

15 July 2014**Agenda Item:7****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****RUSHCLIFFE DISTRICT REF. NO.: 8/14/00781/CMA**

PROPOSAL: PROPOSED EXTENSION TO THE END OF LIFE VEHICLE
DEPOLLUTION AND DISMANTLING OPERATIONS TO ALLOW THE
DISMANTLING, DEPOLLUTION AND STORAGE OF END OF LIFE
VEHICLES. THE DEVELOPMENT INCLUDES THREE NEW BUILDINGS,
COMPRISING A CABIN, AN OFFICE AND A DEPOLLUTION SHED.

LOCATION: LANGAR NORTH TRADING ESTATE, HARBY ROAD, LANGAR

APPLICANT: GLEN BARRY METALS LTD

Purpose of Report

1. To consider a planning application for an extension to the existing scrap metals business at Glen Barry Metals Ltd to provide an extension to the existing vehicle dismantling, depollution and storage facility. The key issues relate to the impact of additional heavy goods vehicles (HGVs) on the public highway and pollution. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings

2. Glen Barry Metals Ltd operates a metals recycling business within Langar North Trading Estate approximately 1.3 kilometres south east of Langar village (see Plan 1). The trading estate, which is accessed off Harby Road to the west, is on the northern edge of Langar Airfield, a former RAF airfield used as a base for skydiving and parachuting, and there are a number of other industrial units close by, including John Deere, agricultural engineering premises, to the west. There are other industrial areas to both the north and the south, although the surrounding area is predominately agricultural. Langar Airfield Local Wildlife Site (LWS), designated for its botanical and butterfly interest, is located approximately 15 metres west of the site but much of it lies within the John Deere site and is subject to regular mowing.

3. The nearest residential property is Fairfield which is also a cattery and is located approximately 730 metres north east of the application site with Barnstone Lodge a further 400 metres to the east of this. Little Langar Lodge and Langar Lodge are 650 metres and 750 metres south west of the application site respectively. A residential mobile home park (Langar Woods) is one kilometre to the northwest of the application site whilst Barnstone village is approximately 1.5 kilometres to the north (see Plan 1).
4. The existing operational site covers an area of approximately 1.3 hectares and comprises site offices, parking, a weighbridge, a vehicle depollution building, a building for the storage and processing of waste electrical and electronic equipment and non-ferrous metals, a metal shredder and picking station, and storage areas. A wider area of almost three hectares within the applicant's ownership is enclosed by 2.5 metre high palisade fencing.
5. The metals recycling business at the site is carried out under a planning permission granted in March 2004 (8/03/01676/CMA). Since then, a number of other permissions have been granted for the site for:
 - 8/04/01428/CMA – vehicle depollution building;
 - 8/07/02491/CMA – site offices;
 - 8/09/01839/CMA – waste electrical and electronic equipment building;
 - 8/12/00553/CMA – metal shredding and recycling system;
 - 8/12/00922/CMA – building to house a generator.
6. The application area is to the south west of the existing business but within the area enclosed by the palisade fencing. It is a rectangular shaped piece of hardstanding land extending to approximately 0.3 hectares.

Proposed Development

7. The planning application states that the installation of the metal shredding and recycling system under planning permission reference 8/12/00553/CMA has reduced the amount of space available for the existing end of life depollution operations and so it is proposed to expand this part of the business into the application area. The proposed site configuration is set out on Plan 2.
8. The depollution building would be located on the northern boundary of the site and would measure ten metres by five metres with a shallow mono-pitch roof giving the building a height of between 3.7 metres on the northern elevation and 4.5 metres on the southern. It would be clad in light grey steel cladding and would be predominately open on its eastern elevation. The building would have a sealed drainage area contained by a 15 – 20cm high concrete bund to capture all the vehicle fluids and there would be individual banded storage tanks within the depollution building for all the various fluids.
9. Two portable buildings would also be located on the northern boundary to provide office and welfare facilities whilst there would be eight parking spaces marked out in the north east corner of the site. The entire application area would be enclosed by another concrete bund and surface water run-off would drain into an interceptor and then to a soakaway.

