic impact of the development. The NPPF (paragraph 32) states that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts arising from the proposals are severe.

104. The MRF site benefits from its strategic location in terms of the local highway network being situated with direct access on to the A60 which serves as the main trunk road from Loughborough to Nottingham.
105. It is noted that the proposals would not involve increasing the overall number of HGVs accessing the MRF site for purposes of depositing waste material and collecting/delivering recycled aggregates, but are simply seeking a better flow of lorry movements in the morning avoiding where ever possible peak traffic flows. This is a material consideration in terms of assessing the potential traffic impact on the local highway network associated with the proposals. An existing planning condition would continue to ensure that lorry movements do not exceed 100 movements per day, subject to a maximum of 550 HGV movements in any single week (Mondays to Saturdays).
106. The proposals seek the daily movement of 12 outbound HGVs off site between 6am and 7am and a review of the surrounding strategic road network in terms of its capacity to accommodate the proposed traffic levels at this time of the day indicates that whilst the proposal would result in an increase in traffic flow along the A60 during this hour, this would be at a time when background traffic flows are relatively low compared to other times of the day. Consequently the County Council's Highways Officer is satisfied that the impact of these early morning lorry movements in terms of capacity and safety along the local highway would be relatively insignificant and readily accommodated. The level of proposed traffic along the A60 would be no greater than the existing peak hour traffic flows associated with the MRF site, but these lorry movements would be added to the local road network when it has enhanced capacity due to the time of the day. Indeed, up to 72 HGVs could exit the site over a five and a half day working week (Mondays through to Saturday mornings) from 06:00hrs-07:00hrs, potentially taking up to nearly a quarter of permitted lorry movements from the MRF site off the local highway network during the morning peak times. This in itself would bring about a net benefit in terms of highway capacity at peak times in the morning.
107. Overall, the material impact of the proposals in terms of highway capacity is neutral to beneficial and as such would accord with WLP Saved Policy W3.14 and the NPPF.
108. It is considered that the comparatively low levels of traffic that would be added to existing flows as a result of the proposed development would have no significant impact in terms of road safety; and the A60 would continue to operate within its design capacity. The Highways Authority underlines the acceptability of the proposals.
109. Whilst it is acknowledged that residents living along Gotham Lane are concerned about a further increase in heavy goods lorries along their road,

particularly in the early hours of the morning, attention is drawn to the fact that the proposals relate to lorry movements along the A60 travelling directly into Nottingham City Centre and then onwards to the north of the county. There is nothing to indicate in the supporting information that vehicles carrying out early morning deliveries would need to travel along Gotham Lane, which would in fact take lorries in a completely different direction to that being proposed. However, in order to ensure that these 12 HGVs do in fact travel along the A60 and not Gotham Lane, the applicant has agreed to enter into a legal agreement to control the routing of these HGVs. This would ensure that residential amenity along Gotham Lane would be protected and would ensure compliance with WLP Saved Policy W3.14. With this agreement in place, it is considered that the proposed early morning lorry movements would have no direct impact on the residential amenity of occupiers on Gotham Lane.

110. Overall, it is considered that the proposals would have no unacceptable or significant amenity impacts on residential development along the A60 route through Bunny and on towards Nottingham, given the capacity of the trunk road and the relatively low flows of traffic in the early hours of the morning along what is a main access route from Loughborough to Nottingham. As such, the proposed operational development is considered to accord with WCS Policy WCS13, WLP Saved Policy W3.14 and the NPPF.
111. It is considered that issues relating to the speed of HGVs and more generally speed restrictions along the local highway network are outside the scope of this planning application.

Noise

112. Saved Policy W3.9 of the WLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over aspects such as operating hours, which is particularly relevant in the case of this application; sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
113. A Noise Assessment (NA) undertaken in support of the planning application has calculated the noise impact from varying the operational hours at the MRF site to allow twelve pre-loaded HGVs to exit the site between 06:00hrs-07:00hrs Mondays through to Saturdays, in line with technical guidance contained in the DMRB. This has involved assessing the potential noise impact from the proposed HGV movements in a situation where the background noise level is already dominated by road traffic through the application of an impact methodology for change in road traffic noise. Essentially, this has compared road traffic noise levels before and after a change in traffic composition, which in this case means adding a further twelve outbound HGV movements to the A60 trunk road (travelling towards Nottingham).
114. This involved recording background noise measurements at the nearest sensitive receptors to the MRF site, namely Woodside Farm, Hillside Farm Care Home, and Greenwood Lodge Care Home. In respect of proximity to the A60, Woodside Farm is at a distance of 24m from the kerbside edge of the A60,

which according to the 'Calculation of Road Traffic Noise' (CRTN) equates to 27.5m from the source line of road traffic noise travelling along the A60 at its closest point. Likewise, Hillside Farm is 45m distant to the kerbside edge of the A60, the equivalent of 48.5m from the source line of road traffic noise travelling along the A60 when at its closest point. Altogether more distant to the A60 is Greenwood Lodge at a distance of 83m from the kerbside edge of the A60 or 86.5m from the source line of road traffic noise travelling along the A60 at its closest point.

115. Calculations were then carried out to determine the highest likely noise contribution from twelve additional outbound HGVs travelling along the A60 towards Nottingham City Centre between the hours of 6am and 7am Mondays to Saturdays at the nearest façade or elevation to the identified sensitive properties.
116. Using the DMRB methodology, the comparative figures for the current and predicted LAeq,1hr noise levels arising from the proposed twelve HGV movements indicates a 0db noise change at Woodside Farm. Therefore, there would be no associated change in the magnitude of noise impact between 6am and 7am either over the short or long term. Similarly, for both Hillside Farm and Greenwood Lodge Care Homes the calculated noise change of 0.4db and 0.3db respectively, again indicates insignificant noise impacts associated with the proposed lorry movements. In both cases, the magnitude of impact at this time of the morning would be negligible over both the short and long term.
117. Overall the indications are that the change in noise level attributable to the additional twelve HGVs would be negligible and there would be no appreciable noise impact on the nearest sensitive residential receptors at the earlier time of 6am to 7am. This is largely due to the fact that the A60 is a principal trunk road into Nottingham City Centre and traffic levels are already relatively high between 6am and 7am (albeit low compared to the core day-time flow of traffic).
118. The additional HGV movements associated with the proposals would not result in any significant impact in terms of noise and vibration, in accordance with the advice contained in the DMRB. The noise impact of additional HGV traffic along the existing route pre-early morning peak hour would be neutral to negligible over the short to longer term.
119. With regards to ancillary operations such as the loading of vehicles which have the potential to generate associated noise impacts, such noise levels would be managed by ensuring that vehicles are pre-loaded the day before during normal working hours. Other measures being proposed by the applicant would include parking vehicles in a forward gear so that there is no reversing or manoeuvring required to move lorries off site; observing the site speed limit of 15mph, and the regular spacing out of lorry movements throughout the hour.
120. The County Council's Noise Engineer has stressed the importance of tightly controlling procedures, with an emphasis on no loading of HGVs or reversing manoeuvres in the yard before 7am. It is also recommended that no HGVs are permitted to enter the site until after this time. Planning conditions as advised by the Noise Engineer and supported by the Borough Council's EHO would ensure that these measures are implemented to minimise any potential noise

impact arising from the proposals. All other noise conditions on existing permissions would be carried forward. It is also noted that the applicant has taken on board concerns raised by the Borough Council for the provision of a designated parking area on the MRF site. The scheme has been amended and allocated parking has now been provided within the existing yard area to enable HGVs to be suitably parked up in a forward gear for ease of transit off-site the following morning.

