



meeting **PLANNING COMMITTEE**

date **16 MARCH 2004**

agenda item number

4

from: **Director of Environment**

**RUSHCLIFFE BOROUGH COUNCIL 8/03/01676/CMA
CHANGE OF USE OF FORMER BUILDER'S YARD TO METAL
RECYCLING FACILITY INCLUDING SECURITY FENCING, LANDSCAPING
AND STAFF FACILITIES
LAND AT LANGAR AIRFIELD TO THE NORTH EAST OF HARBY ROAD,
LANGAR, NOTTS
APPLICANT: GLENBARRY METALS LTD**

Purpose of Report

1. To consider a planning application to use a former builder's yard as a metal recycling facility at land within the Langar Airfield, Langar, Notts. The proposal relates to development within the Langar Airfield and has been treated as a departure from the Development Plan. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings

2. Langar Airfield lies some 18km to the south-east of Nottingham approximately mid-point between Langar to the north-west and Harby to the south-east, both villages being some 2.5km distant (see Plan 1). The airfield remains active although several buildings formerly associated with it are now in various industrial uses linked by surfaced access roads. Other buildings appear vacant or are in a dilapidated state of repair. Access to the airfield is from the north-eastern side of Harby Road.
3. The nearest residential areas comprise the villages of Langar and Harby although isolated properties and farms lie in closer proximity including Coach Gap Nursery, part of the Coach Gap Lane Industrial Estate, approximately 0.6km to the north-west.
4. The subject site represents a flat area of concrete hardstanding situated towards the north-western fringe of the airfield. It measures approximately 114m by 66m although unmanaged intermittent trees and scrub border the site. The application site also includes a grassed area of land adjacent to the

southern boundary of the hardstanding area separated by an internal access road serving the wider site.

5. Access to the site is from the existing entrance to the airfield off Harby Road via an existing private access road shared with other occupiers of the Industrial Estate. The area of hardstanding is slightly higher than the adjacent access area and thus two concreted ramps on the site's eastern boundary lead up from the adjacent circulation area. The site is presently unsecured and there is evidence of extensive fly tipping having occurred upon the hardstanding area and the vegetated borders.

Proposed Development

6. The application seeks planning permission to use the site as a metal recycling yard. The scheme proposes to operate a one way system within the area of hardstanding utilising the two existing ramps. Public weighbridges would be sited at the top of both ramps. Provision for 9 staff and visitor car parking spaces would be made between the two ramps. A site office measuring 9.80m by 3.75m is proposed adjacent to the entrance ramp and an area is designated for overnight parking (see Plan 2).
7. It is proposed to recover and recycle ferrous and non-ferrous metals. Such materials would be subject to segregation, dismantling and cutting dependent upon the nature of the incoming load. Cutting would be by hand, machine or cutting torch. Clean ferrous metals would be stored on concrete areas or in skips whilst non-ferrous metals would be stored in separate bins. Recovered metals would be forwarded to either a fragmentation plant for further processing or directly to a steelworks for re-smelting. Batteries would be stored in a steel lined leakproof skip for onward transportation to a specialist recycling plant.
8. Scrap vehicles collected on behalf of the Borough Council are proposed to be taken either directly to another facility or removed off the site within two days. The applicant proposes, however, to establish a processing plant for the disposal of end of life vehicles at the site once guidance from the Environment Agency is clarified.
9. Materials would be stored on the ground or in skips to a height no greater than 3m above the level of the existing concrete floor. The maximum quantity of waste stored on the site is estimated to be 500 tonnes. Mobile plant would include a petrol operated disc cutter; small alligator shear; a grab; magnet and a fork lift truck. No fixed plant or machinery is proposed.
10. The proposals are expected to generate the following vehicle movements:
 - a) Two 8 wheeled roll on-off bin lorries both making five trips per day;
 - b) One skip lorry making six trips per day;
 - c) One hi-ab lorry for the collection of abandoned vehicles and from customers making two trips per day;
 - d) Trips by third parties averaging 15 per day;
 - e) Cars by members of staff averaging 6 trips per day.

11. The site would be enclosed by a 2.5m high galvanised steel palisade perimeter security fence. The eastern end of the site would also contain a 2.5m high concrete wall partly enclosing an area to enable materials to be deposited and checked prior to sorting/processing. Various skips would be sited around the internal circulation route for the storage of materials, precious metals and end of life vehicles. Security lighting is also proposed which would also be used as winter-time lighting. It is proposed to operate the site between the following hours:

0800hrs – 1630hrs Mondays to Fridays
0800hrs – 1300hrs Saturdays.

