



21 July 2015

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

REF. NO.: 4/V/2014/0603

**PROPOSAL: USE OF SITE OFF WIGWAM LANE FOR THE RECYCLING OF INERT
MATERIALS (RETROSPECTIVE) AND THE CONSTRUCTION OF A 5 METRE HIGH SOUND
ATTENUATION WALL**

LOCATION: PLOTS 10, 11, 12, 13, 14 AND 16, WIGWAM LANE, HUCKNALL

APPLICANT: OAKFIELD RECYCLING LIMITED

Purpose of Report

1. To consider a planning application for the retrospective use of plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane for the recycling of inert materials and the construction of a five metre high noise attenuation wall. The key issues relate to noise, dust, highways and residential amenity. The recommendation is to grant planning permission subject to the signing of a legal agreement and the conditions attached to this report.
2. The application was presented to committee on 30 June 2015 where it was resolved to defer determination in order to allow officers to review the conditions attached at Appendix A of this report.

The Site and Surroundings

3. The application site is a roughly 'L' shaped piece of land, with an additional piece of land providing access to the public highway, located to the south of Wigwam Lane in Hucknall (see Plan 1). The application site, including access road, is 0.985 hectares in size and is approximately one kilometre south east of Hucknall town centre. Other industrial units are located to the north west and south east of the site including a waste transfer station operated by Central Waste and a concrete batching plant operated by Hanson, whilst to the north east of the site is a golf course which is located in the Green Belt (see Plan 1).
4. To the south west of the site are residential properties on The Brickyard. The curtilages of numbers 34 and 36 The Brickyard are adjacent to the site with only a small watercourse and a thin band of trees separating the properties from the site. The north eastern elevation of the properties is approximately 25 metres from the site boundary. The north eastern elevation of number 40 The Brickyard is approximately 50 metres from the site boundary whilst the northern

elevation of number 32 is approximately 70 metres from the site boundary (see Plan 1).

5. The Brickyard continues in a southerly direction before crossing the Robin Hood Railway Line and the Nottingham Express Transit Tram Line which runs north west to south east approximately 130 metres west of the site. Beyond the train and tram lines are further residential areas in Hucknall.
6. The application site comprises a number of plots on the industrial estate, as highlighted on Plan 1. The site appears relatively flat although there is a slight fall from the north east end of the site (50 metres above ordnance datum (AOD)) to 49.35 metres AOD in the southern corner of the site. Levels then rise slightly across plots 12, 13 and 14 to a level of around 50.6 metres AOD on the western edge of plot 14.

Planning History and Background to the Application

7. The applicant presently benefits from planning permission (reference 4/2006/0409) on plot 16 for the recycling (crushing and screening) of topsoil, subsoil, crushed concrete items, stone and aggregates. Planning permission was granted in 2006 subject to 17 conditions covering matters such as operating hours, vehicle movements, stockpile heights, noise, dust, landscaping and contaminated land. An application (reference 4/2010/0640) to vary condition 8 of this permission to raise the height of the stockpiles from four metres to six was granted planning permission in 2011 but was never implemented.
8. Aerial photos show plots 10 and 11 being occupied by a company called PP Pallets from around 2004 until around 2011, with the company previously occupying plot 11 from around 2000, possibly earlier. Plot 10 benefits from a planning permission for a haulage and storage depot granted in 1987 by Ashfield District Council (ADC) (reference V/1987/0355) and aerial photos confirm this plot being used for this purpose in 2000. Plot 11 has a planning permission attached to it for a car dismantling and dealers business (reference V/1975/0151) granted in 1975 but it is not known under what permission this plot was used by PP Pallets. In 2011 the applicant purchased plots 10 and 11 and the fence between the existing waste site (plot 16) and plot 10 was removed and processed product was then taken from the waste processing site directly to plots 10 and 11 for storage.
9. Complaints were received in 2011 when the applicant's use of plots 10 and 11 commenced, alleging the unauthorised use of these plots for waste related development. However, given the district planning permissions in place for these plots and the fact that the Environment Agency (EA) had confirmed that the materials being stored on these sites were secondary aggregates, and therefore not waste, it was considered that this was in accordance with the storage use permitted for these plots under the existing ADC planning permissions. Complaints relating to activities on these plots were forwarded to ADC for action.
10. During 2012, the applicant purchased plots 12, 13 and 14 which adjoin plot 11 and advertised them for rental. Plots 12, 13 and 14 have planning permission (reference V/1993/0429) for B1 (business), B2 (general industrial) and B8

