



29th January 2019

Agenda Item: 6

REPORT OF CORPORATE DIRECTOR – PLACE

RUSHCLIFFE DISTRICT REF. NO.: 8/18/02675/CMA

PROPOSAL: PROPOSED WASTE TRANSFER STATION FOR THE IMPORT, SORTING AND FORWARDING FOR RECYCLING OF NON-FERROUS METALS

LOCATION: THE STABLES, BRUNTS LANE, EAST BRIDGFORD.

APPLICANT: MR BOOTH

Purpose of Report

1. To consider a planning application for a small waste transfer station to manage 100 tonnes per year of non-ferrous metals within existing residential outbuildings at The Stables, an isolated residential property located adjacent to the A6097 (Gunthorpe to Bingham) Road near East Bridgford.
2. The proposed development would be undertaken within three existing stable buildings and operated by the occupier of the residential property. The small scale of the facility means that the use would have a minimal impact on the surrounding area, but East Bridgford Parish Council and Councillor Francis Purdue-Horan have raised concerns regarding potential impacts to road safety.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

4. The application site is located on the eastern side of the A6097 (Gunthorpe to Bingham) road, approximately 300m north west of its intersection with the A46 (see Plan 1).
5. The application site incorporates three stable buildings and an area of hardstanding to their frontage. The stable buildings are of a permanent construction and maintained in a good condition. They are constructed with a concrete floor, and have a white rendered external finish with a tiled roof. The three stable buildings have a total floor area of 53 square metres.
6. The application site forms part of a larger rectangular shaped parcel of land owned by the applicant incorporating a residential bungalow to the north west, a

row of outbuildings, stables and barns and grass paddocks to the south east (see Plan 2).

7. The site is located outside the village of East Bridgford within the Green Belt. It is bordered by a strip of highway land incorporating woodland planting and the A6097 on its western boundary, beyond which is further agricultural land. The site is remote from residential property, the nearest house being Springdale Farm, 350m to the north east.

Proposed Development

8. Planning permission is sought to change the use of three former stable buildings and associated hardstanding/access road to allow their use in connection with a non-ferrous metal recycling facility. The proposed facility would be operated by the occupier of the attached residential property and his son with all metal storage and transfer activities undertaken wholly internally within the buildings.
9. The stable buildings in question measure approximately 53 square metres in area. Stable building 1 would be used predominantly for the reception of imported materials and those packaged for onward transfer to industrial outlets. Units 2 and 3 would be used for weighing and then associated sorting and storage. Materials to be handled would predominantly be alloy, copper, lead, aluminium, brass and zinc. Only inert non-ferrous metals would be imported. It is not proposed to deal with waste contaminated with oils or wastes requiring cleaning. Any materials that are found to be contaminated would be sorted into leak-proof steel bins for separate disposal.
10. Vehicle movements to and from the site in connection with the business are anticipated to be low, typically 4-6 vehicles per day. Most materials would arrive and be exported by the proprietor utilising his own small flat-bed pick-up. No HGV's would access the facility. A small visitor parking area would be made available within the applicant's land.
11. Operating hours would be restricted to 08:00 to 17:00 Monday to Friday and 09:00 to 12:00 Saturdays with no opening on Sundays or Bank/Public holidays. Throughput is anticipated to not exceed 2 tonnes per week or 100 tonnes per year.

Consultations

12. Rushcliffe Borough Council: No objections subject to the County Council being satisfied that there are no highway safety concerns and subject to the following conditions:
 - Restriction of operating hours to 0800 -1700 Mon – Fri and 0900 – 1200 Sat.
 - Regulatory controls to ensure the site processes a maximum 100 tonnes per year.
 - A restriction on waste types processed at the facility.

- All sorting, storage, and packaging to be undertaken within the building.
- No burning of waste.