121. It is considered that these attenuation measures would build in sufficient protection to ensure that operational noise associated with early morning lorry movements would not be significant. As such, the proposed development subject to conditions would accord with WCS Policy WCS13 and WLP Saved Policy W3.9. It is considered that any noise impact is capable of being suitably controlled so that it would not increase significantly to unacceptable levels.
122. Overall, the indications are that HGVs exiting the MRF site at the earlier start time of 6am to 7am would not give rise to unacceptable noise impacts to the nearest residential receptors to the site including householders along Gotham Lane. Any HGVs leaving the site at this time of the morning would be fully loaded and sheeted, with this proposed to take place at some point during the previous working day. Therefore, there would be no other plant or equipment (and associated noise) used during this time. The loading of the lorries would in itself mitigate noise impact, given that a full load has a dampening effect, with HGVs generating most noise when empty (due to the body bumping on the chassis).
123. The supporting statement submitted as part of the planning application has also confirmed that all drivers would be given special training relating to early morning HGV movements; and that the HGV fleet is regularly checked and serviced to ensure that all silencers and noise attenuating equipment is maintained in full working order.
124. It is noted that it is not proposed to run lorries along Gotham Lane at this time of the morning, but along the A60 Loughborough to Nottingham trunk road towards Nottingham City Centre and then on to the north of the county. This matter would be secured by a legal agreement to control the routeing of HGVs. The noise assessment has indicated that, subject to planning conditions, any noise impacts associated with the proposed early morning lorry movements would be at most negligible. On balance, there is nothing to indicate that the proposals would impact on the residential amenity of those living along Gotham Lane and it seems reasonable to conclude that there would be no detrimental health impacts to local residents, including children, from lorry movements and any noise arising.
125. Regarding the noise impact of HGVs on residents living on Loughborough Road, both the County Council's Noise Engineer and the Borough Council's EHO are satisfied that, subject to the recommended supplementary noise conditions, sufficient mitigation and controls would be in place to control noise to acceptable levels. There is support for the findings and conclusions of the noise addendum (October 2015) and the use of the DMRB methodology to assess changes in road traffic noise impact along the A60 Loughborough Road arising from the extra 12 lorry movements outbound from the MRF site from 6am

onwards. Both the EHO and the Noise Engineer concur with the DMRB noise assessments which indicate negligible noise impacts to sensitive residential receptors to the A60 within the vicinity of the MRF site. Overall, it is concluded that any noise impact along the A60 is limited by the fact that this is a main road used by traffic throughout the day and night periods, with comparatively high levels of traffic already flowing between 6am and 7am meaning that a change in noise level attributable to the addition of twelve HGVs would be negligible. The proposal, subject to a suite of planning conditions covering noise, is in accordance with WCS Policy WCS13 and WLP Saved Policy W3.9.

Air quality and dust

126. The NPPF paragraph 30 encourages solutions which support reductions in greenhouse gas emissions and reduce congestion. Paragraph 005 of the PPG makes reference to a number of considerations which need to be taken into account when deciding whether or not air quality is relevant in determining a planning application. In particular, and of relevance to this proposal, it states that consideration should be given to the implications of the development in terms of whether it would significantly affect traffic in the immediate vicinity of the proposed development site or indeed further afield, by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or by significantly altering the traffic composition on local roads. These are material considerations which need to be given due diligence with regards to the determination of the current application.
127. In respect of these proposals, it is considered that the low volume of outbound traffic proposed to leave the site in a single hour between 6am to 7am would not significantly affect existing traffic levels within the immediate vicinity of the MRF site at this time of the morning. It is understood that there are relatively high levels of traffic associated with the nearby gypsum works at this time of the day, and that the additional traffic associated with the MRF site would be insignificant when set against such baseline traffic movements. Indeed, transporting HGVs offsite before the early morning peak hour would ensure that these vehicles do not add to peak hour traffic movements, thereby avoiding the higher levels of carbon emissions (and fuel consumption) associated with potential traffic congestion at peak times of the day.
128. It is therefore considered that the low level of outbound HGVs leaving the site would not significantly affect the amenity of local residents, in terms of air quality impacts. Between 6am and 7am in the morning, this level of vehicle movements would neither generate nor increase traffic congestion, nor would it significantly impact on overall traffic volumes or traffic composition on the local road network. As such, the movement of up to twelve outward bound HGVs from the site between 6am and 7am would accord with the policy considerations set out under PPG Paragraph 005, and the NPPF.
129. Overall, the proposals would ensure a more effective use of the local road network, potentially avoiding peak traffic congestion, cutting the journey time for deliveries of recycled aggregate to the north of the county, and correspondingly, cutting fuel consumption and vehicle emissions. The proposals would not involve increasing the overall number of HGVs operating from the MRF site, but

would simply involve a more strategic use of the highway network by outward bound vehicles.

130. As such, the proposals would accord with WCS Policy WCS14 (Managing Climate Change), given that it would deliver improved operational practices that would lead to HGVs being operated in a manner that would reduce potential impacts on climate change.
131. Waste operations including associated HGV movements have the potential to cause a dust nuisance to any sensitive receptors to the site. Saved WLP Policy W3.10 identifies that dust emissions from waste processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices. In this respect and in line with existing practices, all outward bound vehicles would be sheeted to ensure potential fugitive dust emissions are contained.
132. Saved WLP Policy W3.11 seeks to ensure that mud and other debris does not contaminate the public highway. In line with this policy, all HGVs leaving the MRF site are required to use existing wheel-wash facilities and this procedure would continue to be followed, with the early morning vehicles being wheel-washed the day before. This would minimise the potential for HGVs to transport mud and debris onto the surrounding road network, which could be a source of potential fugitive dust emissions. Existing planning conditions would continue to secure the appropriate use of on-site wheel-wash facilities by drivers exiting the MRF site from 6am in the morning.
133. It is therefore considered that the potential for mud and detritus to be transported onto the public highway from these early morning lorry movements would be appropriately controlled. As such, the proposals fully accord with WLP Saved Policies W3.10 and W3.11.
134. Further policy direction is provided under Appendix B (Locational Criteria) of the NPPW where it states that the extent to which adverse air emissions, including dust, is capable of being controlled through the use of appropriate and well-maintained and managed vehicles, is a material consideration. It is considered that subject to planning conditions covering dust mitigation measures, such as the sheeting of HGVs and the use of wheel-wash facilities, adverse dust emissions from the proposed HGV movements are capable of being suitably controlled in line with the NPPW. These measures together with the more efficient use of the heavy goods fleet arising from the proposed changes to operational practices, would ensure that any adverse air emissions are minimised.
135. Nuisance from fugitive dust emissions released to the atmosphere is therefore not anticipated.
136. Whilst it is acknowledged that there is a concern amongst local residents that there would be a detrimental effect on health and well-being from air and dust pollution associated with the proposed early morning lorry movements, it is considered that the relatively low volume of traffic involved together with suitable mitigation measures referenced above would ensure that there are no significant or unacceptable air quality impacts to the nearest sensitive receptors.

The pollution control authorities (Environmental Health and the EA) have not raised any concerns relating to environmental impacts such as dust and air quality that could potentially affect public health.

Odour

137. WLP Saved Policy W3.7 seeks to reduce the amenity impact of odour associated with waste management activities. It encourages the use of controls to reduce the potential for odour impacts from waste management facilities, and identifies a series of mitigation measures. Such measures could include: the sheeting of HGVs, restrictions on temporary storage of waste, enclosure of waste reception and storage areas, and the use of contingency measures such as odour masking agents or removal of malodorous material.
138. With regards to the early morning deliveries being sought under these proposals, it is noted that attenuating measures are already in place to address the potential for fugitive odour releases during the transportation of secondary aggregate products. It is standard practice to employ the sheeting of all HGVs entering or leaving the MRF site, and the proposed outbound HGVs would be pre-loaded and sheeted in readiness for next day deliveries. This should be adequate to contain any odour emissions within the moving vehicles.
139. Overall, it is concluded that fugitive odours from the transportation of materials (including recycled IBA) would not be significant and subject to existing planning controls remaining in place the delivery of materials would not cause nuisance to the nearest residential receptors (or indeed those along the route) thus satisfying the requirements of WLP Saved Policy W3.7.

Lighting

140. The potential for light pollution is a material consideration. The NPPW makes reference to the potential for light pollution at Appendix B (locational criteria) and the need for this aspect to be considered along with the proximity of sensitive receptors. In respect of these proposals, any light associated with HGV traffic using the local highway network would be intermittent, transient and directional towards the highway so that light spillage towards any nearby residential development would not be unacceptable. As such, this element of the proposals would accord with the NPPW, as there would be no significant risk of light pollution from the early morning lorry movements to the nearest sensitive receptors.
141. The proposals would involve extending operational hours into the early hours of the morning, and during the winter months the MRF's existing lighting could potentially be switched on from 6am in the morning, although it is anticipated that this would relate to that part of the site designated for parking and not the entire site. However in mitigation the MRF site is relatively distant to the nearest residential property and the site is well screened by attenuation bunding along the site perimeter and supplemental mature boundary vegetation. No additional lighting is being proposed. A planning condition controlling existing lights would be carried forward to ensure that all external lighting continues to be suitably

shielded and angled downwards into the site to minimise any attendant light spillage. As such, the proposals would accord with the NPPW.

142. It is noted that the pollution and nuisance control authorities and agencies (Environmental Health and the EA) raise no objections over potential light pollution. The Borough Council's EHO has previously confirmed that there is no direct light spillage onto residential development, given the relative distance of the nearest sensitive receptors to the MRF site and shielding of the site by bunds and mature vegetation. No complaints have been received in relation to lighting nuisance by either the EHO or the County Council.

