



21st 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 portkabins and weighbridge

Two stacked portkabin 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 tarmac road 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 5th March 2015.
 - b) Drawing No.01, 'Location Plan', dated October 2014 and received by the WPA on 25th February 2015.
 - c) Drawing No.02 Rev C, 'Site Development Layout', dated 29th May 2015 and received by the WPA on 1st June 2015.
 - d) Drawing No.03 Rev E, 'Proposed Layout Plan', dated 24th February 2015 and received by the WPA on 25th February 2015.
 - e) Drawing No.C2125-SK1 Rev D, 'Indicative Drainage Layout', dated 30th January 2015 and received by the WPA on 25th February 2015.
 - f) Drawing No.06 Rev A, 'Proposed waste storage bays plans and elevations', dated 24th February 2015 and received by the WPA on 25th February 2015.

- g) Drawing No.07, 'Proposed portakabins & store plan and elevations', dated January 2015 and received by the WPA on 25th February 2015.
- h) Drawing No.08 Rev A, 'Estate Road- partial layout', dated 29th May 2015 and received by the WPA on 1st June 2015.
- i) Design and Access Statement, Rev B, dated February 2015 and received by the WPA on 25th February 2015.
- j) Noise Impact Assessment by Acute Acoustics Ltd, dated 16th February 2015 and received by the WPA on 25th February 2015.
- k) Addendum to Noise Impact Assessment, dated and received by the WPA on 1st July 2015.
- l) GroundSure Phase 1 Environmental Risk Assessment, dated 13th February 2015 and received by the WPA on 25th February 2015.
- m) Letter from TMA Architectural Design Services dated and received by the WPA on 1st 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 29th May 2015, received by the WPA on 1st 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 24th February 2015 and received by the WPA on 25th 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 1st 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 24th February 2015 and received by the WPA on 25th 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 24th February 2015 and received by the WPA on 25th 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.