13. East Bridgford Parish Council: *Raise an objection to the planning application*

The Parish state that a previous planning application for a haulage yard on Brunts Lane was turned down due to concerns about vehicles accessing and leaving the facility. However, if the application is allowed the Parish requests the consent is issued subject to the following planning conditions:

- *Only inert non-ferrous metals are included, with suitable safeguards for any contamination.*
- *A suitable restriction on the total annual tonnage involved be made.*
- *Storage (“wholly internal”) is limited to the buildings only and should not impact on the open Green Belt.*
- *A weight limit is set for vehicles importing or exporting the metals in line with the proprietor’s existing vehicle as described in the proposal.*
- *Finally, the Parish Council points out that in any event the existing public right of way through the site should not be adversely affected.*

14. Environment Agency: *Raise no objections, but request an informative note is imposed as part of the planning decision to request the applicant to contact the Environment Agency and confirm whether the facility is exempt from the need to obtain a waste permit for the operation of the facility.*

15. NCC Highways: *Raise no objections*

‘Whilst we note that the proposal will result in an intensification of use of the access onto the A6097 when compared to the existing permitted use of the stables we are also mindful that the quantities of metals being recycled are relatively modest and the operation of the facility does not require HGV access.

We are aware from accident records that two accidents have occurred in this location in the last five years (both in 2014), however discussions with the Safer Highways Team indicate that this is not a site they consider to be in need of further remediation.

There is nothing within the accident record to suggest that an increase in movements by the sites owners would result in further accidents as the accidents are not related to the existing use of the access by residents / owners but more from drivers on the A6097 unfamiliar with the access undertaking inappropriate manoeuvres such as u-turns to turn back towards the A46.

In view of the above the Highway Authority have no objection to the proposals.’

16. NCC Flood Risk: *Raise no objections.*

17. Via Noise Engineer: *Raise no objections having reviewed the supporting information and given the small-scale operation and distance to nearest noise sensitive receptors.*
18. Via Rights of Way: *Raise no objections.*

Rights of way (Bridleway no 28 – East Bridgford)) is adjacent to the proposed development. From the available information, it would appear that the bridleway would not be directly affected from the development but would need to be crossed over to access the property and business. The scale of the development does not appear to present a significant disruption or impact to the bridleway access, however, the safety of the public should be considered where developments may increase the flow of vehicular traffic across a public right of way. The bridleway should remain available, unobstructed and be kept on its legal alignment at all times. There should be no disturbance to the surface of the bridleway without prior authorisation from the rights of way team.
19. Via Reclamation: *No representations received.*
20. Severn Trent Water Limited: *Raise no objections.*
21. Cadent Gas Limited, Severn Trent Water Limited: *No representation received. Any response received shall be orally reported.*

Publicity

22. The application has been publicised by means of site notice and a press notice in the Evening Post in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
23. Councillor Francis Purdue-Horan and Cllr Neil Clarke have been notified of the application. Councillor Francis Purdue-Horan is concerned at the potential number of vehicle movements at this site and the impact this may have on the vicinity. If permission is granted conditions should be imposed to maintain compliance with statements made within the application.
24. The issues raised are considered in the Observations Section of this report.

Observations

Location of Site

25. Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policies WCS4 and WCS7 set out the criteria to assess whether a location is considered appropriate for new waste management facilities.
26. WCS Policy WCS4 (Broad locations for waste management facilities) states:

'The development of small-scale waste treatment facilities will be supported in all locations where these will help to meet local needs and fit in with the local character'

27. The development is small-scale, being operated personally by the home owner on a 'home-working' arrangement. The facility would process a small quantity (100 tonnes per year) of waste materials originating from the local area and would be undertaken internally within the existing buildings. The development would therefore fit into the local character of the area and it is considered that Policy WCS4 is supportive of the development of this small-scale waste treatment facility in this location.
28. WCS Policy WCS7 (General Site Criteria) incorporates a site selection matrix to assist with the identification of land suitable for developing new waste management facilities. In the case of metal recycling facilities, the policy gives preference to these being sited on industrial land. The supporting text explains that this is because these facilities are normally carried out in the open air and therefore need to be located well away from receptors sensitive to noise and dust. Policy WCS7 does not readily support a Green Belt rural location for this type of development. Although Policy WCS7 gives preference to industrial locations for metal recycling facilities, the policy wording does not preclude planning permission being granted for the development of metal recycling facilities in other locations, if supported by other material considerations.