(storage or distribution) use, again granted planning permission by ADC. Despite the advertising, the plots were not rented out and, at the beginning of 2013, the applicant removed the fence from between these plots and plot 11 with the intention of using this land in conjunction with its existing development.

11. Further complaints were received in 2013 as a result of the removal of this fence, again alleging the unauthorised extension of the site. In February 2013, ADC served a Noise Abatement Notice on the applicant with respect to noise from plant and machinery from plot 16. The notice requires the applicant to abate the noise nuisance within 150 days and prohibits the occurrence or recurrence of the noise nuisance.
12. Whilst it was considered that the storage of processed product on plots 10 and 11 complied with the ADC permissions as referred to above, it was not considered that the use could be extended onto plots 12, 13 and 14 under the terms of that ADC permission. Notwithstanding this, officers advised that there had been a material change of use of all the plots which had resulted into a single new planning unit. Officers therefore advised that planning permission would be required for the continuation of this activity. Subsequent discussions between the County Council and the applicant took place regarding the continued use of all the plots as part of a single operation and how this could be achieved whilst also meeting the requirements of the noise abatement notice and ensuring any impacts which might arise from this activity are suitably controlled.
13. These discussions resulted in the submission of a planning application in June 2013 for the use of plots 10, 11, 12, 13, 14 and 16 for the recycling of inert materials and the construction of a five metre high noise attenuation wall. The consideration of this application resulted in significant amendments being made to the site layout in order to address the concerns of consultees and local residents and the application was scheduled to be reported to Planning and Licensing Committee on 30 September 2014. However, on the eve of committee, the applicant informed the County Council that the reference to a 75,000 tonne per annum throughput at the site, as detailed on the planning application forms and accompanying assessments, was not sufficient to support the investment required at the site and that this figure needed to be amended to 150,000 tonnes per annum. Given the doubling of throughput proposed and the fact that assessments had been prepared based on the lower figure, the County Council was not prepared to simply amend the application as requested and considered that the only way the matter could be dealt with was through the withdraw of the application and the resubmission of a new application confirming the higher proposed throughput and the reassessment of the impacts of the development based on this revised throughput. The revised application was subsequently submitted in November.

Proposed Development

14. The application proposes to combine the existing waste operations on plot 16 with plots 10-14 to create a single site for the recycling of inert materials. The

application states that the throughput at the site would be 150,000 tonnes per annum.