Economic implications

143. Paragraphs 19 and 20 of the NPPF direct that socio-economic impacts should be given due consideration, particularly with regards to planning decisions which seek to proactively drive and support sustainable economic development, as well as assisting businesses to expand. The NPPF places significant weight on the need to support economic growth through the planning system.
144. Johnsons Aggregates is one of the largest suppliers of recycled aggregate in the East Midlands, being an established supplier and primary provider of quarried and recycled aggregates (including IBA) for the construction and engineering industries.
145. Overall, the MRF site whilst not supporting a large number of jobs does nevertheless provide reasonable levels of local employment within what is a semi-rural location and has beneficial impacts on the local economy through the supply of secondary recycled aggregates to the construction and engineering industries across the county.
146. The proposals would beneficially support the economic viability of the MRF site by improving delivery times for customers in the north of the county. This would enhance the company's ability to meet its aims and objectives including the supply of quality sustainable products (secondary aggregates) to its customers, and contribute towards the economic sustainability objectives of the NPPF and the NPPW.
147. The relaxation of operational hours, allowing up to twelve outbound HGVs to operate outside core operating times would ensure that Johnson Aggregates has the capability to provide an effective service and maintain flexibility in terms of service delivery. The improved operational practices would better support a sustainable waste management facility which has driven waste up the waste hierarchy, including the beneficial treatment of IBA waste to a recycled aggregate. As such, the proposals are in accordance with the NPPF and the NPPW.

Cumulative impact

148. WLP Saved Policy W3.29 indicates that waste management development will not be supported where it would result cumulatively in a significant adverse impact including on the amenity of nearby settlements.

149. A number of applications to extend operations have been approved by the County Council over the years, as referenced in the Planning History section of this report, and it is acknowledged that a stage may be reached when it is the cumulative rather than the individual impact of a proposal that makes it unacceptable. With respect to the proposals under consideration in this report, whilst it would involve a relaxation in early morning operating hours and an earlier start time for outbound HGVs exiting the MRF site, there would no overall increase in vehicle numbers with lorry movements continuing to be controlled at 100 movements per day (550 over the working week of Mondays to Saturdays).
150. Whilst local residents have raised concerns over the proposals representing a move towards a 24 hour operation, the proposed variation in operating times would be limited to a marginal increase in the working day, extending morning hours only with no evening or night-time operations being proposed. It is noted that a temporary relaxation of hours into the evening (permitted under planning permissions 8/13/01494/CMA and 8/15/00050/CMA) which allowed IBA processing until 8pm at night (Mondays through to Fridays) ceased at the end of August 2015, so there is no cumulative impact in this respect from the current planning application. There are currently no extended operational hours in place.
151. Furthermore, operations would be strictly controlled, allowing only pre-loaded outbound lorries to exit the MRF with no other ancillary activities permitted including either loading of vehicles or use of on-site wheel-wash facilities, between the hours of 6am and 7:30am. Subject to planning conditions controlling what is permitted during the extended operating time, the proposals would not result in any cumulative, and by definition, unacceptable amenity impacts on the nearest sensitive receptors. As such, the proposals would accord with WLP Saved Policy W3.29.

Other issues

152. It is not considered that the proposed early morning lorry movements would impact on the safety of pedestrians using the pavements alongside the A60.
153. The principle of the acceptability of the processing of IBA waste at the Bunny MRF has been established under a previous planning permission (Plg.Ref. 8/12/01028/CMA).
154. Aside from the above controls, environmental and operational factors (including noise, dust, and odour impacts) associated with the MRF site are dealt with under an environmental permit authorised by the Environment Agency.
155. The issue of sustainability is covered in the Statutory and Policy Implications section of the report.

Legal Agreement

156. In order to secure the routing of the 12 HGVs leaving the site to ensure that they travel along the A60 Loughborough Road and not along Gotham Lane, a legal agreement under Section 106 of the Town and Country Planning Act 1990

would need to be secured before any planning permission is issued. The applicant would cover all reasonable legal cost incurred by the County Council in the drafting of this agreement.

Other Options Considered

157. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

158. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

159. The existing MRF site including the new designated lorry parking area benefits from perimeter security fencing to restrict unauthorised access. Furthermore, existing bunding and mature vegetation offers a degree of protection to the MRF site, effectively screening the site from the A60 Loughborough Road.

Human Rights Implications

160. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected. The proposals have the potential to introduce impacts such as traffic noise impact, dust, light and vibration impacts arising from vehicle movements in the early hours of the morning upon the residential amenity of the nearest residential occupiers. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as supporting the economic viability of the recyclable waste operations at the Bunny MRF by enabling the operator to make deliveries (recycled aggregates) to the northern part of the county in a timely manner. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Sustainability and the Environment

161. The application has been considered against the NPPF, the NPPW, the WCS and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would deliver sustainable

development by indirectly supporting sustainable waste management operations by transporting the recycled waste materials (secondary aggregates, including IBA) more efficiently to customers in the north of the county.

162. By avoiding early morning peak traffic, the proposals would support a more efficient use of the public highway network, and promote a reduction in overall fuel consumption arising from more rapid and efficient transit of lorries. Whilst road transport may not in itself be an identified sustainable mode of transport, the development would in itself deliver benefits by supporting more efficient use of fuel and a reduction in carbon emissions.
163. The proposals broadly accord with the principles of sustainable development, and in line with this policy direction, the proposals deliver on core objectives, in terms of supporting an existing waste materials recycling operation.
164. There are no service user, equalities, financial, human resource or safeguarding of children implications.

Statement of Positive and Proactive Engagement

165. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

166. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the routing of those HGVs leaving the site between 6am and 7.30am so that they only travel along the A60 Loughborough Road and not along Gotham Lane.
167. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 28 September 2016 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 28 September 2016, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report.

[RHC 17/06/2016]

Comments of the Service Director - Finance

There are no specific financial implications arising directly from this report.

[SES 17/06/16]

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Councillor Reg Adair Ruddington

Report Author/Case Officer

Deborah Wragg

0115 9932575

For any enquiries about this report, please contact the report author.

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RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. The development hereby permitted is for the retention of existing Incinerator Bottom Ash, aggregate and soil recycling operations and changes to operating hours to permit a start time of 06:00 hours Mondays to Saturdays to allow 12 pre-loaded, sheeted and pre-wheel washed outbound heavy goods vehicles (HGVs) to leave the site daily between the hours of 06:00 hours to 07:30 hours. For purposes of clarity, the pre-loaded, sheeted and pre-wheel washed outbound HGVs would be parked overnight in a designated parking area shown marked in orange on Plan titled 'IBA Processing and Early Start HGV Parking Areas' received by the Waste Planning Authority (WPA) on 9th March 2016.

Reason: To define the development hereby approved and for the avoidance of doubt.

2. The operator shall notify the WPA in writing of the date of commencement of this permission within 7 days of its occurrence.

Reason: For the avoidance of doubt.

3. The development hereby permitted shall only be carried out in accordance with the submitted application, and in the documents and plans identified below, other than where amendments are made in compliance with other conditions of the permission:

- (a) Plan titled 'Site detail plan of proposed recycling unit' Drawing No. 3a received by the WPA on 13th May 1994;
- (b) Plan No. 1 'Location Plan' 'Revised – Site Area' received by the WPA on 7th February 1994;
- (c) Plan B 'Site Plan' 8/94/00164/CMA dated July 1994;
- (d) Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8th July 1996;
- (e) Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8th July 1996;
- (f) Plan Drawing No. SSW/CS15596/04 Revision A received by the WPA on 26th June 1997;
- (g) Planning application form, Design and Access Statement and Planning Supporting Statement received by the WPA on 21st May 2012;
- (h) Site Location Plan Drawing No. BUNNY03A received by the WPA on 26th November 2012;
- (i) Plan titled 'IBA Storage' Drawing No. MS231-2B received by the WPA on 26th November 2012;

- (j) Drawing titled 'Water Collection Channel for IBA Storage Bays' Drawing No. MS231-9 received by the WPA on 26th November 2012;
- (k) Drawing titled 'Water Collection System' Drawing No. MS231-8A received by the WPA on 26th November 2012;
- (l) Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26th November 2012;
- (m) Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by Johnsons Aggregates & Recycling Limited dated March 2013, received by the WPA on 13th November 2013;
- (n) IBA Storage Bay Drainage Scheme titled 'IBA Storage Bay Drainage Scheme' dated March 2013 by Johnsons Aggregates & Recycling Limited, received by the WPA on 3rd September 2013,
- (o) Addendum to Noise Assessment Report, by Acute Acoustics Ltd. Reference 1524 Johnsons – Bunny NIA, dated 7th October 2015 [Rev C] and the original report by Acute Acoustics Ltd, dated 14th October 2013, received by the WPA on 5th November 2015;
- (p) Planning Application Supporting Statement received by the WPA on 5th November 2015;
- (q) Planning application form with new description as amended 13/11/2015 received by the WPA on 13th November 2015;
- (r) Plan titled 'IBA Processing and Early Start HGV Parking Areas' Drawing No. MS231-32 received by the WPA on 9th March 2016, which is referenced only for the purposes of defining the parking area for 12 outbound pre-loaded, sheeted and pre-wheel washed early start HGVs, as shown marked up in orange on the plan. Plan MS231-32 shall not be used for any other purposes other than that described here;
- (s) New description as amended: 22/4/2016 received by the WPA on 25th April 2016.

