

## Planning and Licensing Committee

**Tuesday, 21 July 2015 at 10:30**

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

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### AGENDA

- |   |  |              |
|---|--|--------------|
| 1 | Minutes of the last Meeting 30 June 2015   | 3 - 8        |
| 2 | Apologies for Absence  |              |
| 3 | Declarations of Interests by Members and Officers:- (see note below)<br>(a) Disclosable Pecuniary Interests<br>(b) Private Interests (pecuniary and non-pecuniary) |              |
| 4 | Declarations of lobbying   |              |
| 5 | Use of Site off Wigwam Lane for the Recycling of Inert Materials<br>Hucknall   | 9 - 50       |
| 6 | Proposed Change of Use to a Waste Metal Recycling Facility Land<br>East of Snape Lane Harworth   | 51 - 110     |
| 7 | Development Progress Report  | 111 -<br>132 |
| 8 | Work Programme   | 133 -<br>136 |

### 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 **30 June 2015 (commencing at 10.30 am)**

**membership**

Persons absent are marked with 'A'

**COUNCILLORS**

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

Roy Allan  
Andrew Brown  
Steve Calvert  
Jim Creamer  
Rachel Madden

Andy Sissons  
Keith Walker  
Yvonne Woodhead  
Jason Zadrozny

**ALSO IN ATTENDANCE**

Councillors Tom Hollis and Stuart Wallace

**OFFICERS IN ATTENDANCE**

David Forster – Democratic Services Officer  
Sally Gill – Group Manager Planning  
David Kerfoot – Solicitor  
David Marsh – Major Projects Leader  
Tim Turner – Senior Practitioner Monitoring and Enforcement  
John Cranham – Monitoring and Enforcement Officer  
Joel Marshall – Planning Officer  
Ruth Kinsey – Planning Support Officer

**MINUTES OF LAST MEETING HELD ON 2 JUNE 2015**

The minutes of the meeting held on 2 June 2015 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

**DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS**

None

## **DECLARATIONS OF LOBBYING OF MEMBERS**

Councillor Jason Zadrozny informed members that he had had discussions with the Chair of Governors and the Head Teacher of John Davies Primary School (agenda item 6)

## **USE OF SITE OFF WIGWAM LANE FOR THE RECYCLING OF INERT MATERIALS (RETROSPECTIVE) AND THE CONSTRUCTION OF A 5 METRE HIGH SOUND ATTENUATION WALL WIGWAM LANE HUCKNALL**

The Chairman informed members that as he was the local member and would be speaking against this application he would withdraw from the Chair and the Vice-Chairman would take the Chair for this item only.

Mrs Gill introduced the report and gave a slide presentation.

Councillor J Wilkinson, local member, spoke against the application and raised the following points:-

- Local residents have put up with many problems from the operation of this site.
- Concern about the hours of operation.
- Concerns about the efficiency of the wheel wash and its water supply.
- Concerns about surface water and the possibility of surface water ending up in the Baker Brook.
- Amount of car parking on site
- Effectiveness of noise monitoring
- The proposed numbers and types of machinery to be used on site and concerns that equipment would be operated on top of stock piles.
- Concerns that conditions were not robust enough to address residents' concerns and asked that the application be deferred to allow further consideration of the proposed conditions.

Members discussed the application and asked questions and made comments as follows:-

- They acknowledged the impact the unauthorised activities had had on local residents.
- The impact on the local highway network from an increase in lorry movements.
- Whether the lorries would travel past the entrance to the new primary school.
- All the proposed conditions should be closely scrutinised to ensure that they are robust as possible before any decision is made.

On a motion by the Councillor Saddington seconded by Councillor Walker it was

**RESOLVED 2015/026**

That the decision be deferred until the next meeting

**ERECTION OF 350 PLACE 2 FORM ENTRY TWO STOREY  
REPLACEMENT PRIMARY SCHOOL (JOHN DAVIES) BAKER STREET  
HUTHWAITE**

Mr Marsh introduced the report and gave a slide presentation, he highlighted that the proposal was for a replacement primary school, no change in pupil or staff numbers was proposed. The existing sports barn would be demolished and replaced with an area of hard play. The main areas of concern raised in representations related to highway impact and existing traffic problems.

Councillor T Hollis, local member, spoke with regard to the application and highlighted the following issues:-

- He was pleased to see the application was now before Committee as there had been a number of delays in the project
- The highway and parking issues around the school and the number of 'near misses'
- Whether this application could be used to bring forward a scheme to install a bollard on Back Lane.

Members discussed the application. It was explained that highway scheme was outside the remit of the planning application. Members asked that a note be sent to the Highways Authority to ask them to bring forward a scheme to install a bollard.

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

**RESOLVED 2015/027**

That planning permission be granted subject to the Conditions set out in Appendix 3 of the report and that a note be sent to the Highways Authority requesting that a highway scheme in the wider area be expedited.

**ERECTION OF A STEEL FRAMED BUILDING FOR USE AS A MATERIALS  
RECYCLING FACILITY TRENT SKIP HIRE LIMITED QUARRY FARM  
TRANSFER STATION BOWBRIDGE LANE NEW BALDERTON NEWARK**

Mrs Gill introduced the report and highlighted that the item was deferred from the previous meeting to allow the local member to comment. The report had not been amended and still formed the basis for the making of the recommendation to the Committee.

Councillor S Wallace, the local member, spoke against the approval of the application and highlighted the following:-

- The site is just being used for illegal dumping
- There seems to be a failure to comply with the conditions already attached to the site
- The site is too large for the current access although changes to the road system around Newark will alleviate these issues.
- The fact that the access route to the site is through an area with a population of around 7,500 and passes 3 Primary Schools, Care homes and a Hospital.
- There would need to be stringent conditions on lorries all of which will not be owned by the operator with regard to ensuring they stick to the agreed routes.
- Waste will come from the City and will therefore mean that the drivers will not want to travel back down the A1 to return to Nottingham.

There were no questions.

Following the speaker members then discussed the item and the following issues were raised.

- The issues go wider than the immediate area as the lorries would pass through Balderton and Fernwood
- The issues with traffic all around Newark especially if there is an accident on any of the arterial routes
- How will the route be policed
- The Highways comments are as set out on page 123 of the papers.

Mr D Kerfoot, solicitor to the Planning and Licensing Committee, advised members before they made a decision, that, provided an agreement is in place then the traffic issues are deemed no more severe than the current road use. In pure planning terms the Committee would not be making the situation worse because a lorry routing agreement would be in place.

Members continued to discuss the item and made the following points

- Although the legal advice has been explained regarding the traffic issues they still felt that the traffic will be severely increased.
- The routing agreement could be enforced through the checking of the industrial GPS systems in the lorries
- Policy WCS 11 and WCS 13 could be taken into account.

Following discussions the recommendation as set out in the report was put to the vote by the Chairman and upon a show of hands it was

**RESOLVED 2015/028**

That planning permission be refused.

Members who voted for the refusal gave the following reasons

- They felt that the residual cumulative impacts of traffic would be severe.
- The increased traffic around the application site would greatly increase the danger of accidents and congestion in and around Newark.
- Having regard to Policies WCS 11 (Sustainable Transport) and WCS 13 (Protecting and Enhancing our Environment) of the Waste Core Strategy less sustainable forms of transport and the significant impact to the environment around the site will increase

**WORK PROGRAMME**

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

**RESOLVED 2015/029**

That the Work Programme be noted

The meeting closed at 13.20 pm.

**CHAIRMAN**





**21 July 2015**

**Agenda Item:**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**REF. NO.: 4/V/2014/0603**

**PROPOSAL: USE OF SITE OFF WIGWAM LANE FOR THE RECYCLING OF INERT  
MATERIALS (RETROSPECTIVE) AND THE CONSTRUCTION OF A 5 METRE HIGH SOUND  
ATTENUATION WALL**

**LOCATION: PLOTS 10, 11, 12, 13, 14 AND 16, WIGWAM LANE, HUCKNALL**

**APPLICANT: OAKFIELD RECYCLING LIMITED**

**Purpose of Report**

1. To consider a planning application for the retrospective use of plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane for the recycling of inert materials and the construction of a five metre high noise attenuation wall. The key issues relate to noise, dust, highways and residential amenity. The recommendation is to grant planning permission subject to the signing of a legal agreement and the conditions attached to this report.
2. The application was presented to committee on 30 June 2015 where it was resolved to defer determination in order to allow officers to review the conditions attached at Appendix A of this report.

**The Site and Surroundings**

3. The application site is a roughly 'L' shaped piece of land, with an additional piece of land providing access to the public highway, located to the south of Wigwam Lane in Hucknall (see Plan 1). The application site, including access road, is 0.985 hectares in size and is approximately one kilometre south east of Hucknall town centre. Other industrial units are located to the north west and south east of the site including a waste transfer station operated by Central Waste and a concrete batching plant operated by Hanson, whilst to the north east of the site is a golf course which is located in the Green Belt (see Plan 1).
4. To the south west of the site are residential properties on The Brickyard. The curtilages of numbers 34 and 36 The Brickyard are adjacent to the site with only a small watercourse and a thin band of trees separating the properties from the site. The north eastern elevation of the properties is approximately 25 metres from the site boundary. The north eastern elevation of number 40 The Brickyard is approximately 50 metres from the site boundary whilst the northern

elevation of number 32 is approximately 70 metres from the site boundary (see Plan 1).

5. The Brickyard continues in a southerly direction before crossing the Robin Hood Railway Line and the Nottingham Express Transit Tram Line which runs north west to south east approximately 130 metres west of the site. Beyond the train and tram lines are further residential areas in Hucknall.
6. The application site comprises a number of plots on the industrial estate, as highlighted on Plan 1. The site appears relatively flat although there is a slight fall from the north east end of the site (50 metres above ordnance datum (AOD)) to 49.35 metres AOD in the southern corner of the site. Levels then rise slightly across plots 12, 13 and 14 to a level of around 50.6 metres AOD on the western edge of plot 14.

### **Planning History and Background to the Application**

7. The applicant presently benefits from planning permission (reference 4/2006/0409) on plot 16 for the recycling (crushing and screening) of topsoil, subsoil, crushed concrete items, stone and aggregates. Planning permission was granted in 2006 subject to 17 conditions covering matters such as operating hours, vehicle movements, stockpile heights, noise, dust, landscaping and contaminated land. An application (reference 4/2010/0640) to vary condition 8 of this permission to raise the height of the stockpiles from four metres to six was granted planning permission in 2011 but was never implemented.
8. Aerial photos show plots 10 and 11 being occupied by a company called PP Pallets from around 2004 until around 2011, with the company previously occupying plot 11 from around 2000, possibly earlier. Plot 10 benefits from a planning permission for a haulage and storage depot granted in 1987 by Ashfield District Council (ADC) (reference V/1987/0355) and aerial photos confirm this plot being used for this purpose in 2000. Plot 11 has a planning permission attached to it for a car dismantling and dealers business (reference V/1975/0151) granted in 1975 but it is not known under what permission this plot was used by PP Pallets. In 2011 the applicant purchased plots 10 and 11 and the fence between the existing waste site (plot 16) and plot 10 was removed and processed product was then taken from the waste processing site directly to plots 10 and 11 for storage.
9. Complaints were received in 2011 when the applicant's use of plots 10 and 11 commenced, alleging the unauthorised use of these plots for waste related development. However, given the district planning permissions in place for these plots and the fact that the Environment Agency (EA) had confirmed that the materials being stored on these sites were secondary aggregates, and therefore not waste, it was considered that this was in accordance with the storage use permitted for these plots under the existing ADC planning permissions. Complaints relating to activities on these plots were forwarded to ADC for action.
10. During 2012, the applicant purchased plots 12, 13 and 14 which adjoin plot 11 and advertised them for rental. Plots 12, 13 and 14 have planning permission (reference V/1993/0429) for B1 (business), B2 (general industrial) and B8

(storage or distribution) use, again granted planning permission by ADC. Despite the advertising, the plots were not rented out and, at the beginning of 2013, the applicant removed the fence from between these plots and plot 11 with the intention of using this land in conjunction with its existing development.

11. Further complaints were received in 2013 as a result of the removal of this fence, again alleging the unauthorised extension of the site. In February 2013, ADC served a Noise Abatement Notice on the applicant with respect to noise from plant and machinery from plot 16. The notice requires the applicant to abate the noise nuisance within 150 days and prohibits the occurrence or recurrence of the noise nuisance.
12. Whilst it was considered that the storage of processed product on plots 10 and 11 complied with the ADC permissions as referred to above, it was not considered that the use could be extended onto plots 12, 13 and 14 under the terms of that ADC permission. Notwithstanding this, officers advised that there had been a material change of use of all the plots which had resulted into a single new planning unit. Officers therefore advised that planning permission would be required for the continuation of this activity. Subsequent discussions between the County Council and the applicant took place regarding the continued use of all the plots as part of a single operation and how this could be achieved whilst also meeting the requirements of the noise abatement notice and ensuring any impacts which might arise from this activity are suitably controlled.
13. These discussions resulted in the submission of a planning application in June 2013 for the use of plots 10, 11, 12, 13, 14 and 16 for the recycling of inert materials and the construction of a five metre high noise attenuation wall. The consideration of this application resulted in significant amendments being made to the site layout in order to address the concerns of consultees and local residents and the application was scheduled to be reported to Planning and Licensing Committee on 30 September 2014. However, on the eve of committee, the applicant informed the County Council that the reference to a 75,000 tonne per annum throughput at the site, as detailed on the planning application forms and accompanying assessments, was not sufficient to support the investment required at the site and that this figure needed to be amended to 150,000 tonnes per annum. Given the doubling of throughput proposed and the fact that assessments had been prepared based on the lower figure, the County Council was not prepared to simply amend the application as requested and considered that the only way the matter could be dealt with was through the withdraw of the application and the resubmission of a new application confirming the higher proposed throughput and the reassessment of the impacts of the development based on this revised throughput. The revised application was subsequently submitted in November.

### **Proposed Development**

14. The application proposes to combine the existing waste operations on plot 16 with plots 10-14 to create a single site for the recycling of inert materials. The

application states that the throughput at the site would be 150,000 tonnes per annum.

15. The detailed site plan (Plan 2) shows separate access and exit points off Wigwam Lane with vehicles entering the site via the southernmost of these accesses. Vehicles entering the site with inert waste such as tarmac, fill sand, topsoil, hardcore and concrete would deposit the waste material into stockpiles on the south eastern boundary of plot 16 towards the north eastern end of the site near Wigwam Lane where they would await crushing and screening. The existing crusher and screener would be located immediately north west of these stockpiles, also within plot 16. The site plan indicates that around 90% of vehicles having entered the site would exit by following a route around the crusher and screener before passing through a wheel wash close to the north western boundary of plot 16 and then exiting via the exit point to the north of the entrance point. The other 10% of vehicles leaving the site would do so via the entrance point and the site plan indicates a notional turning area which would allow all vehicles to leave the site in a forward gear.
16. The deposited incoming waste material would be passed through the crusher if required before being graded in the screener. Once suitably processed, various crushed and screened products would be moved and stockpiled on the remainder of the application site, i.e. on plots 10, 11, 12, 13 and 14. These would include topsoils, sand, and crushed hardcore of various sizes and specifications and it is proposed that the stockpiles would be up to six metres in height. Given the proposed access and entrance points onto Wigwam Lane, it is anticipated that the site operators would store those processed products with the greatest sales closest to the site exit, i.e. in plots 10 and 11, in order to aid the efficient operation of the site, with those products generating the least amount of sales being stored furthest away from the site exit, i.e. in plots 12 to 14. This would have a knock-on effect of reducing the level of activity on those areas of the site closest to residential properties.
17. Along the south western boundary of the site, processed products would be stockpiled against a proposed five metre high concrete wall which would be approximately 110 metres in length and which the application states would address issues relating to noise on the site. The wall, which would have a green plastic coated mesh attached to the side facing the nearby residential properties, would be constructed on slightly raised ground half a metre higher than ground levels on the site itself, meaning that the proposed stockpile heights of six metres above ground level would result in material being stockpiled half a metre higher than the top of the wall.
18. On top of the concrete wall and also along the entire south eastern boundary and along the north western boundary of plot 10, it is proposed to install automatic sprinklers which would help suppress any dust generated on site. These would be located approximately 15 metres apart and the site plan submitted shows 19 such sprinklers to be installed.
19. Behind the proposed concrete wall, there is already a row of conifer trees which the applicant has planted, commencing in the southern corner of the site and extending approximately 45 metres north westwards. The application proposes to extend this planting along the remaining length of the proposed concrete wall in order to screen views of it from the residential properties to the south west. Details of how the planting would be undertaken have been provided including

ground preparation and the size of the trees (two metres in height, 10-14cm girth).

20. In addition to this wall, it is also proposed to have an additional short portable acoustic wall, again five metres high but only around eight to ten metres long which would be moved into a location on the boundary between plots 10 and 16 to the west of the screener. This would be used to provide additional noise attenuation when stockpiles of material to the immediate west of the screener are less than 3.5 metres high.
21. The application seeks permission for 100 vehicles to enter and leave the site with inert waste/processed material per day, which equates to 200 movements per day. The application states that not all of these vehicles would be HGVs as some products are collected in small pick-up trucks etc.
22. The application proposes hours of operation of 7am till 6pm Monday to Friday and 7am till 1pm on Saturdays with no working on Sunday and Public and Bank Holidays.
23. The application is supported by transport and noise assessments and a dust emission management plan. The transport assessment considers that, based on previous planning permissions granted for the individual plots which make up the application site, the total number of trips that could be expected would be in the order of 320 passenger car units (PCUs) (16 in and 160 out). A daily limit of 100 HGVs in and 100 HGVs out is proposed (200 trips) and the transport assessment highlights that this is considered acceptable by the Highways Authority in light of discussions on the previously withdrawn application.
24. The noise impacts of the proposed development have been assessed on the basis that a number of controls would be in place, namely all plant operating at ground level with the exception of 360° excavators feeding material into the crusher or screener on plot 16 (maximum height two metres); the crushing and screening operations being restricted to plot 16; a maximum throughput of 150,000 tonnes per annum; access and egress to the site via Wigwam Lane; a five metre high noise barrier on the south western boundary of the site; and additional temporary five metre high barrier to be used between plot 16 and plot 10 when stockpiles are low; a maximum of 200 vehicle movements per weekday (100 in, 100 out); a maximum of 50 vehicle movements on Saturdays; and no processing of waste at weekends or public holidays.
25. The dust emission management plan sets out a number of measures which the applicant is proposing to undertake as part of the proposed development. It states that the applicant has observed that the most significant factors contributing to dust emissions are the types of materials being processed, with dry soils and sands increasing emissions, and the ambient weather conditions, with hot dry weather and strong winds increasing dust levels. It is also acknowledged that vehicle movements on site can contribute to dust levels.
26. The dust management plan proposes that the site would be visually monitored for dust emissions throughout the working day with the frequency of inspections being dependant on the weather conditions, the types of materials being processed and the activities being undertaken on site. All incidents and remedial actions would be recorded. It is also proposed to sweep sealed road surfaces within and outside the site boundary using a road sweeper, whilst

areas of hardstanding and stockpile areas would be bowsered by a sprinkler during dry conditions. All vehicles carrying potentially dusty loads would be sheeted, whilst a wheelwash system would be employed on site. The mobile crusher and screener have factory fitted water based dust suppression systems which would be deployed as required.

## Consultations

27. **Ashfield District Council** raised no objection to the application subject to the conditions attached to the committee report presented to Members in June which its planning and environmental health officers had been closely involved in drafting. Any comments on the revised conditions will be reported orally.
28. **The Environment Agency** has no objection to the application but notes that the proposal would reduce the ability to access the watercourse and the applicant is reminded of his rights and responsibilities as riparian owner of this stretch of watercourse. An access point should be provided to allow access for any future maintenance works that the Environment Agency or the riparian owner might wish to make. It is also noted that the application seeks to increase the throughput at the site and a new environmental permit would be required. The submitted plans show mounds of material being stored in areas outside the area permitted for waste activities under the existing permit and the environmental permit would need to increase the permitted area.
29. **NCC (Highways)** notes that the existing permission (for plot 16) allows for 100 two-way movements (50 in and 50 out). The traffic assessment provided with the application is generally acceptable although there are some reservations about the results.
30. The existing planning permissions in place for all the plots that form the application site have been assessed by the applicant for the likely number of vehicles trips each could be expected to generate in isolation. NCC (Highways) has made a similar assessment taking into account the existing permission in place for plot 16 and that plots 11 and 13 are unlikely to be developed for Class B1 office use given the surrounding operational waste sites. NCC (Highways) considers that assessing traffic generation based on Class B2 industrial use is more representative for the area and has calculated that the size of the plots would result in 179 passenger car unit (PCU) trips in addition to the 50 HGV trips for plot 16. This compares to the 186 PCU trips suggested by the applicant, plus the 50 HGV trips for plot 16.
31. It is generally accepted that HGVs have a much greater impact on the public highway than a private car. A private car has a PCU value of 1 whereas a HGV has a PCU value of 2.3. Therefore, NCC (Highways)' calculation of 179 PCU trips is equivalent to 78 two-way HGV trips (39 in and 39 out) which, when added to the permitted 100 two-way HGV trips for plot 16 (50 in and 50 out), gives a total of 178 HGV two-way trips, or 89 HGVs in and 89 HGVs out. The applicant's 186 PCU trips is equivalent to 81 two-way trips.
32. NCC (Highways) is prepared to accept a 10% increase on its estimate to accommodate any seasonal variations and would support the application if it restricts HGV movements to 200 per day (100 in and 100 out). Other recommended conditions include the operator keeping accurate records of

loads entering and leaving the site, details of which should be made available to the County Council on request; the submission of a Transport Report including traffic surveys prior to the commencement of the development and at periods of 12 and 24 months after the development is first brought into use; the submission of a traffic management plan regarding access and egress so as not to compromise highway and pedestrian safety; the surfacing of the site access with a bound material for a minimum distance of 30 metres behind the highway boundary; the provision of wheel washing facilities; and the submission of a condition survey of Wigwam Lane. Confirmation is required that the existing site layout is large enough to allow two-way free-flow movements. Further notes to the applicant are recommended regarding the construction/alteration of the crossing point over a footway/verge of a public highway and the restriction of HGVs onto Hucknall High Street through the town centre.

33. **NCC (Noise Engineer)** has no objection to the application. A noise survey has been undertaken on a Tuesday morning and a Saturday morning to determine existing ambient noise levels while operations are ongoing and the residual noise level when no operations are taking place, in order to enable the calculation of the specific level of noise of the operations and to determine the background noise level. The surveys have considered the nearest receptor at 36 The Brickyard. The weekday assessment, with penalties applied for tonality and impulsive noise give an overall rating level of 52dB which, according to BS4142 when compared to the background noise level of 47dB, indicates an adverse impact (depending on the context) as it is 5dB above background level. The weekend level with penalties applied would be 46dB which again indicates an adverse impact as the background level is 41dB.
34. The applicant has confirmed that the increase in throughput compared to the previously withdrawn application would not require additional plant but would be accommodated by the existing plant being operational for longer periods of time and the noise assessment has considered the impact of all plant operating simultaneously. BS4142 makes it clear that the context of the increase in noise should be considered and, although an adverse impact is indicated by the results of the assessment, the surrounding land uses and noise types need to be considered. It is also noted that a 5dB penalty has been applied for tonal and impulsive noise and so the actual level of noise would be approximately equal to existing background levels. A rate of 47dB is also below the World Health Organisation threshold of 50dB, the level likely to lead to moderate annoyance. The proposed five metre high acoustic wall would not only offer significant reductions in noise levels from the applicant site but also from adjacent operations within the industrial area.
35. Conditions are recommended regarding the construction of the acoustic wall and the additional temporary wall; noise limits at the nearest receptor; white noise reversing alarms; hours of operation; the maximum quantity of waste processed at the site; restricting crushing and screening operations, and wheelwash facilities, to plot 16; plant operating at ground level (except any 360° excavators operating in plot 16); stockpile heights; restricting the amount of plant on site to one crusher, one screener, one loading shovel and two 360° loading shovels; the servicing of plant and machinery; and HGV numbers.
36. **NCC (Landscape)** has confirmed that their comments on the previous application remain valid and consider that the erection of the five metre high acoustic wall would not have a detrimental impact on the existing landscape. It

*is recommended that ground levels at the southern end of where the wall is to be located should be raised slightly to match ground levels to the north to maximise the effect of the acoustic barrier and to negate the need for the barrier to be stepped. Although a Leylandii hedge to the rear of the wall would not be out of place in an industrial setting, an alternative of planting ivy to grow up the rear of the wall would provide a green screen. Existing mature trees should be protected during the erection of the acoustic wall in accordance with British Standards BS 5837:2005.*

37. *Regarding the visual impact of the proposed development, numbers 34 and 36 The Brickyard are located to the south west of the site. The application site is fairly well screened by the trees and shrubs along the site boundary, although there would be clear views into the site during winter, particularly from first floor windows at number 36 The Brickyard. The proposed acoustic wall would initially have a slight negative visual impact although the proposed ivy would soften the visual impact whilst the proposed trees would eventually form a green screen. Details of ground preparation works for the planting should be submitted (width/depth of concrete to be broken up and removed, and the specification and depth of topsoil to be imported) along with the planting itself (species/size, compost/fertilizer) and access details for future maintenance. The section of wall requiring new planting should be planted with new trees, rather than through the thinning out and relocation of existing perimeter conifer trees. Ivy should be planted at 750mm centres along the wall.*
38. *It is recommended that if any material is stockpiled in the vicinity of the acoustic barrier, a height limit should be imposed and machinery should only work from ground level so that they are not visible and the acoustic barrier is effective.*
39. **NCC (Reclamation)** *notes that the control of environmental issues and the importation and handling of inert waste is controlled by the environmental permit and subject to Environment Agency regulation and, as such, there is a reduced risk from environmental impairment given the regulation process is followed. The site arrangements are being altered to allow greater flexibility in waste management and the control of noise and it is an opportune time to review the drainage and containment operations at the site. The proposals would improve environmental conditions which prevail at the site.*

## **Publicity**

40. The application has been publicised by means of a site notice at the site entrance and a press notice in the Ashfield Chad. Neighbour notification letters have been sent to 16 residential properties on The Brickyard to the south of the site and to 24 industrial premises close to the application site in accordance with the County Council's adopted Statement of Community Involvement Review.
41. A planning consultant representing a resident living close to the application site has submitted a letter of objection. This resident had objected to the previous application which was withdrawn and shortly after the application had been withdrawn provided the County Council with photographs showing plant operating on top of processed inert material, in direct contravention of one of the draft conditions for that application. The resident has contacted both the County Council and Ashfield District Council on a number of occasions in the past regarding the operation of the site. The resident has grave concerns that no

matter what restrictions and conditions are imposed, these would be flouted by the operator.