15. The detailed site plan (Plan 2) shows separate access and exit points off Wigwam Lane with vehicles entering the site via the southernmost of these accesses. Vehicles entering the site with inert waste such as tarmac, fill sand, topsoil, hardcore and concrete would deposit the waste material into stockpiles on the south eastern boundary of plot 16 towards the north eastern end of the site near Wigwam Lane where they would await crushing and screening. The existing crusher and screener would be located immediately north west of these stockpiles, also within plot 16. The site plan indicates that around 90% of vehicles having entered the site would exit by following a route around the crusher and screener before passing through a wheel wash close to the north western boundary of plot 16 and then exiting via the exit point to the north of the entrance point. The other 10% of vehicles leaving the site would do so via the entrance point and the site plan indicates a notional turning area which would allow all vehicles to leave the site in a forward gear.
16. The deposited incoming waste material would be passed through the crusher if required before being graded in the screener. Once suitably processed, various crushed and screened products would be moved and stockpiled on the remainder of the application site, i.e. on plots 10, 11, 12, 13 and 14. These would include topsoils, sand, and crushed hardcore of various sizes and specifications and it is proposed that the stockpiles would be up to six metres in height. Given the proposed access and entrance points onto Wigwam Lane, it is anticipated that the site operators would store those processed products with the greatest sales closest to the site exit, i.e. in plots 10 and 11, in order to aid the efficient operation of the site, with those products generating the least amount of sales being stored furthest away from the site exit, i.e. in plots 12 to 14. This would have a knock-on effect of reducing the level of activity on those areas of the site closest to residential properties.
17. Along the south western boundary of the site, processed products would be stockpiled against a proposed five metre high concrete wall which would be approximately 110 metres in length and which the application states would address issues relating to noise on the site. The wall, which would have a green plastic coated mesh attached to the side facing the nearby residential properties, would be constructed on slightly raised ground half a metre higher than ground levels on the site itself, meaning that the proposed stockpile heights of six metres above ground level would result in material being stockpiled half a metre higher than the top of the wall.
18. On top of the concrete wall and also along the entire south eastern boundary and along the north western boundary of plot 10, it is proposed to install automatic sprinklers which would help suppress any dust generated on site. These would be located approximately 15 metres apart and the site plan submitted shows 19 such sprinklers to be installed.
19. Behind the proposed concrete wall, there is already a row of conifer trees which the applicant has planted, commencing in the southern corner of the site and extending approximately 45 metres north westwards. The application proposes to extend this planting along the remaining length of the proposed concrete wall in order to screen views of it from the residential properties to the south west. Details of how the planting would be undertaken have been provided including

ground preparation and the size of the trees (two metres in height, 10-14cm girth).

20. In addition to this wall, it is also proposed to have an additional short portable acoustic wall, again five metres high but only around eight to ten metres long which would be moved into a location on the boundary between plots 10 and 16 to the west of the screener. This would be used to provide additional noise attenuation when stockpiles of material to the immediate west of the screener are less than 3.5 metres high.
21. The application seeks permission for 100 vehicles to enter and leave the site with inert waste/processed material per day, which equates to 200 movements per day. The application states that not all of these vehicles would be HGVs as some products are collected in small pick-up trucks etc.
22. The application proposes hours of operation of 7am till 6pm Monday to Friday and 7am till 1pm on Saturdays with no working on Sunday and Public and Bank Holidays.
23. The application is supported by transport and noise assessments and a dust emission management plan. The transport assessment considers that, based on previous planning permissions granted for the individual plots which make up the application site, the total number of trips that could be expected would be in the order of 320 passenger car units (PCUs) (16 in and 160 out). A daily limit of 100 HGVs in and 100 HGVs out is proposed (200 trips) and the transport assessment highlights that this is considered acceptable by the Highways Authority in light of discussions on the previously withdrawn application.
24. The noise impacts of the proposed development have been assessed on the basis that a number of controls would be in place, namely all plant operating at ground level with the exception of 360° excavators feeding material into the crusher or screener on plot 16 (maximum height two metres); the crushing and screening operations being restricted to plot 16; a maximum throughput of 150,000 tonnes per annum; access and egress to the site via Wigwam Lane; a five metre high noise barrier on the south western boundary of the site; and additional temporary five metre high barrier to be used between plot 16 and plot 10 when stockpiles are low; a maximum of 200 vehicle movements per weekday (100 in, 100 out); a maximum of 50 vehicle movements on Saturdays; and no processing of waste at weekends or public holidays.
25. The dust emission management plan sets out a number of measures which the applicant is proposing to undertake as part of the proposed development. It states that the applicant has observed that the most significant factors contributing to dust emissions are the types of materials being processed, with dry soils and sands increasing emissions, and the ambient weather conditions, with hot dry weather and strong winds increasing dust levels. It is also acknowledged that vehicle movements on site can contribute to dust levels.
26. The dust management plan proposes that the site would be visually monitored for dust emissions throughout the working day with the frequency of inspections being dependant on the weather conditions, the types of materials being processed and the activities being undertaken on site. All incidents and remedial actions would be recorded. It is also proposed to sweep sealed road surfaces within and outside the site boundary using a road sweeper, whilst

areas of hardstanding and stockpile areas would be bowsered by a sprinkler during dry conditions. All vehicles carrying potentially dusty loads would be sheeted, whilst a wheelwash system would be employed on site. The mobile crusher and screener have factory fitted water based dust suppression systems which would be deployed as required.