12. The site would employ eleven people. Whilst this level could rise if the business develops successfully, the applicant anticipates that it is unlikely to need to expand beyond the boundaries of the current application site.
13. Additional tree planting is proposed to bolster the existing vegetation. The applicants are also willing to retain the existing grassed area.

Planning Policies

14. Planning Policy Guidance (PPG) Note 10 sets out Central Government guidance in respect of 'Planning and Waste Management' .
15. Policy 3/1 of the Nottinghamshire Structure Plan Review (SPR) refers to the control of development in the countryside and states that permission will not be granted for development outside the limits of existing built-up areas other than that provided for in the Development Plan.
16. Policy 3/20 states that permission for industrial, commercial or other forms of development will not be granted where they would:
 - a) generate levels of noise, emissions, odours or other pollution seriously detrimental to the surrounding environment;
 - b) result in unacceptable traffic flows;
 - c) be seriously detrimental to the environment of surrounding residential areas;
 - d) be seriously detrimental to the visual quality of the environment;
 - e) involve the presence of hazardous substances where they may cause danger.
17. Policy 12/1 requires the need for waste management proposals to be assessed against any environmental impact. Particular regard shall be given to:
 - a) the contribution to waste management of reduction, reuse and/or recovery and , where necessary, safe disposal or other management, as close as possible to the waste source as reasonably possible;
 - b) the economic use of land and avoidance of conflict with other land uses;

- c) the health, safety and amenity interests of communities and businesses;
 - d) the protection of the natural and built environment;
 - e) the minimisation of pollution;
 - f) other beneficial uses such as reuse;
 - g) the impact on the transport network.
18. The Rushcliffe Borough Local Plan (RLP) identifies the site as falling within the countryside, albeit within an area of the Langar Airfield allocated under Policy E8 for employment purposes. Policy E8 states that permission will normally be granted for employment development proposals at Langar within the areas defined on the Proposals Map provided that they arise from the reasonable expansion of existing firms or the beneficial use of suitable existing buildings.
19. Policy ENV1 provides support for new development provided that various amenity and design criteria are met. Policy ENV17 states that permission for new development in the countryside outside the Green Belt will not normally be given except for:
- a) essential rural activities including agriculture, forestry and mineral extraction;
 - b) appropriate recreational and tourist uses;
 - c) certain institutional and similar uses standing in extensive grounds;
 - d) uses essential to the operational requirements of a public service authority or statutory undertaker; or
 - e) proposals which comply with housing policies H1, H4, H5, H6, H7, H8 and employment policies E1, E3, E4, E6, E8 and Policy CRT1.
20. Policy ENV18 requires that where a use in the countryside accords with policy it must be demonstrated that:
- a) the site has been chosen to minimise impact upon the countryside;
 - b) the proposal does not significantly intrude upon important buildings, landscaper features or views or upon the open nature of the countryside;
 - c) the proposal has been designed to minimise its impact upon the countryside and an appropriate landscape scheme is proposed as an integral part of the development as defined in ENV12; and
 - d) as far as possible existing buildings on the site have been used to accommodate indoor facilities and where new buildings or extensions are proposed they respect the general character of the area through siting, design and materials.

21. Similar policies are rolled forward within the Rushcliffe Replacement Local Plan Deposit Draft (RLPDD). Policy ENV1 sets out general amenity and design considerations whilst Policy ENV21 reiterates Policy ENV18 of the RLP.
22. Policy ENV22 states that within the open countryside outside the Green Belt permission will not normally be granted except for, inter alia, “redevelopment of existing employment sites for employment uses subject to Policy ENV1.”
23. The Proposals Map identifies the site as falling area suitable for Employment Development provided proposals arise from the reasonable expansion of existing firms or the beneficial use of existing buildings (Policy E6 refers).
24. Chapter 3 of the Nottinghamshire Waste Local Plan (WLP) sets out various policies concerned with environmental protection. Policy W5.10 refers specifically to metal recycling and states that proposals for new scrapyards will be permitted within five specified employment sites. Proposals outside these preferred areas will also be permitted in other existing employment sites or those designated in Local Plans where it can be demonstrated that there is no unacceptable environmental impact.