42. Regarding the latest application, the local resident is concerned that whilst the proposed doubling of throughput at the site does not necessarily double the scale and nuisance caused, there is a correlation between the scale of activity and the probability of complaint when an operation such as this is immediately adjacent to resident properties.
43. Regarding noise impacts, notwithstanding the noise assessment submitted with the application, the fact of the matter is that the local resident has had to report noise levels emanating from the site on a number of occasions to Ashfield District Council. The application is placing great reliance on the effectiveness of the proposed five metre high wall and is reliant on the site being well managed. Despite numerous assurances, the operator continues to operate on the stockpiles of materials and not just from ground level. It is noted that the Dust Emissions Management Plan proposes the scraping of hardstanding areas to remove dust generating material but this is likely to be another source of noise not considered in the noise assessment. The Noise Assessment makes reference to an increase in the number of HGVs from 100 per day to 300 per day which would exacerbate an already intolerable situation for the resident. The proposed extended hours of operation at the site are also a concern.
44. Regarding dust, the resident presently experiences serious windblown nuisance from dust and, notwithstanding the mitigation measures proposed, an increase in throughput and HGV movements would inevitably create more dust immediately adjacent to their property.
45. Regarding HGV movements, the reference to 300 HGVs in the Noise Assessment is again raised, along with the fact that the committee report for the previous application was withdrawn cited Policy W3.14 of the Waste Local Plan as being the reason to restrict traffic movements to 100 HGVs. In addition to this, the new primary school on Wigwam Lane is now open and new housing is also being built.
46. There is also concern regarding the 'do nothing' scenario and it should be made clear that, should the application be refused, subsequent enforcement action is an option.
47. Reference has also been made to a planning application at the adjacent Central Waste site which has recently been submitted and the combined effect of the two sites would have serious environmental impacts on the resident's amenity and right to enjoy their property. The Oakfield site should be the subject of a formal screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to assess whether it is EIA development bearing in mind the cumulative impacts on the environment.
48. A business located on Wigwam Court to the south east of the site has raised concerns regarding noise and dust and considers that the noise attenuation wall should be extended along this boundary of the site.
49. Eight letters of objection from six residential properties and one business were submitted regarding the previous application which was withdrawn just prior to committee in September 2014. Given the similarities between the two

applications, it is considered appropriate to carry these objections forward to this application to ensure the concerns raised are addressed. The issues raised in these letters were:

- (a) Noise, including the lack of compliance with a noise abatement notice served by Ashfield District Council and the increase in noise which would result from the proposed development. Also, noise assessments should be based on the operation of plant on top of the piles of material. The proposed five metre high wall would make no difference to noise levels as plant operates on top of stockpiles. Reference to previous complaints made regarding noise are also made;
  - (b) Existing levels of dust which would increase as a result of the proposed development. It is also questioned how dust would be suppressed outside normal working hours when it could continue to be blown onto adjacent properties. The stockpiles of material on site should be lower than the height of the acoustic wall;
  - (c) A general intensification of activities on the site having an adverse impact on adjoining residential properties;
  - (d) Mud on the road;
  - (e) Surface water discharge into an adjacent brook which is a pollution threat;
  - (f) The proposed increase in the hours of operation;
  - (g) The lack of plans showing the proximity of the proposed operations to residential properties in addition to sight lines, the routeing of HGVs, the height of stockpiles;
  - (h) The removal and replacement of some existing conifer trees might not be successful and, as a result, some of the existing screening would be lost.
50. One resident included a log of activities which they considered to be unacceptable.
51. Councillor John Wilmott, Councillor John Wilkinson and Councillor Alice Grice have been notified of the application.
52. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Planning policy observations

53. There are a number of policies in the Nottinghamshire and Nottingham Waste Core Strategy (WCS) which are relevant to this application. Policy WCS3 (Future Waste Management Provision) seeks to ensure that future waste management proposals accord with the County and City Councils' aim of achieving 70% recycling or composting of all waste by 2025, with priority being given to the development of new or extended waste recycling, composting and

anaerobic digestion facilities. Given that the application is for an inert recycling facility, it is considered that it accords with this policy.

54. Policy WCS4 (Broad Locations for Waste Treatment Facilities) considers the suitability of different sized waste treatment facilities in different areas of the county. Comparing the proposed development to the criteria in Appendix 2 of the WCS, the proposed development is classified as a large aggregates recycling facility based on its annual throughput (over 100,000 tonnes per annum), but only a small facility based on the size of the site (less than one hectare). However, this anomaly is not an issue as Policy WCS4 allows for small, medium and large facilities to be located in, or close to, the built up areas of Nottingham and paragraph 7.19 of the WCS confirms that the surrounding built up area of Nottingham includes Hucknall amongst other areas. The proposed development therefore accords with this policy.
55. Policy WCS7 (General Site Criteria) sets out the general locations, such as employment land, derelict land, the open countryside and the green belt, where different types of waste management facilities would be supported. Small, medium and large aggregates recycling facilities are considered likely to be suitable on employment land only, subject to there being no unacceptable environmental impacts and so, given the site's location on established employment land, it is considered that the proposals generally accord with this policy, subject to consideration of environmental impacts, which are considered in detail later in this Observations section.
56. Policy WCS8 (Extensions to Existing Waste Management Facilities) supports the extension, redevelopment or improvement of existing facilities where this would increase capacity or improve existing waste management methods, and/or reduce environmental impacts. The National Planning Policy for Waste (NPPW) requires waste management facilities in themselves to be well designed. This application has arisen as a result of the operator purchasing plots adjacent to its existing operational site (plot 16) and then extending operations into them in order to improve operations on site. It is accepted that increasing the size of the site would improve the way it operates and increase the amount of inert waste recycled there. However, these improvements on site need to be considered against their environmental impacts which are considered in detail below.
57. Policy WCS11 (Sustainable Transport) seeks to maximise the use of alternatives to road transport but the opportunities for this, particularly in relation to the nature of the proposed development, are limited. The inert waste delivered to the site and the processed products taken off site are done so in small quantities. In addition to this, material arrives from a wide variety of locations and similarly departs the site heading to numerous locations and this way of working does not lend itself to bulk transportation. Whilst there are rail and tram lines close to the site, these would not be suitable or available for bulk transportation and there is also insufficient land to provide the required sidings to allow loading and unloading to take place. It is therefore considered inappropriate to assess the proposed development against this policy.
58. Policy WCS13 (Protecting and Enhancing Our Environment) is the key WCS policy consideration for this application as it requires proposals to demonstrate that there would be no unacceptable impact on any element of environmental quality or the quality of life for those living nearby. In addition to this, the policy

requires proposals not to result in an unacceptable cumulative impact and Members should be aware that there are a number of other waste management operations in the Wigwam Lane area along with other industrial activities such as a ready mix concrete business. The NPPW requires the planning application process to consider the likely impacts on the local environment and on amenity in relation to a number of criteria, including the protection of water quality and resources, landscape and visual impacts, traffic and access, air emissions (including dust), noise, light and vibration. There are also a number of saved policies in the Waste Local Plan (WLP) covering issues such as noise, dust and highways which are also relevant to this application. Assessment of the application against these policies is detailed below through consideration of a number of potential environmental impacts.

#### Intensification of the use of the site

59. The application site, and the surrounding industrial area in general, has been the subject of complaints in the past from local residents living on The Brickyard to the south west of the application site, with the nature of the complaints largely relating to dust, noise and the perceived increased intensity of activities and operations, particularly on those plots closest to these properties (plots 11-14). These complaints have been reflected in objections to this application and are also reflected by concerns raised by ADC's EHOs during the assessment of the application and the revised site layout proposals submitted by the applicant seek to address these complaints and concerns. As highlighted in the Planning History section above, ADC issued a Noise Abatement Notice on the applicant in 2013, the requirements of which remain in place to this day.
60. Regarding the intensity of the use of the site, the HGV route within the site has been designed to avoid HGVs from passing close to nearby residential properties where possible. The vast majority of HGVs would enter the site via the existing site access off Wigwam Lane and would perform a 'U-turn' within the confines of plot 16 and exit the site directly onto Wigwam Lane via an exit point approximately 30 metres to the north of the existing access, an exit point which has been used in the past and already has a dropped kerb in place (see Plan 2). The applicant anticipates a small number of HGVs (approximately 10% of the total) carrying out a three-point turn using a turning area within plot 16 and then exiting via the existing access point. In either case, there would no longer be a requirement for all HGVs entering the site to travel through the site and run close to the nearby residential properties.
61. This design would result in all HGVs entering the site with inert waste manoeuvring around the site within plot 16 only, thereby travelling no closer than approximately 70 metres from the south western boundary of the site, adjacent to which are the residential properties. HGVs entering the site to collect processed products would need to travel further into the site to where it is proposed to stockpile the processed products but clearly this would only be around half of the total number. It is also anticipated that, in order to run the site as efficiently as possible, the operators would stockpile those products which generate the greatest sales closest to the Wigwam Lane end of the site, in plots 10 and 11, in order to minimise the distance that HGVs collecting those products would have to travel through the site. Such a set-up on site would also minimise the distance that on-site plant would need to travel when moving processed materials from the crusher/screener area to the stockpiling area.

What these proposals would result in would be far fewer HGVs and on-site plant travelling to and from plots 12, 13 and 14 than might otherwise be the case and it is considered that this would reduce the impacts of the proposed development on adjacent residential properties in conjunction with other mitigation measures proposed.

62. Given that there is another point of exit from the south western corner of the site onto the private access road at the present time, the site plan indicates that this would be fenced off, although the applicant has indicated that the retention of the gates for emergency access would be useful. It is considered appropriate to confirm this matter by attaching a condition to any grant of planning permission requiring the gates at that access to be permanently closed and the access not to be used in association with the development, except when life, limb or property are in danger. This would ensure that the day to day running of the site would utilise the two access points onto Wigwam Lane, rather than this other entrance, in order to reduce the impact of the development on residential amenity.
63. The location of the crusher and screener, the activities on site which have the greatest potential to generate adverse environmental impacts, have also been chosen to try and ensure that the impacts of the proposed development on nearby residential properties are minimised. Both pieces of plant would be located in plot 16 with the screener approximately 90 – 100 metres from the south western boundary and the crusher approximately 110 – 120 metres (see Plan 2).
64. The stockpiles of processed material which have passed through the screener and are awaiting removal to the stockpile areas would partially screen the crusher from residential properties on The Brickyard which is considered beneficial given that the crusher is the noisier piece of plant. As both pieces of plant are mobile and can be moved as operations on site require, it is again considered appropriate to attach a condition to any planning permission granted requiring both pieces of plant to only operate within plot 16, to the benefit of residential amenity.
65. Another matter to consider is the location of the wheelwash. A wheelwash has been on site for some time now but the Waste Planning Authority has advised the operators that planning permission is required for its use. It is presently located on plot 12, approximately 25 metres from the south western boundary of the site. The site layout (see Plan 2) would see the wheelwash relocated into plot 16 close to Wigwam Lane, approximately 115 metres from the south western boundary. Again, this would remove part of the operation of the site away from residential properties to the benefit of residential amenity and a condition ensuring that it is only used in plot 16 is considered appropriate.
66. Finally, activities on the site would be intensified through the proposed increased throughput at the site. The existing planning permission for plot 16 allows a throughput of 75,000 tonnes per annum and this application is seeking an increase to 150,000 tonnes per annum over the expanded site. Whilst there is no objection in principle to this increased throughput, it is considered important to frame the conditions in such a way as to only allow this increase upon the completion of two of the key mitigation measures being proposed: the five metre high noise barrier and the dust suppression sprinkler system. Details of these mitigation measures are considered in greater detail in the noise and

dust observations below and further observations on the recommended conditions and the legal agreement are in paragraphs 99 – 104 below.

### Noise

67. Policy W3.9 of the WLP seeks to reduce the noise impacts of waste developments by restricting the hours of operation; sound proofing fixed and mobile plant; using alternatives to reversing beepers; providing stand-off distances between operations and noise sensitive receptors; providing noise baffle mounds and screen fences; and setting maximum noise levels at noise sensitive locations. The NPPW states that the consideration of noise impacts should take account of the proximity of sensitive receptors and acknowledges that the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings, including noise and vibration from HGVs. Intermittent and sustained operating noise can be a problem of not properly managed.
68. In order to mitigate the noise impacts of the proposed development, the applicant is proposing to install a five metre high concrete acoustic wall along the entire length of the south western boundary of the site, adjacent to the residential properties on The Brickyard. The wall would also serve as a push wall against which processed materials could be stockpiled prior to sale and removal from the site. A similar wall approximately 2.5 metres high is already located on the south eastern boundary of the site. A further short section of acoustic wall, also five metres high, is also proposed and would be moved into place close to the screener when nearby stockpiles are low. This would maintain the noise attenuation that the stockpiles would normally provide.
69. The noise survey has assessed the impacts of the proposed development on a weekday, and on Saturday mornings when background noise levels could be less than during the working week. The assessment has been made to take into account the worst case scenario where all the operations likely to take place on site are occurring at any one time, as requested by ADC's EHOs. Similarly, the assessment has been made based on the maximum number of HGVs passing through the site (200 per day, 100 in and 100 out), although the assessment highlights that the maximum throughput at the site (150,000 tonnes per annum) would not allow this number of HGVs to access the site every day. The noise survey also takes into account recent upgrades the operators have made to the screener, crusher and a front loading shovel on site, plant which is considered to be quieter than the plant they replaced. The noise survey accepts that noise levels would vary depending on the position and heights of the stockpiles of processed material with larger stockpiles reducing the noise impact. It is for this reason that the additional mobile section of acoustic wall is being proposed close to the screener. Finally, penalties totalling 5dB have been added to the calculations to take into account the tonal noise of the screener and crusher and the impulsive noise from these pieces of plant being loaded.
70. Based on the above worst case scenarios and with the tonal and impulsive penalties added, the assessment considers that the noise impact of the proposed development at the nearest receptor would be no higher than 5dB above background noise levels, both during the week and at weekends, with levels less than this for significant periods given that the worst case scenario would not occur at all times. The assessment considers that if best practicable

measures are undertaken to keep noise levels to a minimum, in addition to the acoustic barrier being in place, then noise levels should be reduced to a level generally considered to be acceptable. It also considers that the visual screening provided by the acoustic wall would also be beneficial as it considers that noise levels are generally perceived to be louder if the receptor can see the noise source.

71. Both ADC's EHO and the County Council's Noise Engineer are satisfied that the proposed development would not lead to an unacceptable level of noise at nearby residential properties with the acoustic wall in place and taking into account the significant amendments that have been made to the proposed site layout and proposed operations. A number of noise related conditions are recommended to ensure noise impacts are within acceptable limits including the construction of the acoustic wall in accordance with previously approved details and its subsequent maintenance; setting noise limits as measured from the nearby residential property on The Brickyard; providing for noise surveys should justifiable complaints be received and the implementation of any additional measures deemed necessary to prevent further justifiable complaints; restricting the hours of operation; the use of 'white noise' reversing alarms; restricting the location of the crusher, screener and wheelwash to plot 16; restricting the height of stockpiles; restricting the amount of material processed through the site per annum; and daily limits regarding the number of HGVs passing through the site. Furthermore, restrictions on the throughput at the site and the hours of operation would be in place until the wall is in place (see paragraphs 99 – 104 below). Whilst it is accepted that noise from the proposed development would not be totally eliminated from neighbouring properties, it is considered that these matters would help to keep noise levels at acceptable levels in accordance with Policy W3.9 of the WLP and Policy WCS13 of the WCS.
72. One issue that has been raised by local residents in the past has been the positioning of some plant and machinery on top of stockpiles of inert material. Not only does this raise issues of visual intrusion but it can also lead to increased noise levels and such a scenario in the future could lead to plant or machinery being located in a higher position than the top of the proposed acoustic wall, a situation which would diminish the acoustic benefits that the wall is intended to provide. The noise survey carried out by the applicant states that no plant would operate on top of stockpiles towards the south west corner of the site but the applicant has stated that the 360° excavators feeding the crusher and screener in plot 16 would need to sit on stockpiles in that area to operate effectively. Given the distance from plot 16 to the south western boundary of the site and by limiting plant in these areas to being no more than two metres off the ground, the County Council's Noise Engineer and Ashfield's EHO consider that the use of excavators above ground would not result in adverse noise impacts and nearby residents would not suffer from being overlooked. A condition to this effect is therefore recommended.
73. A business on Wigwam Court to the south east of the site has suggested that the acoustic wall should be extended along the south eastern boundary of the site. There is already a push wall, approximately 2.5 metres in height, along this boundary in front of the rear elevation of the row of business units on Wigwam Court and with the rear elevation of these units having no openings such as door and windows, it is considered that increasing the height of the wall in this location would not bring any material benefits. The concerns raised about dust

would be addressed by the proposed sprinkler system, considered in detail below.

74. The application proposes to increase the hours of operation in place at the present time from 7.30am to 5.30pm Monday to Friday to 7am to 6pm and this has been an issue raised by objectors. For Saturdays, it is proposed to extend the operating hours from 8am to 1pm to 7am to 1pm. For the purpose of assessing noise, the NPPF Technical Guidance identifies 'normal working hours' as being from 7am to 7pm and so the hours of operation being proposed fall within these limits and are therefore considered acceptable.

### Dust

75. Policy W3.10 of the WLP seeks to control dust from waste developments by using water bowsers on haul roads; using screen banks; enclosing fixed plant and machinery that generates dust; siting dust generating activities away from sensitive receptors; temporarily suspending operations when necessary; and using tree screens where relevant. With respect to minerals development, the NPPF makes it clear that unavoidable dust emissions should be controlled, mitigated or removed at source and dust assessments should accompany planning applications. The NPPW states that consideration should be given to the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.
76. Dust has been another source of complaint in the past and it is important that this matter is addressed, including the control of dust outside of normal operating hours. As highlighted above, operations most likely to generate dust, such as the use of the screener and crusher, would be restricted to plot 16 to keep them as far away as practically possible from residential properties. The majority of traffic travelling through the site would pass through the wheelwash which would help to suppress dust and also prevent mud from being carried onto the public highway.
77. In addition to this, a number of sprinklers are proposed to be erected on the perimeter of the site. Whilst details of these sprinklers have not yet been finalised, the applicant has indicated that they would be 'auto dampeners' and so would be triggered by a pre-determined level of dust in the air. This means they could control any dust generated, irrespective of whether the site is operational or not, as opposed to being manually operated only during operational hours. This is considered an important matter to address.
78. The site layout plan shows 19 of these sprinkler units around the perimeter of the site and a condition would be attached to any grant of planning permission requiring a dust management scheme to be submitted, providing further details of the sprinklers to be installed along with matters such as sweeping and dampening internal haul roads, limiting the speed of vehicles on site, and the temporary suspension of operations during periods of unfavourably dry or windy conditions. The approved dust management scheme would need to be implemented as approved and maintained throughout the life of the development. In addition to this, restrictions on the throughput at the site and the hours of operation would be restricted until the sprinkler system is in place and operational (see paragraphs 99 – 104 below). With these measures in

place, it is considered that the site could operate without adverse impact on residential amenity and so would accord with Policy W3.10 of the WLP and Policy WCS13 of the WCS.

### Highways

79. Policy W3.14 of the WLP does not allow for waste developments where the vehicle movements to be generated cannot be satisfactorily accommodated by the highway network or where they would cause unacceptable disturbance to local communities. The NPPW requires the suitability of the road network to be considered.
80. As a result of discussions during the consideration of the previous application which was ultimately withdrawn, the application seeks permission for 100 HGVs to enter and leave the site per day. Condition 5 of Planning Permission 4/2006/0409, which the applicant presently operates under at plot 16, allows 50 vehicles to enter the site per day and the applicant considers that a maximum limit of 100 HGVs a day is acceptable given that the proposed development now covers five further plots, all of which have planning permissions for various industrial uses and so which could be expected to generate their own levels of traffic if they were all operating independently. It is also worthwhile highlighting that, in addition to the traffic associated with the extant use of plot 16, the other five plots subject to this application benefit from planning permissions granted by ADC which have no controls in place with respect to traffic generation.
81. The Highways Authority has undertaken its own calculations in order to give a realistic idea of how many vehicles movements the additional plots would generate, taking into account the existing permission in place on plot 16 for the applicant's existing operation along with the nature of other developments in the area, namely the adjacent waste transfer station and concrete batching plant. With these other facilities in operation, the Highways Authority considers it unlikely that a Class B1 use (offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area) would operate on any of these plots and a Class B2 use (industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste)) would be more likely to operate in the area.
82. Based on this presumption, the Highways Authority considers that all the individual plots that form the application area could reasonably be expected to cumulatively generate 90 HGV trips per day, equivalent to 181 HGV movements. The Highways Authority considers that a daily limit of 100 HGV trips a day (200 movements) would be acceptable and would not result in an unacceptable impact on the local highway network and so would accord with Policy W3.14 of the WLP.
83. It should be noted that a daily limit of 100 HGVs per day would equate to 550 over a 5½ day working week and 27,500 over a 50 week working year. Based on the proposed throughput at the site (150,000 tonnes per annum), if the maximum daily total number of HGVs used the site every day, with half of them bringing inert waste in and the other half taking processed material out, each HGV would only be carrying around 11 tonnes of waste or processed material. This does not factor in the potential for the same HGVs to bring inert waste in

and, on the same journey, take processed material out which is a likely scenario as it reduces road mileage and diesel costs. Given that the HGVs regularly used by the applicant company can carry up to 20 tonnes of material, it is unlikely that 100 HGVs would enter and leave the site every day but this maximum limit would allow the operator to deal with any peaks in business.

84. A condition requiring the operator to keep records of loads entering and leaving the site would be attached to any planning permission granted to ensure this limit is being complied with. Other conditions have been recommended which are considered reasonable, although a recommended dilapidation survey of the section of Wigwam Lane immediately in front of the application area would need to be secured through a legal agreement as it relates to land outside the application area and outside the applicant's control. This would ensure that any obvious wear and tear to the highway resulting from the proposed development could be repaired at the applicant's expense but it is not considered reasonable to extend the survey further along Wigwam Lane given all the other HGVs that use the road in association with other developments in the area.
85. The Highways Authority has also recommended that HGVs associated with the proposed development be restricted from travelling onto Hucknall High Street and through the town centre. This is considered reasonable given that Policy W3.14 of the WLP seeks to protect local communities from unacceptable disturbance from HGVs. The Highways Authority has stated that the restriction would only apply to larger HGVs (18 tonne gross weight and above) and so skip lorries, which are smaller than this and which form a significant part of the applicant's business but would not have the impact on a busy high street that large HGVs would have, would not be captured by this restriction. It should be noted that this restriction would only be for a relatively short period of time as works on the Hucknall town centre improvement scheme are due to commence later in the year. Whilst the scheme would result in a section of High Street being pedestrianised, it would also provide an inner relief road along which all HGVs associated with the proposed development would be able to travel. It is therefore anticipated that such a restriction would not have a significant detrimental impact on the applicant's operation of their business in the long term but would reduce the disturbance of HGVs on the local community in the short term in accordance with Policy W3.14. Again, this matter would need to be secured by a legal agreement as it relates to matters outside the application area.

#### Landscape and visual impact

86. Policy W3.4 of the WLP seeks to reduce the landscape and visual impact of waste developments by retaining, enhancing, protecting and managing existing features of interest and value for screening; using features such as walls, fences, earth mounding and/or tree or shrub planting to screen sites; and by securing details of any planting to be provided, including the replacement of any failed planting.
87. In addition to providing acoustic benefits, the proposed wall on the south western boundary of the site would help screen views of the site from adjacent residential properties. Cross-section drawings have been submitted showing the site in relation to adjacent properties and how the five metre high noise attenuation wall would help restrict views into the site. The applicant is

proposing to attach a green plastic coated mesh to the side of the wall facing these residential properties and the County Council's Landscape Officer considers that there would be benefits from planting ivy at the base of the wall which could then grow up the mesh and reduce the visual impact of the wall.

88. In addition to this, the applicant is proposing to supplement existing Leylandii planting along the south western boundary with further planting in order that the entire length of the wall would be further screened by Leylandii planting. Whilst Leylandii are not necessarily typical of the local landscape, they are not considered inappropriate in this industrial setting and their evergreen nature would be beneficial in screening the site from nearby residential properties, given that another band of trees between the application site and neighbouring properties is largely deciduous. Leylandii are renowned for their fast growth but the applicant has demonstrated that the existing planting can be suitably maintained and a condition would be attached to any planning permission granted requiring the Leylandii planting to be maintained to a suitable height for the life of the development so that it doesn't create shading issues. It had been proposed to remove some of the existing Leylandii plants and transplant them to provide the additional planting required but it is considered beneficial for the additional area to be planted with new plants as there is the danger of what are already fairly substantial plants failing if they are dug up and moved.
89. A condition is recommended requiring details of all landscaping proposals to be submitted for prior approval, including details of ground preparation and maintenance. With these measures in place it is considered that the proposed development would be suitably screened from neighbouring properties and so would accord with Policy W3.4 of the WLP and Policy WCS13 of the WCS.