Reason: To define the permission for the avoidance of doubt.

4. The location of the crushing and screening plant for inert construction and demolition waste shall be maintained in the position shown on Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8th July 1996.

Reason: To define the permission for the avoidance of doubt.

5. The reclamation, recycling and transfer of materials from industrial and commercial wastes shall only be carried out on the permitted area edged in red on Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8th July 1996, and on land, as shown in hatched red on Drawing No. MS231-2B received by the WPA on 26th November 2012.

Reason: To define the permission for the avoidance of doubt.

6. The recycling of inert construction and demolition wastes and soils shall only be carried out on the permitted area edged in red on Drawing No. 3a received by the WPA on 13th May 1994, and for purposes of clarity the area shown in block red on Plan No. 1 'Location Plan' 'Revised – Site Area' received by the WPA on 7th February 1994, and the area edged in black on Plan B 'Site Plan' 8/94/00164/CMA dated July 1994.

Reason: To define the permission for the avoidance of doubt.

7. The wood shredder shall be located in the position shown on Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8th July 1996.

Reason: To define the permission for the avoidance of doubt.

8. The storage and processing of Incinerator Bottom Ash (IBA) shall only be carried out in a storage bay situated in the south-eastern part of the Materials Recycling Facility (MRF) on part of the waste transfer area permitted to accommodate the storage bay and its associated operations, as shown in hatched red on Drawing No. MS231-2B received by the WPA on 26th November 2012.

Reason: To define the permission for the avoidance of doubt.

9. No toxic or difficult wastes shall be received or processed on the site; and only materials which are inert, solid, dry, non-oily, non-hazardous and non-putrescible shall be processed and stored on the site; and stockpiled on site outside the building.

Reason: To define the permission for the avoidance of doubt.

Hours of operation

10. Except in emergencies to maintain safety of the site (which shall be notified to the WPA in writing within 48 hours of their occurrence), the site shall only operate between the following hours:

Operation	Monday to Friday (hours)	Saturday (hours)	Sundays, Public & Bank Holidays (hours)
Operation of crushing and screening plant; and wood shredding operations	08:00 to 17:00	08:30 to 12:30	Not at all
Waste deliveries, including acceptance of IBA waste and export of processed material; operation of any plant or machinery, and operations which involve the movement of materials	07:30 to 18:00	07:30 to 13:00	Not at all
IBA processing involving the internal use of the IBA processing building	08:00 to 17:00	08:30 to 12:30	Not at all

(excluding use of the dryer), and the use of 1 Front Loading Shovel and 1 Telehandler for IBA materials handling			
12 pre-loaded, sheeted and pre-wheel washed HGV movements outbound from the site (for purposes of clarification there shall be no loading, sheeting or wheel-washing of vehicles between 06:00 hours to 07:30 hours)	06:00 to 07:30	06:00 to 07:30	Not at all

For the avoidance of doubt, no other HGVs shall enter or leave the site except within the permitted hours detailed above.

Reason: To safeguard the amenities of local residents in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Access and wheelcleaning

11. All heavy goods vehicles leaving the site shall use the existing wheelwash facility. No vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the highway. In the case of the 12 pre-loaded outbound HGVs anticipated to leave the site between 06:00 hours and 07:30 hours Monday to Saturdays these vehicles shall be pre-wheel-washed the day before and at no time shall any vehicles be wheel-washed between the hours of 06:00 hours and 07:30 hours.

Reason: In the interests of highway safety and to accord with Saved Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

12. All on-site vehicular movements shall be carried out in accordance with the approved vehicular routeing and turning arrangements as shown on Plan Drawing No. SSW/CS15596/04 Revision A, received by the WPA on 26th June 1997, as approved in writing by the WPA on 21st November 1997.

Reason: To ensure the satisfactory working of the site.

13. A visibility splay from the access road along the A60, shall be maintained in accordance with the details approved in writing by the WPA on 23rd November 1994. A suitable visibility splay shall be maintained to the satisfaction of the WPA at all times.

Reason: In the interests of highway safety.

Environmental controls

14. All vehicles to be used on site in the processing and movement of materials shall be fitted with effective silencers.

Reason: To safeguard the amenities of nearby residents and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).

15. The site shall be kept clean and tidy and steps shall be provided to prevent any litter from the site being deposited on adjacent land.

Reason: To safeguard the amenities of nearby residents and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).

Noise

16. Noise levels associated with site operations, when measured at the northern boundary of Hillside Farm, Loughborough Road, shall not exceed 56dB(A) LA eq 1 hour at any time.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

17. In the event that a complaint is received regarding noise associated with the operations on site, which the WPA considers may be justified, the operator shall, within one month of a written request from the WPA, undertake and submit to the WPA for its written approval, a BS4142:1997 noise survey, to assess whether noise arising from the development exceeds the daytime criterion of 5db(A) above the existing background noise level, after the addition of the 5db(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997 at the nearest residential receptor (if applicable). The submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criteria. The noise mitigation measures shall thereafter be implemented in accordance with the approved details, and the mitigation measures maintained throughout the operational life of the site.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

18. All mobile plant used on site shall be fitted with broadband noise reverse alarms.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

19. HGVs which depart the site between 06:00hrs-07:30hrs Mondays to Saturdays shall be preloaded, sheeted and pre- wheel-washed the day before, and parked overnight in the parking area shown on Plan titled 'IBA Processing and Early Start HGV Parking Areas' Drawing No. MS231-32 received by the WPA on 9th

March 2016, in a position which enables them to drive in a forwards motion out of the yard without the need for reversing or manoeuvring.

Reason: To safeguard the amenity of the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Dust

20. Dust emissions from all waste operations shall be kept to a minimum and contained within the site. The operator shall take the following actions to ensure that dust emissions are minimised:

- (a) the use as appropriate of a dust suppression system throughout all working areas, particularly during periods of unloading/loading, crushing, storage and transfer of waste products. A suitable and sufficient water supply shall be provided to the operations at all times to enable the suppression of dust by water spray as required;
- (b) the use as appropriate of water bowzers and/or spray systems to dampen stockpiles, the site area, access roads, haul road, vehicle circulation and manoeuvring areas;
- (c) regular cleaning of all hard surfaced areas of the site area, haul road and access onto the A60 Loughborough Road;
- (d) the temporary cessation of operations (waste importation, recycling operations and loading of recycled materials for export) in dry, windy conditions.

Reason: To safeguard the amenities of nearby residents and to minimise dust disturbance at the site and to ensure compliance with Saved Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

21. The measures detailed in the approved Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by Johnsons Aggregates & Recycling Limited dated March 2013, received by the WPA on 13th November 2013, as approved in a letter sent by the WPA on 20th November 2013, shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. The mitigation scheme shall thereafter be maintained throughout the operational life of the waste operations. Notwithstanding this, in the event that it is considered necessary and upon the request of the WPA, there shall be a temporary cessation of material importation, screening and crushing operations, and the movement of materials during periods of excessively dry and windy weather.

Reason: To safeguard the amenities of nearby residents and to minimise dust disturbance at the site including the containment of IBA emissions within the site and to ensure compliance with Saved Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Drainage

22. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the compound capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund. There must be no drain through the bund floor or walls.

Reason: To avoid pollution of the land and any watercourse.

23. There shall be no discharge of foul or contaminated drainage from the site, into either the groundwater system or any surface waters, whether direct or via soakaways.

Reason: To avoid pollution of the land and any watercourse and to accord with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

24. All foul drainage shall be contained within a sealed and watertight tank, fitted with a level warning device to indicate when the tank needs emptying.

Reason: To avoid pollution of the land and any watercourse and to accord with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

25. Drainage for the IBA Storage Bay shall be maintained in accordance with the approved drainage details titled 'IBA Storage Bay Drainage Scheme' dated March 2013 by Johnsons Aggregates & Recycling Limited, received by the WPA on 3rd September 2013, and approved by the WPA in writing on 20th November 2013

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution in accordance with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Operational matters

26. Within the Materials Recycling Facility site, except for within the IBA storage bay as shown on Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26th November 2012, stockpiles of raw materials shall not exceed 7 metres in height above ground level; and stockpiles of recycled materials shall not exceed 6 metres in height above ground level.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

27. The maximum storage height of IBA (un-processed and processed) stored in the storage bay shall be 4.5m. At no time shall stockpile heights exceed the height of the storage bay, as shown on Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26th November 2012.

Reason: In the interests of visual amenity and to control dust to ensure compliance with Saved Policies W3.3 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

28. During the times whilst the wood shredder is being used, within the operating hours set out in Condition 10 above, the three middle roller shutter doors on the southern elevation of the building shall be kept closed.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.9 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

29. The internal lining of the Waste Transfer Building in concrete blocks on the northern, eastern and western elevations, shall be maintained in accordance with the details shown on Drawing No. SSW/CS15596/003 Revision B, received by the WPA on 8th July 1996.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

30. All external lighting required in connection with the operations hereby permitted shall be angled downwards into the site and suitably shielded so as to minimise light pollution.