Consultations

25. **Rushcliffe Borough Council** object to the proposals on the grounds that it would result in an inappropriate form of development in the countryside contrary to Policy ENV17 of the Rushcliffe Borough Local Plan and does not constitute the reasonable expansion of an existing firm or the beneficial use of a suitable existing building contrary to Policy E8.
26. **Langar cum Barnstone Parish Council** raise no objection but raise concern that no testing policy would be in operation on incoming waste and believe such a requirement should be imposed.
27. **The Environment Agency** raise no objection in principle subject to the imposition of planning conditions to prevent pollution of the water environment. A copy of their advice is to be attached to the decision notice.
28. **Transco** raise no objection but confirm the presence of apparatus in the vicinity. A copy of their advice note is to be passed onto the applicant.
29. **East Midlands Electricity** have not responded.
30. **Severn Trent Water** have not responded.

Publicity

31. The application has been publicised by means of a site notice, press notice and neighbour notification letters sent to the nearest occupiers. Three letters of representation have been received raising the following issues:

- a) Whilst the site is not directly agricultural, most of the airfield is still agricultural and thus the site would form part of an agricultural area;
- b) There is reason enough to reject the proposal as the site does not have support of WLP Policy W5.10;
- c) Residential development lies within 500m. Harby is 1.5miles distant not 2 miles as claimed whilst Langar would only be “approximately ½ mile away”;
- d) The applicant concedes the operation would be noisy and the reference to processing plant is assumed to be a crushing plant which can be expected to generate further noise. At present there is no other heavy or noisy plant near the site. Noise from motorcyclists using the area at weekends can be heard inside property through double glazing;
- e) Claims that the quantity of waste anticipated would necessitate a large scrap pre-compression shear rather than a small alligator shear;
- f) The claimed quantity of material anticipated to be stored at the site would require more skips than the site could accommodate. The reference to storing batteries contradicts the statement that hazardous waste would not be stored;
- g) Claims that the operation would be small scale are not borne out by the proposed lorry movements. The closure of nearby premises has not reduced lorry movements as they have relocated close to Barnstone Works. Proposals would create more traffic on the “already overloaded and now very dangerous road from Bingham to Harby”;
- h) It is claimed that a large proportion of existing customers specified by the applicant use an existing metal recycling facility near Cotgrave serving the locality. Such customers would not, therefore, need to otherwise go into Nottingham as the applicant states;
- i) A similar application for a metal recycling facility on a smaller scale within a building was refused planning permission. Concerns were raised that the proposals would contaminate local fishing ponds to which the current site drains. Other surveys/information requested as part of that application have not been provided to support the current proposal;
- j) Concerns relating to drainage issues from oil spillages/washing down vehicles etc;
- k) The dyke which drains from the airfield has previously been polluted. Request that the ground is tested prior to occupation and at regular intervals thereafter;

The above issues are considered in the Observations section of this report.

Highway Observations

32. No objection on highway grounds. The level of traffic generated is considered unlikely to significantly affect highway capacity.

Observations

33. Members may recall that the applicant formerly operated a metal recycling yard at land off Nottingham Road, Cropwell Bishop, with the benefit of a series of temporary permissions. The applicant agreed to vacate that site following enforcement action taken by this Authority, initiated on the basis that that site lay within the Green Belt and, consequently, was inappropriate as a permanent site. The present proposal represents the applicant's attempt to secure planning permission for a suitable permanent facility. A permanent site is sought in order to justify the significant investment necessary to meet current legislative requirements for such a business.
34. In principle the proposals should be encouraged from a sustainability perspective as the proposed operations would contribute to dealing with waste in a manner higher up the hierarchy of waste management options.
35. WLP Policy W5.10 is particularly relevant to the proposals dealing specifically with new scrapyards. RLP Policy E8 (rolled forward as Policy E6 in the Replacement Local Plan Deposit Draft) is also relevant to this site. Whilst Langar Airfield is not specifically mentioned in Policy W5.10 (as observed in the representations received), the site's designation as an area suitable for employment development and the surrounding industrial and employment uses suggest that the proposal is capable of satisfying the environmental acceptability element of the policy, subject to the detailed considerations below.
36. RLP Policy E8 (Policy E6 RLPDD) is framed so as to restrict usage to the expansion of existing occupiers or the beneficial use of existing buildings. Since the applicant is neither an existing occupier on the Industrial Estate, nor proposes the use of an existing building, the proposals have accordingly been treated as a departure from the Development Plan. The wording of this policy appears to resist the introduction of new buildings onto the site whilst the extension of existing buildings could be permissible.
37. A conflict, therefore, arises between the WLP policy, which supports the proposals within a designated employment site, and the RLP which resists the scheme as it would not involve the use of an existing building.
38. No doubt the restrictions on the re-use/extensions of existing buildings aim to limit the environmental impact of any new development. Indeed the commentary within the RLP notes that there is a need to achieve an improvement in the environment of the area. The scrapyard proposals are essentially an open-air use which, if promoted by an occupier of an existing building, would presumably be acceptable. Whilst the portable site office may infringe that policy, this would be a small single-storey building, removal of

which could be controlled by planning condition, should the site cease to be operated for purposes of metal recycling.