#### The do-nothing scenario

90. Whilst the siting of the proposed extended waste transfer station in close proximity to residential properties has raised concerns, and given that the observations above confirm that the development as proposed would have a degree of impact on residential amenity, albeit one which would not cause unacceptable impacts, it is considered worthwhile setting out what the alternative scenario could be should planning permission be refused.
91. As set out in the Planning History section above, the various plots as highlighted on Plan 1 which the applicant is applying to extend into benefit from a number of planning permissions granted by ADC. Given the age of these permissions, it is perhaps not surprising that they have few conditions attached to them to control the nature and scale of activities on them.
92. For example, planning permission V/1987/0355 for plot 10, which is immediately to the south west of plot 16 where the applicant presently has permission for their waste transfer station, allows for a haulage/storage depot and has a single condition simply requiring the development to begin within five years of the date of the permission. The permission for plot 11, which is immediately south west of plot 10, allows for car dismantling and dealers and has four conditions attached regarding commencement, the provision of perimeter fencing, the height of stocked scrap cars, and the company to whom the permission benefits. Aerial photos and officer knowledge of the area indicate that both plots 10 and 11 have been used for the storage of pallets from at least 2004 until

around 2011 and so the established use of both these plots for general storage has already been established and it is possible that certificates of lawful use could be secured for general storage on these two plots.

93. Planning permission 93/0429 for plots 12, 13 and 14 allows for B1 (business), B2 (general industrial) and B8 (storage or distribution) uses and includes conditions regarding the outside storage of materials, the use of former units on the site, screening and perimeter treatments. As stated above, it should be noted that the applicant is not using plots 12, 13 and 14 although they have been used recently by another nearby waste operator for skip storage.
94. The County Council as Waste Planning Authority therefore considers that it is not unlawful for plots 10 – 14 to be used for general storage and distribution which in effect is all that this application is seeking to do on these plots, albeit that this would be done in conjunction with the crushing and screening activities on plot 16 on what would be a new single planning unit. In addition to this, the proposed development, if granted planning permission, would provide for the five metre high acoustic wall and the dust suppression measures, matters that are not in place at the present time and which could not be secured under the existing permissions in place. Furthermore, various other conditions deemed appropriate to control the development so as not to cause unacceptable impact could be attached to any planning permission granted, such as various other matters to control noise and dust and a restriction on the number of HGVs that could enter the site. At the present time, there are not even any controls regarding the hours of working under the existing planning permissions for plots 10 – 14.
95. If planning permission was to be refused, any refusal would be accompanied by enforcement action requiring the operator to reinstate the fence which once separated plots 16 and 10. However, any such enforcement action could not stop the operator from continuing to use plot 16 under their existing permission and using plots 10 – 14 for storage and distribution, with processed inert material being transported from plot 16 to the other plots via the private road which runs from Wigwam Lane to the north western edge of plots 12 – 14. It is considered that this scenario would result in increased impacts on neighbouring residents, impacts which the planning system could do little to control to satisfactory levels. Any actions to deal with adverse environmental impacts would need to be dealt with by ADC's EHOs and the acceptance of what the 'do nothing scenario' might entail has been central to the lengthy discussions that have taken place between the Waste Planning Authority, the EHOs and the applicant to arrive at the proposal and recommendation before Members now.
96. The consultant representing a local resident, having seen the committee report for the previous application which was withdrawn after the committee papers were published, has raised issue with the observations on the 'do nothing' scenario which were as per the observations above. There is disagreement with these observations and the consultant considers that the proposed development has created a new planning unit which does not have immunity from enforcement action. The consultant considers that Members should be made fully aware of the options available to them and not unduly influenced and that refusal of the application and subsequent enforcement action is an option.
97. It is fully accepted that the option of enforcement action is available should planning permission be refused and that is what is set out in paragraph 93

above. However, given the old ADC planning permissions in place for plots 10 – 14, it would be possible for the operator to use these plots for the storage of processed material, having reinstated the fence which used to separate plots 16 and 10 and carrying out waste processing operations on plot 16 only. The storage of such processed material on plots 10 – 14 would not be classed as a waste activity falling under the planning jurisdiction of the County Council and so it would be for ADC to enforce any planning breaches that it considered to be taking place. It should be noted that ADC has not taken out any enforcement action of this kind since the applicant started using plot 10 for the storage of processed materials.

#### Other matters

98. One final matter to consider is the response from the County Council's Reclamation Team which states that surface drainage should be considered in order to prevent the discharge of any silt etc into the adjacent stream. This matter has also been raised by residents. A condition requiring all surface water drainage from the site to pass through trapped gullies which have a capacity comparable to the site area being drained and which are maintained throughout the life of the development is recommended. This would ensure that the proposed development protects surface and groundwaters and accords with Policy W3.6 of the WLP.

#### **Conditions and Legal Agreement**

99. As set out in paragraph 2 of the report, the application was reported to committee on 30 June 2015 but it was resolved to defer determination to allow officers to review the recommended conditions. The conditions have been reviewed as requested and some important changes have been made to take account of the part-retrospective nature of the application, insofar as the applicant has been operating in the additional plots outside plot 16, and also to encourage the applicant to implement some of the key changes to the site which would bring improvements to the amenity of local residents.
100. Rather than requiring the applicant to implement the permission within three years of the date of the permission, Condition 1 of the recommended conditions, as set out in Appendix 1, confirms the scope of the permission and the fact that it will take effect on the date it is issued. This removes any possible opportunity for the applicant to carry on operating as they presently are for up to three years prior to implementing the application as it is considered that any continued working in areas outside plot 16 should only occur in accordance with the recommended conditions.
101. This change also has implications for a number of conditions requiring the submission of details, insofar as the previous requirement for the details to be submitted prior to the commencement of the development now requires details to be submitted within a specified timeframe following the date of the permission. For the majority of these conditions, and certainly for those conditions relating to the submission of details relating to the five metre high noise barrier, the submission of details relating to the dust suppression sprinkler system and the installation of the wheelwash, the timeframe is one month from the date of the permission. These changes would ensure that the provision of

these improvements to the site is made without any undue delay to the benefit of nearby residents.

102. To further encourage the applicant to bring about these improvements in a prompt manner, it is proposed to restrict both the hours of operation at the site and the throughput at the site to those presently permitted under the planning permission in place for plot 16 until two key matters – the construction of the five metre high noise barrier and the installation of the sprinkler system – have been fully implemented. Therefore, Condition 5 of the recommended conditions initially allows the site to operate between the hours of 7.30am and 5.30pm Monday to Friday and 8am to 1pm on Saturdays. Once the noise barrier and sprinkler system are in place, these hours of operation would increase to 7am to 6pm Monday to Friday and 7am to 1pm on Saturdays. Similarly, the throughput at the site would be restricted to the presently permitted 75,000 tonnes per annum until the noise barrier and sprinkler system are in place, after which the throughput would increase to the 150,000 tonnes per annum sought through the application.
103. A final change that has been made has been to reduce the length of time to prepare the legal agreement to be attached to the permission, as the permission cannot be issued, and the improvements to the site implemented, until the legal agreement is in place. Recommendations to Members on planning applications which require a legal agreement to be prepared usually allow a period of three months from the date of committee for the agreement to be finalised and the planning permission issued. In this instance, it is recommended that this time period is reduced to nine weeks, or 22 September 2015, the date of the next meeting of Planning and Licensing Committee. This is four weeks in advance of what the target date would have been if the three month period had been allowed.
104. It is considered that with these changes in place to the conditions and the recommendation in relation to the legal agreement, the improvements to the operation of the site which the application is seeking to provide can be provided at the earliest opportunity.

### **Other Options Considered**

105. 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**

106. 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

107. The development would be located within an established industrial area benefiting from perimeter security fencing.

#### Human Rights Implications

108. 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 (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. The proposals have the potential to introduce impacts of noise, dust and general impacts on residential amenity to neighbouring properties. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of managing waste further up the waste hierarchy and also addressing a lack of planning controls in the area as a result of historic planning permissions in the area. Members will need to consider whether these benefits would outweigh the potential impacts.

#### Implications for Sustainability and the Environment

109. These are considered in the Observations section of this report.
110. There are no service user, financial, equalities, safeguarding of children and human resource implications.

#### **Statement of Positive and Proactive Engagement**

111. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions, and assessing the proposals against relevant Waste Local Plan policies and the National Planning Policy for Waste, including the accompanying technical guidance. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees and the applicant to resolve issues and progressing towards the determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise, dust and traffic and these have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

#### **RECOMMENDATIONS**

112. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 to secure an annual dilapidation survey of the section of Wigwam Lane immediately adjacent to the application site and to restrict HGVs associated with the development with a gross weight over 18 tonnes from travelling along Hucknall High Street from its junction with Station Road north west to its junction with South Street.

113. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before 22 September 2015 or another date which may be agreed by the Team Manager, Development Management, the Corporate Director for Policy, Planning and Corporate Services 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 22 September 2015, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services 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.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

### **Constitutional Comments**

SLB 13/07/2015

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

### **Comments of the Service Director – Finance**

The comments of the Service Director – Finance will be reported orally to Members at committee.

### **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**

Hucknall	Councillor Alice Grice
	Councillor John Wilkinson
	Councillor John Wilmott

Report Author/Case Officer

Jonathan Smith

0115 9932580

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

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## RECOMMENDED PLANNING CONDITIONS

### Commencement

1. This permission is for the retrospective use of the land for the recycling of inert material and new development involving revisions to site layout and the construction of a 5.0m high acoustic wall. The revisions to the site layout and construction of the acoustic wall shall take place in accordance with the timescales outlined below. This permission takes effect on the date of issue.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to minimise the impact of the development on the quality of life of those living or working nearby in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.*

2. The Waste Planning Authority (WPA) shall be notified in writing within 7 days of:
  - (a) The completion of the revised site layout;
  - (b) The completion of the erection of the permanent five metre high acoustic wall as required by Condition 14;
  - (c) The completion of the installation of the dust suppression sprinklers as required by Condition 24(a).

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

### Approved details

3. Except 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) Planning application forms received by the WPA on 18 November 2014;
  - (b) Planning Statement received by the WPA on 18 November 2014;
  - (c) Plan entitled 'Location Map' received by the WPA on 18 November 2014;
  - (d) Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014;
  - (e) Drawing Number 10428/102F – Layouts as Proposed (Cross Sections) received by the WPA on 13 January 2015;
  - (f) Noise Assessment Report received by the WPA on 13 March 2015;



## Vehicle movements and highways matters

6. The number of heavy goods vehicles (HGVs) entering the site shall not exceed 100 vehicles per day (200 two-way vehicle movements) and 550 vehicles per working week (1,100 two-way vehicle movements). Records shall be maintained by the operator of the number of HGV movements into and out of the site on a daily basis and these shall be made available to the WPA in writing within seven days upon written request from the WPA. All such records shall be kept for at least 12 months.

*Reason: To ensure the number of HGVs entering and leaving the site can be satisfactorily accommodated by the local highway network in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan and to minimise the impact of the development on the quality of life of those living or working nearby in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.*

7. Within three months of the date of this permission a Transport Report incorporating a methodology for the surveying of traffic generated by the development hereby permitted, including an assessment of employee car parking and the speed of traffic on Wigwam Lane, shall be submitted to the WPA for its approval in writing. The Transport Report shall provide for separate surveys and analysis to be undertaken in accordance with the approved methodology at periods of 12 and 24 months after its approval and the submission of these surveys and analysis to the WPA within one month of their completion. The Transport Report shall provide for the updating of the national TRICS database in accordance with the Standard Assessment Methodology, or a similar methodology to be approved in writing by the WPA, and shall summarise the trip data collected over the monitoring period and categorise the data into vehicle types, speed, associated loads and equivalent HGV loads.

*Reason: To provide baseline data in the interest of highway safety.*

8. Within one month of the date of this permission a Traffic Management Plan demonstrating how the vehicles associated with the development hereby approved access and egress the site so as not to compromise highway and pedestrian safety shall be submitted to the WPA for its approval in writing. The development hereby permitted shall be operated in accordance with the approved details.

*Reason: To ensure the safe and satisfactory operation of the development hereby permitted in the interests of highway and pedestrian safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

9. Within one month of the date of this permission internal roadways up to the two site access/exit points onto Wigwam Lane shall be surfaced in a bound material for a minimum distance of 30 metres of the highway boundary. The areas subject to the surfacing works shall be maintained throughout the life of the development to ensure the continued presence of a bound surface in these areas.

*Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

10. Within one month of the date of this permission the wheelwash, as detailed on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014, shall be installed. The wheelwash shall be maintained in working order at all times throughout the development hereby permitted and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site. Pending the relocation of the wheelwash to the location detailed on Drawing Number 10428/03 all vehicles shall exit the site over the wheelwash located on Plots 12-14.

*Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

11. In the event that the wheelwash to be installed in accordance with Condition 10 fails to prevent the deposit of mud, dirt or other debris upon Wigwam Lane, then within 2 weeks of a written request of the WPA a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of mud, dirt or other debris upon Wigwam Lane shall be submitted to the WPA for approval in writing. The approved steps for the protection of the surrounding roads shall be implemented within 7 days of approval and thereafter at all times.

*Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

12. Within one month of the date of this permission all vehicles using the site shall only enter or exit the site via Wigwam Lane. The gates at the existing vehicular access in the northern corner of the site, as identified on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014, shall not be used in accordance with the development hereby permitted and shall be kept permanently locked except when life, limb or property are in danger.

*Reason: In the interest of residential amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

13. Within one month of the date of this permission the office, car parking spaces and a notional turning area, as identified on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014, shall be provided and thereafter retained and made available for their designated purposes at all times.

*Reason: To ensure the safe and satisfactory operation of the development hereby permitted in the interests of highway and pedestrian safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Noise

14. Within one month of the date of this permission details of the specification and construction (including timetable) of the permanent five metre high noise barrier, the extent of which is detailed on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014, and the five metre high temporary noise barrier identified in Appendix 9 of the Noise Impact Assessment received by the WPA on 13 March 2015 shall be submitted to the WPA for its approval in writing. The submitted details shall also include details of measures to raise ground levels on the southern section of the line of the permanent five metre high noise barrier to negate the need for the barrier to be stepped. The permanent noise barrier and the temporary noise barrier shall be constructed in accordance with the approved details and timetable and satisfactorily maintained throughout the life of the development.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to help screen the site in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

15. The five metre high temporary noise barrier provided in accordance with the details approved under Condition 14 shall be moved into the location identified in Appendix 9 of the Noise Impact Assessment received by the WPA on 13 March 2015 when stockpiled materials to its immediate southwest are less than 3.5 metres high. The barrier shall remain in position until such time as stockpiled materials to its immediate southwest have been built up to a height of at least 3.5 metres. The barrier shall be retained on site and shall be available for such use whenever these stockpiles are less than 3.5 metres high.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to help screen the site in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

16. The rating level of the noise emitted from the site shall not at any time exceed the existing background noise level by more than 5dB (including a 5dB penalty for tonal/impulsive noise) when measured in the garden area 3.5 metres from the nearest façade of the closest residential property and when assessed in accordance with BS4142:2014 – Method for Rating and Assessing Industrial and Commercial Sound.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

17. In the event of a noise complaint being received by the WPA regarding the development hereby permitted which, in the considered opinion of the WPA may be justified, the operator shall, within one month of a written request from the WPA, undertake a BS4142:2014 noise survey to determine if the noise level detailed in Condition 16 is being breached and submit the survey results in a report to the WPA for its approval in writing. Details of the noise survey, including the position of noise monitoring equipment, the methodology to be used and the date(s) for the survey to be undertaken, shall have been agreed with the WPA prior to the survey taking place. In the event that the noise survey indicates that the noise criterion detailed in Condition 16 is being exceeded, the submitted report shall include further measures to mitigate the noise impact so

as to ensure compliance with the noise criterion, including a timetable for the implementation of these additional measures. The additional mitigation measures shall be implemented in accordance with the approved details and thereafter maintained for the life of the development to ensure that the permitted noise levels detailed in Condition 16 are complied with.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

18. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

19. With the exception of 360° excavators feeding the crusher or screener within plot 16, plant and machinery involved in any operations associated with the development hereby permitted shall operate at ground level at all times. Any 360° excavator operating above ground level in plot 16 shall not operate more than two metres above ground level (ground level to be taken as that at the entrance to the public highway).

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

20. All stockpiles of waste and processed inert material on site, including stockpiles of incoming inert waste, stockpiles of processed waste in the screener/conveyor area and stockpiles of processed material awaiting export from the site, shall not exceed five metres in height above ground level. The height of stockpiles on the south western boundary of the site shall not exceed the height of the noise barrier constructed in accordance with details pursuant to Condition 14.

*Reason: In the interest of visual amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to minimise the impacts of dust in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

21. Crushing and screening operations shall only be undertaken in Plot 16 and broadly in accordance with the locations detailed on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

22. The maximum plant and machinery complement permitted to operate at any one time at the site shall be as follows:

1 x Crusher

1 x Screener

1 x Loading Shovel

2 x 360° Loaders

The noise emissions of any alternative or replacement plant and machinery shall not exceed that which it replaces.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

23. All plant and machinery on site shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Dust**

24. Within one month of the date of this permission a dust management scheme shall be submitted to, the WPA for its approval in writing. The dust management scheme shall set out measures to minimise the generation of dust and reduce its impact on nearby dust sensitive receptors to acceptable levels and provide a scheme for dealing with complaints. The dust management plan shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- (a) The submission of details for dust suppression sprinklers to be installed around the perimeter of the site, details to include the operation of the sprinklers which shall provide for their operation both during and outside normal operating hours;
- (b) The sweeping and dampening of access and haul roads, where necessary;
- (c) Limiting on-site vehicle speeds;
- (d) Provisions for the temporary suspension of crushing, screening, stockpiling of materials and vehicle movements during periods of unfavourably dry or windy weather conditions;
- (e) Details of the mechanism for dealing with any complaints received either directly from members of the public or via the WPA.

The dust management plan shall be implemented in accordance with the approved details and the dust suppression sprinklers shall be suitably maintained throughout the life of the development.

*Reason: To minimise the dust impacts associated with the operation of the development in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Operational matters**

25. Prior to the installation of the permanent five metre high noise barrier as required under Condition 14, and prior to the installation of the dust suppression sprinklers as required under Condition 24(a), the maximum quantity of inert waste processed at the site shall not exceed 75,000 tonnes per annum. Records of the tonnage of inert waste imported to the site shall be maintained by the operator and provided to the WPA in writing quarterly from the date of the permission. Only inert wastes shall be imported, processed and stockpiled at the site and no non-inert waste materials shall be brought onto the site. In the event that any non-inert waste arises from the inert waste processing, such waste shall be stored within separate waste skips and, once full, shall be removed from the site and disposed of at a suitably licensed facility.

*Reason: In the interest of local amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

26. Upon the installation of the permanent five metre high noise barrier to the satisfaction of the WPA, as required by Condition 14, and upon the completion of the installation of the dust suppression sprinklers to the satisfaction of the WPA, as required under Condition 24(a), the maximum quantity of inert waste processed at the site shall not exceed 150,000 tonnes per annum. Records of the tonnage of inert waste imported to the site shall be maintained by the operator and provided to the WPA in writing quarterly from the date of the permission. Only inert wastes shall be imported, processed and stockpiled at the site and no non-inert waste materials shall be brought onto the site. In the event that any non-inert waste arises from the inert waste processing, such waste shall be stored within separate waste skips and, once full, shall be removed from the site and disposed of at a suitably licensed facility.

*Reason: In the interest of local amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Drainage**

27. Within one month of the date of this permission a surface water drainage plan shall be submitted to the WPA for approval. The drainage plan shall indicate how all surface water and foul drainage is to be collected and disposed of from the site, including the provision of trapped gullies, oil interceptors and connections to any mains drainage and a timetable for its implementation. The drainage plan shall also confirm that there are no direct connections from the site into the adjacent Baker Brook. The drainage scheme shall be implemented as approved and maintained for the duration of the development.

*Reason: To prevent pollution of the water environment and to ensure compliance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Floodlighting**

28. No floodlighting shall be erected at the site until details have been submitted to and approved in writing by the WPA. The details shall include the location and height of any floodlights; shall ensure that they are angled downwards and suitably shielded to ensure that they do not result in glare or dazzle to surrounding land, property and other users; confirm that they shall not be used outside the hours of 7am to 6pm Mondays to Fridays, 7am to 1pm on Saturdays and not at all on Sundays, Bank or Public Holidays; and shall confirm that outside these hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes. The floodlighting shall be implemented and maintained for the life of the development in accordance with the approved details.

*Reason: In the interest of residential amenity.*

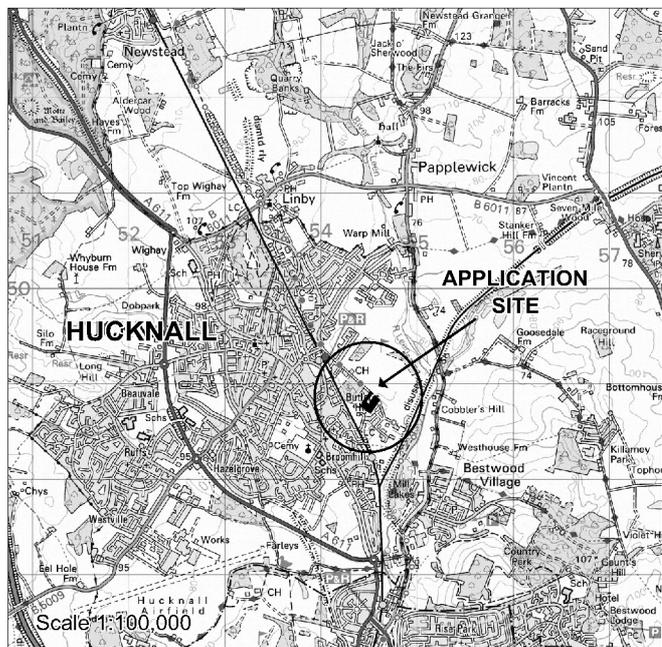
## **Landscaping**

29. Within one month of the date of this permission a landscaping plan and landscaping details shall be submitted to the WPA for its approval in writing. The landscaping plan shall include the following details:
- (a) The erection of green plastic coated mesh on the south western face of the noise barrier approved in accordance with details submitted under Condition 14;
  - (b) Details of ground preparation works for the planting of ivy and Leylandii on the south western side of the noise barrier approved in accordance with details submitted under Condition 14, including the location, width and depth of concrete to be broken and the specification of topsoil to be imported;
  - (c) Details of the ivy and Leylandii to be planted, including species, sizes, spacings and the provision of compost and fertilizer;
  - (d) A schedule of maintenance for the life of the development hereby permitted.

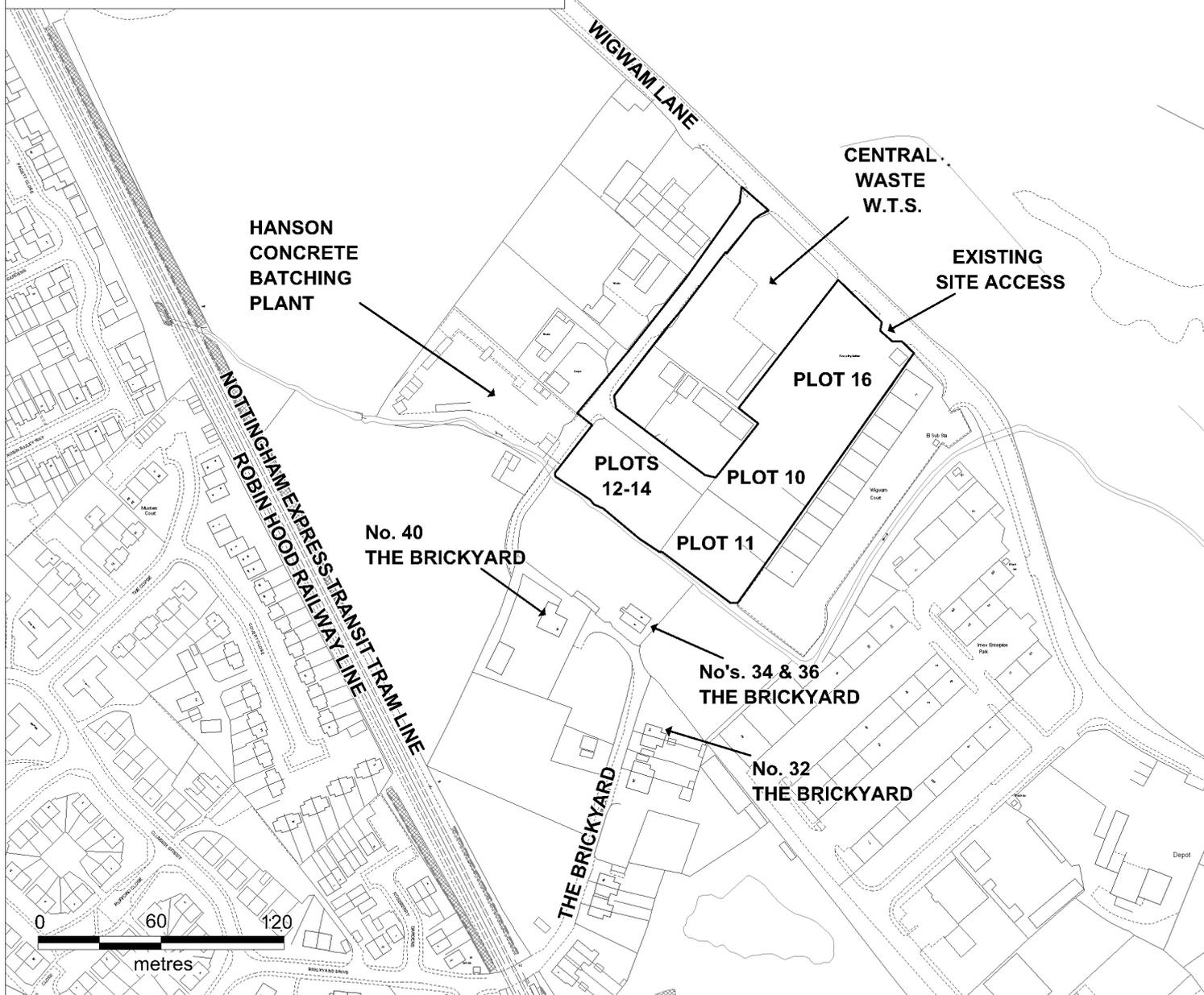
The landscaping shall be provided in accordance with the approved details and thereafter maintained in accordance with the approved maintenance details.

