



**18 September 2018**

**Agenda Item: 7**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**MANSFIELD DISTRICT REF. NO.: 2/2018/0449/NCC**

**PROPOSAL: VARIATION OF CONDITION 2 OF PLANNING PERMISSION 2/2011/0307/ST TO ERECT A NEW COVERED WASTE STORAGE BAY ON EXISTING FOOTPRINT. FULL PLANNING APPLICATION FOR NEW WASH DOWN AREA AND DRAINAGE**

**LOCATION: AB WASTE DISPOSAL LIMITED, BLEAKHILL SIDINGS, SHEEPBRIDGE LANE, MANSFIELD, NOTTS. NG18 5EP**

**APPLICANT: AB WASTE DISPOSAL**

### **Purpose of Report**

1. To consider a planning application for a variation of approved plans to erect a covered waste bay building at AB Waste Disposal, Bleakhill Sidings, off Sheepbridge Lane, Mansfield. The application also seeks full approval for a small wash down area. The key issues relate to visual appearance and residential amenity concerns. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

2. This application concerns an existing skip waste recycling yard situated in the built up area of Mansfield on the edge of the industrial area between Hermitage Lane and Sheepbridge Lane, 1.5km south-west of the town centre. (Plan 1)
3. The site is an elongated area of approximately 1.5ha beside the railway line which provides the northern boundary. Historically it was a railway siding, but no longer has any connection. Vehicular access is primarily by a private driveway at the eastern end of the site leading off Sheepbridge Lane at its junction with Quarry Lane. This also serves several neighbouring small industrial units. There is also a secondary entrance only from Hermitage Lane from the west. An embankment with trees and scrubby vegetation borders part of the railway boundary. There are residential dwellings beyond the railway to the north overlooking the western part of the site where the boundary vegetation stops short. These are on Wellcroft Close and Washington Drive on slightly elevated land and at their closest these houses are 25 to 30 metres from the site boundary. A public footpath runs in a fenced alleyway along the southern

boundary and crosses the access driveway. The River Maun lies 100m to the south.

4. Present on the site is an open-frontage building used for waste sorting, measuring approximately 15m by 18m and around 8.5m high. This is partly clad in green coloured profiled steel sheeting with its open front facing west into the yard. Adjacent are a series of open concrete storage bays following the northern boundary with the railway. There is a portacabin and weighbridge at the site entrance to the east. To the west beyond the storage bay area is an area dedicated to the open storage of empty skips and for vehicle parking. (Plan 2)

### **Planning history**

5. Planning permission (2/2011/0307/ST) was previously granted in 2011 to: *Construct a roof to cover the waste storage bays and tipping/sorting area and to construct an additional storage bay.* Monitoring records confirm that a technical implementation of the permission took place with the construction of the additional storage bay. The covered building structure over the top of these storage bays has not been built to date, but the permission remains in place to allow its erection. The approved plans show a sizable steel framed and clad structure -effectively a building- covering the series of open waste storage bays. The building would back onto the railway line and be enclosed apart from open-frontages into the yard. The footprint of the approved building is demarked on plan 2.
6. The site has subsequently been taken over by the current operator who now wishes to erect a similar covered waste storage bay, but over a single bay at this time. Officers are content that this building structure, for the same purpose, and of very similar dimensions, although smaller in length, can be dealt with by means of Section 73 to vary the extant/approved plans.

### **Proposed Development**

7. The application seeks to erect a covered storage bay/building over the footprint of one of the existing bays within the eastern part of the site. The new building would measure 20m by 15m comprising lower level concrete push walls and profiled steel sheeting atop. The applicant has clarified they wish to finish this in Olive Green. It would be 10.5m high with a mono-pitched roof rising up to 12m at its open front facing south into the yard. The roof would be finished as Goosewing Grey (See plan 3). It would be sited circa 55 metres from the nearest dwellings on Washington Drive and Century Avenue.
8. In terms of drainage, surface roof water would be captured for use in cleaning and dampening down the site. Water or effluents from the concrete floor would be drained into a catchpit, from where this can be pumped out for disposal by specialist waste contractors.
9. The building would supplement the existing one on the site and used to store and segregate wastes arising from the applicant's skip hire business, before it is

transported for onward recycling or treatment. The remaining external bays would also remain for continuing use, but the new building would enable some of these materials to be kept under cover.