39. The applicant has provided an OS extract showing that a Builder's yard previously occupied the site. Whilst records held at the Borough Council have not confirmed that such a use had the benefit of a formal planning permission, clearly the site's hard surfacing reinforces its inclusion as part of the industrial estate and no doubt explains its designation. The objection that the site forms part of an agricultural area cannot therefore be accepted.
40. The Borough Council's objection that the proposals would result in an inappropriate form of development in the countryside contrary to RLP Policy ENV17 is noted. However, it is difficult to see how such a policy can be applied to a site already designated for employment use. In any event, the policy which has emerged within the RLPDD (Policy ENV22) introduces an exception for the "redevelopment of existing employment sites for employment uses..." Under this policy, it would appear that the proposals are acceptable subject to general amenity and design considerations.
41. Concerns regarding the actual distances of the site from residential development are noted and such locations have been taken into account in compiling this report. Noise can be expected to arise from the operations and associated transportation movements. However, in view of the site's designation within an employment area, activities generating some degree of noise can be considered reasonable. Furthermore, in view of the proposed plant and machinery; hours of operation; anticipated vehicle movements; access arrangements; and physical size of the site, the likely noise impacts are not considered to be unacceptable.
42. Objections that larger plant and machinery would be necessary have been raised with the applicant who responds that only the more valuable metals would need to be processed on site. Planning conditions could restrict the operator to the plant and vehicle movements specified. Such an arrangement would require the applicant to submit further details, together with a noise assessment if appropriate, should additional processing plant be desired in connection with any future disposal of end of life vehicles. Such an approach is consistent with the advice in Planning Policy Guidance Note 24, 'Planning and Noise'.
43. It is understood that noise from motorcyclists can be heard using the area at weekends. This is essentially a management issue, although arguably the proposed use of the site would, through the installation of security gates, partly reduce the ability to cause such disturbance and reduce opportunities for fly tipping in the vicinity.
44. In response to concerns that more skips would be needed than the site could accommodate, the applicant accepts that skip numbers will vary depending upon the nature of incoming loads. The applicant is satisfied, however, that site has sufficient space to satisfactorily accommodate need and the extent of the site, its layout and storage height restrictions can be controlled by

conditions. The applicants accept that any hazardous material such as batteries would be stored in accordance with relevant regulations.

45. The site is partially screened by existing vegetation which the applicant proposes to complement with additional screen planting which again could be required by planning conditions. The applicant's offer to retain the existing southern part of the application site as a grassed area is welcomed and a suitable planning condition would provide further assurance as to the anticipated extent of future operations.
46. No sensitive properties have any direct views of the site and the above measures, coupled with controls over storage heights and the suitable positioning of external lighting, would ensure that no unacceptable visual impact arises.
47. Concerns raised in respect of traffic levels and their impacts upon the existing network have not resulted in a Highways objection. The proposed traffic levels could be controlled by planning condition and any future proposals for the site involving additional vehicle movements could be assessed on their merits at that time.
48. The area to be partly enclosed by a concrete wall would enable incoming loads to be checked to ensure their suitability and the supporting statement outlines the procedures to deal with such occurrences. Such procedures could be covered by a planning condition with an attached requirement for inspection of relevant records by the Planning Authority if requested. Such an arrangement would meet the Parish Council's desire for a testing policy.
49. The claim that a large proportion of the applicant's existing customers use an existing metal recycling facility in the locality is noted. Whilst the location of the existing facility could obviate the need for such customers to otherwise travel to Nottingham as the applicant has claimed, the planning system does not exist to safeguard the private interests of one person against the activities of another.
50. It is also noted that a similar application for a metal recycling facility was refused planning permission in the vicinity (Plg Ref. 8/98/00404/CMA). That site, however, lay outside the area designated for employment development and, as such, failed to meet relevant planning policy considerations. A noise assessment and protected species survey were sought in respect of that application in view of its closer proximity to residential properties and a Site of Importance for Nature Conservation respectively.
51. The relevant bodies have not raised an objection to the current proposals on drainage grounds subject to appropriate conditions. Such conditions would cover concerns arising from oil spillages, vehicle washing and should prevent feared pollution incidents.