*Reason: To screen the site from adjacent residential properties and reduce its visual impact in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

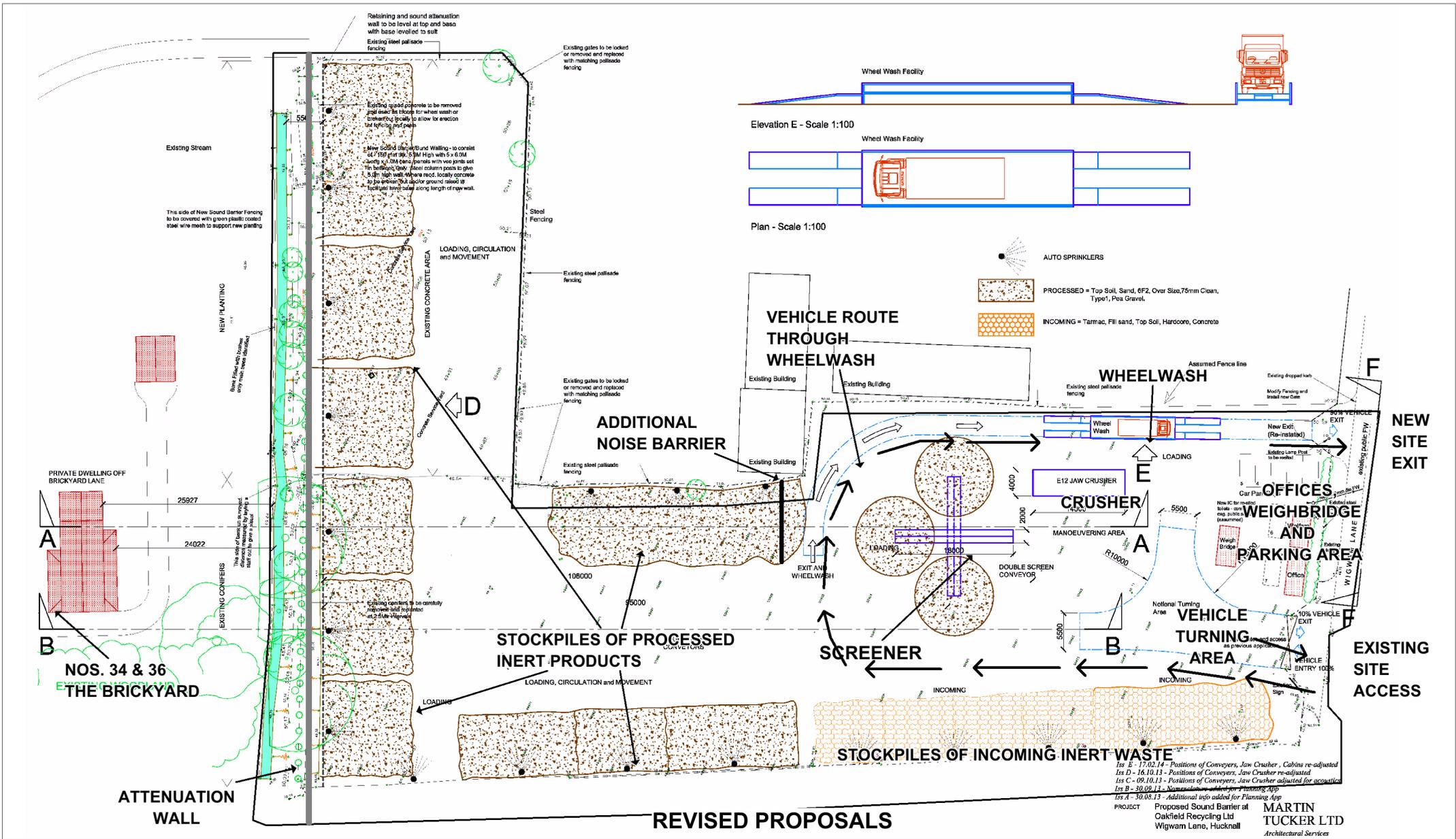




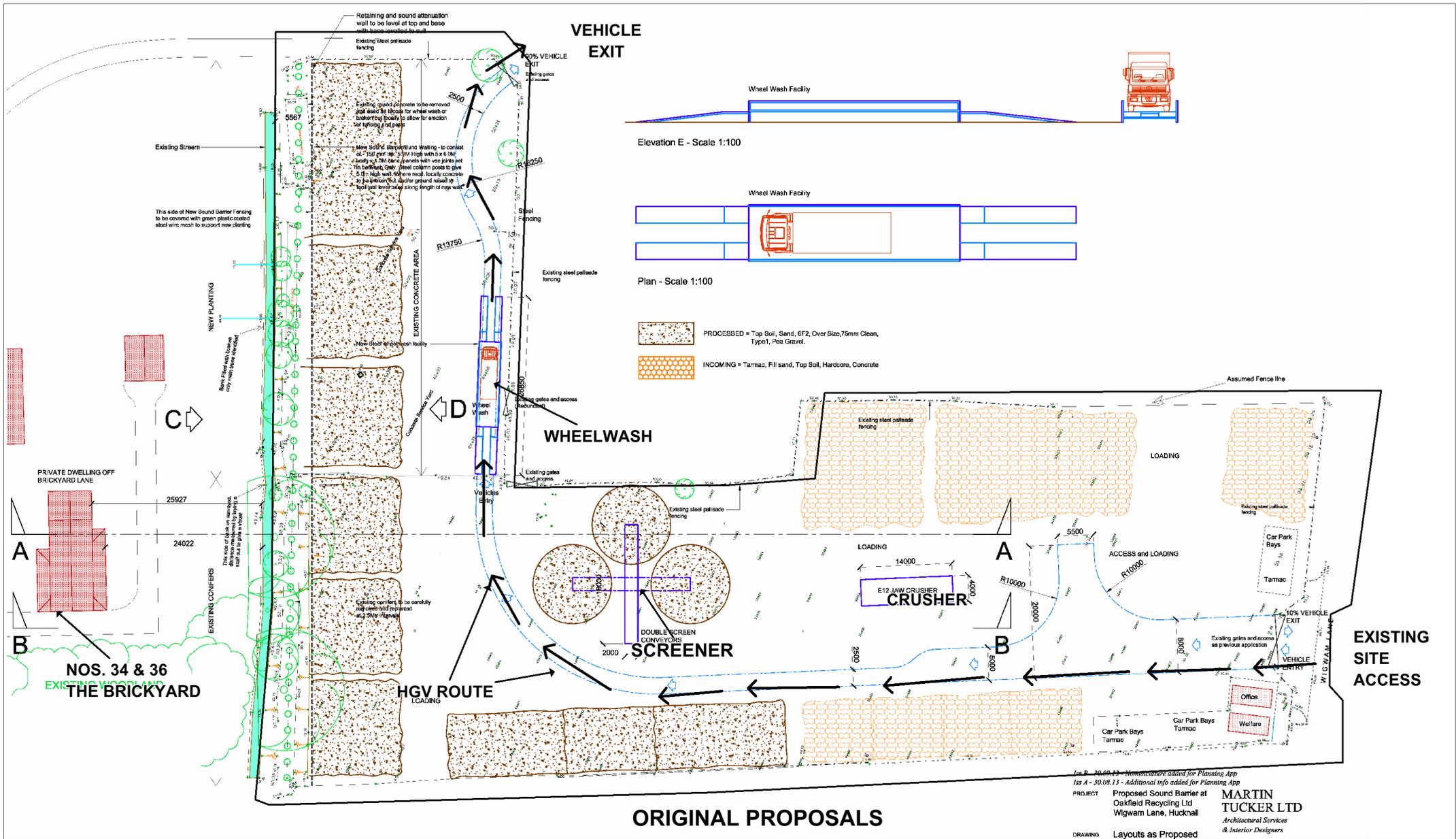
GOLF COURSE















**21<sup>st</sup> July 2015**

**Agenda Item:**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**BASSETLAW DISTRICT REF. NO.: 1/15/00368/CDM**

**PROPOSAL: PROPOSED CHANGE OF USE TO A WASTE METAL RECYCLING FACILITY WITH EXTERNAL STORAGE FOR PLANT AND MACHINERY, COVERED STORAGE BAYS, WEIGHBRIDGE, PORTAKABIN ACCOMMODATION AND TEMPORARY WORKSHOP / STORE AND RETROSPECTIVE APPLICATION FOR NEW ESTATE ROAD.**

**LOCATION: VACANT DEVELOPMENT LAND EAST OF SNAPE LANE, HARWORTH**

**APPLICANT: SAIT SYSTEMS AND TRADING LTD**

**Purpose of Report**

1. To consider a planning application for the establishment of a new waste metal recycling facility at an emerging commercial development site at Snape Lane, Harworth. The key issues relate to the adequacy of the access onto the highway and operational impacts, particularly noise, on potential future residential properties situated on former colliery land to the north and east. The recommendation is to grant planning permission subject to the conditions set out in appendix 1.

**The Site and Surroundings**

2. Harworth, together with neighbouring Bircotes is situated in the north-west of Bassetlaw District off the A1(M), 13km north of Worksop. The area is still dominated by the landmark pithead building of the former Harworth Colliery, which following its mothballing and then closure, is being progressively cleared for future redevelopment, including for new housing. This former colliery is a large tract of land to the south of Scrooby Road and south of the residential part of the town.
3. Lying south of the colliery land off Blyth Road is a commercial area comprising several business and light industrial estates both sides of Blyth Road. This road then continues south for 2.5km, past the former colliery spoil tip No.2, to the A1 junction at Blyth services. Snape Lane runs eastwards from its junction with Blyth Road along the back of the former colliery land, where there are further small business units, before turning to the south-east at the point where until

very recently the colliery spoil conveyor crossed overhead on its route to No.2 spoil tip. The route of the old colliery conveyor splits an area of land into two triangular areas which are gradually being developed for further business, light industrial and distribution type uses. Snape Lane has been improved and widened between Blyth Road and the application/development site, to also include footways on both sides of the carriageway. It then continues south-east as an unimproved lane to a crossroads at the A614 Bawtry Road (see plan 1).

4. To the east of Snape Lane and to the south of the colliery land is a large previously developed site, formerly the site of a large glass bulb factory which has been cleared of all buildings and foundations and is now planned for phased redevelopment for employment type uses by the same developer as that developing the two 'triangle' sites to the west (see plan 2).
5. As part of the factory clearance works it is clear that significant excavation of both factory foundations and underlying ground has been undertaken to create a broadly level site, at least in the northern part of the cleared site. Much of the southern area of the former factory is now at a higher level and is strewn with large amounts of demolition material and stockpiles.
6. The developer has already built, in part, a private access /spine road running east from Snape Lane. Currently present on site is a railway engineering company (VAE UK) which produces railway trackwork and takes up an area of land to the north of the access road. There is a small fabrication building and the track and junction layouts are externally stockpiled. Presently this open storage and fabrication also extends across to the south of the access road onto other development land. Other areas of the wider site are being used for various ad-hoc outside storage uses, such as for parking of HGV trailers.
7. The application site comprises a development plot within the former glass works site (Plot C6), situated at the north-eastern corner of the site. An indicative layout for development plots is shown on plan 3. The application area also encompasses the private access road leading to this plot from Snape Lane, which given that this has been built without the benefit of planning permission, has been included for regularisation.
8. Plot C6 (see plan 4), being the application site, is a square plot of cleared land covering 0.81 hectares, which has been fenced off by means of 2.4m high palisade fencing. The site is level ground, but as part of the excavation works following the demolition of the former factory, the ground levels are now some 4m lower than the adjacent woodland (Lords Wood) to the south and to the colliery land to the east. This has resulted in a bare embankment on these two sides. The cleared ground now comprises the underlying sandstone with one area having been in-filled with hardcore.
9. The access road forming part of the application is 7.3m wide and is being completed into plot C6, along with the provision of services, including drains, mains water and electricity. A 1.8m footway along the northern side is to follow. Its junction onto Snape Lane has a wide sweeping radius, particularly to the south. Access for VAE is just inside of the junction next to a gatehouse building.

10. There are no residential properties in proximity, this area being dominated by commercial uses. The nearest residential properties are 630m to the north in the main part of Harworth, however as part of the future redevelopment of the colliery, around 1000 houses could be built on the land to the north and east of the application site and this matter is further considered in the report.

### **Planning history**

11. The wider site covering some 17 hectares, was formerly the site of the S.L.I glass bulb factory which was demolished between 2007 and 2009. In 2008 an application was submitted in outline form to Bassetlaw District Council for the erection of a large distribution warehouse, together with access improvements and the restoration of a former glass waste tip (REF.1/08/00050). Planning permission was granted, but no subsequent applications for reserved matters were made and permission has since lapsed. (The tip was separately restored.)
12. In 2009 permission was granted for highway improvement works along Snape Lane to include carriageway widening, footways and lighting. (66/08/00021) This was in anticipation of the developer's future development plans for the area.
13. Following demolition and clearance of the former factory the developer has undertaken remediation and significant excavation of the site with a view to laying it out for small business plots. VAE currently occupy one such plot, although have expanded onto other areas. VAE were granted permission for a new workshop building in 2012.
14. Bassetlaw District Council have confirmed that there is no formal planning permission for the sub-division of the site into smaller business plots or for the construction of the internal access road, now nearing completion.

### **Proposed Development**

15. The application is made by Sait Systems and Trading, a company specialising in waste and metals recycling who wish to establish a new waste processing operation at this site for the specialist separation and recycling of metals from commercial and industrial sources (up to 60,000 tonnes per year) and from scrap metal sources (up to 15,000 tonnes per year). The applicant wishes to emphasise however, that the site would not function as a typical 'scrap yard' and would not be open for the delivery of unsolicited scrap deliveries. As examples of the types of waste processing which may take place, the applicant cites the processing of metal-bearing aggregates to capture these metals for recycling; the processing of aluminium drink cans; and a further example is given – the possible recycling of end of life Astroturf pitches. No hazardous waste would be accepted.
16. Recycling operations would take place in an outside yard utilising a variety of mobile screening/sorting equipment, however in order to meet the requirements for the Environmental Permit, various buildings and hard surfaces are also proposed. The submitted plans indicate that the development of the site would

depend on the commercial success of the operation and is therefore split into two phases.

17. Phase 1 covering the southern half of the plot would comprise:

- Hard surfacing:

An impermeable concrete yard area would be laid across the south-east quarter of the plot. This would be the main screening/sorting area where various mobile screening equipment would process the waste material.

The south-western quarter of the site would be surfaced in tarmac and would be the site for a weighbridge and site office, a workshop/storage building and for 10 staff car park spaces.

- Precast concrete retaining walls:

Retaining walls would be formed with sectional precast concrete along the eastern and southern site boundaries, set against the embankments formed from the excavation of the site.

- Waste reception and storage bays:

Two large covered waste storage bays would be built along the eastern boundary, with space for a third in the future. These would each measure 15.7m in length by 10m in depth. These open-fronted bays would be formed of 4m high concrete retaining walls, set into the surrounding embankment, and would be topped with a mono-pitch metal sheeted roof, providing for 7m of clearance inside for the storage of waste product and giving a maximum height of 7.8m.

- Workshop and store building:

This would be sited centrally within the site and would be a reclaimed steel-framed building measuring 10m by 15m and 4m high to eaves with a dual pitched roof above, giving it an overall maximum height of 5m. It would have a vehicular access door and pedestrian door on its southern gable end. It would be finished in profiled metal sheet cladding of a colour to be agreed.

- Stacked portakabins and weighbridge

Two stacked portakabin type buildings would together form the site office and welfare unit. These would be positioned just inside the entrance to the site next to a weighbridge. The buildings would measure 12m by 3.7m and when stacked would be 6m high. The building would have an external stair to the upper office. Windows and doors would have security guards.

- Drainage

Details of foul and surface drainage have also been provided. Foul drainage flows from the impervious concrete processing area would be channelled to a sunken bypass interceptor, and a cellular attenuation crate then pumped

into a new sewer within the access road. This foul sewer would also manage foul discharge from the site office. Clean surface water from the roofs of the storage bays and workshop building, together with surface water in the entrance/parking area would be directed via a silt trap to a cellular soakaway within the northern part of the plot.

- A CCTV/light tower is also indicated in a central position.
18. Phase 2 would be subject to the business becoming successfully established and would involve: a third covered waste reception bay; a second workshop building and an additional site office. These, however do not form part of this application, but their positions are indicatively shown at this stage. The northern half of the site may also offer further room for expansion, but in the meantime this area would be kept as hardstanding for ancillary storage of machinery or for parking of on-site plant.
  19. In part-retrospect, the substantially complete access road from Snape Lane is also included in the application. This has a 7.3m wide tarmacadam carriageway and when complete it would have a 1.8m wide footway along the northern side. This road forks towards the east of the site with a spur continuing to Plot C6, the application site. Drainage and services are also in the process of being installed.
  20. The recycling facility would accept contracted waste deliveries via bulk tipper HGVs which would be pre-arranged. Upon delivery the load would be booked in and weighed at the site office, before proceeding to the open processing yard where it would be tipped for sorting. Some materials are likely to be stockpiled within the yard and the applicant states that such stockpiling would be based on good practice in the sector and would be limited in height to circa 4-5m high.
  21. A variety of screening plant would be employed depending on the waste stream, however for the purposes of assessment the application is based on there being three eddy current separators; a screener and powerdeck and a used beverage can (UBC) automatic baling press. Other mobile operating plant would comprise a telehandler; front shovel loader; a 360° grab and forklift, which could be secured within the proposed storage building when the site is closed. An element of human sorting or cutting would also be employed.
  22. The main waste stream identified by the applicant would be industrial metal-bearing aggregates. Such material processing would utilise a screener to separate the material into three sizes whilst eddy current separators would capture ferrous and non-ferrous metals. Processed materials would then be stored within the two covered bays pending their export to re-processors. The recycling of drinks cans would utilise eddy current separators to sort steel from aluminium and a press to bale the sorted material.
  23. The proposed hours of operation are 07.00 to 19.00hrs Monday to Friday and 07.00-13.00hrs on Saturdays. There would be no working on Sundays or Bank/public Holidays.
  24. The HGV movements associated with the delivery and dispatch of materials would initially generate 8-10 movements a day (4-5 lorry deliveries) potentially

increasing to 24-30 movements a day (12-15 lorry deliveries) once fully operational. Saturday movements are anticipated to be 2-4 a day (1 or 2 lorry deliveries).

25. The operation would employ 5 members of staff, which should rise to 10 subject to business growth. There would also be ancillary support for haulage operations.

### **Consultations**

26. **Bassetlaw District Council** – *Raises no objection.*

27. **Harworth/Bircotes Town Council** – *Raises no objection.*

28. **Styrrup with Oldcotes Parish Council** – *Objects on the following grounds:*

- i) The application site is wholly inappropriate and would create an eyesore much worse than what the area has had to put up with over the last 100 years.*
- ii) The site would be in full view and noise nuisance would be generated to the residents of Styrrup and Harworth Avenue, Blyth.*
- iii) The site would encourage metal theft in the local area resulting in a devaluation of the whole estate.*
- iv) The small number of jobs created would not compensate for the nuisance caused to local residents and other occupiers of the adjacent industrial sites.*
- v) This area was designated as industrial land to create jobs following the loss of Harworth Colliery and Harworth Glass Bulbs, not for the creation of a scrap yard however modern.*
- vi) If the County Council were minded to allow this development against the wishes of residents, the Parish Council must insist on three major conditions.*
  - 1. All works and storage must be indoors in a noise insulated unit.*
  - 2. Work must not take place outside Monday to Friday 8am to 5pm.*
  - 3. A Section 106 agreement must be entered into ensuring no HGVs or lorries arrive or depart from the site via Styrrup, Blyth, Oldcotes or Harworth villages.*

29. **Environment Agency** – *No objection*

The Agency considers that planning permission could be granted, subject to the inclusion of a condition requiring a 'watching brief' for any unexpected contamination.

*The site lies on superficial till deposits underlain by the Nottingham Castle Sandstone Formation. The sandstone is classed as a Principal Aquifer under*

*the Environment Agency's Groundwater Protection, Principles and Practice (GP3). The site also lies in a Source Protection Zone 3 for potable water supply. Therefore groundwater in the area requires significant protection from pollution.*

*A Groundsure Phase 1 Environmental Risk Assessment has been submitted in support of the application. The site is brownfield land and has previously had railway sidings and tanks associated with a former glass bulb factory on site. A site investigation was undertaken in January 2015 which involved excavating 10 hand dug trial pits to approximately 0.6m below ground level.*

*It is understood that the concrete hard standing in the area of the former above ground storage tank will remain in place and will not be removed from site. No testing underneath this area is required at the present time. However should the concrete hard standing be removed as part of the development the Environment Agency will require validation testing to confirm that there is no contamination present that could pose an impact on the underlying Principal Aquifer.*

*It should also be demonstrated that there is no contamination present in the proposed soakaway location. Any infiltration drainage present in contaminated land could mobilise contamination and subsequently impact the underlying Principal Aquifer.*

**30. NCC (Highways)- Raises no objection**

Following submission of revised proposals to correct the design and layout of the road junctions, the Highway Officer finds these access changes to be acceptable and requests that any planning permission be subject to a Grampian condition to secure these alterations prior to the application unit becoming operational. The officer also wishes that an existing redundant bellmouth access onto Snape Lane be closed if no longer required by VAE.

The works to the junction with Snape Lane will require approval from the Highways Authority under Section 278 of the Highways Act.

Comments regarding vehicle routeing:

*Ideally all heavy goods vehicles would use Snape Lane to the west of the site access when approaching and leaving this development and those from other development served from Snape Lane generally. The original site access layout was designed to encourage this as the western section of Snape Lane was upgraded to industrial standard as part of that application, whereas Snape Lane to the east of the site access, remains rural in nature. Unfortunately it is currently not possible to restrict vehicle movements on Snape Lane to the east as the existing VAE operation involves the movement of extra-long and wide loads that cannot currently negotiate the turn between Blyth Road and Bawtry Road when approaching the A1(M). These vehicles therefore approach the A1 via Bawtry Road from the eastern section of Snape Lane.*

*In terms of the number of HGVs that this development will generate the numbers involved remain very low amounting to no more than 2 or 3 HGVs per hour two-way. These vehicles do not appear to have a fixed source so will likely*

*disperse in different directions further lessening their traffic impact on any one part of the highway network. Notwithstanding, Harworth is already protected by an area wide 18 tonne environmental weight limit prohibiting these vehicles from entering the town centre. Given the numbers involved, movement restrictions further afield (Styrrup, Blyth, Oldcotes) would be very difficult to justify. By their very nature goods vehicles are most likely to adhere to the classified road network wherever possible rather than cause themselves access difficulties.*

*Although the Highway Authority is of the view that it is not necessary to restrict access to this particular development, there is a proposed large employment allocation to the south of the site and further development is likely to be proposed at the former glassworks. There will therefore be other opportunities to consider whether changes to the local highway network will be necessary as these proposals come forward.*

**31. NCC (Reclamation) – No objection**

*The applicant has produced a comprehensive Phase I Environmental Risk Assessment of the site, addressing issues related to any on- site/adjacent previous development, geo-environmental factors and potential ground contamination issues.*

*A site investigation has been undertaken to assess the chemical properties of ground beneath the proposed development.*

*From the perspective of contaminated land there are no issues of significance associated with this development; with the notable exception of free fibres of asbestos identified in TP06, which are believed to be derived from the hardcore stockpile adjacent to this location. Provided the recommendations of the Phase I Environmental Risk Assessment are adhered to during redevelopment works, there are no objections to the re-development proposals and concur with Bassetlaw Environmental Health Officer's comment that the development is entirely appropriate for the site location given both past and present on-site and adjacent development.*

*The officer requests that a further remediation statement be provided to demonstrate that asbestos contamination has been dealt with.*

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

*The BS4142:2014 noise assessment indicates that there is unlikely to be any adverse impact at the nearest existing dwellings which are located ~600m north of the application site. However there is outline planning permission for new housing on land to the east where housing could be located as close as 120m to the eastern site boundary. The assessment has indicated that noise levels at the nearest new property (when built) from operation of the site could cause a significant adverse impact. The predicted level of noise is L90+11dB which exceeds the NCC criteria of L90+5dB. Therefore noise mitigation along the site boundary is likely to be necessary if/when this new housing is built. To date no detailed plans have been submitted for developing the land and it is possible that the development may not take place for a considerable period of time.*

*As such it seems prudent to take an approach which requires the applicant to provide appropriate mitigation at the time when development work on the site commences rather than incur costs of installation and maintenance of such features in advance when little or no benefit will be provided.*

*The noise consultant has confirmed that the Rating level of the operational noise is likely to reach L90+5dB at new housing located within a 225m radius of the north east corner of the application site boundary. Therefore a condition will be recommended which requires the applicant to undertake an assessment of the actual noise levels from the site and submit a scheme of noise mitigation to the WPA once development has commenced within 225m of the north east corner of the site.*

*The advantage of this approach is that it also enables an accurate assessment of the noise levels to be made to assist in ensuring the most appropriate form of noise mitigation is installed.*

*The noise consultant has undertaken a further review of the scheme to consider the feasibility of noise mitigation measures to provide confidence that appropriate measures can be introduced that will be effective and provide compliance with the NCC noise limit of L90 +5dB in the location of the future new housing. The addendum report dated 1st July 2015 proposes that a 2.4m high close boarded acoustic fence could be installed along the northern and eastern boundaries in place of the existing palisade fencing. It is proposed that the fence along the eastern boundary would need to extend south as far as the covered storage bays with a small overlap, as the storage bays themselves would then provide an adequate level of noise screening to nearby properties.*

*The application indicates that there will be a maximum of 75,000 tonnes of material processed at the site per annum. The applicant has indicated that this will require approximately 17no. articulated HGV deliveries to the site per day (34no. movements). This will not cause any notable increase in traffic noise levels on the local network.*

### **33. NCC (Nature Conservation) – No objection**

*The proposed development will have no direct impacts on the nature conservation value of the site, given that it comprises predominantly of bare ground and hardstanding, with limited vegetation.*

Concern is raised about the effects of indirect noise on the adjacent woodland and the species (particularly birdlife) it might support. On submission of additional noise data the Officer comments:

*The [noise] contours indicate that part of the adjacent woodland will be subject to noise levels in excess of 55dBA. This area appears to extend to about 0.5ha in size. Noise levels above 55dBA may have a negative impact on wildlife within the woodland, for example by masking bird song, and it should be noted that without surveys, it is not known what species of bird may be using the wood, and whether any particularly noise-sensitive species are present. Therefore, as a precaution, ideally measures should be put in place to reduce noise levels*

*within the woodland, such as a soil bund or attenuation fence along the southern boundary or alternately through the design of the site layout.*

**34. NCC (Planning Policy) – no objection**

*Advises that the application must be considered in light of national and local planning policy.*

*The main driver of the NPPF is that of sustainable development, whereby proposals that accord with the development plan should be approved without delay or where local policy is absent, silent or out-of-date, permission should be granted subject to the policies of the NPPF and adverse impacts not outweighing the benefits. The National Planning Policy for Waste and the Waste Management Strategy include the concept of the waste hierarchy, whereby waste management should be planned to move waste as far up the waste hierarchy as possible (something this proposal would aid in delivering).*

*As a metal recycling facility, the proposed facility can be considered as a recycling operation whereby it seeks to maximise the amount of waste sent for recycling and minimise residual waste for disposal. It is therefore consistent with the waste hierarchy set out in national policy. In terms of local policy, Policy WCS3 of the Waste Core Strategy (WCS) gives first priority to the development of new or extended waste recycling (and composting/anaerobic digestion) facilities. The WCS identifies that there is a need for commercial and industrial waste recycling capacity over the plan period in order to meet the aspirational target of 70% recycling by 2025 (as set out in Policy WCS3). This proposal would aid in contributing to this capacity requirement through the provision of up to an additional 75,000 tonnes per annum of throughput capacity. The principle of the development of this type of facility is therefore supported in local and national waste policy terms.*

*In terms of the acceptability of the development on the site proposed there are three important considerations; its size, location and the land use categorisation. Firstly, in terms of size, in referring to Table 8 (Appendix 2) of the WCS, the proposed facility is classed as a ‘small’ facility by its site area, but a ‘medium’ facility by its maximum capacity. In terms of the broad locations set out in Policy WCS4 and on Plan 4: Key Diagram, the site does not lie in, or close to, any of the identified main built-up areas. Therefore, according to WCS4, only a ‘small’ facility would gain explicit policy support in this location. The third consideration is the categorisation of the land. It is understood that the site is located in an area to be developed as a business park and comprises previously developed land. It is therefore considered consistent with Policy WCS7.*

*Taking these elements in to account, the pertinent consideration is the suitability of the proposed size of site in a ‘non built-up’ location. It is made clear in supporting paragraph 7.22 to Policy WCS4 (and the policy itself) that ‘small’ scale facilities are supported in such locations on the basis of their meeting local need and fitting in with the local character. There is recognition that ‘small’ sites outside of the main built up areas are likely to include recycling proposals and that they can provide employment opportunities. Such proposals can be supported provided they do not introduce industrial style development or intensive uses into village, neighbourhood or countryside areas. Given that the*

size guidelines in Table 8 are only intended to be indicative, the other site criteria (specifically those set out in WCS7) are important in taking a reasoned view on this proposal. Also relevant in this instance is the outline permission for the redevelopment of Harworth Colliery for around 1,000 dwellings and 75,000sq m of employment uses, which surrounds the proposed site to the north and east. Providing that you are satisfied that the proposal forms part of established employment land and would not encroach negatively on either the open countryside or a village/neighbourhood community (including that community to be created as part of the colliery redevelopment), it is considered that there would be no policy objection to the proposal in relation to Policy WCS4. The environmental and amenity impacts discussed below will be important in establishing the impact of the proposal on existing and potential future communities.