Consultations

27. **Ashfield District Council** raised no objection to the application subject to the conditions attached to the committee report presented to Members in June which its planning and environmental health officers had been closely involved in drafting. Any comments on the revised conditions will be reported orally.
28. **The Environment Agency** has no objection to the application but notes that the proposal would reduce the ability to access the watercourse and the applicant is reminded of his rights and responsibilities as riparian owner of this stretch of watercourse. An access point should be provided to allow access for any future maintenance works that the Environment Agency or the riparian owner might wish to make. It is also noted that the application seeks to increase the throughput at the site and a new environmental permit would be required. The submitted plans show mounds of material being stored in areas outside the area permitted for waste activities under the existing permit and the environmental permit would need to increase the permitted area.
29. **NCC (Highways)** notes that the existing permission (for plot 16) allows for 100 two-way movements (50 in and 50 out). The traffic assessment provided with the application is generally acceptable although there are some reservations about the results.
30. The existing planning permissions in place for all the plots that form the application site have been assessed by the applicant for the likely number of vehicles trips each could be expected to generate in isolation. NCC (Highways) has made a similar assessment taking into account the existing permission in place for plot 16 and that plots 11 and 13 are unlikely to be developed for Class B1 office use given the surrounding operational waste sites. NCC (Highways) considers that assessing traffic generation based on Class B2 industrial use is more representative for the area and has calculated that the size of the plots would result in 179 passenger car unit (PCU) trips in addition to the 50 HGV trips for plot 16. This compares to the 186 PCU trips suggested by the applicant, plus the 50 HGV trips for plot 16.
31. It is generally accepted that HGVs have a much greater impact on the public highway than a private car. A private car has a PCU value of 1 whereas a HGV has a PCU value of 2.3. Therefore, NCC (Highways)' calculation of 179 PCU trips is equivalent to 78 two-way HGV trips (39 in and 39 out) which, when added to the permitted 100 two-way HGV trips for plot 16 (50 in and 50 out), gives a total of 178 HGV two-way trips, or 89 HGVs in and 89 HGVs out. The applicant's 186 PCU trips is equivalent to 81 two-way trips.
32. NCC (Highways) is prepared to accept a 10% increase on its estimate to accommodate any seasonal variations and would support the application if it restricts HGV movements to 200 per day (100 in and 100 out). Other recommended conditions include the operator keeping accurate records of

loads entering and leaving the site, details of which should be made available to the County Council on request; the submission of a Transport Report including traffic surveys prior to the commencement of the development and at periods of 12 and 24 months after the development is first brought into use; the submission of a traffic management plan regarding access and egress so as not to compromise highway and pedestrian safety; the surfacing of the site access with a bound material for a minimum distance of 30 metres behind the highway boundary; the provision of wheel washing facilities; and the submission of a condition survey of Wigwam Lane. Confirmation is required that the existing site layout is large enough to allow two-way free-flow movements. Further notes to the applicant are recommended regarding the construction/alteration of the crossing point over a footway/verge of a public highway and the restriction of HGVs onto Hucknall High Street through the town centre.