Green Belt

29. Saved Policy ENV15 of the 1996 Rushcliffe Borough Local Plan (RLP) designates a Green Belt within Rushcliffe Borough, the boundaries of which are identified on the Proposals Map. The planning application site is located within the Green Belt.
30. The Green Belt development control policy originally incorporated within the RLP (Policy ENV16) has not been saved. Until such time that the Part II Rushcliffe Local Plan is adopted the Aligned Core Strategy advises that planning decisions should be assessed against Green Belt policy incorporated within the NPPF.
31. In the context of NPPF policy, paragraph 146 states that the re-use of buildings is not inappropriate development provided the buildings are of permanent and substantial construction. The development relates to a change of use of existing buildings, does not incorporate any new buildings and external storage is not proposed. The proposal therefore would not have any adverse impacts to the openness of the Green Belt and can thus be assessed as not being inappropriate development within the Green Belt.
32. In the context of the WCS there is not a specific Green Belt development control policy although Policy WCS4 states that 'new built waste management facilities' would constitute inappropriate development in the Green Belt. As this development seeks planning permission for a change of use of existing

buildings rather than the erection of new buildings, Policy WCS4 does not define the development as being inappropriate.

33. The development can therefore be assessed as not being inappropriate development within the Green Belt in the context of Paragraph 146 of the NPPF. The activities would be contained within the existing buildings with no external storage. Impacts to the open character of the Green Belt therefore would not occur.
34. A planning condition is recommended to prohibit external storage associated with the use to ensure the openness of the Green Belt is satisfactorily safeguarded.

Economic Policy

35. The NPPF objective is to secure sustainable development when planning decisions are made. It identifies that sustainable development should provide economic, social and environmental benefits.
36. NPPF paragraph 80 requires planning authorities to attach significant weight to supporting economic growth and productivity and ensuring that planning decisions help create the conditions in which businesses can invest and expand. Paragraph 81d identifies that planning policies should allow for flexible working practices (such as live-work accommodation) and paragraph 83a encourages the sustainable growth and expansion of all types of business in rural areas, particularly through the conversion of existing buildings.
37. The development would positively contribute to the local rural economy by providing live-work accommodation and supporting a flexible working arrangement. The development therefore is supported by the economic objectives of the NPPF and this should be given positive weight in the decision making process.

Assessment of Environment Effects

38. WCS Policy WCS13 (Protecting and enhancing our environment) is key to the assessment of the environment effects. It states that all waste treatment facilities will only be supported when it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby. A series of saved environmental protection policies are incorporated within Chapter 3 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) which can be read alongside and in support of Policy WCS13. These policies are considered below.
39. WLP Policy W3.14 states that planning permission will not be granted for a waste management facility where the vehicle movements generated by the facility cannot be satisfactorily accommodated on the highway network or would cause unacceptable disturbance to local communities. East Bridgford Parish Council and Councillor Purdue-Horan have raised objections/concerns regarding the traffic associated with the development and its potential road

safety impacts. These concerns have been considered in detail within the NCC Highways consultation response where it is acknowledged that the development would result in a relative modest increase in traffic numbers using the existing private residential access onto the A6097 (typically 4 – 6 vehicles a day), none of which would be HGV's. An inspection of the accident records identifies that although historically there have been two accidents near the junction in 2014, these were as a result of inappropriate manoeuvres (U-turns) and not by legitimate users of the access by residents/owners. NCC Highways are therefore satisfied with the proposed level of traffic using the existing access facilities in this location and have not raised an objection. In view of this highway advice there is no conflict with WLP Policy W3.14 subject to controls being imposed prohibiting commercial access to the site by HGV and limiting the number of delivery vehicles accessing the site to a maximum 33 per week (66 movements), which equates to a limit of 6 delivery vehicles per day averaged over a 5½ day working week.