Due to the location of the site, it is expected that not all of the waste would originate in Nottinghamshire (it being close to the large urban areas of South Yorkshire), and so the provisions of Policy WCS12 should be considered. As this facility would make a significant contribution to the movement of waste up the waste hierarchy (the first of the criteria in the policy) it is considered that there is no objection to the proposed development in terms of this policy.

In addition to these debates about the principle of development at this site, it is equally important to consider the environmental and amenity impact of the development and its design. Policy WCS13 requires demonstration that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby, no unacceptable cumulative impact and also that the opportunities to enhance the local environment be maximised. WCS15 adds to this by requiring 'high standards of design and landscaping, including sustainable construction measures.' Detailed policies on such considerations and other development management issues are provided in the saved policies of the Waste Local Plan. We would defer to the relevant teams of the County Council and statutory bodies to comment on detailed concerns or recommendations on such issues.

35. **Severn Trent Water Limited, Yorkshire Electricity, Western Power Distribution, National Grid (Gas) and Anglian Water Services Limited** have not responded. Any response received will be orally reported.

## **Publicity**

36. The application has been publicised by means of three site notices and a press notice placed in the Worksop Guardian. The neighbouring business, as well as the agent acting for the developers of Harworth Colliery, have been notified by letter. Revised plans relating to access alterations have been also been provided to the neighbouring business. This approach is in accordance with the County Council's adopted Statement of Community Involvement Review. No representations have been received in this case.
37. Councillor Sheila Place has been notified of the application.

## Observations

### Principle of the development

38. As a waste processing use, this application falls to be determined against the policies in the Nottinghamshire and Nottingham Waste Core Strategy (WCS), the saved environmental policies from the Nottinghamshire and Nottingham Waste Local Plan (WLP) and relevant District policies in the Bassetlaw Core Strategy (BCS). The National Planning Policy for Waste (NPPW) and the National Planning Policy Framework (NPPF) are material considerations.
39. At the heart of sustainable waste management policy within the NPPW and the WCS is the principle of the waste hierarchy, whereby waste should be driven up the hierarchy as much as possible so that recycling is maximised. As a metals recycling facility, this operation would support this aim by recovering metals from waste streams, thereby minimising subsequent landfill requirements.
40. The WCS sets out the County target to recycle or compost 70% of all the County's waste by 2025, including commercial and industrial waste (C&I) which this facility would process. Policy WCS3 sets out the hierarchy for waste management in order to work towards the strategy's target with first priority given to new or extended recycling (and composting/anaerobic digestion) facilities. The WCS identifies that there is a further need for recycling facilities in order to meet the aspirational 70% target. This proposal would process up to 75,000 tonnes per annum and would thereby be consistent with the need for such facilities.
41. In assessing the broad acceptability of the proposal on the application site it is necessary to consider the proposal's size, location and the categorisation of the existing land-use. Policy WCS4 sets out the broad locations for the development of waste facilities. Together with Appendix 2, this policy categorises waste facilities by their size and directs differing scales of facilities to certain sized settlements. The proposed metal recycling facility would be classed as 'medium' sized based on its maximum possible throughput of up to 75,000 tonnes per annum, (medium sized facilities being defined as those having between 21,000-99,000 tpa) but on the basis of its site area of 0.8 hectares would be 'small' scale (such sites being defined as between 0.5 and 1 hectare). Policy WCS4 supports the development of small and medium sized facilities in or close to the main built up areas in the County. The Harworth area is not cited as one such main built up area, and as such the WCS would only explicitly support the development of small scale facilities to serve a local need. That said the criteria by which the size is classified are indicative and the proposed throughput is a maximum figure and in terms of the numbers of HGV movements and the site area itself, would lead to the proposed facility being more akin to one that is small in scale. The WCS states elsewhere there may be a need for small-scale facilities to meet local needs, where such uses would fit with the character of the surrounding area and do not introduce intrusive or industrial uses into the open countryside or to a rural community. The important assessment is therefore whether the site itself would be suitable for the proposed use.
42. Policy WCS7 sets out the general site criteria to establish in broad terms whether the proposed development would be acceptable on particular

categories of land. Key to this process is categorising the site's existing land use. The policy identifies that metal recycling sites are likely to be suitable on employment land or business/industrial estates. Open air sites should be sited away from noise or dust sensitive receptors and whilst operations should preferably be enclosed within a building this may not always be feasible.

43. The application site has had a long-standing industrial use and is assumed to benefit from such B- use-class lawful uses, although there is an element of doubt about its exact status due to the fact that no planning permission exists for the redevelopment and laying out of the site for small business uses, following the clearance of the former factory. The emerging Bassetlaw Allocations Development Plan (Preferred Options) did, before it was subsequently withdrawn, identify the land as committed employment land, presumably in light of the now lapsed permission to develop a large distribution centre on the site. The developer is now actively marketing the wider site for speculative employment development and therefore, all the evidence suggests that the site can be considered to be employment land.
44. In choosing the location at Harworth, it is likely that its proximity to the A1(M) has been a factor rather than to serve a particular local need. Policy WCS12 (Managing non-local waste) may therefore be relevant. Whilst the policy intention is to direct facilities to deal sustainably with waste near to where it arises, the WCS seeks to maintain a flexible approach, particularly where there would be sustainability or wider social and economic or environmental benefits arising from the particular location. In the present case, the proposed facility would contribute to the movement of waste up the waste hierarchy and would deliver regenerative and employment benefits from redeveloping part of a previously developed site. The proposal therefore accords with Policy WCS12. Whilst it would be a road based facility, its location would make the best use of its proximity to the motorway network when assessed against WCS11.
45. In terms of relevant district policy, the BCS at Policy CS4 identifies Harworth/Bircotes as a Main Regeneration Settlement and is expected to deliver around a third of the District's planned employment land growth. Such uses will be focussed on the area to the south of the settlement (within the defined Development Boundary) and support will also be given to regeneration opportunities.
46. Plot C6 is just outside the defined Development Boundary which was seemingly based on the previous extent of the former factory buildings on this site. For reasons that are unclear, an area of the adjacent Lords Wood appears to have been cleared and the wider site extended eastwards beyond the line of the Development Boundary. Plot C6 however does not appear to have formed part of the wood, but was previously a peripheral area of the former factory with evidence that certain tanks and equipment were on site, along with a sloping area of grass at the corner site. Therefore whilst the plot is technically within the rural area and not within the defined development boundary, it is nevertheless part of the area to be redeveloped for commercial uses and has been prepared for such development. Furthermore, it is noted that the consultation response from Bassetlaw District Council has not raised any objections concerning the proposed land use.

47. The site is therefore considered to form part of a vacant employment site which leads to the development proposal complying with Policy WCS7. Support would also come from the BCS at Policy DM7 which generally seeks to protect such land for future employment uses and also supporting economic development proposals which bring in inward investment. If the site was assessed as part of the rural area under Policy DM3, the redevelopment of a previously developed brownfield site, would still be supported. The site can therefore be considered acceptable for redevelopment for employment/Sui Generis type uses.
48. A draft Neighbourhood Plan for Harworth/Bircotes is also under development however this is of only limited relevance to the development proposal as it is only at a draft stage and has not been subject to formal examination. The plan seeks to bring forward a balanced supply of housing, employment retail and community uses in order to enhance the attractiveness and viability of the town.
49. In summing up the principle planning position, although the area is not explicitly identified for new waste management facilities, (other than small scale type facilities), the site is considered entirely appropriate for the proposed recycling facility and it, along with the access road, would form part of the early-stage regeneration of the former factory site, thereby assisting with the District Council's regeneration aims for the area.
50. Whilst at present the site is remote from sensitive residential uses, as will be discussed later, it is noted that the colliery land to the north and east has planning permission (in outline form) for circa 1000 houses and employment and retail uses as part of its comprehensive long term redevelopment. It is therefore necessary to carefully consider the environmental and amenity impacts that may result from the proposed recycling facility. Policy WCS13 states that new waste facilities will only be supported where there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby, either individually or cumulatively. These issues, as well as that of highways access are each considered in turn below.

#### Traffic, Access and Parking

51. As already noted the developer of the former glassworks has substantially commenced the construction of a new private estate road to serve this wider site of which plot C6 is one part. This road takes its junction with Snape Lane at the point where the former factory entrance gates were positioned. The layout of this as-built junction is however considered to be deficient by the Highways Officer. In particular the officer considers that VAE's individual access onto the private access road is at an unsafe position just inside of the main junction, where a security lodge impedes driver visibility. It is also noted that the wide sweep of the southern corner radius, as built, has the effect of encouraging vehicles to turn left out of the site and travel along the eastern, unimproved section of Snape Lane, rather than the more appropriate direction to the west to Blyth Road.
52. As this application represents the first tangible development proposal on this redevelopment site, it is crucial that the access is safe for both this development proposal as well as future developments which may come forward on the other plots. Discussions have therefore taken place between the developer, applicant

and the Highways Authority to redesign the access road's junction with Snape Lane to bring it up to the required standard.

53. Revised plans now propose to close off the current access for VAE and replace this with a new access point further east into the site. It is also proposed to narrow the access road's southern corner with Snape Lane to a more conventional 15m kerbed radius. Both changes have been subject to vehicle swept path analysis which has taken into account the outsize loads associated with VAE's trackwork manufacturing operation. These outsize loads currently have to turn left onto Snape Lane in order to reach the A1 junction, due to other local highway constraints in the area and the revised junction design would ensure that this could continue. The modification works to the junction and access road would be undertaken by the developer of the estate, from which the applicant would purchase/lease plot C6.
54. The Highways Officer is satisfied with the proposed road modifications provided they are completed prior to the site becoming operational. Given that the wider site is in single ownership (a development company), and this company is agreeable to the highway improvements being undertaken to facilitate this development, the highway modifications can be secured by a Grampian planning condition, worded to prohibit the site becoming operational until road improvements have been implemented in full. This approach would ensure that the application site is served by a safe and adequate access in accordance with the requirements of WLP Policy W3.15, but also ensure the access would be suitable for future industrial development to be served off it. The alteration to the junction of the access road with Snape Lane would require separate approval from the Highways Authority under Section 278 of the Highways Act and an informative note is recommended in conjunction with a condition.
55. Once operational, the metal recycling facility would generate comparatively low numbers of vehicle movements, amounting to no more than two or three HGVs per hour two-way, (as well as staff arrivals/departures) in a typical weekday with fewer on Saturdays. This would equate to between 10 to 30 daily two way movements for HGVs.
56. Vehicular access to the site is possible along Snape Lane either from the west from Blyth Road or from the east from the crossroads on the A614 Bawtry Road. This latter direction of travel, whilst offering the nearest access to an A-Class road is along an unimproved rural road, albeit it is also a local bus route. The route west along Snape Lane, meanwhile is via an improved and widened carriageway (with footways), with these works having been previously undertaken by the developer under planning permission Ref. 66/08/00021. This route is therefore the preferred route that commercial traffic to/from the application site and the redevelopment site as a whole should ideally take. The A1 junction is then 2.5km to the south along Blyth Road. Whilst this is the ideal route, the Highways Authority does not consider it necessary to restrict access for the proposed development, given the low level of traffic which would be generated by the proposed recycling facility and bearing in mind that VAE require access to the east for their outsize loads. The alteration to the corner of the access road with Snape Lane would however assist in reducing the tendency to turn left out of the site.

57. With regards to the wider traffic routeing and destinations/origins for the vehicles it is likely that HGVs would disperse in different directions including to the A1(M) at Blyth. The comments of Styrrup and Oldcotes Parish Council are noted, whereby it is contended that nuisance would be caused to residents in Styrrup village and at Harworth Avenue (which is at the southern end of Blyth Road towards the A1, over 2km to the south of the application site) and that HGVs associated with the proposed development should be prevented from routeing via Styrrup, Blyth, Oldcotes or Harworth villages. In response to this it is noted that Harworth is already protected by an area-wide environmental weight limit and given the low vehicle numbers involved, to restrict movements in outlying settlements would not be reasonable. Goods vehicles are most likely to adhere to the classified road network wherever possible rather than cause themselves access difficulties within these settlements.
58. Saved WLP Policy W3.14 states that vehicle movements resulting from waste management facilities should be satisfactorily accommodated on the highway network without causing unacceptable disturbance to local communities. In this case the local road network is considered entirely suitable to take the modest level of envisaged traffic and the character of the area is one that is dominated by industrial and commercial uses with relatively few residential areas. The site has good local and regional road access, whilst also offering options for local sustainable travel for employees. The proposed development is therefore considered to accord with Policy W3.14.

#### Residential amenity

59. As noted, the area site is at present exclusively commercial in nature with the nearest existing residential properties some 630m to the north beyond the colliery land. However, the area and the colliery land in particular is subject to planned regeneration involving significant house building, as well as further natural growth in commercial and industrial type businesses.
60. Outline planning permission exists for the comprehensive redevelopment of the colliery land for up to 996 residential units, 76,645sq m of employment type uses, 2,044sq m of retail (this element having been built as the ASDA supermarket), along with associated access, earthworks, landscaping, community space and drainage. (Planning permission Ref 61/09/00052). The draft master plan is illustrated on plan 7. The first area of housing off Scrooby Road is now being developed by Jones Homes. Whilst the remainder of the housing is in outline form only, various master plans all show housing extending on land to the east of plot C6. The draft neighbourhood plan also shows housing across the wider colliery land to the north of the application site. A school is indicatively shown north of Plot C6. All such master plans can be subject to evolution and little weight can be attached to the draft neighbourhood plan at this stage. Nevertheless, the proposed recycling facility has potential to generate operational emissions of noise and dust to these potential future receptors and these matters are considered in further detail below.

## Noise

61. Presently the area is dominated by commercial and industrial uses and the nearest properties are over 600m to the north, within the Harworth and Bircotes settlement. As mentioned above however, the eventual redevelopment of the adjacent colliery land is likely to bring new residents into close proximity to the site and the outline planning permission for these homes is a material consideration in assessing this application. Further housing instead of committed commercial uses could also be developed on the colliery land immediately to the north, as is being optioned by the draft Neighbourhood Plan, for which only limited weight should be afforded due to it only being at a draft stage.
62. With these future developments in mind the application has been supported by an appropriate BS4142 noise assessment which has taken into account the proposed waste processing operations and in particular the noise resulting from the various types of processing and mobile plant to be employed and their predicted impacts on the nearest residential receptors, including those future homes. The assessment has also taken into account varying land levels between the lower application site when compared to the adjacent potential housing which, along with the development of the proposed waste bays along part of the eastern boundary, would provide a barrier to noise leaving the site.
63. The noise assessment concludes that the nearest present residential properties are sufficiently remote from the site to not be impacted. With regards to the potential housing to the east it concludes that notwithstanding the sunken nature of the site, without further mitigation in the form of a bund or acoustic fence, there would likely be a significant adverse impact upon those future residents to the east, calculated at L90 (background noise) + 11dB, which would exceed the acceptable criteria of L90 +5dB in these instances. The report therefore suggests that an acoustic fence could be provided along the eastern and northern site boundaries to address this and the theoretical effectiveness of this fence has been proven at this point.
64. It is currently unknown exactly how close the potential future housing may come to the site, given that the outline planning permission and master plans are likely to be subject to change. However houses could be as close as 40-50m from the application site boundary on land to the east, this being the width of an existing buffer of sloping scrub and vegetation around Plot C6, within the former glass works site. More realistically, and as indicated on the master plans for the colliery redevelopment, new houses may benefit from a further buffer of landscaped land, so that housing could be within 80-90m of the application site boundary. An existing bund has also been identified along this boundary.
65. Harworth Estates, being the developer of the former colliery land has been formally consulted on the application, though no response has been received.
66. The noise assessment has been carefully reviewed by the County (Noise) Engineer and following submission of further information from the applicant is satisfied that the proposed operations would not cause any significant adverse noise impact, at least not until future housing on the colliery site comes forward, at which point it is recommended that the applicant/operator should be required

to undertake and submit an up to date noise impact assessment to measure the actual noise emanating from the site (rather than what has been predicted) against the background noise levels, which may also change in time. If then deemed necessary, the applicant/operator could then be required to install the acoustic fence along the eastern and possibly also northern site boundaries to protect the amenity of these future residents. This approach is considered reasonable and proportionate, rather than require the installation of a large fence now which would serve no purpose and potentially may be deemed unnecessary anyway. The trigger for requiring a new assessment of the site would be when and if housing were to be commenced within 225m of the site boundary as set out at condition 20.

67. Further conditions to control noise are also recommended including setting a maximum noise rating level at any nearest dwelling, which should serve to protect the amenity of future residents, including any potential further housing expansion on colliery land to the north as is being optioned by the draft neighbourhood plan. Controls of the list of plant and machinery to be used, its regular servicing and maintenance, and the use of white noise reversing alarms for mobile plant are also recommended.
68. Styrrup and Oldcotes Parish Council comment that they believe that the operation would result in noise nuisance to local residents and neighbouring commercial occupiers, as explored above the application has been appropriately considered for its noise impact on sensitive receptors, which at present are remote from the site. Officers are satisfied that if and when future housing is developed that mitigation in the form of an acoustic fence would be effective and deliverable. Given the types of operations it is not considered necessary to require that all operations should be enclosed within a building.
69. Subject to a suite of planning conditions, the application is considered to accord with Policy WCS13 and saved WLP Policy 3.9 with regards to operational noise.

#### Dust/ mud

70. Whilst the operations are not expected to be particularly dusty, suppression measures would be employed by the operator when circumstances dictate. Primarily this would be by means of a water bowser and spray to dampen stockpiles and yard dust. In addition, as part of good housekeeping, the applicant would ensure that the operational site and access roads are kept clean so to avoid transportation of mud and other detritus by HGVs. The matters can be subject to standard planning conditions and would also be regulated under the Environmental Permitting regime. It should also be noted that there are currently no sensitive receptors in the immediate vicinity and the sunken nature of the site would help to contain operational impacts.

#### Visual Impact

71. Policy WCS 15 seeks high standards of sustainable design and landscaping for new waste management facilities. Saved WLP Policy W3.3 requires that plant, buildings and storage areas for waste management facilities should be located

in such a position to minimise impact on adjacent land; be grouped together where practicable to avoid unsightly sprawl and kept as low as practicable. Buildings should be appropriately clad or finished and satisfactorily maintained thereafter. Saved WLP Policy W3.4 states that conditions will be imposed to provide for screening and landscaping measures to reduce visual impact.

72. In terms of the context, the wider development site is presently a large cleared expanse of former industrial land awaiting redevelopment. It is also set within an industrial and business context with the former colliery adjacent to the north and further light industry and distribution units located to the west on Snape Lane and around Blyth Road. Plot C6, is discretely located in the north-east corner of the wider site, as accessed by the new estate road. At present, other than from a distance at Snape Lane, there are no other public vantage points of the site, this being due to the surrounding colliery land and the adjacent Lords Wood. Views of the development plot are also restricted by the lower ground levels resulting from the excavation within the site which has resulted in a level difference of up to 4m in places along the eastern and southern boundaries.
73. The development proposals largely revolve around an open processing yard, along with a workshop/store building, an office and two waste storage bays. There would be a variety of plant within the yard to process stockpiled materials. Due to the partially sunken nature of the plot and the relatively small scale of the buildings and equipment proposed, the visual impact of the proposed facility would be limited and largely seen within an industrial context.
74. Should the redevelopment of the colliery progress, over time the land to the east and north would be built out for housing, resulting in the site being viewable from these points, however these houses would be buffered by a sloping area of land around 40 to 48m wide from the perimeter fence of Plot C6 to the boundary of the colliery development land and it is likely that housing would be positioned further still into the colliery site, resulting in more distant views of the site, its buildings, plant and stockpiles.
75. The positioning of the waste storage bays along the eastern boundary would have some screening and containing benefit should the housing be developed to the east. These bays would be set into the embankment with push-concrete walls so that the top 3-4m of the bays would rise above the adjacent ground levels. The roofs of the bays, along with the workshop/storage building would be formed of sheet steel, the colour of which can be agreed by condition.
76. The bays would contain waste materials, however external stockpiles of waste materials would be expected within the operational yard area, which itself could have a visual impact if not kept in check. The application states that such stockpiles would be limited in height to 4-5m and in this context a condition limiting heights to 5m is considered appropriate in the interests of visual amenity and would accord with Policies W3.3 and W3.4.
77. The objection from Styrrup with Oldcotes Parish Council contends that the site would be 'in full view' and that the development would create an 'eyesore'. As explored above the site at present is not particularly visible and is remote from sensitive receptors. Visual impact would therefore be neutral at this stage. In time, the regeneration of the area may result in housing being developed on the

adjacent colliery land, but equally the new business estate would be expected to be developed and as such, the recycling operation would be seen within that commercial and light industrial context and would not be visually intrusive.

78. Whilst no new landscaping is proposed, a line of coniferous trees has already been planted in front of the perimeter fence to soften its appearance. A line of trees has also been planted by the developer alongside the internal access road. Lords Wood will continue to flank the site to the south, whilst the buffering strip adjacent to the colliery land is expected to continue to naturally vegetate.
79. A single floodlight tower is proposed in a central position within the plot. A condition is recommended to require that lights are directed within the site.
80. The proposed buildings, plant and stockpiles would have a limited visual impact and are considered to comply with the terms of Policies W3.3 and W3.4. The building would have a simple appearance, the functional design has been based around operational needs rather than architectural merit, however, it does ensure that waste is managed appropriately with suitable pollution and drainage controls in place. Given the industrial context of the surroundings the building is considered satisfactory in the context of Policy WCS15.

#### Ecological Impact

81. The site, as a cleared development plot has no ecological value, and there are no designated sites in direct proximity, although the Coronation Clump Sandpit Local Wildlife Site is 250m to the south-east beyond Lords Wood. This wood is itself not designated, but is likely to support common woodland bird species. The County Ecologist advises that noise generated from the proposed operations could impact on such birds, which should be mitigated as much as practically possible, however this is very much a precautionary approach, given that it is not known what species may be present. No objection has though been raised to the proposed development. The exact layout and positioning of the plant and machinery can be agreed by condition so to mitigate noise impact to the adjacent woods as much as is practicably possible. Other noise mitigation measures together with the sunken nature of the site should also assist.

#### Contamination and impacts on ground water

82. Historically the application site formed part of a larger glass works site which has been cleared of the former factory structures and partially levelled and prepared for redevelopment. As well as the clearance of structures and foundations, significant volumes of natural sand have been extracted resulting in a 3-4 metre height difference with adjacent land to the south and east of plot C6. There are exposed sand faces along these sides and the ground area in the centre of the plot has also exposed this underlying natural sand. Some hardcore material has been placed across the southern portion of the site where it is proposed to cap this with concrete hardstanding. Other material may have been placed across parts of the northern section. Whilst the exposed sand is not visually contaminated there may still be a risk of legacy contamination both on

site from the hardcore material and from the adjacent colliery activities. A former landfill associated with the factory is also 115m to the south.