Reason: To prevent light pollution and to safeguard the amenities of the area in accordance with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (adopted December 2006).

Boundary Treatment

31. The approved boundary treatment, including the means of materials containment within the site, shall be maintained at all times in accordance with the approved details as shown on Plan Drawing No. SSW/CS15596/04 Rev. A, received by the WPA on 26th June 1997, as approved in writing by the WPA on 21st November 1997.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site and to accord with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

32. The existing hedge screen that runs along part of the northern boundary shall be retained and protected from any damage to the satisfaction of the WPA.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site and to accord with Saved Policy

Traffic movements

33. The number of HGVs entering or leaving the site for the purposes of depositing or collecting waste material/reclaimed aggregates shall not exceed an average of 100 movements per day measured over any week period and subject to a maximum of 550 such vehicle movements in any week. A record of all daily vehicle movements shall be kept at the site, which shall be made available to the WPA in writing within one week of a written request.

Reason: In the interests of highway safety and to protect surrounding residential amenity and to accord with Saved Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Annual throughput

34. The variation and change of use of land in the south-eastern part of the site to allow for the outdoor storage and processing of IBA, shown on Drawing No. MS231-2B received by the WPA on 26th November 2012 shall not result in the total throughput of all waste (inert construction and demolition waste, and non-hazardous commercial and industrial waste, including IBA waste) materials into the site exceeding 100,000 tonnes per annum. A written record of the tonnages of the waste materials shall be maintained by the developer. Records of the tonnages recorded shall be made available to the WPA in writing within two weeks of a written request from the WPA.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Buildings, fixed plant and machinery

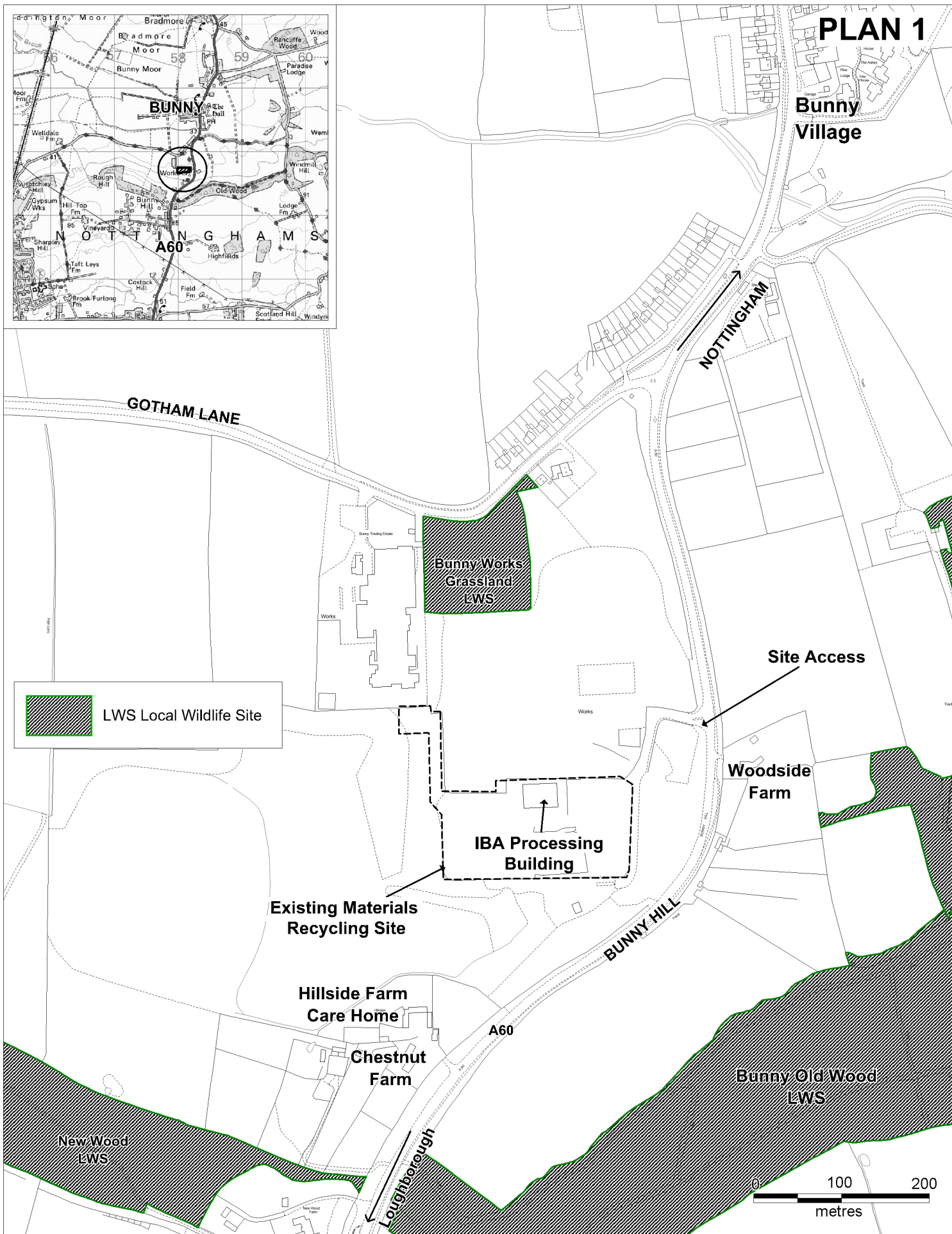
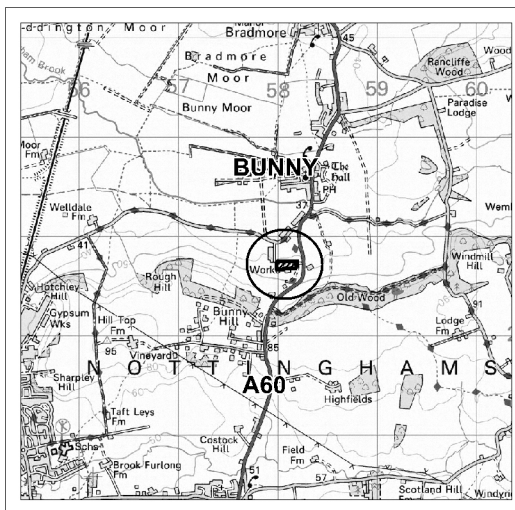
35. No buildings, fixed plant or machinery, other than that approved by this permission and any other relevant planning permissions, shall be erected or placed on the site in association with the outdoor storage and processing of waste.

Reason: To enable the WPA to control the development and to minimise its impact on the Green Belt and amenity of the local area, in accordance with Saved Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Informatives/Notes to applicant

1. Notwithstanding the fact that land is outside the control of the operator Johnsons Aggregates, it is advised that the applicant investigates the

opportunity to undertake planting within the open land between the bund and the A60 Loughborough Road, as shown on the Location Plan Drawing No. BUNNY03A received by the WPA on 26th November 2012.