10. The applicant does not wish to increase waste throughput or fundamentally change the operation of the site, nor the types of waste accepted, although the building may allow for plasterboard to be accepted in addition to the existing types of wastes - typically builders wastes, green wastes, and household wastes (not food waste) as controlled by the site's environmental permit.
11. The application also seeks approval to create a concrete hardstanding and in-built drainage to form a wash down area for a single vehicle. This would be situated on the southern side of the site within the main operational area.

## **Consultations**

12. **Mansfield District Council** – *No objection.*

13. **Environment Agency** – *No objection.*

*The proposal does not suggest that any increase in waste volumes or change in waste types is proposed and as such the current permit would still be fit for purpose. The operator would be required to amend and update site plans and the Environmental Management System to reflect the changes to site layout and operations. Management and disposal of waste water and the drainage arrangements for the site would also need to be in line with the expectations of the environmental permit.*

14. **NCC (Flood Risk)** - *Standing advice applies.*

15. **Via (Noise Engineer)** - *No objection.*

*The proposals should offer an overall slight benefit in terms of noise, as it will offer some additional screening from tipping operations.*

*It is recommended that the currently permitted operational hours of 07:00-18:00 Mon-Fri and 07:30-13:00 Saturdays, are specified to explicitly include the use of the wash down facility.*

16. **NCC (Highways)** - *Raises no objection.*

17. No response has been received from **Network Rail Civil Engineering** and **Via (Reclamation)**. Any responses received shall be orally reported.

## **Publicity**

18. The application has been advertised by a press notice; site notices and 11 neighbour notifications in accordance with the County Council's Adopted Statement of Community Involvement.

19. Five nearby residents have made representations raising concerns primarily in relation to pre-existing environmental and amenity concerns as follows:
  - (a) Noise from operations, loading, plant and machinery, radio noise;
  - (b) Infestation of rats/vermin;
  - (c) Queries about potential for odour;
  - (d) Some objectors believe that the applicant's other site at Mansfield Woodhouse is more suited to being developed due to the greater separation distance from housing.
20. Councillors Andy Sissons and Stephen Garner have been notified of the application.
21. The issues raised are considered in the Observations Section of this report.

## Observations

### Planning policy assessment

22. As an application under Section 73, the decision maker should be concerned with the matter of the conditions being varied (and hence the development being proposed) and not re-consider the planning permission afresh. However applications should still be considered against policies within the Development Plan so far as they are material to the proposal.
23. The proposed building works relate to a long-established and authorised waste management site. Policies WCS8 and WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy are considered particularly relevant in this case.
24. Policy WCS8 states that *'the extension, or redevelopment or improvement of existing waste management facilities will be supported where this would increase capacity or improve existing waste management methods, and/or reduce existing environmental impacts.'*
25. Policy WCS13 states that *'New or extended waste treatment or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.'*
26. The applicant's primary rationale for the proposed building structure is to improve the standards of waste management (as well as health and safety) at this site as opposed to expanding operations. Indeed the applicant has made it clear that it does not wish the site to accept any greater quantities of wastes

than is currently permitted (max 220 tonnes per day as subject to a planning condition, although the site operates below this level).

27. The proposed building structure would provide an enclosure of waste to contain it from the elements. By containing it from wind and rain, the quality of the sorted waste output would be improved, whilst the structure would also offer a barrier from the residential properties beyond the railway line. The addition of proper drainage arrangements for this and for the washing of vehicles would also offer an improvement to the current standards of drainage. The proposed development is therefore supported by Policy WCS8 as an investment in improved waste management and standards of recycling.
28. In accordance with Policy WCS13 it is necessary to assess relevant amenity and environmental concerns, before a conclusion can be reached.