33. **NCC (Noise Engineer)** has no objection to the application. A noise survey has been undertaken on a Tuesday morning and a Saturday morning to determine existing ambient noise levels while operations are ongoing and the residual noise level when no operations are taking place, in order to enable the calculation of the specific level of noise of the operations and to determine the background noise level. The surveys have considered the nearest receptor at 36 The Brickyard. The weekday assessment, with penalties applied for tonality and impulsive noise give an overall rating level of 52dB which, according to BS4142 when compared to the background noise level of 47dB, indicates an adverse impact (depending on the context) as it is 5dB above background level. The weekend level with penalties applied would be 46dB which again indicates an adverse impact as the background level is 41dB.
34. The applicant has confirmed that the increase in throughput compared to the previously withdrawn application would not require additional plant but would be accommodated by the existing plant being operational for longer periods of time and the noise assessment has considered the impact of all plant operating simultaneously. BS4142 makes it clear that the context of the increase in noise should be considered and, although an adverse impact is indicated by the results of the assessment, the surrounding land uses and noise types need to be considered. It is also noted that a 5dB penalty has been applied for tonal and impulsive noise and so the actual level of noise would be approximately equal to existing background levels. A rate of 47dB is also below the World Health Organisation threshold of 50dB, the level likely to lead to moderate annoyance. The proposed five metre high acoustic wall would not only offer significant reductions in noise levels from the applicant site but also from adjacent operations within the industrial area.
35. Conditions are recommended regarding the construction of the acoustic wall and the additional temporary wall; noise limits at the nearest receptor; white noise reversing alarms; hours of operation; the maximum quantity of waste processed at the site; restricting crushing and screening operations, and wheelwash facilities, to plot 16; plant operating at ground level (except any 360° excavators operating in plot 16); stockpile heights; restricting the amount of plant on site to one crusher, one screener, one loading shovel and two 360° loading shovels; the servicing of plant and machinery; and HGV numbers.
36. **NCC (Landscape)** has confirmed that their comments on the previous application remain valid and consider that the erection of the five metre high acoustic wall would not have a detrimental impact on the existing landscape. It

is recommended that ground levels at the southern end of where the wall is to be located should be raised slightly to match ground levels to the north to maximise the effect of the acoustic barrier and to negate the need for the barrier to be stepped. Although a Leylandii hedge to the rear of the wall would not be out of place in an industrial setting, an alternative of planting ivy to grow up the rear of the wall would provide a green screen. Existing mature trees should be protected during the erection of the acoustic wall in accordance with British Standards BS 5837:2005.

37. *Regarding the visual impact of the proposed development, numbers 34 and 36 The Brickyard are located to the south west of the site. The application site is fairly well screened by the trees and shrubs along the site boundary, although there would be clear views into the site during winter, particularly from first floor windows at number 36 The Brickyard. The proposed acoustic wall would initially have a slight negative visual impact although the proposed ivy would soften the visual impact whilst the proposed trees would eventually form a green screen. Details of ground preparation works for the planting should be submitted (width/depth of concrete to be broken up and removed, and the specification and depth of topsoil to be imported) along with the planting itself (species/size, compost/fertilizer) and access details for future maintenance. The section of wall requiring new planting should be planted with new trees, rather than through the thinning out and relocation of existing perimeter conifer trees. Ivy should be planted at 750mm centres along the wall.*
38. *It is recommended that if any material is stockpiled in the vicinity of the acoustic barrier, a height limit should be imposed and machinery should only work from ground level so that they are not visible and the acoustic barrier is effective.*
39. **NCC (Reclamation)** *notes that the control of environmental issues and the importation and handling of inert waste is controlled by the environmental permit and subject to Environment Agency regulation and, as such, there is a reduced risk from environmental impairment given the regulation process is followed. The site arrangements are being altered to allow greater flexibility in waste management and the control of noise and it is an opportune time to review the drainage and containment operations at the site. The proposals would improve environmental conditions which prevail at the site.*

Publicity

40. The application has been publicised by means of a site notice at the site entrance and a press notice in the Ashfield Chad. Neighbour notification letters have been sent to 16 residential properties on The Brickyard to the south of the site and to 24 industrial premises close to the application site in accordance with the County Council's adopted Statement of Community Involvement Review.
41. A planning consultant representing a resident living close to the application site has submitted a letter of objection. This resident had objected to the previous application which was withdrawn and shortly after the application had been withdrawn provided the County Council with photographs showing plant operating on top of processed inert material, in direct contravention of one of the draft conditions for that application. The resident has contacted both the County Council and Ashfield District Council on a number of occasions in the past regarding the operation of the site. The resident has grave concerns that no

matter what restrictions and conditions are imposed, these would be flouted by the operator.