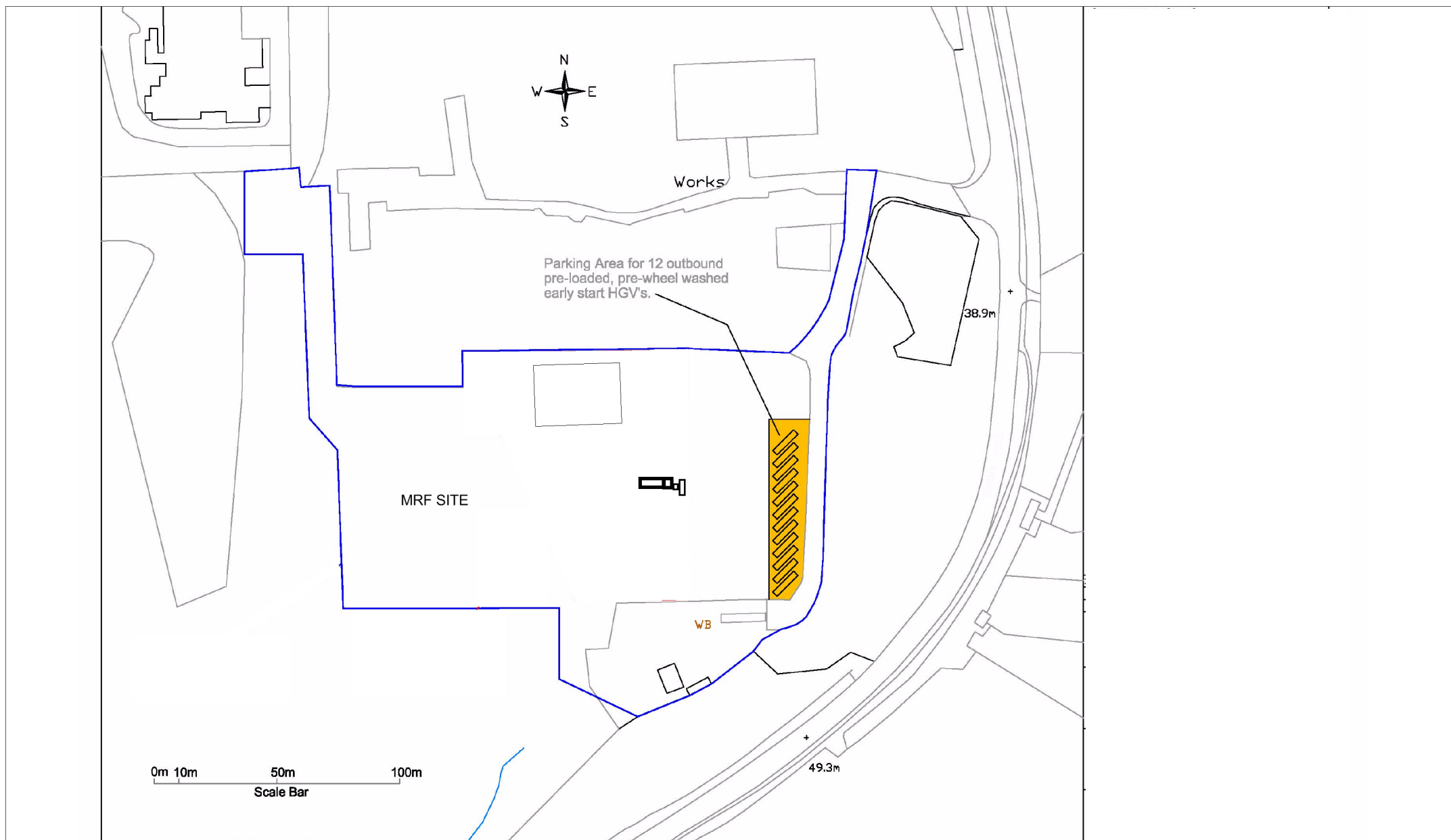
**Nottinghamshire
County Council**

Section 73 Planning Application to vary Condition 3 of Planning Permission 8/12/01028/CMA, Condition 7 of Planning Permission 8/96/79/CMA and Condition 9 of Planning Permission 8/94/00164/CMA to extend permitted operational hours from 07:30 hours to 06:00 hours. Mondays to Saturdays to allow for heavy goods vehicle pre-loaded HGV movements from the site. Loughborough Road, Bunny.
 Planning Application No. 8/16/00059/CMA

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**Nottinghamshire
County Council**

Section 73 Planning Application to vary Condition 3 of Planning Permission 8/12/01028/CMA, Condition 7 of Planning Permission 8/96/79/CMA and Condition 9 of Planning Permission 8/94/00164/CMA to extend permitted operational hours from 07:30 hours to 06:00 hours. Mondays to Saturdays to allow for 12 outbound pre-loaded HGV movements from the site.

Loughborough Road, Bunny.
Planning Application No. 8/16/00059/CMA

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Date: JUNE 2016

PLAN 2

28th June 2016**Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/13/01767/CMW**

PROPOSAL: PROPOSED DEVELOPMENT OF THE BILSTHORPE ENERGY CENTRE (BEC) TO MANAGE UNPROCESSED AND PRE-TREATED WASTE MATERIALS THROUGH THE CONSTRUCTION AND OPERATION OF A PLASMA GASIFICATION FACILITY, MATERIALS RECOVERY FACILITY AND ENERGY GENERATION INFRASTRUCTURE TOGETHER WITH SUPPORTING INFRASTRUCTURE

LOCATION: BILSTHORPE BUSINESS PARK, OFF EAKRING ROAD, BILSTHORPE

APPLICANT: PEEL ENVIRONMENTAL

Purpose of Report

1. To update Members of Planning and Licensing Committee on the outcome of a 'called in' planning application relating to the development of the Bilsthorpe Energy Centre, a waste gasification (incinerator) plant and materials recovery facility which would manage unprocessed and pre-treated wastes at a site within Bilsthorpe Business Park, Bilsthorpe.
2. The Secretary of State's decision is to grant planning permission for the development.

Background

3. Members will recall that a planning application by Peel Environmental for the development of the Bilsthorpe Energy Centre (BEC) was reported to Planning and Licensing Committee on 18th November 2014. At the meeting it was resolved to grant planning permission for the development.
4. Immediately following the committee decision correspondence was received from the Secretary of State for the Department for Communities and Local Government requiring the Council not to issue the planning decision without his specific authorisation. Subsequently the Council received formal notification from the Secretary of State that the planning decision was to be 'called in' to enable the Secretary of State to review the planning decision by holding a public inquiry and enable the planning application to be determined at a national level.
5. Subsequently a public local inquiry was held over seven days in November 2015 wherein the Council submitted evidence setting out the reasons for their support for the planning application.

The Decision

6. The Secretary of State has now considered the evidence presented during the course of the public inquiry and reached a decision to grant conditional planning permission for the development. The decision essentially confirms that the County Council's assessment of the planning application was reasonable and accurate in the context of considering planning policy and the assessment of environmental impacts. The main issues considered by the Secretary of State in reaching his decision are summarised below:
7. Planning Status of Site: The Secretary of State agrees with the County Council's conclusion that the development site can correctly be considered as previously developed land and is appropriate for development.
8. Waste Disposal or Recovery: The Secretary of State agrees with County Council's assessment that it is appropriate to consider the scheme as a recovery facility and the facility would assist with managing waste at a higher level within the waste hierarchy in accordance with the objectives of the Nottinghamshire and Nottingham Waste Core Strategy.
9. Need/Alternatives: The Secretary of State agrees with the County Council's submissions that there is currently a shortfall of energy recovery capacity within Nottinghamshire and Nottingham. The BEC facility would make a significant contribution to addressing this shortfall and assist with diverting the waste from landfill disposal.
10. Air Quality, Water Quality and Health: The Secretary of State agrees with the approach taken by the County Council in the assessment of these matters, in particular that the planning process should concern itself with implementing the planning strategy and not with the control of processes which are a matter for pollution control authorities. The planning system should also work on the assumption that the relevant pollution control authorities will be properly applied and enforced.
11. Highway Matters: The Secretary of State agrees with the County Council's conclusions that the local highway network could accommodate the associated traffic movements safely and efficiently with no significant operational or environmental impacts.
12. Heritage Assets: The Secretary of State agreed with the County Council's overall conclusion that there would not be any significant impacts to heritage assets in the locality, but did not accept the Council's submissions that it was necessary for the developer to contribute towards a heritage interpretation scheme to compensate for a potential cumulative impact affecting views across the historical former estate of Rufford.
13. Landscape and Visual Impact: The Secretary of State agreed with the County Council's assessment that the development would not have a significant adverse landscape or visual impact from most vantage points due to the proximity of higher land in the immediate vicinity which screens the development, but did share the Council's concerns that visual impacts from the west would have a more significant effect.

14. Noise, Vibration and Odour: The Secretary of State agreed with the County Council that the development would not materially harm the living conditions of local residents in relation to noise, vibration and odour.
15. Ecology and Wildlife: The Secretary of State agreed with the County Council's assessment that the development would not have a significant adverse effect on features of ecological interest within the site and the wider area.
16. Tourism and Socio-economic development in the area: The Secretary of State agreed with the County Council's conclusion that there would be no significant impacts to tourism or socio economic-development of the area.
17. In April 2016, shortly before the final decision of the Secretary of State concerning the BEC, the developer of an Energy from Waste Facility in the Tees Valley which utilised a similar plasma gasification technology to that proposed at the BEC announced that it had failed to overcome technological difficulties in commissioning their facility and had taken a decision to exit from its energy from waste business, suspending construction of the Tees Valley plant. Given the similarity of technology used within the Tees Valley and BEC, the Secretary of State wrote to all inquiry parties to provide them an opportunity to comment on the implications for the Bilsthorpe scheme. The County Council responded to the Secretary of State stating that the developer should be required to demonstrate that their facility is technically capable of operating in accordance with the submitted details prior to a planning decision being taken. Other interested parties including the applicant also made submissions to the Secretary of State. The Secretary of State gave consideration to the submissions from each party to conclude that no evidence had been put forward to indicate that the plant would not successfully operate, the nature of any design and operational challenges at the Tees Valley Plan have not been public, the technology proposed to be used at Bilsthorpe is demonstrably proven and the BEC technology is in operation elsewhere. The Secretary of State therefore concluded that it was not necessary for the applicant to be requested to submit further information and a decision could be reached with the information available.
18. Planning balance and overall conclusion: The Secretary of State's decision incorporates a summary of his overall conclusions within which the planning merits of the BEC are balanced. This conclusion is set out below:

'The Secretary of State gives substantial weight to the fact that there is a demonstrable need for the facility proposed and that it can be treated as a recovery facility, thereby moving waste disposal up the hierarchy by diverting it from landfill and also helping to meet the aspirations of the WCS in terms of the need for renewable low carbon energy. The facility proposed would also be on previously developed land within an existing Business Park and, notwithstanding that there is no extant permission for development on the part of the Business Park site on which the facility is proposed, he also attaches substantial positive weight to this consideration. He also attaches some positive weight to the jobs that would be created during both the construction and operational phases of the scheme and to the financial benefits to the local and wider economy that would accrue, as well as to the potential to export heat.'