#### Design and Visual Appearance

29. WCS Policy WCS15 seeks high standards of design and landscaping for new or extended waste management facilities. Policies W3.3 and W3.4 of the WLP guide the details required for the design of buildings and screening. New buildings should be located so as to minimise impacts to adjacent land; grouped together to prevent unsightly sprawl; kept as low as practicable and finished in appropriate materials and colour. Screening features such as trees or landscape bunds should be maintained or provided to further reduce visual impacts.
30. The proposed covered bay is in effect an open-fronted steel-framed building of similar form and dimensions to the existing covered building on the site. The existing building measures around 8.5m high but as part of the extant permission has consent for its roof to be increased up to 11m high to tie into the height of the consented/but not implemented covered storage bays. The proposed covered bay would be 1m higher at its maximum than the consented scheme in order to accommodate the height of the 360° grab but otherwise is of similar form to the consented scheme. Its cladding would also be finished in a matching green colour.
31. The location, scale and form of the proposed building would not result in any undue visual effects to nearby properties and would be entirely in character with the industrial type uses and buildings on the southern side of the rail line.
32. The presence of mature trees and dense Hawthorn scrub along the rear of the proposed bay (on railway land) provide an area of screening to residential properties directly to the north. This vegetation also forms part of an embankment/cutting against which the building would be sited. Similarly with the southern site boundary there is a mix of close boarded fencing to the public footpath as well as dense hedgerows screening the site from neighbouring businesses. Given the presence of the embankment and trees/scrub, no additional landscape planting is considered necessary to screen the new building. Some pruning to overhanging vegetation may be required and a condition can require these to be done to avoid impacts to breeding birds.

33. Accordingly the building is considered to have an appropriate siting, form and visual appearance complying with the above policies. A condition is recommended to stipulate a matching green coloured cladding. The previous scheme envisaged some climbing plants under planning condition, but it was not a practical solution and would serve little purpose for the present application. As such it is not considered necessary to re-impose these conditions.

#### Noise

34. In addition to Policy WCS13 covering general amenity, WLP Policy W3.9 enables planning conditions to be imposed to control noise.
35. The County Council's appointed Noise Engineer has considered the application along with the currently approved scheme and extant planning conditions. No objection is raised and the proposed building is considered to create a beneficial barrier effect reducing operational impacts to nearby residential properties. The building would be sited circa 55 metres from the nearest dwellings at the end of Washington Drive and Century Avenue.
36. The current planning permission is subject to strict noise and hours of operation conditions, which are recommended to be carried forward if this variation is granted. In particular the permitted hours are 07.00 to 18.00 hrs Monday to Friday; 07.30-13.00hrs on Saturdays and no working on Sundays or public/bank holidays and this condition would be amended but only to confirm that it includes the use of the wash down facility, as recommended by the Noise Engineer. There is an allowance however for six vehicles to leave the site between 06.00 and 07.00hrs but subject to further controls to keep their noise to an absolute minimum.
37. There are further conditions setting noise limits in accordance with relevant British Standards to protect the nearby residents; one that requires noise to be minimised from plant/machinery and the loading/unloading of skips; and also a complaints mechanism which can require the operator to investigate and reduce any excess noise which may have led to a complaint being made.
38. It is also notable that the current permission allows the operation of a crusher and screener and wood chipper, but subject to restricted operations. However the current operator/ applicant does not operate these types of equipment on site. On-site plant and machinery is limited to a 360° grab and a front-end loader to move and load materials around the site and in/out of skips and vehicles.
39. Whilst the concerns from residents are duly noted, these relate to previous and/or pre-existing concerns as opposed to any expected problems resulting from the proposed development in this application. The planning conditions can be carried forward to address any ongoing issues. Periodic site monitoring will also continue to be undertaken by the WPA.
40. Notwithstanding this the applicant has responded making the following points:
- Reversing beacons are a must for health and safety reasons.

- Only operate 2 machines. 1 loader and 1 360 grab compared with the previous operator who operated 3 as well as loading articulated trailers.
- Radio noise can be addressed.
- Banking and clanking of skips would reduce because the building would screen the noise. Repairs would also be made to holes in the ground.
- A 5mph site speed limit will be enforced.
- Noise readings are taken to highlight any peaks.

### Vermin

41. A previous infestation of rats has been raised as a concern by nearby residents. It is possible that previous works at the site caused disturbance to a nest. The applicant responds that this occurred under the previous operator and which reflected the types of waste accepted and their standards of management at that time, but which are no longer being accepted to the site.
42. This explanation is plausible and likely related to putrescible types of waste which were at times being accepted. Whilst green wastes such as garden trimmings are currently accepted these do not create the risk of vermin that food waste would. As such the concerns about vermin are considered historic. The applicant is required to manage vermin as part of the site's Environmental Permit including by contracting specialist pest controllers, as required.

### Odour

43. Odour is briefly raised by a resident as a concern, however this is not considered to be significant issue. The operator does not accept food waste (which may have been the cause of previous instances of odour) and green wastes are managed and regularly moved on. Odour control primarily rests with the permitting system, as opposed to the planning system, however there are planning conditions on the extant planning permission requiring the quick transfer of green wastes to prevent odour. This can be carried forward on any new grant of variation.