83. A comprehensive Phase I Environmental Risk Assessment has been submitted with the application which also included intrusive investigation and chemical sampling of ground materials from a total of ten trial pits across plot C6. The desktop analysis identifies that the site lies within an area of high environmental sensitivity with respect to ground water. The underlying bedrock (Nottingham Castle Sandstone Formation) is classed as a Principal Aquifer and the site is also within a Source Protection Zone (3) for potable water supply.
84. The assessment includes a preliminary risk assessment taking into account the source-pathway-receptor linkage for pollutants, (including to ground water) which is then updated in light of the findings of the intrusive sampling. The testing across the site found no exceedances for any contaminants when assessed against conservative thresholds, although elevated levels of lead were recorded. Whilst the testing did encounter some loose asbestos containing materials, this was not unexpected and is believed to have been brought into the plot within the loose hardcore. There is some doubt as to whether this material have been appropriately dealt with and further information is required by the Contaminated Land Officer on this matter and which can be secured by condition. Further testing may be required followed by any necessary removal of material by licenced asbestos contractors. Alternatively a top cover of clean hardcore could be provided to prevent any pathways to endanger human health. Asbestos does not pose a threat to the underlying ground waters. Taking into account the relatively low sensitivity of the proposed use of the land, as a waste processing facility, and the clearance and excavation works that have been undertaken, the assessment finds that there is a low to moderate environmental risk to the commercial end use.
85. The Environment Agency has responsibility for protecting the underlying water reserves, and on the basis of the investigative work undertaken is satisfied that planning permission can be granted, subject to a watching brief for any unexpected contamination. They do however advise that should an area of existing concrete associated with an old storage tank be removed in the future, that further testing take place for any underlying contamination associated with the former factory. The waste processing operations would be regulated by means of an Environmental Permit from the Agency and drainage systems and impermeable surfaces would be installed to prevent contamination permeating into the ground, as discussed further below. The County Council's contaminated land officer, as well as the Bassetlaw District Environmental Health Officer, believe the site is entirely suitable for the intended use. Consequently the proposed development is considered to accord with Policy WCS13 with respect to pollution control and water contamination and saved WLP Policy W3.5.

#### Risk from Coal Mining

86. The potential impact from the legacy of coal mining has been considered by means of a report from the Coal Authority which has been considered as part of the site risk assessment. The site lies within a likely zone of influence from

working seams last worked in 1957. Any ground subsidence should have stopped by now. The site is identified within a Coal Authority low risk area and as such standing advice would apply if permission was to be granted.

#### Drainage and surfacing

87. An indicative drainage plan has been submitted with the application in order to demonstrate how foul and surface waters would be dealt with, so to not cause pollution to the ground environment or ground waters. All waste processing and storage would take place on an impermeable concrete pad with a sealed drainage system. Collected foul water would have to be pumped into a new sewer under the access road due to the fall in the land levels. Surface water would be separately collected and directed to a soakaway on the area shown as phase 2 land. The area is not known or identified to be at risk of flooding and all collected waters would be suitably attenuated before discharge to sewer or soakaway. Final details for the type and suitability of the soakaway should be required by condition.

#### Operating Hours

88. The proposed hours of operation have been considered within the noise assessment and are now considered acceptable. Initially Sunday working was proposed by the applicant, however in light of the relevant applicable noise standards, the applicant has since confirmed that they do not wish to operate the site on Sundays (or Public Holidays) and would operate on a 5.5 day week, with Saturday half-day working, as is typical within the industry. Less traffic is also likely to result on Saturdays. Condition 18 is recommended to control these hours in accordance with WLP Policy W3.9.

#### Employment

89. The development would employ 5 members of staff, which should rise to 10 within a year if the business successfully establishes itself. Styrrup and Oldcotes Parish Council cites the 'small' number of jobs when compared with the levels once employed at the glass works and that the site was designated for industrial land, not for a 'scrap yard'. In response it is observed that the site has not been formally designated by Bassetlaw District Council for any use, but it is clear that the developer wishes to offer the site for commercial uses, indeed several plots are presently being used for extensive outdoor fabrication and storage purposes. Whilst waste type uses are a 'sui generis' use of land, the waste industry is a growing and important aspect of economic development and such uses are entirely appropriate on this type of site. The laying out of the access road would also enable other small to medium scale businesses to locate on the wider development site, although each would be subject to planning permission. The development would therefore assist in delivering the regeneration and employment generation goals for Harworth as set out in the Bassetlaw Core Strategy.

### Other Issues

90. Should planning permission be granted, the applicant will need to secure an Environmental Permit from the Environment Agency in order to operate. It is understood that this application has been lodged. The permit would serve to control the exact types of waste accepted, the processes involved and control emissions to protect the natural environment and human health. A natural resource of particular relevance requiring protection from pollution is the presence of an underlying aquifer as discussed above.
91. Whilst approval of this application would regularise and grant planning permission for the main access road (and development at Plot C6), and thereby opening up the wider site for future commercial development, it would not give approval for any future development proposals or uses of land across the wider site. Any potential businesses wishing to move to the site would need to clarify the planning status of the land with Bassetlaw District Council and seek any necessary planning approvals.

### Summary and conclusions

92. The development of this new metal recycling facility on what is brownfield industrial land, in the early stages of being redeveloped for new commercial uses, is supported in principle, in planning policy terms. There remains a need within the County as a whole for further recycling capacity in order to maximise recycling levels as set out in the Waste Core Strategy. As a recycling facility the proposal would accord with the hierarchy of waste management provision set out in Policy WCS3 and assist in the movement of waste up the waste hierarchy. Although the Harworth area is not explicitly identified for new waste management facilities, other than small scale proposals, the site is nevertheless considered appropriate for the proposed facility when assessed against the site specific criteria of Policy WCS7 and the location offers good access to the A1(M) to serve cross-boundary customers.
93. The Bassetlaw Core Strategy, at Policy CS4, identifies the Harworth area for significant employment and regeneration development and the reuse of the former glassworks site, lying as it does south of the settlement, fits with the aims of this strategy. The development of this metal recycling facility, along with the provision of a spine road to serve the emerging estate would form part of the early-stage regeneration of the former factory site. Plot C6 lies just outside of the defined development boundary, however this is assessed to be an anomaly in the positioning of this boundary and the site to all intents and purposes forms part of the old factory site.
94. The private access road has been included in the application as a retrospective element. The Highways Authority has identified deficiencies with this as-built road at its junction with Snape Lane and require modifications to be made by the developer and applicant – the necessary alterations have been agreed and can be secured by condition. Thereafter safe and appropriately designed access would be available to serve plot C6 and any future developments which may come forward on the wider site in accordance with Policies W3.14 and W3.15. The recycling facility would benefit from good access to the classified road

network and would result in low volumes of vehicle movements which would not cause any unacceptable disturbance to local communities.

95. The site is presently remote from residential and other sensitive receptors, although the regeneration of the former colliery land is expected to take place over future years, which may bring housing nearer to the site. The noise assessment identifies that further mitigation may be needed at such a time to protect the amenity of these potential future residents. A condition is recommended to require a new noise assessment when new housing is being developed and if still deemed necessary an acoustic fence would be required to be installed along the eastern and/or northern site boundaries. Further controls on noise are recommended by condition.
96. Contamination issues resulting from the industrial legacy of the site have been resolved to the satisfaction of the Environment Agency whose remit it is to protect the underlying aquifer. All waste processing would take place on an impermeable concrete surface with sealed drainage systems and the operation of the facility would be also governed by an Environmental Permit. Other possible emissions of dust, light and odour would be appropriately controlled and the proposed development would ensure the protection of the environment and the quality of life of those living or working nearby, in accordance with Policy WCS13.
97. The design, form and layout of the proposed buildings are acceptable in this commercial and industrial context and the application plot is discreetly positioned from viewpoints so that its visual impact would be limited. Planning conditions are recommended to control floodlighting, to agree the colour of cladding and to limit the height of external stockpiles in accordance with WLP Policy W3.3.
98. The proposed development is considered to be acceptable when assessed against the relevant Development Plans when taken together and it is therefore recommended to grant planning permission subject to the conditions set out at appendix 1.

### **Other Options Considered**

99. 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**

100. 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.

### Financial Implications

101. Works to alter the junction onto Snape Lane and to relocate the access for VAE would be the responsibility of the site developer with which the applicant would agree a lease/sale for plot C6. The developer is in agreement to undertake these works.

### Crime and Disorder Implications

102. Due to the risk of crime and theft in the area, the site would have 24 hour security in place and measures have been proposed to protect plant and equipment. High level CCTV surveillance, alarms, anti-vandal secure buildings and secure palisade perimeter fencing would be provided. The site is unlikely to hold high value metals, which might otherwise entice theft.

### Human Rights Implications

103. 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 potential future development of the former colliery land for housing. The proposals have the potential to introduce impacts such as noise, light and dust upon future residents. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as the regenerative and economic benefits from redeveloping the site and the sustainably merits of recycling waste materials. 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

104. The proposed operation aims to capture resources from certain waste streams for reprocessing, which can then be reused or reprocessed, rather than be landfilled. The development site is previously development land which has been remediated following clearance of the former factory. Whilst the facility would be a road served operation, sustainable travel options for employees are possible.
105. There are no Equalities; Children Safeguarding; or Human Resource implications. There are no implications for County Council Service Users.

### **Statement of Positive and Proactive Engagement**

106. 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 such as the layout of the access junction and addressed through negotiation and acceptable amendments to the

proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

107. It is RECOMMENDED that planning permission be granted 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.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

### **Constitutional Comments**

Planning & Licensing Committee is the appropriate body to consider the content of this report (DWK 08/07/2015)

### **Comments of the Service Director - Finance**

Any comments will be orally reported.

### **Background Papers Available for Inspection**

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

### **Electoral Divisions and Member Affected**

Blyth and Harworth - Councillor Sheila Place

Report Author/Case Officer  
Joel Marshall  
0115 9932578

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

## RECOMMENDED PLANNING CONDITIONS

### Commencement /notification

1. The development hereby permitted shall be commenced within three years of the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

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 otherwise agreed in writing by the WPA, or 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) Planning application forms and certificates, received by the WPA on 5<sup>th</sup> March 2015.
  - b) Drawing No.01, 'Location Plan', dated October 2014 and received by the WPA on 25<sup>th</sup> February 2015.
  - c) Drawing No.02 Rev C, 'Site Development Layout', dated 29<sup>th</sup> May 2015 and received by the WPA on 1<sup>st</sup> June 2015.
  - d) Drawing No.03 Rev E, 'Proposed Layout Plan', dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015.
  - e) Drawing No.C2125-SK1 Rev D, 'Indicative Drainage Layout', dated 30<sup>th</sup> January 2015 and received by the WPA on 25<sup>th</sup> February 2015.
  - f) Drawing No.06 Rev A, 'Proposed waste storage bays plans and elevations', dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015.

- g) Drawing No.07, 'Proposed portakabins & store plan and elevations', dated January 2015 and received by the WPA on 25<sup>th</sup> February 2015.
- h) Drawing No.08 Rev A, 'Estate Road- partial layout', dated 29<sup>th</sup> May 2015 and received by the WPA on 1<sup>st</sup> June 2015.
- i) Design and Access Statement, Rev B, dated February 2015 and received by the WPA on 25<sup>th</sup> February 2015.
- j) Noise Impact Assessment by Acute Acoustics Ltd, dated 16<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015.
- k) Addendum to Noise Impact Assessment, dated and received by the WPA on 1<sup>st</sup> July 2015.
- l) GroundSure Phase 1 Environmental Risk Assessment, dated 13<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015.
- m) Letter from TMA Architectural Design Services dated and received by the WPA on 1<sup>st</sup> May 2015.

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

### **Highway Improvements**

- 5. The development at plot C6 shall not brought into use until the amendments to the site access arrangements as detailed on plan No.08 Rev A - 'Estate Road-partial layout', dated 29<sup>th</sup> May 2015, received by the WPA on 1<sup>st</sup> June 2015 - have first been implemented in full.

*Reason: To ensure that the site access arrangements are appropriate for the uses and size of vehicles that they are intended to serve and in the interest of highway safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Drainage and surfacing**

- 6. No development hereby permitted shall take place until final details for the provision of surface and foul water drainage works, including specifications and locations for the soakaway based on the requirements of BRE Digest No. 365, have been submitted to and approved in writing by the WPA. The foul and surface water drainage works along with the impervious concrete surfacing as marked on Drawing No.03 Rev E, 'Proposed Layout Plan' dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015 shall be fully implemented in accordance the approved details prior to the receipt of waste at the facility and shall thereafter be maintained for the life of the development. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

*Reason: To ensure satisfactory drainage of the site is provided so to minimise the risk of pollution to the water environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Contamination

7. No development shall commence until an additional remediation statement has first been submitted to the WPA to demonstrate that asbestos contamination has been appropriately dealt with. The details of any additional means of remediation shall first have been submitted to and been approved in writing by the WPA.

*Reason: To ensure that the site is suitable for its intended use in accordance with paragraph 120 of the National Planning Policy Framework.*

8. The concrete hard standing associated with the remains of a former storage tank, at the north-west corner of the application site (Plot C6) shall not be removed until the results of additional ground testing have been submitted to, and approved in writing by, the WPA and which demonstrate that the area is free of contaminants. If contaminants are found then a scheme detailing how this contamination is to be treated and remediated during the removal of the former storage tank shall be submitted to the WPA for approval in writing. The scheme shall be implemented as approved.

*Reason: To ensure the protection of the underlying Principal Aquifer in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

9. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to, and approved in writing by, the WPA detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.

*Reason: To ensure the protection of the underlying Principal Aquifer in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

## Materials

10. Prior to their use on site details of the colour(s) of the external cladding/facing materials to be used in the construction of the waste reception building/bays; workshop/store; and portakabin buildings hereby permitted shall first have been submitted to and approved in writing by the WPA. The development shall thereafter be carried out in accordance with the approved details and maintained in such condition for the life of the development.

*Reason: To ensure the satisfactory appearance of the completed development in accordance with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

### **Floodlighting**

11. All floodlighting installed on the site shall be angled down and/or suitably shielded so as to ensure that it does not result in dazzle or glare to adjoining land users.

*Reason: In the interests of amenity.*

### **Site capacity/throughput**

12. The maximum amount of waste material accepted at the site shall not exceed 75,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted 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.*

### **Acceptable Waste Materials**

13. Only waste materials as specified in the supplementary letter from TMA dated 1<sup>st</sup> May 2015 shall be accepted to the site, namely metal bearing aggregates, can metal scrap and end of life Astroturf. No putrescible or potentially odorous wastes shall be permitted to be received at the site and deliveries to the site shall be inspected prior to unloading. All unloading activities shall be supervised by the site operator to ensure that only waste which falls into the permitted categories of waste are accepted.

*Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Vehicle movements**

14. The number of HGVs entering the site shall not exceed 80 vehicles per week (160 movements). A written record shall be kept by the site operator of the number of HGVs entering and leaving the site and it shall be made available to the WPA in writing within 7 days of a written request from the WPA.

*Reason: To ensure traffic and associated impacts are limited, so not to create an 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 and Policy W3.14 and W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Controls on storage and processing**

15. Prior to the site first becoming operational an acoustical assessment shall be carried out in order to inform the layout of fixed plant and machinery on the site

so as to provide for optimal noise attenuation to the adjacent Lords Wood, and an acoustic assessment and site layout plan shall be submitted to the WPA for its approval in writing. Thereafter the fixed plant and machinery shall be positioned in accordance with the approved plans.

*Reasons: In the interests of minimising noise impact to the adjacent Lords Wood and in accordance with paragraph 118 of the National Planning Policy Framework.*

16. All processing of waste shall only take place within the hatched area shown on Drawing No.03 Rev E, 'Proposed Layout Plan' dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015 as labelled 'Screening/Sorting Area'.

*Reason: To minimise the risk of pollution to the water and ground environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

17. The storage of waste materials shall be restricted to within the hatched area shown on Drawing No.03 Rev E, 'Proposed Layout Plan', dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015 labelled as 'Screening/Sorting Area' and including the waste bays hereby approved or any subsequent bays which may be permitted. The maximum storage height of materials within the open area of the site shall be 5 metres. The external storage areas shall only be used to store materials which are not likely to rise on the wind.

*Reason: In the interest of preventing fugitive dust or litter and in the interests of visual amenity and to ensure compliance with Policies W3.3, W3.8 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

18. 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.*

### **Hours of operation**

19. Except in case of emergency where life, limb and property are in danger, which shall be notified to the WPA in writing within 48 hours of its occurrence, the site shall not be operated except between the following permitted hours:

07.00 hours to 19.00 hours Mondays to Fridays and

07.00 hours to 13.00 hours Saturdays

No activities shall be carried out on Sundays, Public or Bank Holidays.

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

*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**

20. Noise levels, 3.5m from the ground floor rear façade of the nearest receptor shall not exceed L90 + 5dB, (including any Penalties as agreed with the WPA) when assessed in accordance with BS4142:2014 - Methods for Rating Industrial and Commercial Sound. In the event of a justifiable noise complaint being received by the WPA, or evidence to indicate excessive noise emissions from the site, the operator shall, within a period of 30 days of a written request submit a noise assessment to the WPA to demonstrate compliance or otherwise with the noise limits that have been imposed. If the prescribed noise levels are exceeded then the operator must incorporate as part of the noise assessment report a scheme of noise mitigation for approval in writing. The noise mitigation scheme shall thereafter be undertaken in accordance with the details approved by the WPA to ensure that the permitted noise levels are complied with.

*Reason: To minimise noise 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.*

21. Upon the commencement of any phase of housing development within a radius of 225m from the corner of the north eastern boundary, the applicant shall undertake a noise assessment in accordance with BS4142 which considers the noise impact at the nearest property façade from the overall development and submit the findings, including a scheme of noise mitigation if necessary, to the WPA for its approval in writing. The applicant shall implement the scheme of noise mitigation in accordance with the approved details within a period of 6 months of the approval date.

*Reason: To minimise noise 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.*

22. All mobile plant and vehicles under the control of the operator shall only employ white noise (broadband) reversing alarms.

*Reason: To minimise noise 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-Part1-Waste Core Strategy.*

23. Only plant and machinery which is listed within Section 7 of the Noise Impact Assessment by Acute Acoustics received by the WPA on the 25th February 2015 shall be operated from within the site at any time, namely: 2 x Screeners; 3 x Eddy Current Separators; 1 x Front Loading Shovel; 1 x 360° Loaders; 1 x Telehandler; and 1 x Diesel Forklift. The noise emissions of any alternative/replacement machinery shall not exceed that which it replaces.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect local amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

24. The plant/machinery shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect local amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Odour**

25. The operator shall inspect all incoming loads upon delivery to the site. Any putrescible or potentially odorous wastes contained within incoming loads shall be removed from the waste immediately upon receipt and placed into a sealed airtight storage container/skip for storage. This waste shall thereafter be removed from the site within 72 hours of its delivery.

*Reason: To minimise potential odour emissions in compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.7*

### **Controls on litter, dust and mud**

26. Measures shall be employed to ensure that litter, dust, mud and any deleterious materials generated from the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:

- i) The use as appropriate of a dust suppression system for stockpiles and working areas and maintenance of such equipment on site together with a ready supply of clean water;
- ii) The use as appropriate of water bowsers and spray systems to dampen the yard surfaces, vehicle circulation and manoeuvring areas and maintenance of such equipment on site together with a ready supply of clean water;
- iii) The regular sweeping of yard surfaces, vehicle circulation and manoeuvring areas;
- iv) The provision of catch fencing around processing areas, bays and stockpiles;
- v) The temporary cessation of waste processing during periods of extreme dry and windy weather.
- vi) Use of wheel and tyre cleaning equipment at the point of vehicles leaving the site.
- vii) The sheeting or enclosure of all vehicles under the control of the applicant carrying loose waste either to or from the site and the issuing of such instructions to drivers.

Any waste materials escaping from the processing and stockpiling area or storage bays shall be promptly captured and returned at the earliest practicable opportunity and the site otherwise kept in a clean and tidy condition.

In the event that litter, dust or mud arising from the operation of the site 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 prevent the airborne spread of litter leaving the site and in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Closure of the site**

27. In the event that the use of the site for the importation of waste should cease for a period in excess of six 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.*

### **Notes to applicant**

1. The development will, in order to operate, require an Environmental Permit under the Environmental Permitting Regulations from the Environment Agency.
2. Pursuant to condition 5 requiring alterations to be made to the access road, it is advised that in order to carry out the alteration to the junction with Snape Lane you/the developer will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you and the developer have no control. In order to undertake the works it will be necessary to enter into an agreement under Section 278 of the Act. Please contact Martin Green, Principal Development Control Officer - Nottinghamshire County Council, on 01623 520734 for details.
3. It should be noted that the alteration works pursuant to condition 5 do not extend the scope of the planning permission to include the new access serving VAE. It therefore may be appropriate to enquire as to whether this access would need separate planning permission from the Local Planning Authority or whether it would benefit from 'permitted development rights' applicable for industrial sites.
4. Additional buildings including a third waste bay and others indicated for 'phase 2' on Drawing 03 Rev E will require a subsequent planning application to be made to the WPA. For clarity this permission relates to one No. two-storey welfare office.
5. Pursuant to condition 6 (drainage and surfacing), the applicant may wish to consider the installation of a kerbed edge to the concreted waste processing area to ensure waters are captured by the site's drainage system.



## RECOMMENDED PLANNING CONDITIONS

### Commencement /notification

1. The development hereby permitted shall be commenced within three years of the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

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 otherwise agreed in writing by the WPA, or 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) Planning application forms and certificates, received by the WPA on 5<sup>th</sup> March 2015.
  - b) Drawing No.01, 'Location Plan', dated October 2014 and received by the WPA on 25<sup>th</sup> February 2015.
  - c) Drawing No.02 Rev C, 'Site Development Layout', dated 29<sup>th</sup> May 2015 and received by the WPA on 1<sup>st</sup> June 2015.
  - d) Drawing No.03 Rev E, 'Proposed Layout Plan', dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015.
  - e) Drawing No.C2125-SK1 Rev D, 'Indicative Drainage Layout', dated 30<sup>th</sup> January 2015 and received by the WPA on 25<sup>th</sup> February 2015.
  - f) Drawing No.06 Rev A, 'Proposed waste storage bays plans and elevations', dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015.

- g) Drawing No.07, 'Proposed portakabins & store plan and elevations', dated January 2015 and received by the WPA on 25<sup>th</sup> February 2015.
- h) Drawing No.08 Rev A, 'Estate Road- partial layout', dated 29<sup>th</sup> May 2015 and received by the WPA on 1<sup>st</sup> June 2015.
- i) Design and Access Statement, Rev B, dated February 2015 and received by the WPA on 25<sup>th</sup> February 2015.
- j) Noise Impact Assessment by Acute Acoustics Ltd, dated 16<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015.
- k) Addendum to Noise Impact Assessment, dated and received by the WPA on 1<sup>st</sup> July 2015.
- l) GroundSure Phase 1 Environmental Risk Assessment, dated 13<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015.
- m) Letter from TMA Architectural Design Services dated and received by the WPA on 1<sup>st</sup> May 2015.

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

### **Highway Improvements**

- 5. The development at plot C6 shall not brought into use until the amendments to the site access arrangements as detailed on plan No.08 Rev A - 'Estate Road-partial layout', dated 29<sup>th</sup> May 2015, received by the WPA on 1<sup>st</sup> June 2015 - have first been implemented in full.

*Reason: To ensure that the site access arrangements are appropriate for the uses and size of vehicles that they are intended to serve and in the interest of highway safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Drainage and surfacing**

- 6. No development hereby permitted shall take place until final details for the provision of surface and foul water drainage works, including specifications and locations for the soakaway based on the requirements of BRE Digest No. 365, have been submitted to and approved in writing by the WPA. The foul and surface water drainage works along with the impervious concrete surfacing as marked on Drawing No.03 Rev E, 'Proposed Layout Plan' dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015 shall be fully implemented in accordance the approved details prior to the receipt of waste at the facility and shall thereafter be maintained for the life of the development. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

*Reason: To ensure satisfactory drainage of the site is provided so to minimise the risk of pollution to the water environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Contamination

7. No development shall commence until an additional remediation statement has first been submitted to the WPA to demonstrate that asbestos contamination has been appropriately dealt with. The details of any additional means of remediation shall first have been submitted to and been approved in writing by the WPA.

*Reason: To ensure that the site is suitable for its intended use in accordance with paragraph 120 of the National Planning Policy Framework.*

8. The concrete hard standing associated with the remains of a former storage tank, at the north-west corner of the application site (Plot C6) shall not be removed until the results of additional ground testing have been submitted to, and approved in writing by, the WPA and which demonstrate that the area is free of contaminants. If contaminants are found then a scheme detailing how this contamination is to be treated and remediated during the removal of the former storage tank shall be submitted to the WPA for approval in writing. The scheme shall be implemented as approved.

*Reason: To ensure the protection of the underlying Principal Aquifer in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

9. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to, and approved in writing by, the WPA detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.

*Reason: To ensure the protection of the underlying Principal Aquifer in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

## Materials

10. Prior to their use on site details of the colour(s) of the external cladding/facing materials to be used in the construction of the waste reception building/bays; workshop/store; and portakabin buildings hereby permitted shall first have been submitted to and approved in writing by the WPA. The development shall thereafter be carried out in accordance with the approved details and maintained in such condition for the life of the development.

*Reason: To ensure the satisfactory appearance of the completed development in accordance with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

### **Floodlighting**

11. All floodlighting installed on the site shall be angled down and/or suitably shielded so as to ensure that it does not result in dazzle or glare to adjoining land users.