42. Regarding the latest application, the local resident is concerned that whilst the proposed doubling of throughput at the site does not necessarily double the scale and nuisance caused, there is a correlation between the scale of activity and the probability of complaint when an operation such as this is immediately adjacent to resident properties.
43. Regarding noise impacts, notwithstanding the noise assessment submitted with the application, the fact of the matter is that the local resident has had to report noise levels emanating from the site on a number of occasions to Ashfield District Council. The application is placing great reliance on the effectiveness of the proposed five metre high wall and is reliant on the site being well managed. Despite numerous assurances, the operator continues to operate on the stockpiles of materials and not just from ground level. It is noted that the Dust Emissions Management Plan proposes the scraping of hardstanding areas to remove dust generating material but this is likely to be another source of noise not considered in the noise assessment. The Noise Assessment makes reference to an increase in the number of HGVs from 100 per day to 300 per day which would exacerbate an already intolerable situation for the resident. The proposed extended hours of operation at the site are also a concern.
44. Regarding dust, the resident presently experiences serious windblown nuisance from dust and, notwithstanding the mitigation measures proposed, an increase in throughput and HGV movements would inevitably create more dust immediately adjacent to their property.
45. Regarding HGV movements, the reference to 300 HGVs in the Noise Assessment is again raised, along with the fact that the committee report for the previous application was withdrawn cited Policy W3.14 of the Waste Local Plan as being the reason to restrict traffic movements to 100 HGVs. In addition to this, the new primary school on Wigwam Lane is now open and new housing is also being built.
46. There is also concern regarding the 'do nothing' scenario and it should be made clear that, should the application be refused, subsequent enforcement action is an option.
47. Reference has also been made to a planning application at the adjacent Central Waste site which has recently been submitted and the combined effect of the two sites would have serious environmental impacts on the resident's amenity and right to enjoy their property. The Oakfield site should be the subject of a formal screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to assess whether it is EIA development bearing in mind the cumulative impacts on the environment.
48. A business located on Wigwam Court to the south east of the site has raised concerns regarding noise and dust and considers that the noise attenuation wall should be extended along this boundary of the site.
49. Eight letters of objection from six residential properties and one business were submitted regarding the previous application which was withdrawn just prior to committee in September 2014. Given the similarities between the two

applications, it is considered appropriate to carry these objections forward to this application to ensure the concerns raised are addressed. The issues raised in these letters were:

- (a) Noise, including the lack of compliance with a noise abatement notice served by Ashfield District Council and the increase in noise which would result from the proposed development. Also, noise assessments should be based on the operation of plant on top of the piles of material. The proposed five metre high wall would make no difference to noise levels as plant operates on top of stockpiles. Reference to previous complaints made regarding noise are also made;
 - (b) Existing levels of dust which would increase as a result of the proposed development. It is also questioned how dust would be suppressed outside normal working hours when it could continue to be blown onto adjacent properties. The stockpiles of material on site should be lower than the height of the acoustic wall;
 - (c) A general intensification of activities on the site having an adverse impact on adjoining residential properties;
 - (d) Mud on the road;
 - (e) Surface water discharge into an adjacent brook which is a pollution threat;
 - (f) The proposed increase in the hours of operation;
 - (g) The lack of plans showing the proximity of the proposed operations to residential properties in addition to sight lines, the routeing of HGVs, the height of stockpiles;
 - (h) The removal and replacement of some existing conifer trees might not be successful and, as a result, some of the existing screening would be lost.
50. One resident included a log of activities which they considered to be unacceptable.
51. Councillor John Wilmott, Councillor John Wilkinson and Councillor Alice Grice have been notified of the application.
52. The issues raised are considered in the Observations Section of this report.