### Residential amenity

44. In assessing all relevant factors above and taking into account the responses of the residents and consultees, the proposed development would safeguard and possibly slightly improve the amenity of local residents situated beyond the railway, by better enclosing waste and providing a partial barrier to reduce noise. The site will also continue to be regulated by the Environment Agency via the Environmental Permit. The visual appearance of the building would be in keeping with the industrial context on this side of the railway. Accordingly the application is considered to accord with Policy WCS13.

### Ground and Surface Water Drainage

45. WLP Policies W3.5 and W3.6 seek to protect ground and surface waters from possible pollution from waste management facilities and ensure that drainage arrangements are designed accordingly.
46. The applicant has proposed arrangements for the separate collection of clean roof waters from the proposed building and for any surface waters. The roof water would be captured into an Intermediate Bulk Container (IBC) so it could be re-used for on-site cleaning and dust management. Surface floor water from the bay would collect into a catch pit where it can be pumped out for disposal off site. The wash down area would have an in-built interceptor to capture oil/hydrocarbon contaminants before discharge to a soakaway. All other existing arrangements will remain in place. The Environment Agency confirm that drainage is also a matter for the site's Environmental Permit. Subject to a condition the arrangements satisfy the objectives of the above policies.

### Contamination

47. It is possible the site may be subject to historic ground contamination which could be mobilised as a result of construction works, particularly foundation works. A planning condition on the extant planning permission can be carried forward onto any grant of this variation to address this matter, particularly if piling works are required. It would also be prudent to add a further condition to deal with any unexpected contamination.

### Other issues

48. Objectors make a comparison between the application site and a sister site the company operates at Raymond Way, off Old Mill Lane, Mansfield Woodhouse. There is concern that the applicant is expanding operations at the application site, instead of the sister site. They draw attention to the immediate proximity of housing at the application site whereas at Mansfield Woodhouse the nearest properties are 280m distant.
49. The application site is used as a pre-sorting and bulking up facility. Typically this waste is then transferred to the sister site for more intensive recycling and processing stages. The new covered bay/building may allow the receipt of plasterboard waste to be accepted (currently this is dealt with at the sister site) but the applicant is not seeking to expand the overall permitted operations at the application site and is fully mindful of neighbouring residents. The proposed development should therefore be considered on its individual merits and facts.

### Conclusion and planning conditions

50. Considering all relevant matters the proposed development is considered compliant with WLP Policies W3.3 and W3.4, W3.5, W3.7, W3.9, W3.10, WCS Policies WCS13 and WCS15. Planning conditions from the extant planning permission include operational planning controls for the site as a whole and



should be carried forward onto any grant of this variation subject to a review. However such a review is not an opportunity to rewrite a valid planning permission. A review has been undertaken by officers and no significant amendments are required to the conditions except that the provision of landscaping is no longer considered necessary as there is a sufficient screen of vegetation in place behind the proposed building. A minor change to the hours of operation condition is proposed to restrict the use of the wash down facility to those hours presently permitted.

### **Other Options Considered**

51. The applicant has the alternative of erecting the previously approved plans for a larger building structure covering all of the waste bays. This is therefore a fall-back option if permission was to be refused. However the applicant has submitted a Section 73 application to vary the approved plans and the County Council is under a duty to consider the planning application as submitted.

### **Statutory and Policy Implications**

52. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

53. The development would be located within an established industrial area benefiting from perimeter security fencing, security lighting and CCTV coverage.

#### Data Protection and Information Governance

54. All members of the public who have made representations on this application are informed that copies of their representations, including their names and addresses, are publicly available and are retained for the period of the application and for a relevant period thereafter.

#### Human Rights Implications

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

### Public Sector Equality Duty Implications

56. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty and there are no identified impacts to persons/service users with a protected characteristic.

### Implications for Sustainability and the Environment

57. These have been considered in the Observations section above.
58. There are no financial; human resource; children/adults at risk safeguarding; implications. There are no implications for service users.

### **Statement of Positive and Proactive Engagement**

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

### **RECOMMENDATIONS**

60. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments [SIN 28/08/2018]**

Planning and Licensing Committee is the appropriate body to consider the content of this report.

### **Comments of the Service Director - Finance [EWK 29/08/2018]**

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

## **Background Papers Available for Inspection**

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

## **Electoral Divisions and Members Affected**

Mansfield South	Councillor Andy Sissons
Mansfield South	Councillor Stephen Garner

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