10. The application states that the site would process no more than 5,000 tonnes of waste per annum to meet the requirements of the Environment Agency's standard rules permit. The operator presently depollutes approximately 500-600 vehicles per annum and the proposed development would allow an additional 200-300 vehicles to be dealt with. The application states that vehicles are usually delivered and then removed from site in bulk but, even if 900 vehicles per annum are delivered and removed in individual journeys by recovery vehicles or similar heavy goods vehicles (HGVs), this would only generate six vehicle movements per day (three in and three out). In addition to this, the application anticipates an additional three jobs being created in addition to the one existing job. These staff would therefore generate eight car movements per day (four in and four out). Finally, visitors to the site would generate an additional four visits to the site and so the total number of vehicles visiting the site per day is anticipated to be 18 (nine in and nine out).
11. The proposed depolluting facility would operate from 8am until 4.30pm Mondays to Fridays and from 8am until 1pm on Saturdays. There would be no working on Sundays, Public and Bank Holidays.

Consultations

12. ***Rushcliffe Borough Council*** has no objection to the application subject to conditions regarding the commencement of the development and the hours of operation.
13. ***Langar-cum-Barnstone Parish Council*** objects to the application due to the increased HGV movements along the sole unrestricted route in the area, a road which is already overused and is not fit for purpose. This is despite the parish council fully supporting the development of new businesses in the parish.
14. ***The Environment Agency*** notes that the proposed development would be classified as a waste management activity and unpolluted end-of-life vehicles and some of their components are classified as hazardous wastes. The development would require an environmental permit from the Environment Agency.
15. ***NCC (Nature Conservation)*** notes that the application site is within 15 metres of part of the Langar Airfield Local Wildlife Site (LWS), designated for its botanical and butterfly interest. Aerial photos indicate that this part of the LWS is subject to regular mowing and, in any event, no direct impact on the site can be expected as a result of the proposals. The site itself is already developed and can be expected to have no or negligible nature conservation interest. The depollution activities do not generate significant levels of noise and pollution of the water environment appears unlikely based on the information submitted. Therefore, the proposed development would appear unlikely to give rise to any significant ecological impacts.
16. ***NCC (Highways)*** notes that the site is located some distance from the public highway and would only generate 18 additional vehicles movements per day. The existing access off the public highway is considered sufficient to deal with

these movements and no alterations are proposed within the public highway. It is considered that the proposals would have a minimal impact on the highway network and therefore no objections are raised.

17. **NCC (Reclamation)** considers that the previous use of the site (storage of plant, equipment and containers) would have presented the potential for localised contamination from leakage and spillage. The presence of the concrete hardstanding would have attenuated any discharges but would not have prevented ultimate seepage into the underlying ground.
18. *There is no detailed drawing of the concrete pad and sealed drainage and no indication as to where and how the drainage system collects and discharges surface waters and spillages. There are also no details regarding the bunding of tanks or bunding at the periphery of the concrete slab, nor details of the oil interceptor. The run-off from the roofs of the proposed buildings on site would appear to discharge to the surface which could perhaps be collected and used for dust suppression. There appears to be conflicting messages in the supporting statement regarding the disposal of surface water.*
19. **Western Power Distribution** has assets in close proximity to the application boundary.
20. **National Grid (Gas)** and **Severn Trent Water Limited** have not responded on the application.

Publicity

21. The application has been advertised by means of a press notice in the Nottingham Post and site notices on the site boundary and close to the point where the access road meets Harby Road, in accordance with the County Council's Adopted Statement of Community Involvement.
22. Councillor Richard Butler has been notified of the application.
23. No issues have been raised.

Observations

Planning policy considerations

24. There are a number of policies in the Nottinghamshire and Nottingham Waste Core Strategy (WCS) against which the application requires assessment although it is somewhat difficult to assess the proposals against Policy WCS4 (Broad Locations for Waste Management Facilities) due to the criteria the policy uses to differentiate between different sized metal recycling facilities, criteria which is detailed in Appendix 2 of the WCS. The appendix details indicative sizes for various types of waste management facilities and considers a small metal recycling facility to be one which operates on a site between 0.5 and one hectare in size with a throughput of less than 20 tonnes per annum; a medium sized facility is between one and two hectares in size

with a throughput of between 21 and 99 tonnes per annum; and a large facility is between two and three hectares in size with a throughput of over 100 tonnes per annum. The application area is 0.3 hectares (less than the size of a small facility) and would increase throughput at the site by an additional 200-300 vehicles. Given that the average car weighs over a tonne, this level of throughput would class the site as a large facility.