Observations

Planning policy observations

53. There are a number of policies in the Nottinghamshire and Nottingham Waste Core Strategy (WCS) which are relevant to this application. Policy WCS3 (Future Waste Management Provision) seeks to ensure that future waste management proposals accord with the County and City Councils' aim of achieving 70% recycling or composting of all waste by 2025, with priority being given to the development of new or extended waste recycling, composting and

anaerobic digestion facilities. Given that the application is for an inert recycling facility, it is considered that it accords with this policy.

54. Policy WCS4 (Broad Locations for Waste Treatment Facilities) considers the suitability of different sized waste treatment facilities in different areas of the county. Comparing the proposed development to the criteria in Appendix 2 of the WCS, the proposed development is classified as a large aggregates recycling facility based on its annual throughput (over 100,000 tonnes per annum), but only a small facility based on the size of the site (less than one hectare). However, this anomaly is not an issue as Policy WCS4 allows for small, medium and large facilities to be located in, or close to, the built up areas of Nottingham and paragraph 7.19 of the WCS confirms that the surrounding built up area of Nottingham includes Hucknall amongst other areas. The proposed development therefore accords with this policy.
55. Policy WCS7 (General Site Criteria) sets out the general locations, such as employment land, derelict land, the open countryside and the green belt, where different types of waste management facilities would be supported. Small, medium and large aggregates recycling facilities are considered likely to be suitable on employment land only, subject to there being no unacceptable environmental impacts and so, given the site's location on established employment land, it is considered that the proposals generally accord with this policy, subject to consideration of environmental impacts, which are considered in detail later in this Observations section.
56. Policy WCS8 (Extensions to Existing Waste Management Facilities) supports the extension, redevelopment or improvement of existing facilities where this would increase capacity or improve existing waste management methods, and/or reduce environmental impacts. The National Planning Policy for Waste (NPPW) requires waste management facilities in themselves to be well designed. This application has arisen as a result of the operator purchasing plots adjacent to its existing operational site (plot 16) and then extending operations into them in order to improve operations on site. It is accepted that increasing the size of the site would improve the way it operates and increase the amount of inert waste recycled there. However, these improvements on site need to be considered against their environmental impacts which are considered in detail below.
57. Policy WCS11 (Sustainable Transport) seeks to maximise the use of alternatives to road transport but the opportunities for this, particularly in relation to the nature of the proposed development, are limited. The inert waste delivered to the site and the processed products taken off site are done so in small quantities. In addition to this, material arrives from a wide variety of locations and similarly departs the site heading to numerous locations and this way of working does not lend itself to bulk transportation. Whilst there are rail and tram lines close to the site, these would not be suitable or available for bulk transportation and there is also insufficient land to provide the required sidings to allow loading and unloading to take place. It is therefore considered inappropriate to assess the proposed development against this policy.
58. Policy WCS13 (Protecting and Enhancing Our Environment) is the key WCS policy consideration for this application as it requires proposals to demonstrate that there would be no unacceptable impact on any element of environmental quality or the quality of life for those living nearby. In addition to this, the policy

requires proposals not to result in an unacceptable cumulative impact and Members should be aware that there are a number of other waste management operations in the Wigwam Lane area along with other industrial activities such as a ready mix concrete business. The NPPW requires the planning application process to consider the likely impacts on the local environment and on amenity in relation to a number of criteria, including the protection of water quality and resources, landscape and visual impacts, traffic and access, air emissions (including dust), noise, light and vibration. There are also a number of saved policies in the Waste Local Plan (WLP) covering issues such as noise, dust and highways which are also relevant to this application. Assessment of the application against these policies is detailed below through consideration of a number of potential environmental impacts.