*Reason: In the interests of amenity.*

### **Site capacity/throughput**

12. The maximum amount of waste material accepted at the site shall not exceed 75,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted 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.*

### **Acceptable Waste Materials**

13. Only waste materials as specified in the supplementary letter from TMA dated 1<sup>st</sup> May 2015 shall be accepted to the site, namely metal bearing aggregates, can metal scrap and end of life AstroTurf. No putrescible or potentially odorous wastes shall be permitted to be received at the site and deliveries to the site shall be inspected prior to unloading. All unloading activities shall be supervised by the site operator to ensure that only waste which falls into the permitted categories of waste are accepted.

*Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Vehicle movements**

14. The number of HGVs entering the site shall not exceed 80 vehicles per week (160 movements). A written record shall be kept by the site operator of the number of HGVs entering and leaving the site and it shall be made available to the WPA in writing within 7 days of a written request from the WPA.

*Reason: To ensure traffic and associated impacts are limited, so not to create an 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 and Policy W3.14 and W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Controls on storage and processing**

15. Prior to the site first becoming operational an acoustical assessment shall be carried out in order to inform the layout of fixed plant and machinery on the site so as to provide for optimal noise attenuation to the adjacent Lords Wood, and

an acoustic assessment and site layout plan shall be submitted to the WPA for its approval in writing. Thereafter the fixed plant and machinery shall be positioned in accordance with the approved plans.

*Reasons: In the interests of minimising noise impact to the adjacent Lords Wood and in accordance with paragraph 118 of the National Planning Policy Framework.*

16. All processing of waste shall only take place within the hatched area shown on Drawing No.03 Rev E, 'Proposed Layout Plan' dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015 as labelled 'Screening/Sorting Area'.

*Reason: To minimise the risk of pollution to the water and ground environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

17. The storage of waste materials shall be restricted to within the hatched area shown on Drawing No.03 Rev E, 'Proposed Layout Plan', dated 24<sup>th</sup> February 2015 and received by the WPA on 25<sup>th</sup> February 2015 labelled as 'Screening/Sorting Area' and including the waste bays hereby approved or any subsequent bays which may be permitted. The maximum storage height of materials within the open area of the site shall be 5 metres. The external storage areas shall only be used to store materials which are not likely to rise on the wind.

*Reason: In the interest of preventing fugitive dust or litter and in the interests of visual amenity and to ensure compliance with Policies W3.3, W3.8 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

18. 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.*

### **Hours of operation**

19. Except in case of emergency where life, limb and property are in danger, which shall be notified to the WPA in writing within 48 hours of its occurrence, the site shall not be operated except between the following permitted hours:

07.00 hours to 19.00 hours Mondays to Fridays and

07.00 hours to 13.00 hours Saturdays

No activities shall be carried out on Sundays, Public or Bank Holidays.

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

*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**

20. Noise levels, 3.5m from the ground floor rear façade of the nearest receptor shall not exceed L90 + 5dB, (including any Penalties as agreed with the WPA) when assessed in accordance with BS4142:2014 - Methods for Rating Industrial and Commercial Sound. In the event of a justifiable noise complaint being received by the WPA, or evidence to indicate excessive noise emissions from the site, the operator shall, within a period of 30 days of a written request submit a noise assessment to the WPA to demonstrate compliance or otherwise with the noise limits that have been imposed. If the prescribed noise levels are exceeded then the operator must incorporate as part of the noise assessment report a scheme of noise mitigation for approval in writing. The noise mitigation scheme shall thereafter be undertaken in accordance with the details approved by the WPA to ensure that the permitted noise levels are complied with.

*Reason: To minimise noise 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.*

21. Upon the commencement of any phase of housing development within a radius of 225m from the corner of the north eastern boundary, the applicant shall undertake a noise assessment in accordance with BS4142 which considers the noise impact at the nearest property façade from the overall development and submit the findings, including a scheme of noise mitigation if necessary, to the WPA for its approval in writing. The applicant shall implement the scheme of noise mitigation in accordance with the approved details within a period of 6 months of the approval date.

*Reason: To minimise noise 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.*

22. All mobile plant and vehicles under the control of the operator shall only employ white noise (broadband) reversing alarms.

*Reason: To minimise noise associated with the operation of the site, and in the interests of local amenity to accord with Policy W3.9 of the*

23. Only plant and machinery which is listed within Section 7 of the Noise Impact Assessment by Acute Acoustics received by the WPA on the 25th February 2015 shall be operated from within the site at any time, namely: 2 x Screeners; 3 x Eddy Current Separators; 1 x Front Loading Shovel; 1 x 360° Loaders; 1 x Telehandler; and 1 x Diesel Forklift. The noise emissions of any alternative/replacement machinery shall not exceed that which it replaces.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect local amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

24. The plant/machinery shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect local amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Odour**

25. The operator shall inspect all incoming loads upon delivery to the site. Any putrescible or potentially odorous wastes contained within incoming loads shall be removed from the waste immediately upon receipt and placed into a sealed airtight storage container/skip for storage. This waste shall thereafter be removed from the site within 72 hours of its delivery.

*Reason: To minimise potential odour emissions in compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.7*

### **Controls on litter, dust and mud**

26. Measures shall be employed to ensure that litter, dust, mud and any deleterious materials generated from the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
- i) The use as appropriate of a dust suppression system for stockpiles and working areas and maintenance of such equipment on site together with a ready supply of clean water;
  - ii) The use as appropriate of water bowsers and spray systems to dampen the yard surfaces, vehicle circulation and manoeuvring areas and maintenance of such equipment on site together with a ready supply of clean water;
  - iii) The regular sweeping of yard surfaces, vehicle circulation and manoeuvring areas;
  - iv) The provision of catch fencing around processing areas, bays and stockpiles;

- v) The temporary cessation of waste processing during periods of extreme dry and windy weather.
- vi) Use of wheel and tyre cleaning equipment at the point of vehicles leaving the site.
- vii) The sheeting or enclosure of all vehicles under the control of the applicant carrying loose waste either to or from the site and the issuing of such instructions to drivers.

Any waste materials escaping from the processing and stockpiling area or storage bays shall be promptly captured and returned at the earliest practicable opportunity and the site otherwise kept in a clean and tidy condition.

In the event that litter, dust or mud arising from the operation of the site 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 prevent the airborne spread of litter leaving the site and in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### **Closure of the site**

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

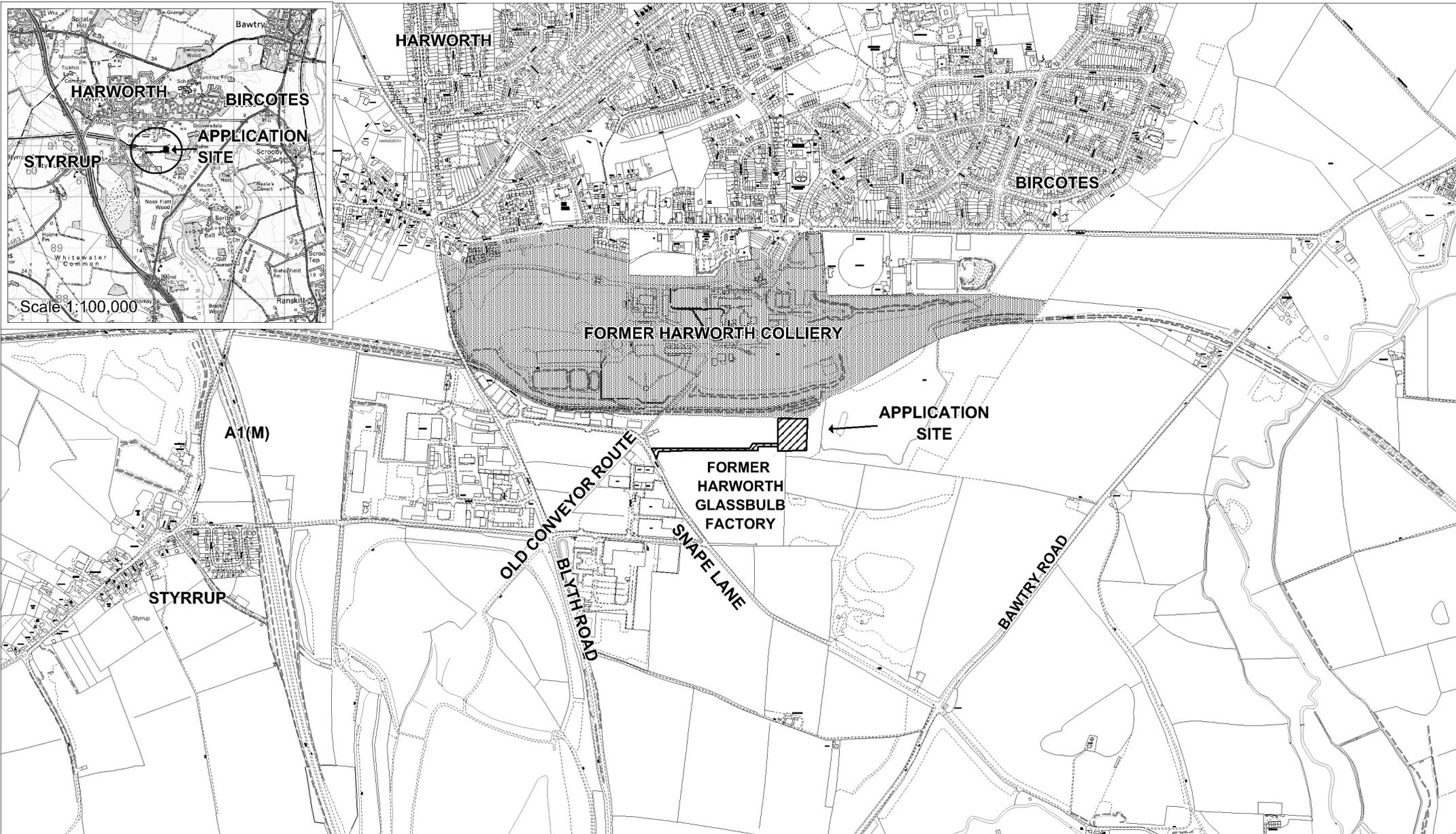
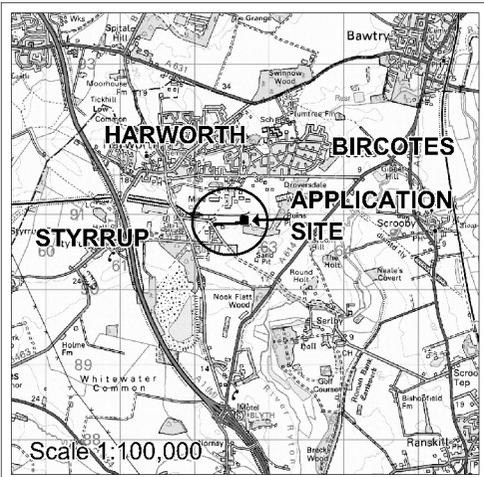
*Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### **Notes to applicant**

- 1. The development will, in order to operate, require an Environmental Permit under the Environmental Permitting Regulations from the Environment Agency.
- 2. Pursuant to condition 5 requiring alterations to be made to the access road, it is advised that in order to carry out the alteration to the junction with Snape Lane you/the developer will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you and the developer have no control. In order to undertake the works it will be necessary to enter into an agreement under Section 278 of the Act. Please contact Martin Green, Principal Development Control Officer - Nottinghamshire County Council, on 01623 520734 for details.
- 3. It should be noted that the alteration works pursuant to condition 5 do not extend the scope of the planning permission to include the new access serving VAE. It therefore may be appropriate to enquire as to whether this access would need separate planning permission from the Local Planning Authority or whether it would benefit from 'permitted development rights' applicable for industrial sites.

4. Additional buildings including a third waste bay and others indicated for 'phase 2' on Drawing 03 Rev E will require a subsequent planning application to be made to the WPA. For clarity this permission relates to one No. two-storey welfare office.
5. Pursuant to condition 6 (drainage and surfacing), the applicant may wish to consider the installation of a kerbed edge to the concreted waste processing area to ensure waters are captured by the site's drainage system.





**Nottinghamshire  
 County Council**

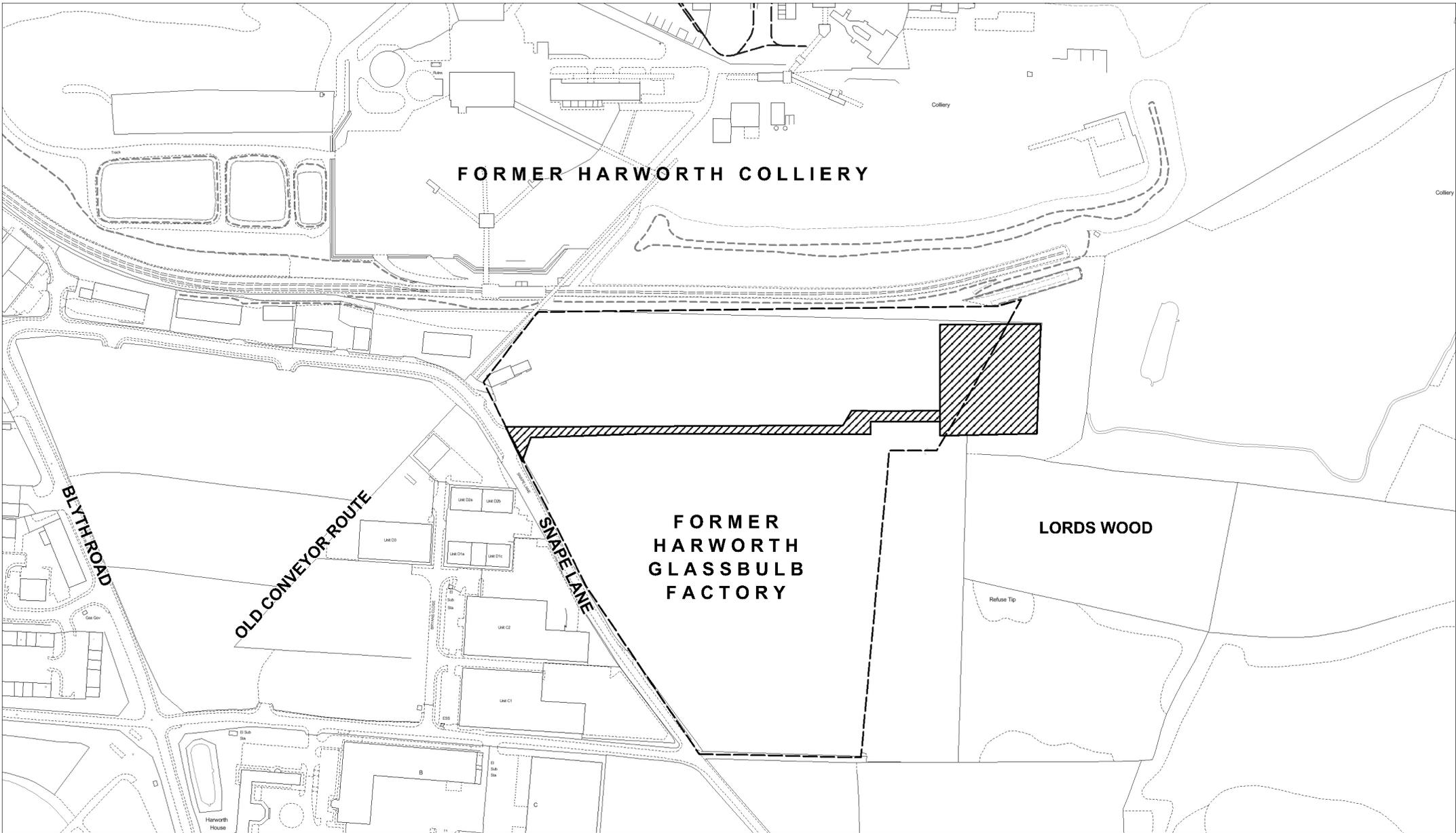
Proposed change of use for a waste metal recycling facility with external storage for plant and machinery, covered storage bays, weighbridge, portakabin accommodation and temporary workshop / store and retrospective application for new estate road.  
 Vacant development land east of Snape Lane, Harworth, Nottinghamshire.  
 Planning Application No. 1/15/00368/CDM  
 Page 97 of 158

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**PLAN 1**

Scale 1:15,000  
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 Date: JULY 2015





Proposed change of use for a waste metal recycling facility with external storage for plant and machinery, covered storage bays, weighbridge, portakabin accommodation and temporary workshop / store and retrospective application for new estate road.  
 Vacant development land east of Snape Lane, Harworth, Nottinghamshire.  
 Planning Application No. 1/15/00368/CDM

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# PROPOSED SITE LAYOUT



Scale 1:1000

### PLANNING ISSUE

C	17.01.15	VAE ACCESS STOPPED UP & RELOCATED - NEW 15m KERB RADIUS TO SNAPE LANE JUNCTION
B	16.08.14	RELOCATE VAE ACCESS TO INCLUDE SITE ACCESS
A	17.11.14	DEVELOPER FOR DRAINAGE DRAINAGE, AS ADVISED
NO.	DATE	REVISION

TERRY MALPASS ASSOCIATES LIMITED

**TMA** ARCHITECTURAL DESIGN SERVICES OF LANDSCAPE ARCHITECTURE  
 01773 750000  
 01773 750001  
 01773 750002  
 Email: t.malpass@tmaassociates.com

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PROJECT  
 Development  
 Snape Lane  
 Harworth

DRAWING TITLE  
 Site development layout

JOB NUMBER	DRAWING SIZE	NUMBER	REVISION
14-18	A1	02	C
DATE	SCALE		
Oct 2014	1:1000 @ A1		

PROPOSED RE-DEVELOPMENT OF GLASSWORKS SITE, OFF SNAPE LANE, HARWORTH, NOTTS



Proposed change of use for a waste metal recycling facility with external storage for plant and machinery, covered storage bays, weighbridge, portakabin accommodation and temporary workshop / store and retrospective application for new estate road.  
 Vacant development land east of Snape Lane, Harworth, Nottinghamshire.

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 Planning Application No. 1/15/00368/CDM

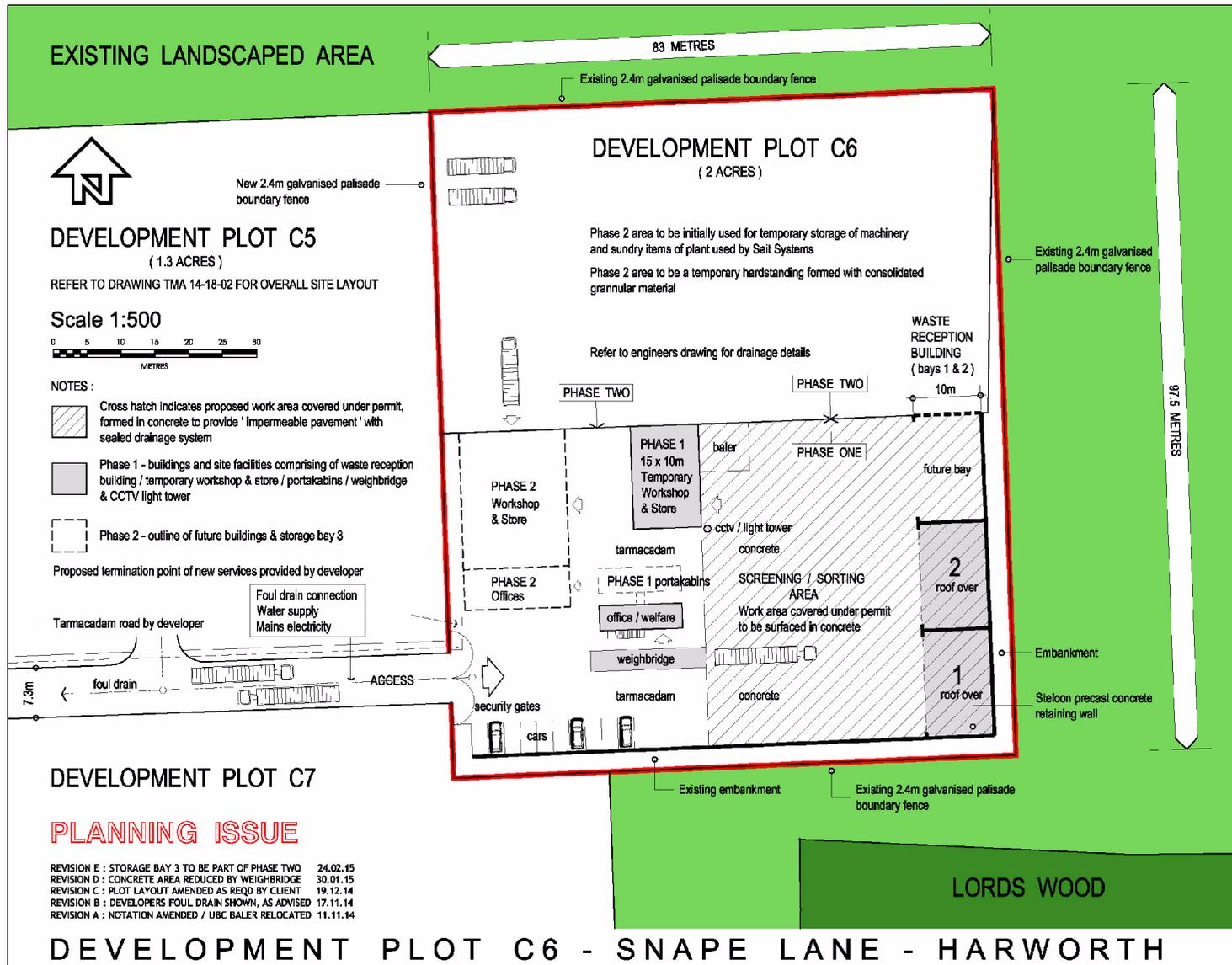
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 Date: JULY 2015

PLAN 3

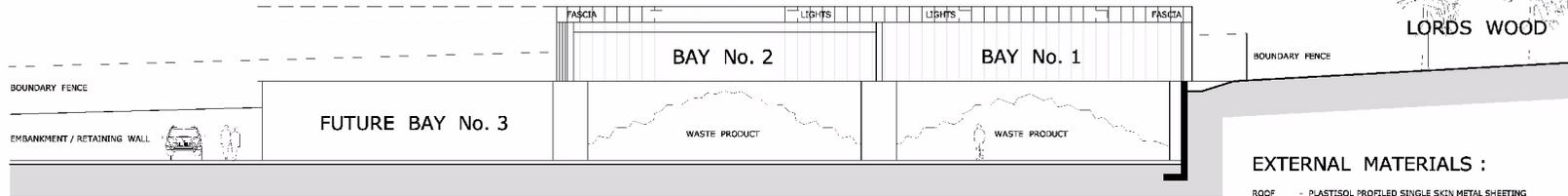






# PROPOSED WASTE RECEPTION BUILDING

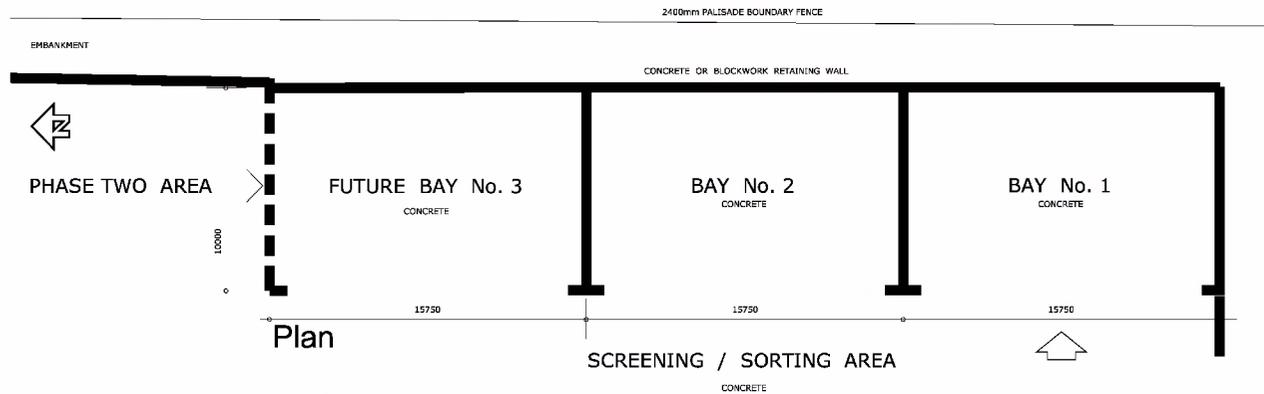
Scale 1:100



Front elevation ( East )

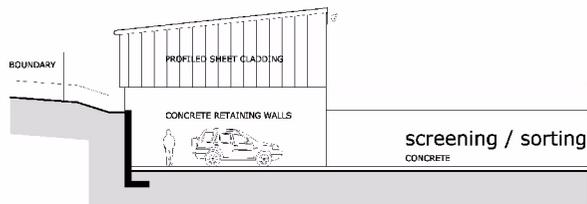
### EXTERNAL MATERIALS :

- ROOF - PLASTISOL PROFILED SINGLE SKIN METAL SHEETING COLOUR TO BE AGREED WITH PLANNERS.
- WALLS - PLASTISOL PROFILED SINGLE SKIN METAL SHEETING ABOVE 4m HEIGHT COLOUR TO BE AGREED WITH PLANNERS.
- FAIRFACED CONCRETE OR BLOCKWORK RETAINING WALLS UP TO 4m IN HEIGHT TO FORM WASTE STORAGE BAYS

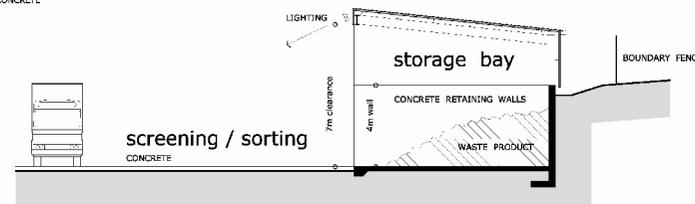


Plan

**PLANNING ISSUE**



Side elevation ( North )



Section

A	PL25.15	STORAGE BAY 3 TO BE PART OF PHASE TWO WORKS
No.	DATE	REVISION
TERRY MALPASS ASSOCIATES LIMITED		
ARCHITECTURAL DESIGN SERVICES 107 HANLEY AVENUE EDWORTH LEICESTER LE19 4RQ Email: t.malpass@tma.co.uk		
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PROJECT Development Plot C6 Snape Lane Harworth		
DRAWING TITLE Proposed waste storage bays Plan and elevations		
JOB NUMBER	DRAWING SIZE	REVISION
14-18	A1	06 A
DATE	SCALE	
Jan. 2015	1:100 @ A1	

## DEVELOPMENT OF PLOT C6 - SNAPE LANE - HARWORTH



Proposed change of use for a waste metal recycling facility with external storage for plant and machinery, covered storage bays, weighbridge, portakabin accommodation and temporary workshop / store and retrospective application for new estate road.