52. It is noted that the parachute jumping takes place on the airfield. Other premises on the site are, however, enclosed by spiked palisade fencing and this issue has not been identified as a concern by the airfield operator.

Human Rights Act Implications

53. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are affected. The proposals have the potential to introduce impacts of noise and visual intrusion. However, these considerations need to be balanced against the site's location within an area designated for employment development, the benefits the proposals can provide, the distance involved to sensitive properties and the scope to mitigate such impacts through planning conditions.

Conclusions

54. The proposals fall within a designated area for employment development and accord with WLP Policy W5.10. Whilst the proposals do not accord with the wording of RLP Policy E8 (Policy E6 RLPDD), the scheme meets national objectives and contributes to sustainable waste management practices. The potential impacts of the site are considered capable of being controlled such as to not give rise to unacceptable impacts. On balance, therefore, the proposals are supported and considered to represent an appropriate permanent location for the proposed use following the vacation of an inappropriate site within the Green Belt by the applicant. The application has been advertised as a Departure but it is not considered necessary on this occasion to refer the matter to the Government Office for the East Midlands in light of the above.

Statutory and Policy Implications

55. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought to out in the text of the report. Attention is, however, drawn to specifics as follows:-

Crime and Disorder Implications

56. The development would be enclosed by a security fence. The site office would benefit from an intruder alarm whilst security lights with sensors would be installed within the site.

RECOMMENDATION

57. 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.

Statement of reasons for approval

58. The proposals, while not in strict accordance with the adopted RLP, are in accordance with policies of the adopted WLP and are capable of being supported by policies of the emerging RLPDD, should their environmental impacts be acceptable. The proposed imposition of the attached conditions is considered to deal satisfactorily with mitigation of these impacts. The proposals are acceptable and will bring about benefits in terms of employment and provision of a recycling facility in line with national planning objectives.

PETER WEBSTER
Director of Environment

Head of Legal Services' Comments

Planning Committee has power to decide the Recommendation. [SHB 4.3.04]

Director of Resources' Financial Comments

As this report considers only the planning application, there are no financial implications arising. [DJK 25.2.04]

Background Papers Available for Inspection

1. Letter from Transco dated 12.12.03
2. Letter from Langar cum Barnstone Parish Council dated 20.12.03
3. Letter of representation dated 18.12.03
4. Letter of representation dated 29.12.03
5. Letter of representation dated 30.12.03
6. Letter from the Environment Agency dated 30.12.03
7. Letter from Rushcliffe Borough Council dated 21.01.04

Electoral Division(s) Affected

Cotgrave

Please note. Copies of plans referred to in this report may be obtained from: John Sheffield, Environment, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ, tel 0115 977 4499, email john.sheffield@nottscc.gov.uk or from Peter Barker at the same address, tel 0115 977 4416, email peter.barker@nottscc.gov.uk.

SUGGESTED PLANNING CONDITIONS

APPENDIX 1

Definition of Permission

1. The development hereby permitted shall be begun within 5 years from the date of this permission.
2. The development hereby permitted relates to the use of the site shown on Drawing No. SK1 received by the Waste Planning Authority (WPA) on 24 November 2003 as a metal recycling facility within the area edged red on Drawing No. SK2 received by the WPA on 24 November 2003.

Site Layout

3. Prior to the commencement of the development hereby permitted, the site shall be clearly marked out in accordance with the details shown on Drawing No. SK1 received by the WPA on 24 November 2003. The site shall be maintained in accordance with the approved layout unless a variation is subsequently agreed in writing by the WPA.
4. Prior to the commencement of the development hereby permitted, staff and visitor car parking spaces and vehicular circulation arrangements shall be marked out in accordance with details that shall have previously been approved in writing by the WPA.

Construction Details

5. Prior to the commencement of the development hereby permitted details of measures to protect the existing vegetation bordering the operational area shown on Drawing No SK1 shall be provided to the WPA for its written approval. Construction works shall thereafter be undertaken in full accordance with the approved details.
6. Prior to its placement within the site details of the construction and colour of the site office shall be submitted to the WPA for its written approval and the development shall thereafter be implemented in accordance with the approved details unless a variation is subsequently agreed in writing by the WPA.
7. Prior to the commencement of the development hereby permitted details of the proposed external lighting shall be submitted to the WPA for its written approval. The scheme, which shall be designed to angle down towards the operational area so as to minimise light pollution, shall thereafter be implemented in accordance with the approved details.