25. In addition to setting out these indicative sizes for different types of waste management facilities, Appendix 2 also states that they are “assumptions about the likely size and capacity” of various facilities and the list “is not intended to be absolute as what is regarded as small, medium or large is likely to change over time as technologies advance”. Appendix 2 further states that “these assumptions have been developed from research studies, other waste plans and discussions with the waste management industry”.
26. The supporting text to Policy WCS4 does state that the WCS has “adopted a broadly hierarchical approach based on the population and geography to focus sites where they are most needed. This approach is supported by a more detailed set of site criteria (see Policy WCS7) to establish the types of locations that would be considered suitable for different types of waste management use/facilities”.
27. Policy WCS7 sets out which types of waste management facilities would be supported in a variety of locations, such as community sites, employment land, derelict land/other previously developed land, open countryside/agricultural land, and in the Green Belt. Small, medium and large metal recycling facilities are all considered to be appropriate on employment land (but not in other locations) and the application site is located in an area identified as employment land in the Rushcliffe Non-Statutory Replacement Local Plan. There is therefore clear policy support for the application under Policy WCS7, irrespective of what size the site is categorised as under Policy WCS4, and it is considered that this matter should be given significant weight given the ambiguity surrounding how this particular site should be categorised under Policy WCS4.
28. It is also considered important to take into account the existing waste management facility that this proposal would form part of, a facility which is well established, well run and the subject of little concern to the Waste Planning Authority in terms of complaints from the public. It is a recycling facility and so accords with Policy WCS3 and, according to the applicant, its extension should allow this existing facility to be operated as a whole in a more organised manner in accordance with Policy WCS8, although any potential environmental impacts need to be considered to ensure compliance with Policy WCS13 and various policies in the Waste Local Plan (WLP). These are now considered in turn below.

Traffic impacts

29. An objection has been received from Langar-cum-Barnstone Parish Council regarding the increase in HGVs that would be entering the site, vehicles which would travel from the A52 to the north and along the eastern edge of Langar

village as they head south towards the site. The application anticipates three HGVs entering and leaving the site per day, or six HGV movements, in addition to staff and visitor vehicles.

30. It is accepted that there are significant numbers of HGVs travelling along this road associated with the various businesses operating from the industrial areas to the south of the village but the additional HGVs which would result from the proposed development has not raised any concerns with the Highways Authority, which describes the increase as 'negligible'. The Highways Authority has also confirmed that they are unaware of any significant issues relating to HGV movements on roads surrounding the industrial estate. It is therefore considered that the proposed development does accord with Policy W3.14 (Vehicular Movements) of the WLP as the additional vehicle movements can be accommodated by the highway network and the small increase in vehicle numbers would not result in an unacceptable disturbance to the local community or result in an unacceptable cumulative impact which Policy WCS13 of the WCS seeks to prevent.
31. Even though there are no other HGV limitations on any of the other planning permissions associated with the site (the only limitation is a 20,000 tonne per annum limit on the amount of metal processed under planning permission 8/12/00553/CMA for the metal shredding and recycling system which reflected the details submitted in the application), it is considered appropriate to attach a condition to any planning permission granted for this depollution facility to limit the number of HGVs entering the site to 18 (36 movements) per week which would be the equivalent to the three HGVs (six movements) per day set out in the planning application, albeit with a small amount of flexibility built in. The condition would require the operator to keep records of the number of HGVs associated with the development and would require these details to be submitted to the Waste Planning Authority on request.

Pollution issues

32. Operations within the proposed development have been designed to take place on existing hardstanding and the entire site, apart from the north west corner of the site where the depollution building and two portable buildings would be located, would be retained by a concrete kerb, except at the site entrance where there would be a rolling bund. These features would allow surface waters to be retained within the site and drained to an underground interceptor prior to discharging via a soakaway. The depollution building itself would have a concrete base and retaining kerb with a rolling bund at its entrance, whilst the storage containers for the various fluids would be individually bunded to provide 110% capacity, or double skinned, in case of any leakages. Conditions requiring details of both kerbs and rolling bunds to be submitted and installed as approved, along with confirmation that fluids would be stored in containers which prevent pollution, have been recommended by the County Council's Reclamation Officer and are considered appropriate in order to minimise the risk of pollution.
33. The underground interceptor would need to be agreed with the Environment Agency (EA) as part of the Environmental Permit process and the EA has

highlighted the need for a permit in its consultation response. The application states that this would be a Standard Rules SR2011 No 3 permit for vehicle storage, depollution and dismantling (authorised treatment). A final matter which requires consideration is another surface water drain which drains to the soakaway but without passing through the interceptor. The applicant is proposing to construct a bund around this drain so that no surface waters from the site can drain into it, although any rain falling directly onto it would continue to drain through it. A condition requiring these works to be carried out prior to the site becoming operational is also considered appropriate. With the recommended conditions and the environmental permit in place, it is considered that the proposed development accords with Policy W3.5 (Pollution Issues) of the WLP.