Against the scheme, the Secretary of State gives significant weight to the material harm which the scheme would cause in terms of its visual impact on the character and appearance of the area in terms of some views from the west, along with some limited weight to the perception of harm, particularly in relation to health matters, given the fears expressed by local people. However, he considers that all other issues are neutral in the planning balance.

Overall, therefore, the Secretary of State concludes that the scheme would constitute sustainable development under the terms of the Framework and that it is in accordance with the development plan for the area when read as a whole. He is also satisfied that, in terms of the planning balance, the adverse impacts of the development proposed would be significantly and demonstrably outweighed by the benefits.'

Recommendation

19. It is recommended that the contents of this report are noted.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Will be orally reported

Comments of the Service Director - Finance (SES 17/06/16)

There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Rufford Cllr John Peck

Report Author/Case Officer

Mike Hankin

0115 9932582

For any enquiries about this report, please contact the report author.



**Nottinghamshire
County Council**

**PROPOSED DEVELOPMENT OF THE BILSTHORPE ENERGY CENTRE (BEC) TO MANAGE
UNPROCESSED AND PRE-TREATED WASTE MATERIALS THROUGH THE CONSTRUCTION AND
OPERATION OF A PLASMA GASIFICATION FACILITY, MATERIALS RECOVERY FACILITY AND
ENERGY GENERATION INFRASTRUCTURE TOGETHER WITH SUPPORTING INFRASTRUCTURE**
PLANNING APPLICATION NO. 3/13/01767/CMW

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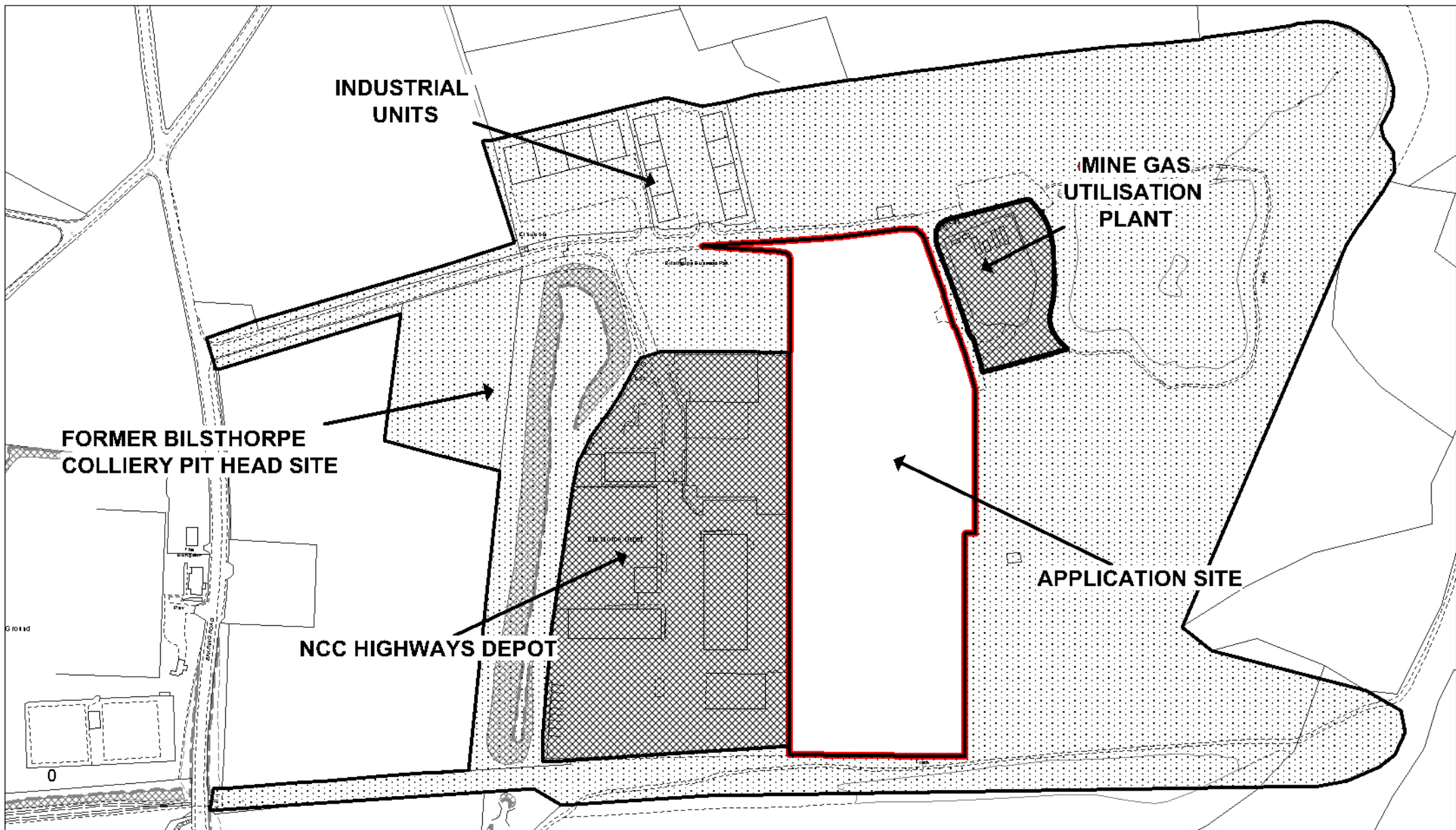


Scale: 1:2,500

Produced by: JH

Date: OCT 2014

PLAN 1



**Nottinghamshire
County Council**

PROPOSED DEVELOPMENT OF THE BILSTHORPE ENERGY CENTRE (BEC) TO MANAGE UNPROCESSED AND PRE-TREATED WASTE MATERIALS THROUGH THE CONSTRUCTION AND OPERATION OF A PLASMA GASIFICATION FACILITY, MATERIALS RECOVERY FACILITY AND ENERGY GENERATION INFRASTRUCTURE TOGETHER WITH SUPPORTING INFRASTRUCTURE
 PLANNING APPLICATION NO. 3/13/01767/CMW

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 Date: OCT 2014

PLAN 2



28 June 2016

Agenda Item:

REPORT OF CORPORATE DIRECTOR - PLACE

DEVELOPMENT MANAGEMENT PROGRESS REPORT

1. To report on planning applications received by the Development Management Team between 10th May 2016 and 10th June 2016, and to confirm the decisions made on planning applications since the last report to Members on 24th May 2016.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period.

Statutory and Policy Implications

3. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
4. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

5. It is RECOMMENDED that the report and accompanying appendices be noted.

TIM GREGORY

Corporate Director - Place

Constitutional Comments

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report. [HD – 13/06/2016]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [SES– 13/06/2016]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Ruth Kinsey
0115 9932584

Planning Applications Received and Determined
From 11th May 2016 to 10 June 2016

Division	Member	Received	Determined
BASSETLAW			
Worksop North East & Carlton	Cllr Alan Rhodes	Retrospective application to erect a pole mounted CCTV camera. Prospect Hill Infant and Nursery School, Maple Drive, Worksop. Received 13/05/2016	

Division	Member	Received	Determined
Misterton	Cllr Liz Yates	<p>The exploratory well would be a vertical multi-core well to target the Bowland Shale and Millstone Grit geological formations to assist with the assessment of the shale gas basin in the area. In addition, three sets (with each set containing up to 3 boreholes) of monitoring boreholes would be installed to sample and monitor groundwater and ground gas during the drilling of the exploration well. The proposed development would involve permission for the security cabins already on the site, together with the construction work associated with the development of the well site, the drilling (using a drill rig of a maximum height of 60m) and evaluation of the well and monitoring boreholes and then the decommissioning and restoration of the site back to agricultural use. The development would be for a proposed three year period. Land off A634, Between Blyth and Barnby Moor, Near Retford.</p> <p>Received 16/05/2016</p>	

Division	Member	Received	Determined
Worksop East	Cllr Glynn Gilfoyle		Extension to existing foundation unit, including demolition of Portacabin. Erection of a three-classroom modular building, with related works and associated alterations to access including a new path link from Milton Drive. Extension to existing foundation unit, including demolition of Portacabin. Erection of a three-classroom modular building, with related works and associated alterations to access including a new path link from Milton Drive. St Augustine's School Complex, Longfellow Drive, Worksop. Granted 25/02/2016
Blyth & Harworth	Cllr Sheila Place		Vary condition 3 of planning permission 1/14/01625/CDM to extend the time for restoration for a further 12 months. Harworth Colliery Spoil Tip, Blyth Road, Harworth. Granted 26/05/2016 (Committee)