40. There is an existing public right of way (Bridleway no. 28 – East Bridgford) which runs parallel but set back from the A6097. Vehicles accessing the existing house and outbuildings at The Stables currently cross over this right of way to obtain access. The development would not change this existing crossing point and the small intensification of use would not result in any significant disruption to the use of the public footpath. The development therefore is compliant with WLP Policy W3.26 which seeks to ensure that waste management facilities do not temporarily or permanently disrupt public rights of way. An informative note is suggested to remind the applicant of the need to not restrict access on the bridleway.
41. In terms of visual impacts, the proposed use would be operated from the existing buildings at the site with no external storage proposed. These arrangements would ensure visual impacts are minimised and thus ensure compliance with the objectives of WLP Policies W3.3 and W3.4 concerning visual impact. A planning condition is recommended to regulate external storage and the use of floodlighting to minimise any visual impacts from the development.
42. In terms of pollution control, only inert non-ferrous metals would be accepted at the site and any metals contaminated by oils would not be accepted. The operator states that metal imports would be closely supervised and any non-conforming loads would be rejected or placed into leak-proof steel bins for separate disposal. It is recommended that this is regulated through planning condition. All storage and sorting would be undertaken within the buildings which benefit from concrete surfaced floors which would capture and contain potentially contaminated drainage flows from waste materials stored on them. It is therefore concluded that the operation of the site would not create significant pollution impacts and thus ensure compliance with WLP Policies W3.5 and W3.6 relating to pollution control.
43. Regulating the controls in respect of the type and composition of waste inputs permitted at the site by planning condition would also minimise the risk of odorous wastes being received by the facility and thus ensure compliance with WLP Policy W3.7 relating to odour control.

44. Adverse noise emissions from the operation of the facility are not anticipated due to the small scale of the development and the remoteness of the site from surrounding residential properties. The facility would be operated by the occupiers of the adjoining residential property and this relationship would self-regulate the level of noise emissions between the business use and this residential property. It is recommended that a planning condition is imposed to link the occupation of the house and ownership/management of the business together to ensure the two uses are not separated in future years since there would be a much greater risk for disturbance to occur if this was to happen. The applicant has confirmed he is happy for this to be regulated by planning condition. Planning conditions are also recommended to restrict the operating hours to between 08:00 to 17:00 Monday to Friday and 09:00 to 12:00 Saturdays. These controls would ensure the operation of the facility does not generate significant noise emissions and thus ensure compliance with WLP Policy W3.8 (noise).
45. Litter nuisance and dust from the operation of the facility is not anticipated due to the process being undertaken within a building and the heavy characteristics of metal waste making it less vulnerable to windblow. The metal character of the waste would also minimise fire risks associated with the storage and transfer activities proposed.

Conclusion

46. It is concluded that this small-scale scrap metal transfer facility operated within an existing building is supported by WCS Policy WCS4. The development would assist in supporting a flexible/homeworking arrangement for this business and would positively contribute to the local economy. The change of use of the buildings would not detract from the local character of the area and is not inappropriate development in the context of Green Belt policy incorporated in paragraph 146 of the NPPF.
47. The planning submission incorporates a series of environmental controls which would be regulated by planning conditions to ensure the operation of the development does not have an adverse environmental impact and satisfy the requirements of the environmental protection policies incorporated within Chapter 3 of the WLP and WCS Policy WCS13.

Other Options Considered

48. 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

49. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk,

service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

The yard has a secure gated entrance as well as discreet floodlighting and CCTV cameras.

Data Protection and Information Governance

Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

Human Rights Implications

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

Implications for Sustainability and the Environment

All matters regarding sustainability and the environment should have been dealt with in the Observations section and so a reference to this section should be made.

There are no financial; human resources; public sector equality duty; safeguarding of children and adults at risk; or service user implications

Statement of Positive and Proactive Engagement

50. 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

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

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SJG 21.12.18]

The recommendation falls within the remit of the Planning and Licencing Committee.

Comments of the Service Director - Finance [ES 28/12/18]

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

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Bingham East

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Bingham West

Cllr Neil Clarke

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