

18 October 2016**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR – PLACE****RUSHCLIFFE DISTRICT REF. NO.: 8/16/00059/CMA**

PROPOSAL: SECTION 73 PLANNING APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 8/12/01028/CMA, CONDITION 7 OF PLANNING PERMISSION 8/96/79/CMA AND CONDITION 9 OF PLANNING PERMISSION 8/94/00164/CMA TO EXTEND THE PERMITTED OPERATIONAL HOURS FROM 0730 HOURS TO 0600 HOURS MONDAYS TO SATURDAYS TO ALLOW 10 OUTBOUND PRE-LOADED HGV MOVEMENTS FROM THE SITE.

LOCATION: BUNNY MATERIALS RECYCLING FACILITY, LOUGHBOROUGH ROAD, BUNNY

APPLICANT: MR STEVE JOHNSON

Purpose of Report

1. To consider a planning application to extend permitted operational hours and bring forward the site's opening time to 6am Mondays to Saturdays (from an approved start time of 07:30am) so as to permit up to ten pre-loaded outbound heavy goods vehicles (HGVs) to leave the Bunny Materials Recycling Facility (MRF), Loughborough Road, Bunny, Monday to Saturday.
2. This planning application was originally considered at Committee on the 28th June 2016 and the attention of Members is drawn to the original report to that Committee, attached as Appendix 1, which provides background details of the proposed development.
3. This report updates Members on the outcome of the applicant's response to various concerns raised at the 28th June 2016 meeting and informs Members of further objections the Waste Planning Authority (WPA) has received from Bunny and Bradmore Parish Councils, two local residents and a petition with 268 signatures. The key issues raised in these representations relate to early morning traffic impacts and associated health and amenity impacts from traffic noise on local residents along the length of the A60 route from Bunny through Bradmore and Ruddington.
4. The site lies within the Green Belt. Accordingly the application has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to the conditions in Appendix 2 and the operator entering into a Section 106 legal agreement to control lorry routing and prohibit

HGVs associated with the business travelling along Gotham Lane between 6am – 7:30am.

Summary of Development Proposals

5. Planning permission is sought to vary operational hours on extant planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA, to allow loaded HGVs to leave the Bunny MRF site from 6am Mondays to Saturdays. The current planning controls prohibit vehicle movements into and out of the site before 7:30am.
6. Since Members considered the planning application in June the applicant has amended the requested maximum number of HGVs permitted to leave the site during this early morning period, reducing the maximum number to 10 (planning permission was originally sought for 12).
7. The early morning HGVs would not be in addition to existing permitted HGV numbers which are capped at 100 movements per day and 550 movements per week; nor would there be any increase in annual throughput of waste materials, with 100,000 tonnes being handled per year.
8. The applicant is prepared to enter into a legal agreement to ensure that none of the 10 HGVs leaving the site between 6am and 7:30am travel along Gotham Lane.

Planning background

9. At the 28th June 2016 meeting of the Planning and Licensing Committee, Members considered the above planning application. After debate Members resolved to defer a decision on the planning application to enable the applicant to be formally requested to amend the requested operating times to 7am Mondays to Saturdays rather than 6am, as proposed. In addition, further background information concerning the MRF's business activities and operational practices relevant to the proposals was sought by Members, as referenced in the following paragraphs.
 - (a) Verification was sought as to the measures the operator could put in place to ensure that the 12 HGVs leaving the site before 7:30 am do not do so in convoy.
 - (b) Clarification was sought as to whether HGVs are permitted to remain parked with engines running. If it is necessary to leave HGVs with their engines running confirmation was sought from the operator as to the length of time prior to leaving the site this was necessary and whether this would vary depending on the time of year, the weather and type of vehicle.
 - (c) Evidence was sought as to the quantifiable economic benefits that an earlier start time could bring to the business including any contracts the company could identify where early morning delivery times were a condition of that contract.
 - (d) It was further requested that the economic impact on the business of not being able to make deliveries to customers before 7:30am be quantified

including any evidence in the form of contracts that had been lost due to an inability to meet earlier delivery times because of existing restrictions.

- (e) Whether the applicant would be willing to accept a compromise of a 7am start as opposed to 6am. In support of this, it was noted that the majority of waste operators in the county have similar restrictions on hours of operation, with typical starting times of 7am or 07:30am.
- (f) A break-down of the number of HGV anticipated to head north and south along the A60 between 6am and 7:30am.
- (g) Assurances from the applicant that any planning conditions attached to any new planning consent would be adhered to; and whether there were any additional measures the applicant would be prepared to introduce to ensure compliance. From the debate at June's Planning and Licensing Committee, it was apparent that the operational record of the applicant was causing a great deal of concern to Members, highlighted by the fact that the planning application under consideration in this report is again retrospective (as has been the case with previous planning applications 8/12/01028/CMA, 8/13/01494/CMA and 8/15/00050/CMA) and was only submitted after it was observed that Johnson Aggregates were running HGVs out of the site outside permitted operating hours including the morning of 24th June 2016 when three HGVs were observed leaving the site before 6am.
- (h) Clarification regarding the current situation with Incinerator Bottom Ash (IBA) waste, given that on previous occasions (Plg. Refs. 8/12/01028/CMA, 8/13/01494/CMA and 8/15/00050/CMA) County Council Planning Officers and Members had been led to understand that the commencement of operations at the applicant's Stanton facility would lead to a reduction in activities at the Bunny MRF including ceasing to handle IBA there.

Response of Applicant (Supplementary Planning Statement)

- 10. The applicant has reviewed the planning submission since the June Committee. This review has not resulted in any change to the requested operating hours with the applicant continuing to seek planning permission for vehicle movements from 6am, but the applicant has reduced the requested number of HGVs that would be permitted to leave the site between 06:00am and 07:30am Mondays to Saturdays, reducing the numbers down from 12 as originally requested to 10 lorries.
- 11. The applicants response to the questions raised by Members is summarised below:

Operational practices

- 12. The applicant considers adequate measures are in place to ensure HGVs leaving the site before 7:30am do not do so in convoy. A Transport and Logistics Policy is issued to all drivers which details a general procedural policy which must be adhered to at all times whether driving on the public highway or on private property. Criteria 14 of this policy states that drivers must never

travel in convoy or wait for another vehicle unless authorised to do so by the Transport Manager.

13. The aims and objectives of the Transport and Logistics Policy is to ensure that all staff and suppliers are made aware of their responsibilities, enabling the company to conduct its transport and logistics in a safe and efficient manner with minimal impact on others. The policy sets out both the company's responsibilities and the responsibilities of those working for Johnsons Aggregates. It is stressed that non-compliance with this policy is taken seriously and dealt with appropriately, with the company taking whatever action is required to ensure compliance, including termination of contracts or employment. All drivers receive training and are adequately instructed of this policy.
14. The County Council is informed that all drivers leaving the site before 7:30am are given a specific time at which to leave the site, at a minimum of five minute intervals between vehicles and it is a disciplinary offence to miss the designated slot. In practice, the applicant has drawn attention to the fact that it is a rare occurrence for all 10 HGVs to be dispatched from site before 7:30am and that often no lorries leave at this time.
15. It is confirmed that all the applicant's HGVs are modern, efficient vehicles that do not require a period of idling to warm up. All drivers are provided with defrosting equipment so that on cold mornings they can defrost the windscreens without needing to use the heat from the engines.

Business/economic implications

16. In terms of economic implications arising from existing controls which limit deliveries to after 7:30am, the company state they have lost one significant contract with a major mineral operator within the last six months due to the company's inability to supply HGVs into one of its quarries for 7am. It has also impacted on some 15 smaller contracts.
17. Whilst formal feedback from prospective clients has not been received, the applicant nevertheless considers the company's inability to service industrial and development sites for 7am when the building trade tends to start work is significantly affecting the business and its 50 plus employees. Reference is made to the fact that the industry tends to require materials and HGVs for when the workforce start work at 7am and not 30 to 60 minutes later. Therefore the ability of the company to send out up to 10 pre-loaded HGVs from 6am would enhance the company's ability to tender for contracts.
18. The applicant has confirmed that there is no intention at the current time to permanently cease IBA importation into the Bunny MRF when the Stanton facility becomes operational at the end of this year. The applicant states that whilst the new facility may well reduce or periodically stop the flow of IBA into the Bunny site the company needs to maintain flexibility with regards to its business.

19. On previous experience the applicant has stated that whilst the split between HGVs heading north towards Nottingham or heading south varies on a daily basis, the average represents a 60/40 split favouring the south.
20. The applicant states that compliance with planning and permitting conditions is a matter of priority for the business. This is reflected by the recent appointment of a director within the company with specific responsibility for ensuring procedures are in place to minimise the risk of non-compliance. An internal audit has placed a requirement on all drivers to sign up to a pledge that they both understand and will adhere to the company's new Transport and Logistics Policy. The relevant director has direct responsibility for ensuring compliance with this policy and assurances are given that the policy will be kept under review, as and when necessary.
21. With regards to the operator accepting a 7am start as opposed to a preferred 6am start by way of a compromise, the following reasons have been given by the applicant as to why this is not acceptable.
 - a) Whilst accepting that the majority of waste operators within the county are restricted in terms of operating hours, the company's main competitors are not restricted to Nottinghamshire. Examples given by the applicant are namely Ballast Phoenix, a company which apparently has no controls over operational hours at its Castle Bromwich IBA recycling facility and similarly FCC at its Lincoln IBA recycling site.
 - b) It is considered that the noise assessment is clear in its conclusion that there would not be unacceptable impacts upon local residents as a result of undertaking deliveries from 6am. The applicant states that the A60 is an extremely busy route for HGVs well before 7:30am and the proposed additional HGVs which are now proposed to be 10 rather than 12 would introduce only a marginal increase in terms of vehicle numbers and associated impacts.
 - c) Since the June Committee the applicant has reappraised the Company's transport needs and has revised the proposed number of HGVs seeking to leave the site between 06:00am and 07:30am Mondays to Saturdays down from 12 as originally requested to 10 lorries.
 - d) The applicant would be amenable to a temporary permission to afford the WPA the opportunity to assess fully the impacts of the change in operational hours and early hour lorry movements. It is requested that planning conditions be used to control both HGV numbers and the duration of the proposed development.
 - e) The applicant therefore does not favour a 7am start, but the company acknowledge that this could nevertheless be imposed by way of a planning condition.

Consultations

22. No further rounds of consultation have been undertaken with regards to the supplementary information received from the applicant on the basis that this information has been provided to address Members concerns arising out of the

June 2016 Committee. Notwithstanding this, four further representations have been received from Bunny and Bradmore Parish Councils and two local residents since the June Committee. These representations raise the following observations.

23. **Bunny Parish Council** *Object to the planning application. The Parish have forwarded a petition from local residents signed by 268 local residents, objecting to the planning application stating that the dispatch of 12 pre-loaded vehicles between the hours of 6:00am and 7:00am would create unreasonable noise and disruption for residents at an unsuitable hour of the day, to reinforce the earlier objections to the application. During the process of compiling the petition, the Parish Council state that many residents expressed concern and anger at the activities of the applicant in relation to the operation of the site, particularly with regards to breaches of the existing planning and regulatory requirements in relation to working hours, noise, dust and odour. Residents have no faith in the Company observing current requirements and are sceptical that the Company would abide by any conditions in the event that the application is approved. It is noted that this reinforces the views expressed by several Councillors at the earlier planning meeting.*
24. *Turning to the response from the applicant to the additional information requested by Planning Committee the following observation are made.*
25. *The measures proposed by the applicant in relation to the control of activities between 6am and 7:30am and the reduction in the number of vehicle movements do not overcome the fundamental objection to any earlier start in activities at the site. In addition, given the applicant's previous record in relation to ensuring that the existing planning conditions and regulatory requirements are implemented, there is no confidence that the proposed conditions would be adhered to.*
26. *The responses to the request for further information in relation to lost contracts due to the later start and the division of north/south movements are interesting however the prime responsibility of the Parish Council is the well-being of the residents and not the commercial interests of an individual or company.*
27. *Confirmation that the processing of IBA at the Bunny site would continue should the proposed new facility at Stanton become operational whilst not surprising is unwelcome. As indicated by the petition and the views received during its compilation, residents would like to see an end to processing at the Bunny site. As long as it continues and under whatever planning conditions and regulations apply, it will continue to attract complaints and adversely affect the lives of Bunny residents.*
28. **Bradmore Parish Council** *have requested that the concerns of Bradmore residents be recorded and taken into consideration when a decision is finally made. Local residents presented their concerns to the Parish Council, considering that to allow HGV vehicles to leave the site as early as 6am in the morning would cause disruption to residents living along the A60 at Bradmore. It is noted that Councillor Adair reported to a Parish Council meeting on 29th June 2016, the outcome of the 28th June Planning & Licensing Meeting and the*

decision to defer a decision to a subsequent Committee. It was also reported that the Company would reconsider a start time of 7am as opposed to 6am.

Local Residents

29. The two letters received from households in Gotham Lane and Moor Lane raise objections on the following grounds:
- (a) Whilst the County Council states that the noisy part of the loading HGVs would be completed the day before during the normal working day, this is a misnomer as the additional noise comes from road noise particularly on Gotham Lane where Johnsons vehicles have been recorded at noise levels ranging between 90 and 100 decibels, which is similar to having the noise of a live rock concert in your front garden;
 - (b) Johnsons are no friends of the local residents and some of their behaviours are disgraceful and actually illegal;
 - (c) Heavy use of the road by commuters begins quite early and if this is preceded by heavy plant often exceeding the speed limit from before dawn in the winter, this would have a detrimental effect on householders;
 - (d) A poor road surface means traffic noise is not just heard by those immediately next to the road, but is audible some distance away, and is particularly disturbing when occurring at relatively peaceful times of the day;
 - (e) The needs of residents and their right to enjoy a quieter environment should outweigh the commercial aspects on this occasion;
 - (f) How long before the lorries start out a few minutes early or an extra load is added;
 - (g) It appears this is likely to be a long-term arrangement even if some of the business moves to Stanton, so any new permission could have a long-term effect;
 - (h) The residents situation should be at the top of consideration
30. The issues raised are considered in the Observations Section of this report.

Observations

31. The application has been submitted by Johnsons Aggregates, to both regularise unauthorised lorry movements, and to improve operational practices with regards to the supply and delivery of secondary aggregates to customers both to the north and south of Bunny site.
32. The observations set out in the previous report (attached as appendix 1) still stand, and are relevant in determining this application, but with regard to the issues raised by Members at the previous Committee meeting and further

representations received since then from the applicant, the local community, and the Parish Councils the following observations are made.

33. The applicant has previously cited the difficulties involved in transporting recycled materials to customers when HGVs cannot leave the Bunny site until 7:30am which means they get caught up in the morning peak hour traffic. Further supporting information from the applicant indicates that the company's inability to service industrial and development sites for 7am is significantly affecting the business and its workforce of over 50 employees. It is pointed out that the construction industry tends to require materials by 7am for when the workforce actually start work and not 30 to 60 minutes later. Therefore the ability of the company to send out up to 10 pre-loaded HGVs from 6am would enhance the company's ability to tender for contracts.
34. The applicant has put forward further justification in terms of a business and economic need for the earlier start time and the dispatch of HGV deliveries from 6am. However, this needs to be weighed up against residential amenity impacts that could potentially be generated by extending operational hours to allow a 6am start. Whilst this would be restricted to pre-loaded outbound lorry movements only, it would still involve running HGVs out of the site in the early hours of the morning, outside the working hours which have historically operated at the Bunny MRF.
35. The WPA takes very seriously the alleged breaches of conditions on existing extant planning permissions pertaining to the Bunny site and also to the retrospective nature of the previous four planning applications that have been brought before Committee over recent years. This is evidenced by the fact that planning enforcement action has been taken against the operator on previous occasions. Furthermore, the background to this planning application is that it has arisen in response to a complaint received by the WPA regarding unauthorised out-of-hours lorry movements, which was duly investigated and substantiated by the County Council's Planning Enforcement Team.
36. It is also acknowledged that operating in this manner has undermined relations between Johnsons Aggregates and the local community, this is reflected in the representations received from local residents, the Parish Council and the Local Member. In particular the concerns are that the operator would not comply with planning conditions on any planning permission granted by the County Council.
37. The applicant's response to address these concerns is to appoint a member of staff to oversee procedural matters including the implementation of a transport and logistics policy to which all HGV drivers must sign up to. This indicates that the company are taking a more pro-active approach towards ensuring compliance with extant planning consents and conditions; and this is to be welcomed.
38. The new information received from the applicant does not change the previous conclusions reached by Officers (which were informed by technical consultation responses) insofar that the movement of pre-loaded HGVs off the Bunny MRF site between 6:00am and 7:30am would not create any significantly harmful environmental impacts, although the reduction in the number of HGVs departing the site during this period to 10 is welcomed.

39. The recent representations, including a 268 signatory petition from the residents of Bunny, highlight the overwhelming concern of the local community both within Bunny and along the route of the A60 notably in the villages of Bradmore and Ruddington to the perceived noise and disruption that the additional lorry movements could potentially cause in the early hours of the morning when residents consider they have a right to enjoy a quieter environment. Bradmore Parish Council, who had not previously made any representations also request that the concerns of residents living along the A60 in Bradmore are taken into consideration.
40. Paragraph 006 of the Planning Practice Guidance on Noise (PPG) (published on-line in March 2014 and periodically updated) recognises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected; with this being dependent on various factors combining in a particular situation. This might include the source and absolute level of noise together with time of day when this occurs. It is recognised that some types and level of noise would cause a greater adverse effect at night than if it occurred during the day, given that people tend to be more sensitive to noise at night when trying to sleep. Any adverse effect can also be greater simply because there is less background noise at night.
41. In line with this, it is recognised that the potential for disturbance to local residents from noise impact along the length of the A60 route from Bunny through Bradmore and Ruddington is potentially more subjective; and the subjective nature of that noise means that there is no simple or straightforward way of quantifying the relationship between noise levels and any impact on those affected. However the evidence from the noise assessment submitted in support of the planning application is clear that any change in noise level attributable to the extra early morning HGV movements along the A60 is negligible. The County Council's Noise Engineer and Rushcliffe Borough Council's Environmental Health Officer (EHO) have considered the noise assessment and are satisfied that the proposed lorry movements would not result in any appreciable noise and vibration impacts on the nearest residential properties at these earlier times of the day.
42. If this is then considered in the context of the direction contained in the PPG, it seems reasonable to suggest that there would be negligible impact on the quality of life of those living along the A60. Paragraph 005 of the PPG states that 'quality of life is diminished due to a change in the acoustic character of the area'. It seems reasonable to assume that in the case of traffic related environmental noise, a change in the quality of life is intrinsically linked to a change in the acoustic character of the area. In this respect, as a principal trunk road into Nottingham city centre, linking Loughborough to Nottingham, traffic levels are already relatively high between 6am and 7:30am; and it is a relatively busy route for HGVs at this time of the morning. This is reflected in the official traffic counts provided by the County Council's Highways Authority between the months of September to October 2013, and broadly reflected in a recent count undertaken during a planning monitoring inspection undertaken by officers of the WPA.
43. Notwithstanding the fact that HGV noise is more distinctive than that of normal traffic flow, the relatively high volume of traffic on the A60 between 6:00am and

7:30am which includes existing HGV movements ensures that the impacts of the additional HGVs on the acoustic character of the A60 and surrounding residential areas would be barely discernible.

44. The applicant has reduced the number of early morning lorry movements down from 12 to 10 meaning that any residual noise and vibration impacts associated with the lorry movements would be further reduced. The reduction in the number of proposed HGV movements represents an overall reduction of approximately 17 per cent less vehicles associated with the development travelling along the A60 in the early hours of the morning.
45. As such, the proposals would accord with Waste Core Strategy Policy WCS13 and the PPG, given that it has been demonstrated that there would be no unacceptable impact on environmental quality or the quality of life of those living both within the vicinity of the MRF site and along the route of the A60, nor would there be any unacceptable cumulative impact arising from a material change in site operations permitting increased early morning HGV movements along the primary road network.
46. The June Committee report stated that the 12 HGVs would head along the A60 towards Nottingham City Centre and then on to the north of the county. The supplementary information from the applicant however has confirmed that recent evidence indicates that 60 per cent of early morning HGVs in fact head southwards along the A60, with only 4 HGVs anticipated to routinely travel north. Whilst it is recognised that this is dependent upon contracts that are being serviced at any one time, it nevertheless demonstrates that there is a split in north-south lorry routeing along the A60 and assists in minimising any impacts further.
47. Both the Noise Policy Statement for England (NPSE) (March 2010) and the NPPF (which reflects the Noise Policy Statement), expect noise to be considered in conjunction with the economic, social and other environmental dimensions of a proposed development and not in isolation. Paragraph 2.7 of the NPSE cautions against giving inadequate weight to the wider benefits of a particular development or activity when assessing the noise implications, whilst NPSE paragraph 2.23 states that significant adverse effect on health and quality of life should be avoided whilst also taking into account the guiding principles of sustainable development.
48. Sustainable development is a core principle of national planning policy and this means giving due consideration to economic, social and environmental factors (Paragraph 9 of the NPPF). As considered in the appended report, there is a presumption towards supporting sustainable economic growth (Paragraph 19 of the NPPF). In this respect, the applicant has sought to provide supplementary evidence as to the business need for the earlier lorry movements being sought, and it would appear that if Johnsons Aggregates is to gain contracts for the supply of its recycled secondary aggregates then one of the requirements of this is to be able to carry out early morning deliveries in a timely manner. It is also understood that other IBA waste operators outside of the county have no restrictions over operational hours, and to provide the Bunny MRF with sufficient flexibility to be able to tender for similar contracts a degree of relaxation in operating hours is being sought.

49. On balance, and in accordance with the NPSE and the NPPF, it is considered that the beneficial gains in terms of supporting a secondary aggregate business which is promoting the use of recycled materials on balance outweighs any perceived amenity impacts arising from the proposals given that any environmental impacts and most pertinently traffic noise and vibration are capable of being suitably controlled by planning conditions and a lorry routing agreement. It is clear from the representations received from the County Council's Noise Engineer and the Borough Council's EHO that the noise assessment is sufficiently robust and has assessed the magnitude of traffic noise effects on the nearest sensitive receptors as being low to negligible. Both are satisfied that subject to appropriate planning conditions any noise level attributable to the proposed increase in early morning lorry movements is capable of being maintained within acceptable levels.
50. In line with the County Council's Noise Engineer's recommendation planning conditions would control operational hours (Condition 10), and ensure that HGVs departing the site from 6am are pre-loaded the day before, and are sheeted and parked in a position which enables them to drive in a forwards motion out of the yard without the need to reverse (Condition 19). Condition 10 would also ensure that inbound HGVs do not enter the site until after 7:30am. All existing conditions covering noise and all other relevant environmental controls would be carried forward from the existing extant planning consents. In terms of the supplementary statement, the applicant has confirmed that adequate measures are now in place by way of a transport and logistics policy to ensure that the early morning fleet does not travel out in convoy and that all drivers sign up to a strict procedural code of practice which authorises drivers to head out at their allotted slot (five minutes apart), and not in convoy. It is also confirmed that Johnson's fleet comprise modern, efficient vehicles that do not require a period of idling with engines on, to warm up.
51. It is considered that the suite of attenuation measures would build in sufficient protection to ensure that operational noise and vibration associated with early morning lorry movements would not be significant. As such, the proposed development subject to conditions would accord with the Waste Local Plan Saved Policy W3.9 and Waste Core Strategy Policy WCS13.

Legal Agreement

52. In order to secure the routing of the 10 HGVs leaving the site to ensure that they travel along the A60 Loughborough Road and not along Gotham Lane, a legal agreement under Section 106 of the Town and Country Planning Act 1990 would need to be secured before any planning permission is issued. The applicant would cover all reasonable legal cost incurred by the County Council in the drafting of this agreement.

Other Options Considered

53. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.

54. The applicant has considered other options in view of the outcome of the June Committee and subsequently amended the proposals with regards to the number of lorries proposed to leave the site daily between 6am and 7:30am Mondays to Saturdays, down from 12 HGVs to 10 HGVs. It is this amended proposal that is under consideration in this report.

Statutory and Policy Implications

55. 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

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

Human Rights Implications

57. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected. The proposals have the potential to introduce impacts such as traffic noise impact, dust, light and vibration impacts arising from vehicle movements in the early hours of the morning upon the residential amenity of the nearest residential occupiers; and to residential occupiers along the length of the A60 Loughborough Road, particularly in Bunny, Bradmore and Ruddington.
58. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as supporting the economic viability of the recyclable waste operations at the Bunny MRF by enabling the operator to make deliveries (recycled aggregates) in a timely manner. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above and in the appended report in this consideration.

Implications for Sustainability and the Environment

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

operations by transporting the recycled waste materials (secondary aggregates, including IBA) more efficiently to customers.

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

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

64. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the routing of those HGVs leaving the site between 6am and 7.30am so that they only travel along the A60 Loughborough Road and not along Gotham Lane.
65. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 18 January 2017 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 2 of this report. In the event that the legal agreement is not signed by the 18 January 2017, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Any comments received will be reported orally to Committee.

Comments of the Service Director - Finance

Any comments received will be reported orally to 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

Councillor Reg Adair

Ruddington

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

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