Division	Member	Received	Determined
Tuxford	Cllr John Ogle		Vary conditions 8 and 11 of planning permission 1/46/11/00002/R to enable the quarry access road to be constructed in two stages. The initial stage incorporates the construction of a 500m section of bound surface adjacent to Gainsborough Road which shall be used for the removal of the first 100,000 tonnes of mineral, thereafter the second stage shall provide for the full surfacing of the haul road along its entire length for the removal of the remaining mineral in the permitted reserve. Land at Sturton le Steeple, Retford. Granted 31/05/2016
MANSFIELD			
Mansfield East	Cllr Alan Bell Cllr Colleen Harwood		Importation of 123,000 cubic metres (approx. 250,000 tonnes) of soils and construction wastes to facilitate the remodelling and upgrading of the existing practice ground outfield and short game area, construction of covered practice bays and extension of car park, including construction of temporary access road from Badger Way. Sherwood Forest Golf Club & Mansfield Colliery Tip, Eakring Road, Mansfield. Granted 26/05/2016 (Committee)

Division	Member	Received	Determined
Mansfield South	Cllr Stephen Garner Cllr Andy Sissons		Erection of extension to foundation unit with related play area and erection of 2.4m perimeter fence; Erection of detached two storey six classroom building and associated external works; Extended area of outdoor hard play; Erection of store/shelter and PE store; Extension to car park. Sutton Road Primary School and Nursery, Moor Lane, Mansfield. Granted 01/06/2016
Mansfield West	Cllr Darren Langton Cllr Diana Meale		Single storey 3 class building, Crescent Primary and Nursery School, Booth Crescent, Mansfield. Granted 09/06/2016
NEWARK & SHERWOOD			
Rufford	Cllr John Peck	The retention and continued operation of the coal mine methane electricity generation plant. Former Thoresby Colliery Site, Edwinstowe. Received 07/06/2016	

Division	Member	Received	Determined
Rufford	Cllr John Peck		Proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure. Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe. Granted by Secretary of State 01/06/2016. See elsewhere on the agenda.

ASHFIELD			
Sutton in Ashfield West	Cllr Tom Hollis		Erection of a stand alone single storey 4 classroom building with access corridor, storage and WC's, requiring removal of an existing stand alone mobile building. Mapplewells Primary School and Nursery, Henning Lane, Alfreton Road, Sutton in Ashfield. Granted 20/05/2016
Kirkby in Ashfield South	Cllr Rachel Madden		Erection of a stand-alone single storey 3-classroom building with access corridor, storage and WC's, requiring demolition of an existing external store building. Kingsway Primary School, Kingsway, Kirkby in Ashfield. Granted 31/05/2016
BROXTOWE			
Nuthall	Cllr Philip Owen		Erection of 2 No free standing two classroom buildings with entrance canopies and associated external works, and use of existing maintenance gate as a pedestrian entrance gate, and extension of car park. Horsendale Primary School, Assarts Road, Nuthall. Granted 25/05/2016

GEDLING			
Carlton West	Cllr Jim Creamer Cllr Darrell Pulk		Upper School: Erection of single storey 60 place freestanding double classroom with associated steps and ramp access. Lower School: demolition of No.1 boiler shed and excavation to enlarge existing staff car park, and provision of new hard play area. Stanhope Primary and Nursery School, Keyworth Road, Gedling. Granted 25/05/2016 (Committee)
Carlton East	Cllr Nikki Brooks Cllr John Clarke		Extension to existing Anaerobic Digestion Facility utilising energy crops imported from outside the Stoke Bardolph Estate and installation of a gas to grid clean up plant. Land adjoining Stoke Bardolph Sewage Treatment Works, Stoke Lane, Stoke Bardolph. Granted 26/05/2016 (Committee)
RUSHCLIFFE			
Radcliffe on Trent	Cllr Mrs Kay Cutts		Supply and installation of a static style caravan including hard standing and service connections. Radcliffe Barn Farm, Cropwell Road Radcliffe on Trent, NG12 2JJ. Returned 02/06/2016
Soar Valley	Cllr Andrew Brown	For the proposed construction of an inland leisure marina; associated ancillary buildings, infrastructure and landscaping with incidental mineral excavation. Offices Redhill Marina, Redhill Lock, Ratcliffe on Soar. Received 03/06/2016	

Soar Valley	Cllr Andrew Brown	Installation of a 230m x 1m tarmac path around the perimeter of the school field, to be used for the children to jog around as part of the incentive to get children running a mile each week. 230m ² of the school field will be converted into a hard path. Gotham Primary School, Kegworth Road, Gotham. Received 10/10/2016	
Radcliffe on Trent	Cllr Mrs Kay Cutts		Erection of a 90 place Foundation unit and 39 place Early Years mobile unit with associated play areas, works and site landscaping. Demolition of storage building to gain site access and erection of replacement storage building. Erection of 2m high external fencing around extended school site and lower internal fencing. Extended car parking and associated works. Radcliffe on Trent Infant and Nursery School, Bingham Road, Radcliffe on Trent. Granted 10/06/2016
Soar Valley	Cllr Andrew Brown		Erection of four classrooms and staffroom accommodation together with associated tarmac hard play areas, parking, and associated landscape works. 2.4m Heras security fencing and gates 2.4m to site perimeter. Lantern Lane Primary School, Lantern Lane, East Leake. Granted 10/06/2016

28 June 2016**Agenda Item:****REPORT OF CORPORATE DIRECTOR, RESOURCES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2016.

Information and Advice

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

Other Options Considered

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

Reason/s for Recommendation/s

5. To keep Members of the Committee informed about future business of the Committee.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward
Corporate Director, Resources

For any enquiries about this report please contact: David Forster, Democratic Services Officer

Constitutional Comments (HD)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

8. There are no financial implications arising directly from this report.

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
19 th July 2016	FR3/3495	King Edward Primary School, St Andrews Street, Mansfield	Construction of new 8-class single storey freestanding building including hall and ancillary spaces. Construction of sprinkler tank compound; new 3.2m high timber enclosure and 2.4m high security fence to boundary; 2 new 5-a-side grass pitches; enlarge staff car park, retaining walls, new footpaths, steps, ramp and macadam hard play areas. Demolition of section of existing masonry wall and ramp. Construction of new timber screen to staff car park and associated re-grading and external works. Change of use of former railway land to school use (Class D1) and crossing works and upgrades to highway.
19 th July 2016	7/2012/1493 & 4/V2012/0570	Newstead and Annesley Country Park, Newstead Village	Improvement works to the country park involving the remodelling and partial in-filling of lake 2 for development as a fishery, and wider landscape improvement works and path upgrades, in total requiring the importation of circa 17,000m ³ of inert materials and soils.
19 th July 2016	3/16/00876/CMA	Stud Farm, Rufford	Construction of a digestate storage lagoon for an Anaerobic Digestion Plant.
20 th September 2016	MRA/3516	Marblaegis Mine, Gotham Road, East Leake	To vary condition 2 of planning permission 8/00/01321/CMA to extend the operation of the mine until 22 February 2042
20 th September 2016	MRA/3517	Marblaegis Mine, Gotham Road, East Leake	To vary condition 4 of planning permission 8/11/01544/CMA to extend the operation of the mine until 22/02/2042
Expected to be reported to a stand-alone committee in September (Date to be confirmed)	1/15/01498/CDI	Land off Springs Road, Misson	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - Wellsite construction; Phase 2 - Drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 - Suspension of wells and assessment of drilling results; Phase 4 - Site decommissioning, well abandonment and restoration.

Planning Applications currently being considered by NCC which currently have not been timetabled to a committee meeting.

Planning App.:	4/V/2015/0781
Location:	Embankment to the north-east of the railway bridge over Fackley Road, Teversal
Development:	Construction of new path and steps to form a new access to the Ashfield Bolsover Trail
Planning App:	ES/3524
Location:	Land off A634, Between Blyth and Barnby Moor, Near Retford.
Development:	The exploratory well would be a vertical multi-core well to target the Bowland Shale and Millstone Grit geological formations to assist with the assessment of the shale gas basin in the area. In addition, three sets (with each set containing up to 3 boreholes) of monitoring boreholes would be installed to sample and monitor groundwater and ground gas during the drilling of the exploration well. The proposed development would involve permission for the security cabins already on the site, together with the construction work associated with the development of the well site, the drilling (using a drill rig of a maximum height of 60m) and evaluation of the well and monitoring boreholes and then the decommissioning and restoration of the site back to agricultural use. The development would be for a proposed three year period.
Planning App:	5/13/00070/CM
Location:	Shilo Park, Shilo Way, Cossall
Development:	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings.