



8 March 2022

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/21/01877/CDM

PROPOSAL: SECTION 73 APPLICATION TO VARY CONDITIONS 4, 6, 10, 13, 16, 17 AND 23 OF PLANNING APPLICATION 1/15/00368/CDM TO ACCORD WITH CURRENT SITE OPERATIONS AND REGULARISATION OF EXISTING SITE LAYOUT, WITH ATTACHED UPDATED PLANS AND SECTIONS

LOCATION: UNIT C6, GLASSWORKS WAY, SNAPE LANE, HARWORTH, DN11 8NF

APPLICANT: MR ASHLEY BARRETT

Purpose of Report

1. To consider a planning application for a reconfiguration of the approved site layout at Luna Waste Services, Unit C6, Glassworks Way, Snape Lane, Harworth. The key issue relates to potential noise impacts on local amenity. The application is being reported to committee in light of an objection from the neighbouring Styrrup with Oldcotes Parish Council. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. The site is a plot at the eastern end of a commercial estate served by a private estate road known as Glassworks Way, off Snape Lane, a commercial and industrial area on the southern side of Harworth (see Plans 1 and 2). The site covers an area of approximately 0.8 hectares and is rectangular in shape measuring 83 metres by 97.5 metres (see Plan 3). Snape Lane has been improved to serve this commercial area up to its junction with Blyth Road to the west.
3. The site sits at a lower level to the former colliery land to the north and east and there is also an area of elevated woodland, Lords Wood, on the southern side. A dormant sand quarry (Serlby quarry), which is classified as a Local Wildlife Site, lies beyond Lords Wood to the south east.
4. Since the original grant of planning permission, the estate continues to be developed for manufacturing and similar uses. There are also significant

developments and changes taking place in the locality including new housing on the former colliery land to the north and east (see Plan 2) and new business, storage/distribution developments planned/under way.

Planning history

5. The application site has been developed as a waste (primarily metal) recycling facility under planning permission 1/15/00368/CDM granted by the Waste Planning Authority (WPA) on 21/07/2015 for the Change of Use of Land to Waste Metal Recycling Facility with External Storage for Plant and Machinery, Storage Bay, Weighbridge, Portakabin, Temporary Workshop, and Retrospective Application for New Estate Road.

Proposed Development

6. The proposals seek to regularise the operational layout of the site. The extant permission restricts storage and processing of waste to the south eastern corner of the site (eastern half of Phase 1).
7. Since the grant of planning permission in 2015, the Phase 2 (northern half) of the site has been developed with a 5m high precast concrete panel walling (4.6m off the concrete yard surface) along the north and eastern boundaries and the northernmost section of the western boundary.
8. As part of the site reconfiguration (see Plan 4), the bays have been relocated and storage and processing of waste has been taking place within the northern half of the site with the waste storage bays now along the northern boundary, with car parking, offices, storage and in/out weighbridge in the originally developed Phase 1 section of the site with traffic routed over the weighbridge and up the eastern portion of the site. With no waste storage or processing in the south eastern quadrant of the site, besides a quarantine skip, it allows the safe movement of two-way vehicles through the site.
9. The extant permission originally sought a two storey portacabin office compound, however these have been constructed as two single storey offices. One is used as a weighbridge office and the other for a manager's office/general administrative tasks and meetings. A shipping container style building is located between these and is used as a mess cabin offering toilet facilities and a kitchen/break area. A 10m x 15m store was originally proposed but only a 9m x 7m store has been constructed. Despite the redesigned layout the surface area of the site taken up remains at 186 sq m compared to the originally intended 182 sq m for the Phase 1 developments with a further suite of buildings originally anticipated at a later date in Phase 2 no longer proposed.
10. Imported scrap metal enters the site and is initially deposited in the bays on the western boundary of the site before being mechanically treated and sorted on the processing line. As part of this process the non-ferrous material is separated from other materials by the eddy current separator and the metal is sorted into

different waste streams and allocated into the relevant different bays across the northern boundary ready for exportation.

11. The application seeks to vary a number of conditions on the extant planning permission (reference 1/15/00368/CDM) and each of these changes are set out by condition number below:
- Condition 4 lists the approved details of the development and therefore seeks to update the layout plans of the site;
 - Condition 6: Drainage and surfacing. Details of the drainage and surfacing were approved for Phase 1 and as part of this application the drainage details for the Phase 2 area of the site have been included;
 - Condition 10 requires approval from the WPA regarding the colours/final finish of the waste bays and buildings on site. These details were previously approved on 12 October 2017, but the applicant has confirmed the final details for the updated waste bays, offices and stores as part of the application;
 - Condition 13 lists “*metal bearing aggregates, can metal scrap and end of life Astroturf*” as the materials that can be accepted. The applicant has sought to change the wording of this condition to capture a broader range of non-hazardous waste types as listed and specified in their Environmental Permit to also include construction waste alongside the metal waste bearing waste currently accepted. The applicant has confirmed there are no plans to include putrescible or potentially odorous items such as green waste, food waste, or general municipal wastes which are also listed in the permit;
 - Conditions 16 and 17 seek to limit processing and storage of waste to the south east corner. As the site has now been fully developed, including appropriate surfacing and drainage on the site, the applicant is seeking to amend this restriction and move waste storage and processing to the northern boundary of the site;
 - Condition 23: Controls on noise included listing the permitted plant and machinery allowed on site. Updated plant and machinery have been brought onto site and the noise assessment submitted as part of this application has been conducted taking into account this new equipment.

Consultations

12. **Bassetlaw District Council** – *No objection.*
13. **Harworth and Town Council** – *No objection.*
14. **Styrrup with Oldcotes Parish Council** – *Object on the basis of the site’s location, nature of the operations, hours of operations and vehicle movements.*

15. **Environment Agency** – *Did not request any of the conditions requested for variation and therefore we have no comment to make.*
16. **NCC (Highways)** – *No objection on highway grounds. The condition controlling lorry movement would remain unchanged through what are existing access arrangements.*
17. **NCC (Nature Conservation)** – *no comments to make as I do not foresee any significant ecological impacts arising as a result of the proposed variations to the planning conditions.*
18. **Via (Noise Engineer)** – *no objection subject to a condition requiring a further noise assessment at a later date to ensure compliance with noise conditions when residential development approaches within 100m of the site.*
19. **Severn Trent Water Limited** – *Foul sewage is proposed to connect into the public foul water sewer, for which the use or reuse will be subject to a formal Water Industry Act 1991 Section 106 sewer connection approval. Surface water is proposed to discharge into a soakaway, on which we have no comment.*
20. **Cadent Gas Limited** have not responded. Any response received will be orally reported.

Publicity

21. The application has been publicised by means of site notices and a press notice in the Worksop Guardian in accordance with the County Council's adopted Statement of Community Involvement.
22. No letters of representation have been received.
23. Councillor Sheila Place has been notified of the application.
24. The issues raised are considered in the Observations Section of this report.

Observations

25. The planning application seeks part-retrospective planning permission to regularise the reconfiguration of the site layout and to amend the waste types allowed to be processed at the site to include inert construction waste alongside the metal waste currently accepted.
26. Through the regular monitoring of the site, a number of inconsistencies between the approved scheme and the development as constructed have become evident and the developer was requested to retrospectively regularise the unauthorised development through the submission of this planning application.
27. The request for a planning application to regularise unauthorised works on the site is consistent with the approach set out in the Government's Planning

Practice Guidance (PPG) 'Ensuring Effective Enforcement' which sets out national policy and expectations in terms of planning enforcement policy. It advises that planning authorities have discretion to take enforcement action when they consider it is reasonable to do so and any action taken should be proportionate to the breach of planning control. Paragraph 011 of this PPG states that 'local planning authorities should usually avoid taking formal enforcement action where.... there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area and the development is acceptable on its planning merits...and in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.' This approach is reflected in the County Council's adopted Local Enforcement Plan (January 2021) which identifies retrospective planning applications as being an appropriate method of dealing with breaches of planning control to regularise unauthorised works.

28. The principle for a waste management facility has been established with the extant planning permission which allows a throughput of up to 75,000 tonnes per annum and which continues to have broad planning policy support.
29. The focus will be on the changes sought to the permission, along with potential environmental and amenity impacts resulting from those changes, taking into account any changes to the local context since the original permission was granted, such as the continued development of new housing to the north, for example.

Planning Policy Assessment

30. The Waste Core Strategy does not allocate specific sites for waste management facilities, but Policy WCS7 (General Site Criteria) establishes the broad principles that will be used to assess whether a particular location is likely to be suitable in principle for a waste management facility. The policy identifies that metal and aggregate recycling/processing facilities are most appropriately located on employment land including areas which are already used for, or allocated for, employment uses such as industrial estates, business or technology parks etc. The site selection approach set out within Policy WCS7 reflects policy within the National Planning Policy for Waste (NPPW) which gives preference to industrial sites and previously developed land for the development of waste infrastructure.
31. Policy WCS3 (Future waste management provision) states priority will be given to the development of new or extended waste recycling facilities to provide Nottinghamshire sufficient waste management capacity and Policy WCS4 (Broad locations for waste treatment facilities) supports the development of small-scale waste treatment facilities in all locations where these will help to meet local needs and fit in with the local character, and large-scale waste treatment facilities close to the built-up areas of Nottinghamshire. The scale of the original development was previously assessed against Policy WCS4. The

facility is a relatively small scale operation with the proposal seeking to amend the layout and operations within the existing footprint but does not seek to amend the area or throughput and it would broadly remain of the scale as permitted. The site is situated within the wider Harworth Industrial Estate in accordance with Policies WCS3, WCS4 and WCS7 of the Waste Core Strategy.

32. Policy WCS8 (Extensions to existing waste management facilities) supports the redevelopment or improvement of existing waste management facilities where this would increase capacity or improve existing waste management methods, and/or reduce existing environmental impacts.
33. The Bassetlaw Core Strategy does not contain a land allocation map but does have a Proposals Map which defines the extent of the urban area for Harworth and Bircotes to distinguish it from the open countryside where more restrictive policies apply. The commercial area to the south of the former colliery is included within the urban area, but the boundary cuts through the middle of plot 6. This was based upon the extent of the former glass factory which historically stood on the Glassworks Way estate and the WPA was previously satisfied that this was now an anomaly since the site had been cleared and that plot 6 had formed a peripheral part of the former glassworks and was (and is) therefore suitable for redevelopment.
34. Policy CS4 further identifies Harworth/Bircotes as a Main Regeneration Settlement with support for a significant level of new employment provision which is to be focussed to the south of the settlement.
35. Since the original grant of permission, the Harworth/Bircotes Neighbourhood Plan has been formally adopted. Only Policy 1 (Sustainable Development Principles) is considered applicable. This gives support to developments which support the viability of the town including new and expanded business premises within or on the edge of town, subject to not leading to any significant adverse amenity or environmental impacts.
36. It is therefore concluded that the locational policies of the development plan are supportive of the reconfiguration of the waste transfer facility within the Harworth Industrial area, subject to there being no unacceptable environmental impacts.

Noise and Residential Amenity

37. The application is supported by a Noise Assessment which concludes that the revised layout proposals along with the revised plant complement do not materially change the resultant noise levels at nearby receptors when compared to the original noise assessment carried out by Acute Acoustics in 2015 (App Ref:1/15/00368/CDM) in relation to the previous approved site layout. Whilst the applicant is also seeking permission for additional waste streams to be processed at the site, namely construction waste, the suite of plant on site remains largely the same with like for like replacements except for a waterbath, used to maximise the recovery of recyclable materials in construction waste streams, being proposed to replace one of the eddy current separators, and two

material handlers replacing another eddy current separator and one 360° loader. Controls on the plant permitted to operate on site is provided through Condition 19.

38. Whilst the noise assessment indicates compliance with the noise limits at any existing residential receptors there would, however, be a potential for site noise levels to marginally exceed the noise limits at future receptors that have not yet been constructed along the northern and eastern boundary of Luna Waste.
39. Planning Permission (Ref: 18/01210/OUT) for the wider Simpson Park development to the north of the site was granted by Bassetlaw District Council, subject to conditions, with Condition 22 requiring sound attenuation to take into account the neighbouring industrial uses.
40. Condition 22 (Ref: 18/01210/OUT) states '*Precise details of the means of providing sound attenuation protection for the development from potential noise from existing adjacent industrial units shall be submitted with the relevant reserved matters for that phase. The agreed attenuation measures shall be carried out in full before the first occupation of any relevant dwelling in each phase unless otherwise agreed in writing by the Local Planning Authority.*'
41. Current phases of the residential development are no less than around 150m away from the application site and the housing developers have surveyed noise from Luna Waste as being up to 55dB LAeq when measured 75m from the application site. This would equate to 49dB at the housing development 150m away which would meet the Planning Practice Guidance noise criteria for garden use.
42. The residential plans do indicate further phases in the future which would come closer to Luna Waste, however, the condition/s on both the residential permissions and those proposed on this development provide scope to increase mitigation measures further. The latest housing Phasing Plan features the inclusion of a new noise mitigation bund and fence along the southern boundary of the residential area adjacent to the Snape Lane industrial area which is to the north and east of the site subject of this application.
43. It is therefore recommended that once development of the further phases of housing approach within 100m of the application site, a further noise assessment is undertaken by Luna Waste. If it is demonstrated that there would be a breach of the noise limit condition, a scheme of noise mitigation to achieve future compliance prior to first occupation of housing within 100m of the site boundary would be required to be submitted for approval.
44. A consultation response has been received relating to the recent change of Harworth House from office to residential accommodation and potential noise impacts at this location. Harworth House lies approximately 650m to the south west of the waste management facility with several other businesses including manufacturing and light industrial operations between the apartments and the site. It is not expected that any direct amenity issues from the proposal site would occur at this location.

45. Further existing planning conditions, such as a noise limit which, if exceeded, gives scope for further noise mitigation measures to be sought, the use of white noise reversing alarms, and the regular servicing and maintenance of machinery to ensure noise emissions do not exceed the manufacturers' specifications, are in place to control significant adverse noise impacts from the waste management facility to nearby sensitive noise receptors or any significant detriment to the amenity of occupiers of adjacent industrial/commercial land. With these controls retained, it is considered that the development accords with WLP Policy W3.9 (Noise).

Landscape and Visual Impact

46. WLP Policy W3.3 (Visual Impact of Plant, Building and Stockpiles) seeks to minimise the visual impact of waste management facilities by locating the facilities in appropriate locations which minimise impact on adjacent land, keeping development low in height, grouped together, and satisfactorily maintained. WLP Policy W3.4 (Visual Impact - Screening and Landscaping Measures) identifies the importance of screening to reduce visual impacts.
47. The physical separation and intervening uses between the waste facility and the road frontage/residential properties provide screening of the site, ensuring that there is minimal visibility between the consented waste activities and residential properties in accordance with the objectives of WLP Policy W3.4.

Ecological Impacts

48. Whilst there are no specific ecologically sensitive habitats on or bordering the site, Lords Wood lies adjacent and this in turn is next to the dormant Serlby Quarry which is classified as a Local Wildlife Site (LWS) and which is located approximately 220 metres from the south eastern corner of the site. Condition 15 of the extant permission sought to ensure that breeding birds in general would not be subject to excessive noise through the carrying out of an acoustic assessment.
49. The noise assessment submitted with the application has also considered ecological receptors in the woods to the south of the development site, even though this is not designated as a LWS. A recommended noise limit of 55dB LAeq,T has been suggested and the noise modelling results indicate compliance with the 55dB limit with the exception of a small area of wood on the northern fringe immediately to the south of the site. NCC Conservation does not foresee any significant ecological impacts arising as a result of the proposals and, on this basis, it is considered that there would be no adverse noise impacts on the Serlby Quarry LWS.

Traffic, Access and Parking

50. WLP Policy W3.14 (Vehicular Movements) states that planning permission will not be granted for waste management facilities where the vehicle movements

likely to be generated cannot be satisfactorily accommodated on the highway network or where such movements would cause unacceptable disturbance to local communities.

51. Traffic and parking have been assessed in the previous application for the site and the proposal sought permission will not give rise to additional vehicle movements or increase staffing levels. Vehicle movement numbers are regulated through planning condition which also incorporates provision for staff/visitor parking areas within the site layout plans.
52. In terms of traffic access, condition 14 of the extant permission limits the scale of operations by setting the limit of 80 HGVs per week (160 movements). These are low numbers when spread over a working week and in the context of there being good road access.
53. Vehicle access to the site for delivery vehicles would utilise the existing site entrance off Glassworks Way which is approximately 3 kilometres to the north of the Blyth junction of the A1 via Blyth Road and Snape Lane which forms one of the main industrial access roads through the Industrial Estate.
54. Whilst it is acknowledged that Styrrup and Bircotes Parish Council has requested lorry routeing controls are imposed to prohibit delivery vehicles travelling via Styrrup, Oldcotes, Blyth and Harworth, it has not been necessary to direct the specific routeing of these vehicles although it is generally preferable that they route along the improved part of Snape Lane to Blyth Road. For potential employees the site is also reasonably located in relation to public transport with a regular bus service to and from Worksop stopping on Serlby Road.

Ground and Surface Water/Flood Risk

55. There are ground waters under the site which need to be safeguarded from potential pollution. Drainage and surfacing have been put in place to prevent waste contamination of the ground Contamination
56. All surface water on the site is directed to a 30,000 litre underground tank, via a series of surface water drainage gullies, where it is then pumped out and taken away by tanker for disposal.
57. Foul drainage is connected to the mains sewer which Severn Trent Water advise is subject to a formal section 106, of the Water Industry Act 1991, sewer connection approval.

Operating Hours

58. The operating hours of the facility are regulated within the waste management facility's extant planning permission. There is no proposed change from the operating hours of between 0700 to 1900 Monday to Friday and on Saturdays between the hours of 0700 to 1300. Outside of these hours including Sundays,

Bank or Public Holidays the site shall be closed and shall not receive, transfer or process waste.

Other Options Considered

59. 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

60. 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

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

Data Protection and Information Governance

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

Human Rights Implications

63. 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

64. 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 protected characteristics.

65. Potential impacts to the amenity of the occupiers of nearby residential properties have been considered. The working methodologies operated within the site seek to minimise and mitigate environmental emissions from the site. Planning conditions together with waste permitted regulations ensure that these environmental controls are implemented.

Implications for Sustainability and the Environment

66. These have been considered in the Observations section above.
67. There are no human resource, financial, or children/adults at risk safeguarding implications. There are no implications for County Council service users.

Statement of Positive and Proactive Engagement

68. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; 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

69. 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

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

[RHC 23/02/2022]

Financial Comments

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

[RWK 23/02/2022]

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4376

Electoral Division(s) and Member(s) Affected

Blyth & Harworth

Councillor Sheila Place

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

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