34. It is not considered that the proposed development would give rise to noise complaints given its location in an established industrial area and, with a condition in place to control the hours of operation permitted at the site, it is considered that the proposed development would accord with Policy W3.9 of the WLP. The County Council's Nature Conservation Officer considers that the nearby Local Wildlife Site would not be impacted by the proposed development as the grassland is subject to mowing on a regular basis and the nature of the proposed development would not have an impact in any event.
35. It is recommended that the consultation response from Western Power Distribution, highlighting assets in close proximity to the application site, is attached to any planning permission granted.

Other Options Considered

36. 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

37. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
 - Implications for Service Users – the proposed development would provide additional recycling facilities potentially available to all in the county.
 - Crime and Disorder Implications – the application area is within a wider area, including the existing operational area, which is surrounded by security fencing.

- Implications for Sustainability and the Environment – these are considered in the Observations Section above.
38. There are no financial, equalities, safeguarding of children, and human resource implications.

Statement of Positive and Proactive Engagement

39. 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 and consultation responses received. Issues of concern such as potential pollution issues have been raised with the applicant and addressed through negotiation and the imposition of planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

40. 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 (CEH 27.06.14)

“The recommendation falls within the remit of the Planning and Licencing Committee by virtue of its terms of reference.”

Comments of the Service Director - Finance (SEM 25.06.14)

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

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Councillor Richard Butler

Cotgrave

Report Author/Case Officer Jonathan Smith 0115 9696502

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

RECOMMENDED PLANNING CONDITIONS

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

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

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

Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless otherwise agreed in writing with the WPA, or where amendments are made pursuant to the other conditions below:

- (a) Planning application forms and Planning Statement received by the WPA on 8 April 2014;
- (b) Drawing Number GPP/GBM/LA/14/02 Revision 1 – Site Plan received by the WPA on 8 April 2014;
- (c) Drawing Number GPP/GBM/LA/14/03 Revision 1 – Existing Site Layout received by the WPA on 8 April 2014;
- (d) Drawing Number GPP/GBM/LA/14/04 Revision 4 – Proposed Site Layout received by the WPA on 9 May 2014;
- (e) Drawing Number GPP/GBM/LA/14/05 – Office Elevations received by the WPA
- (f) Drawing Number GPP/GBM/LA/14/06 Revision 1 – Cabin Elevations received by the WPA on 8 April 2014;
- (g) Drawing Number GPP/GBM/LA/14/07 v2 – Proposed Elevations – De-Polluting Building received by the WPA on 9 May 2014.

Reason: For the avoidance of doubt.

4. Prior to their use on site, samples of the materials to be used in the construction of the external surfaces of the depollution building, cabin building and office building hereby permitted shall have been submitted to, and been approved in

writing by, the WPA. The development shall thereafter be carried out in accordance with the approved details.

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

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

Monday to Friday	8am – 4.30pm
Saturday	8am – 1pm
Sunday, Public or Bank Holidays	Not at all

Reason: To minimise the impact of the development on the amenity of the local area in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

6. No vehicles shall be depolluted on the site until the concrete kerb and rolling bund, as identified on Drawing Number GPP/GBM/LA/14/04 Revision 4 – Proposed Site Layout received by the WPA on 9 May 2014 has been constructed in accordance with details previously submitted to, and approved in writing by, the WPA. The kerb and bund shall be constructed in accordance with the approved details and shall be maintained thereafter.

Reason: To minimise the risk of pollution in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

7. All vehicle fluids removed during the depollution process shall only be stored in the depollution building and in containers which are double skinned or which have a capacity at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater.

Reason: To minimise the risk of pollution in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

8. The surface water drain in the north west corner of the site shall be suitably bunded in accordance with details previously submitted to, and approved in writing by, the WPA to prevent ingress of surface waters from the site prior to any vehicles being depolluted on the site. The bunded drain shall be constructed in accordance with the approved details and maintained throughout the life of the development.

Reason: To minimise the risk of pollution in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

9. The number of heavy goods vehicles (HGVs) entering the site shall not exceed 18 vehicles per week (36 two-way vehicle movements per week). Records shall

be maintained by the operator of the number of HGV movements into/out of the site on a daily basis and shall be made available within seven days upon written request from the WPA. All such records shall be kept for at least 12 months.

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

Informatives/notes to applicants

Your attention is drawn to the consultation response from Western Power Distribution dated 16 April 2014, a copy of which is attached to this notice.