Access and Traffic

8. Access to and egress from the site shall be via the existing access to Langar Airfield as shown on Drawing No. SK2 received by the WPA on 24 November 2003.
9. Unless otherwise agreed in writing by the WPA the number of HGVs controlled by the operator entering the site shall not exceed the average daily levels set out in the supporting statement accompanying the application measured over any 7 day period. The operator shall record all such vehicle movements and make such records available to the WPA upon request.

Hours of Operations

10. Unless in the event of an emergency or as otherwise previously agreed in writing by the WPA, the site shall only operate between 0800 hours – 1630 hours on Mondays to Fridays and between 0800 hours – 1300 hours on Saturdays. No operations shall be carried out on Sundays, Public or Bank Holidays.

Environmental Controls

11. All possible measures shall be employed to ensure that noise associated with the use of the development hereby permitted is kept to a minimum. Such measures shall include:
 - a) ensuring all plant and vehicles are silenced and maintained in accordance with manufacturers' specifications; and
 - b) minimising drop heights when unloading and loading.

In the event of a complaint being received and considered by the WPA to be justified the operator shall upon the request of the WPA carry out a noise survey which shall be submitted to the WPA within one month of the request or such other timescale as may be agreed in writing by the WPA. Should the WPA consider the complaint justified in the light of the noise survey, further noise mitigation measures shall be carried out by the operator in accordance with details that shall have been previously agreed in writing by the WPA.

12. All possible measures shall be employed to ensure that dust arising from the site is kept to a minimum and shall include the provision and use of site watering facilities.
13. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roadways and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

14. 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 shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vent, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Operational Matters

15. Stockpiles of unprocessed and processed materials and skip storage areas shall not exceed 3m in height above adjacent ground level without the prior written approval of the WPA.

16. The site shall be kept in a clean and tidy state at all times.

17. All incoming loads which cannot be readily identified as suitable metals for recycling shall be deposited within the area denoted as 'Controlled Tipping Area' on Drawing No SK1, received by the WPA on 24 November 2003, for checking. Any material unsuitable for recycling shall be immediately reloaded for onward transportation to an appropriately licensed facility. A log shall be kept by the operator of all incoming and outgoing loads which shall be made available for inspection by the WPA upon request.

18. Unless otherwise previously agreed in writing by the WPA no plant or machinery shall be used on the site other than that specified within the supporting statement accompanying the application.

Landscaping

19. Prior to the use of the site for the development hereby permitted a scheme shall be submitted to the WPA for its written approval for:

(i) shrub and tree planting along the site's north-western, north-eastern and south-eastern boundaries; and

(ii) the management and maintenance of the area to the south-east of the operational area, as shown on Drawing No SK2 received by the WPA on 24 November 2003, as grassland for the duration of the development hereby permitted.

20. All planting shall be carried out in accordance with the details approved under Condition 19 in the first available planting season following approval of that scheme. The planting scheme shall be maintained in accordance

with the approved maintenance schedule and good arboricultural practice for a period of 5 years following its implementation and any shrubs or trees which die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with similar specimens to those originally planted.

Cessation of Operations

21. In the event that the use of the site for the development hereby permitted should cease for a period in excess of six months, the operator shall, upon the request of the WPA, clear the site of all buildings, skips, storage facilities, scrap material, structures, plant and machinery hereby permitted within three months of the date of the request.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2, 17. For the avoidance of doubt.
- 3, 4. In the interests of the safe working of the site and to ensure a satisfactory visual appearance for the development in accordance with Policy ENV1 of the Rushcliffe Borough Local Plan and Rushcliffe Replacement Local Plan Deposit Draft.
- 5, 6, 15, 16
19-20 To ensure a satisfactory visual appearance of the development.
7. To ensure a satisfactory visual appearance of the development and to minimise light pollution.
- 8-12,18 To protect the amenities of nearby residents, occupiers and other land users.
- 13-14. To prevent pollution of the water environment.
- 21 To provide for the beneficial use and appearance of the land in the event that the use hereby permitted ceases.

Note to Applicant:

The applicant's attention is drawn to the content of letters from Transco dated 12 December 2003 and the Environment Agency dated 30 December 2003, copies of which are attached to the decision letter.

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