Vacant development land east of Snape Lane, Harworth, Nottinghamshire.

Planning Application No. 1/15/00368/CDM

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 Produced by: JW  
 Date: JULY 2015

**PLAN 5**

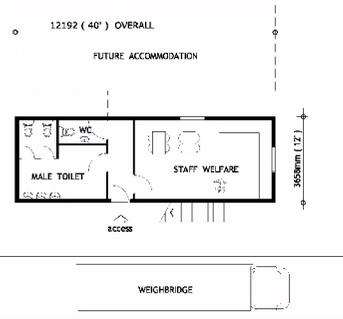


# PROPOSED PORTAKABINS & STORE

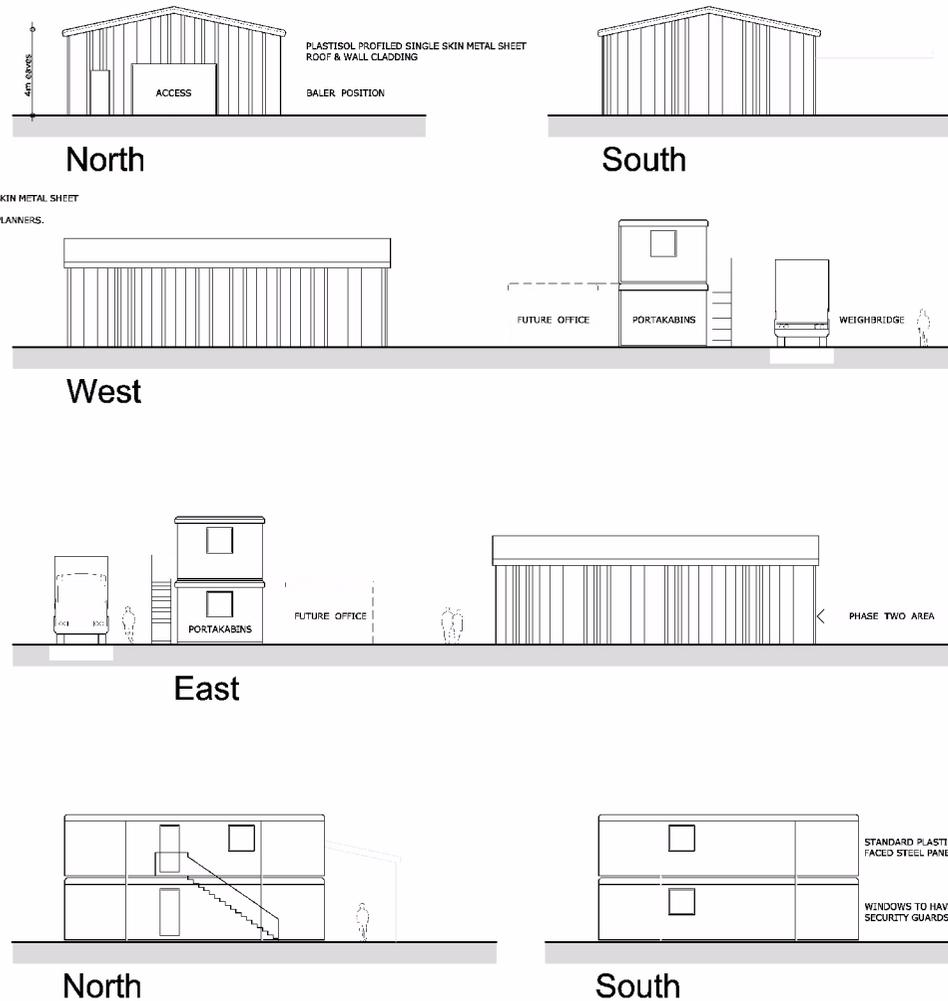
Scale 1:100



## Ground floor



# DEVELOPMENT OF PLOT C6 - SNAPE LANE - HARWORTH



**PLANNING ISSUE**

DATE:      REVISION:

TERRY MALPASS ASSOCIATES LIMITED

ARCHITECTURAL DESIGN SERVICES  
 877 HARTLEY AVENUE  
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PROJECT  
 Development Plot C6  
 Snape Lane  
 Harworth

DRAWING TITLE Proposed portakabins & store Plan and elevations			
JOB NUMBER 14-18	DRAWING SIZE A1	NUMBER 07	REVISION
DATE Jan. 2015	SCALE 1:100 @ A1		



Proposed change of use for a waste metal recycling facility with external storage for plant and machinery, covered storage bays, weighbridge, portakabin accommodation and temporary workshop / store and retrospective application for new estate road.

Vacant development land east of Snape Lane, Harworth, Nottinghamshire.

Planning Application No. 1/15/00368/CDM

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 Produced by: JW  
 Date: JULY 2015

**PLAN 6**





Proposed change of use for a waste metal recycling facility with external storage for plant and machinery, covered storage bays, weighbridge, portakabin accommodation and temporary workshop / store and retrospective application for new estate road.

Vacant development land east of Snape Lane, Harworth, Nottinghamshire.

Planning Application No. 1/15/00368/CDM

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 Date: JUNE 2015





**21 July 2015**

**Agenda Item:**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING &  
CORPORATE SERVICES**

**DEVELOPMENT MANAGEMENT PROGRESS REPORT**

**Purpose of this Report**

1. To report on planning applications received in the Department between 9<sup>th</sup> May and 3<sup>rd</sup> July 2015 and to confirm the decisions made on planning applications since the last report to Members on 02 June 2015.

**Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks for the quarter between 01 April 2015 and 30 June 2015.
3. 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 and Article 6 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.

**Statutory and Policy Implications**

4. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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.

**RECOMMENDATIONS**

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

**JAYNE FRANCIS- WARD**

**(Corporate Director Policy, Planning & Corporate Services)**

### **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 – 08/07/2015]

### **Comments of the Service Director - Finance**

The contents of this report are duly noted – there are no direct financial implications. [SEM – 08/07/2015]

### **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

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

**Planning Applications Received and Determined**  
**From 11<sup>th</sup> May 2015 to 3<sup>rd</sup> July 2015**

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
<b>BASSETLAW</b>			
Blyth & Harworth	Cllr Sheila Place	The retention and continued operation of the coal mine methane generation facility. Former Harworth Colliery, off Blyth Road, Harworth. Received 29/05/2015	
Blyth & Harworth	Cllr Sheila Place		Retention of the northern slope of the separation bund at the quarry for the filling and restoration area of the quarry from the northern (old) part of the quarry to the south of Main Street due to the ecological interest and habitat. Styrrup Quarry, Main Street, Styrrup. Granted 08/06/2015
Blyth & Harworth	Cllr Sheila Place		Retrospective planning application for the temporary siting of a welfare unit, secure compound and slave tankers. Harworth Colliery Spoil Tip, Blyth Road, Harworth. Granted 09/06/2015
Misterton	Cllr Liz Yates	Installation of ground water monitoring boreholes, Land off Springs Road, Misson. Received 12/06/2015	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Misterton	Cllr Liz Yates		Variation of conditions 24 and 70 of planning permission 1/32/05/0006 to enable the continued use of the minerals storage and processing area in connection with the continuing extraction of minerals permitted by permission 1/13/01145/CDM granted 4/12/2013 Misson Sand Quarry, Bawtry Road, Misson. Granted 17/06/2015
Misterton	Cllr Liz Yates	The plugging and abandoning of an existing borehole and the final restoration of the well site. Misterton 1 Wellsite, Oatlands Farm, Carr Road, Misterton. Received 30/06/2015	
<b>MANSFIELD</b>			
Mansfield East	Cllr Alan Bell Cllr Colleen Harwood		Creation of new three classroom teaching block plus additional staff car parking. Heatherley Primary School, Heatherley Drive, Forest Town. Granted 05/06/2015 (Committee)
Mansfield East	Cllr Alan Bell Cllr Colleen Harwood	Variation of Condition 14 (operating hours) and 26 (external storage) of planning permission reference 2/2013/56ST, to allow the extension of operating hours and external storage of recyclates at Mansfield Materials Recycling Facility", Warren Way, Forest Town. Received 23/06/2015	

Division	Member	Received	Determined
<b>NEWARK &amp; SHERWOOD</b>			
Southwell & Caunton	Cllr Bruce Laughton		Variation of condition 1 of planning permission 3/12/01039/CMM to allow for an extension of time for the completion of oilfield operations until 31 December 2020. Egmanton Oil and Gas Field, Egmanton Gathering Centre, off Moorhouse Road, Egmanton. Granted 11/05/2015
Collingham	Cllr Maureen Dobson	Proposed construction and use of a cabin for use as a welfare cabin at the existing waste transfer station site. Newark Waste Transfer Station, Brunel Drive, Brunel Industrial Estate, Newark. Received 25/06/2015	
Southwell & Caunton	Cllr Bruce Laughton		Retain existing mobile classroom, Lowes Wong Junior School, Queens Street, Southwell. Granted 25/06/2015
Farndon & Muskham	Cllr Mrs Sue Saddington		Mini skip hire, storage of mini skips and storage of reclaimed materials for recycling. Sorting of waste from mini skips, sorting to be done undercover in existing building. Unit 3, Quarry Farm Industrial Estate, Bowbridge Lane, Newark. Returned 26/06/2015

Division	Member	Received	Determined
Farnsfield & Lowdham	Cllr Roger Jackson	Erection of Gas to Grid Anaerobic Digestion Plant to comprise two digester tanks, technical operations building, 6 silage clamps, storage lagoon, liquid waste tank, Gas Upgrading System(GUS) and Gas Entry Unit (GEU), Separator, Cooling Unit, Heating Kiosk and general purpose building. Land north of Baulker Lane, Farnsfield (accessed from Mansfield Road). Received 30/06/2015	
<b>ASHFIELD</b>			
Sutton in Ashfield East	Cllr Steve Carroll		Erection of two storey replacement 420 place primary school with an additional 60 place (full-time) day nursery, car parking, cycle parking, and lighting. Re-use of weldmesh fencing. Erection of sprinkler tank, pump house and bin store with 3.5m and 2.5m high timber enclosure. Demolition of existing school buildings to be replaced by hard play and areas of hard and soft landscape to cleared sites. Leamington Primary & Nursery Academy, Clare Road, Sutton in Ashfield. Granted 02/06/2015

Division	Member	Received	Determined
Sutton in Ashfield Central	Cllr david Kirkham		Erection of 420 place 2-form entry, two-storey replacement primary school (Class D1), replacement playing fields, areas of outdoor hard and soft play, and associated landscaping. New service access road and replacement parking provision. Sprinkler tank and pump housing. Cycle parking, external lighting and CCTV. 2.0m high fencing. Demolition and reinstatement of the site of existing school buildings and retention of existing sports hall. Reinstatement of sports hall elevations following demolition of existing buildings. Brierley Forest Primary School, Westbourne View, Sutton in Ashfield. Granted 03/06/2015 (Committee)
Kirkby in Ashfield South	Cllr Rachel Madden	Variation to remove condition 8 of planning permission 4/V/2011/0600 to allow replacement of timber windows with uPVC windows. Kingsway Primary School, Kingsway, Kirkby in Ashfield. Received 04/06/2015	

Division	Member	Received	Determined
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot		Erection of a single storey 75 place freestanding Foundation Unit Classroom with canopy addition to the Primary School. 60 place single storey double classroom addition to the Junior School. Formation of hardstanding for additional 11 car parking spaces with lighting and associated landscaping works and drainage. Butlers Hill Infant School and Broomhill Junior School, Broomhill Road, Hucknall. Withdrawn 19/06/2015
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Erection of a single storey building linked with the existing school building to form a Foundation Unit (75 places); relocation of existing shed and Foundation (F1) canopy and providing an additional Foundation F2 canopy (to Infant School). Erection of a 60 place single storey double Key Stage 2 classroom (to Junior School). Use of existing hard play area as a car park with alterations to car parking to provide a net increase of 15 parking spaces, with lighting, site drainage, and associated landscaping works. Butlers Hill Junior School and Broomhill Junior School, Broomhill Road, Hucknall. Received 25/06/2015	
Selston	Cllr Gail Turner	Installation of 18m x 10m multi-use games area on the existing school playground. Underwood C of E Primary School, Main Road, Underwood. Received 25/06/2015	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
<b>BROXTOWE</b>			
Chilwell & Toton	Cllr John Doddy Cllr Richard Jackson		Erection of a single storey 3 classroom KS1 extension. Erection of a two storey 2 classroom KS2 extension. Additional parking spaces and new pedestrian access. Chilwell College House Junior School, Cator Lane, Chilwell. Withdrawn 15/05/2015
Kimberley & Trowell	Cllr Ken Rigby		Erection of a single storey mono pitched linked glazed corridor, with associated minor landscaping works. Hollywell Primary School, Hardy Street, Kimberley. Granted 29/05/2015
Chilwell & Toton	Cllr John Doddy Cllr Richard Jackson		The removal of the existing chain link fencing and concrete posts and the timber close boarded fencing. The installation of 2030mm high Pallas security fencing and 2030mm high Pallas security pedestrian and vehicle gates. Banks Road Infant School, Banks Road, Toton. Granted 03/06/2015
Kimberley & Trowell Nuthall	Cllr Ken Rigby Cllr Philip Owen		Extraction of coal and fireclay by surface mining methods with restoration to agriculture, woodland, nature conservation and public amenity. Land off Cossall Road between the villages of Cossall and Trowell, referred to as the Shortwood Site. Granted 10/06/2015 (Committee)

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Beeston South & Attenborough	Cllr Kate Foale		Variation of condition 3 of planning ref 5/06/01039/CCR to amend the alignment of the weir, associated bridge structure and reduce distance of the diversion to Beeston footpath No 69. Land southwest of Attenborough Nature Reserve, Barton Lane, Attenborough. Granted 15/06/2015
<b>GEDLING</b>			
Arnold North	Cllr Pauline Allan Cllr Michael Payne		Erection of single classroom with additional car parking alterations, new gate and fencing, and replacement hard play. Killisick Junior School, Killisick Road, Arnold. Granted 27/05/2015
Carlton West	Cllr Jim Creamer Cllr Darrell Pulk		Internal refurbishment works and outdoor play area and external over cladding of clasp block. Parkdale Primary School, Parkdale Road, Carlton. Granted 16/06/2015
Carlton East	Cllr Nicki Brooks Cllr John Clarke		Change of use of existing workshop and office building to offices. Elevation alterations to insert various windows, erection of canopy to front. Entrance doors together with fire escape stair to the rear of the building. "Toton Building", Private Road No4, Colwick Industrial Estate, Colwick. Granted 17/06/2015

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Calverton	Cllr Boyd Elliott		Erection of single storey 60 place freestanding double Classroom incorporating canopy connection to existing school buildings, demolition of 1 no. stone entrance gate pillar and adjacent handrails and their reconstruction to match existing, hardpaved landscaping and access ramp construction, and erection of covered outdoor play area. Lambley Primary School, Catfoot Lane, Lambley. Granted 23/06/2015
<b>RUSHCLIFFE</b>			
Ruddington	Cllr Reg Adair		To install two 25m2 areas of tarmac to the rear gates that access on to the school field. both areas of tarmac to be installed on the school field, within the school boundary to act as waiting areas for parents. James Peacock Infant and Nursery School, Manor Park, Ruddington. Granted 11/05/2015
Bingham	Cllr Martin Suthers		Renovation of west facing elevation wall. Bingham Library and Children's Centre, Eaton Place, Bingham. Granted 14/05/2015
West Bridgford Central & South	Cllr Steve Calvert Cllr Liz Plant		Replacement of single modular classroom (known as building 2) and retention of existing double temporary classroom (known as building 4 planning permission 8/12/01245/CTY).Edwalton Primary School, Wellin Lane, Edwalton. Granted 26/05/2015

Division	Member	Received	Determined
Radcliffe on Trent	Cllr Mrs K Cutts	Removal/Demolition of existing single and double classrooms and replacement with single storey freestanding classroom 60 place single storey double classroom together with a single storey music room (30 place equivalent) with associated hard standing play area and drainage. Flintham Primary School, Inholms Road, Flintham. Received 04/06/2015	
Soar Valley	Cllr Andrew Brown	Install a 10m x 15m multi-use games area (MUGA) on to school field, complete with tarmac access path. MUGA to comprise of a porous tarmac base, with 1.2m high CLD sportogrill green fencing. Gotham Primary School, Kegworth Road, Gotham. Received 17/06/2015	

**Applications outstanding over 17 weeks at 30 June 2015**

Division	Member	Description	Weeks Out Standing	Comments
Blyth & Harworth	Cllr Sheila Place	Planning application to vary conditions 7,12,13,14 and 16 of planning permission 1/66/02/00015. Variation of condition 7 to refer to updated plant and machinery details. Condition 12 to allow for an amended restoration scheme, condition 13 to refer to a surface run-off scheme. Condition 14 to refer to foul and surface water details. Condition 16 to extend the time for deposit of waste to 31 December 2017. Styrup Quarry, Main Street, Styrup	116	Resolved to grant permission upon agreeing and signing of a S106 Legal Agreement at Committee on 12/11/2013. Negotiations on legal agreement still ongoing

<b>Division</b>	<b>Member</b>	<b>Description</b>	<b>Weeks Out Standing</b>	<b>Comments</b>
Misterton	Cllr Liz Yates	Variation of conditions 6 and 7 of planning permission 1/32/02/00017 for an extension of time to allow the remaining sand and gravel reserves to be extracted. Finningley Quarry, Croft Road, Finningley, Doncaster	48	Awaiting applicant to withdraw the application
<b>MANSFIELD</b>				
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbiridis	Variation of condition 2 of planning permission 2/2010/0227/WT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years. Cast Quarry, Vale Road, Mansfield Woodhouse.	107	Resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 16/12/2014.
<b>NEWARK</b>				
Newark West	Cllr Tony Roberts	Regularisation of use of additional land in connection with scrapyards, Briggs Metals Limited, Great North Road, Newark	233	Still awaiting response to EA's flood issues from the applicant. Meeting set up to discuss progressing the application

Division	Member	Description	Weeks Out Standing	Comments
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	84	Resolved to grant permission at 18/11/2014 Planning & Licensing committee. Called In by Secretary of State 19/12/2014. Public Inquiry to be held in November 2015.

Division	Member	Description	Weeks Out Standing	Comments
Ollerton		Installation of a wood drying plant, storage silo for dried sawdust, green waste picking station and associated fixed trommel screen. Variation of Condition 3b and 3c (site layout) 7 (controls relating to storage), 9 (controls relating to green waste handling), 10 (controls relating to green waste handling), 12 (plant and machinery), removal of condition 18 (parking) and discharge of condition 21 (development within extension land) attached to planning permission 3/10/01533/CMA. Retrospective permission for the retention of timber processing picking station and associated static shredder; water storage tank; plus retention of shredder, conveyor and feed hopper between units 92 and 93. RM Right Wood Recycle, Unit 89B, Boughton Industrial Estate, Boughton.	77	Received dust emissions management plan. Awaiting response from Environment Agency

<b>Division</b>	<b>Member</b>	<b>Description</b>	<b>Weeks Out Standing</b>	<b>Comments</b>
Farndon & Muskham Balderton	Cllr Mrs Sue Saddington Cllr Keith Walker	Erection of a steel framed building for the use as a materials recycling facility (MRF), Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark	68	Presented to Committee 30/06/2015 where it was resolved to refuse permission
Farnsfield & Lowdham Rufford	Cllr Roger Jackson Cllr John Peck	Removal and temporary storage 75,000cu.m of colliery spoil from lagoon 4 prior to the removal off site of approximately 40,000 cu.m of coal material; and any red shale arising from the works to be either used on site or exported. Bilsthorpe disused colliery, Eakring Road, Bilsthorpe	59	Presented to Committee 28/04/2015 and resolved to grant permission upon agreeing and signing of S106 Legal Agreement
Southwell & Caunton Collingham	Cllr Bruce Laughton Cllr Maureen Dobson	Re-submitted with new access - Application for a new planning permission to replace extant planning permission 3/03/02626 CMA in order to extend the time limit for implementation. Cromwell Quarry, Land to the East of the A1, Cromwell, Newark.	36	Presented to Committee 02/06/2015 and resolved to grant permission upon agreeing and signing of S106 Legal Agreement

<b>Division</b>	<b>Member</b>	<b>Description</b>	<b>Weeks Out Standing</b>	<b>Comments</b>
Collingham	Cllr Maureen Dobson	To vary conditions 2, 4, 24 and 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 December 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter and also amendment of the approved restoration and working plans. Besthorpe Quarry, Collingham Road, Collingham	32	Awaiting further ecological information
Collingham	Cllr Maureen Dobson	Variation of condition 3 of planning permission 3/02/2402CMA to enable temporary retention of the conveyor infrastructure until 31 December 2023 or for 12 months following the cessation of sand and gravel extraction (whichever is the sooner)Besthorpe Quarry, Collingham Road, Collingham	32	Awaiting further ecological information
<b>ASHFIELD</b>				

<b>Division</b>	<b>Member</b>	<b>Description</b>	<b>Weeks Out Standing</b>	<b>Comments</b>
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	151	Still awaiting traffic impact assessment from the applicant
Sutton in Ashfield East	Cllr Steve Carroll	Erection of a sprinkler tank and pump housing with a 4.0m high hit and miss timber fence enclosure, and the re-provision of 4 disabled car parking spaces. Fountaindale School, Nottingham Road, Mansfield	43	Awaiting accurate plans
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Use of site off Wigwam Lane for the recycling of inert materials (retrospective) and the construction of a 5 metre high sound attenuation wall. Plots 10, 11, 12, 13, 14 and 16, Wigwam Lane, Hucknall.	34	Find elsewhere on the agenda.
<b>BROXTOWE</b>				

<b>Division</b>	<b>Member</b>	<b>Description</b>	<b>Weeks Out Standing</b>	<b>Comments</b>
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	128	Noise issues still be resolved. Under government guidance new green belt issues raised concerning landscape
<b>GEDLING</b>				
Newstead	Cllr Chris Barnfather	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 <sup>3</sup> of inert materials and soils. Newstead and Annesley Country Park, Newstead Village	136	No change -resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 25/02/2014. Applicant has been chased concerning progress on the S106 Legal agreement
Newstead	Cllr Chris Barnfather	Vary conditions 2 and 18 of the discontinuance order to allow the continuation of mineral extraction until 2035 and to amend the limit on transport movements from a daily to weekly figure. Yellowstone Quarry, Quarry Lane, Quarry Banks, Linby	32	Additional ecological received, awaiting consultation responses
<b>RUSHCLIFFE</b>				

<b>Division</b>	<b>Member</b>	<b>Description</b>	<b>Weeks Out Standing</b>	<b>Comments</b>
Soar Valley	Cllr Andrew Brown	Request for none compliance of condition 6 of planning permission 8/12/01488/CMA to extend the time period necessary to restore land. East Leake Quarry, Rempstone Road, East Leake	Not counting	Revised restoration scheme received and consulted upon, which has raised landscaping and bird strikes issues, which need to be resolved.  Held in abeyance by the applicant to run with the Extension application
Cotgrave	Cllr Richard Butler	Land reclamation of former mineral workings through the importation of inert waste with restoration to notable native and alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site, Canalside Industrial Park, Kinoulton Road, Cropwell Bishop	50	Received transport assessment, discussions ongoing with Highways
Soar Valley	Cllr Andrew Brown	Application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake	46	Meeting arranged to discuss Airport safety



**21 July 2015**

**Agenda Item:8**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**WORK PROGRAMME**

**Purpose of the Report**

1. To consider the Committee's work programme for 2015.

**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- Policy, Planning and Corporate Services**

**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>
22 <sup>nd</sup> September 2015	8/14/01550/CMA	Canalside Industrial Park, Kinoulton Road, Cropwell Bishop	Land reclamation of former mineral workings through the importation of inert waste with restoration to notable native and alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site
22 <sup>nd</sup> September 2015	4/V/2014/0644	Central Waste, 15B Wigwam Lane, Hucknall	Construction of a new waste transfer building to reduce dust and noise, including an overflow picking station, plus the consolidation of the site into a single waste transfer station
22 <sup>nd</sup> September 2015	8/14/01781/CMA	East Leake Quarry, Rempstone Road, East Leake	Extension to existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoons and access haul road.

### Other Key Applications/Submissions in system but not timetabled to be reported to Planning & Licensing Committee before October 2015:-

<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
7/2014/1382NCC	Yellowstone Quarry, Quarry Lane, Linby	Continuation of mineral extraction until 2035 and amend condition controlling traffic.
5/13/00070/CM	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings
4/V/2012/0383	Total Reclaims, Wigwam Lane, Hucknall	Continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates
ES/3264	Newington West, Newington Quarry, Land to the south of Bawtry Road, Misson, Near Bawtry	Application for a proposed new working area with restoration to nature conservation and a temporary new access off Bawtry Road.
ES/3265	Newington South Quarry, Misson, Near Bawtry	Variation of conditions: 1,2,3,13,21,25,32,38,51, 62,63,& 65 of planning permission 1/32/12/00007, to allow additional extraction to the south of the existing working area.
3/14/02198/CMA	Besthorpe Quarry, Collingham Road, Collingham, Newark	Variation of Cond 3 of Plg Ref 3/02/2402CMA to enable temporary retention of the conveyor infrastructure until 31 Dec 2023 or for 12 months following cessation of sand & gravel extraction (whichever is the sooner).
3/14/02200/CMA	Besthorpe Quarry, Collingham Road, Collingham, Newark	Variation of Conds 2, 4, 24 & 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 Dec 2022 for the extraction of the remaining sand & gravel reserves with restoration to be completed within

		12 months thereafter & also amendment of the approved restoration & working plans.
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