Intensification of the use of the site

59. The application site, and the surrounding industrial area in general, has been the subject of complaints in the past from local residents living on The Brickyard to the south west of the application site, with the nature of the complaints largely relating to dust, noise and the perceived increased intensity of activities and operations, particularly on those plots closest to these properties (plots 11-14). These complaints have been reflected in objections to this application and are also reflected by concerns raised by ADC's EHOs during the assessment of the application and the revised site layout proposals submitted by the applicant seek to address these complaints and concerns. As highlighted in the Planning History section above, ADC issued a Noise Abatement Notice on the applicant in 2013, the requirements of which remain in place to this day.
60. Regarding the intensity of the use of the site, the HGV route within the site has been designed to avoid HGVs from passing close to nearby residential properties where possible. The vast majority of HGVs would enter the site via the existing site access off Wigwam Lane and would perform a 'U-turn' within the confines of plot 16 and exit the site directly onto Wigwam Lane via an exit point approximately 30 metres to the north of the existing access, an exit point which has been used in the past and already has a dropped kerb in place (see Plan 2). The applicant anticipates a small number of HGVs (approximately 10% of the total) carrying out a three-point turn using a turning area within plot 16 and then exiting via the existing access point. In either case, there would no longer be a requirement for all HGVs entering the site to travel through the site and run close to the nearby residential properties.
61. This design would result in all HGVs entering the site with inert waste manoeuvring around the site within plot 16 only, thereby travelling no closer than approximately 70 metres from the south western boundary of the site, adjacent to which are the residential properties. HGVs entering the site to collect processed products would need to travel further into the site to where it is proposed to stockpile the processed products but clearly this would only be around half of the total number. It is also anticipated that, in order to run the site as efficiently as possible, the operators would stockpile those products which generate the greatest sales closest to the Wigwam Lane end of the site, in plots 10 and 11, in order to minimise the distance that HGVs collecting those products would have to travel through the site. Such a set-up on site would also minimise the distance that on-site plant would need to travel when moving processed materials from the crusher/screener area to the stockpiling area.

What these proposals would result in would be far fewer HGVs and on-site plant travelling to and from plots 12, 13 and 14 than might otherwise be the case and it is considered that this would reduce the impacts of the proposed development on adjacent residential properties in conjunction with other mitigation measures proposed.

62. Given that there is another point of exit from the south western corner of the site onto the private access road at the present time, the site plan indicates that this would be fenced off, although the applicant has indicated that the retention of the gates for emergency access would be useful. It is considered appropriate to confirm this matter by attaching a condition to any grant of planning permission requiring the gates at that access to be permanently closed and the access not to be used in association with the development, except when life, limb or property are in danger. This would ensure that the day to day running of the site would utilise the two access points onto Wigwam Lane, rather than this other entrance, in order to reduce the impact of the development on residential amenity.
63. The location of the crusher and screener, the activities on site which have the greatest potential to generate adverse environmental impacts, have also been chosen to try and ensure that the impacts of the proposed development on nearby residential properties are minimised. Both pieces of plant would be located in plot 16 with the screener approximately 90 – 100 metres from the south western boundary and the crusher approximately 110 – 120 metres (see Plan 2).
64. The stockpiles of processed material which have passed through the screener and are awaiting removal to the stockpile areas would partially screen the crusher from residential properties on The Brickyard which is considered beneficial given that the crusher is the noisier piece of plant. As both pieces of plant are mobile and can be moved as operations on site require, it is again considered appropriate to attach a condition to any planning permission granted requiring both pieces of plant to only operate within plot 16, to the benefit of residential amenity.
65. Another matter to consider is the location of the wheelwash. A wheelwash has been on site for some time now but the Waste Planning Authority has advised the operators that planning permission is required for its use. It is presently located on plot 12, approximately 25 metres from the south western boundary of the site. The site layout (see Plan 2) would see the wheelwash relocated into plot 16 close to Wigwam Lane, approximately 115 metres from the south western boundary. Again, this would remove part of the operation of the site away from residential properties to the benefit of residential amenity and a condition ensuring that it is only used in plot 16 is considered appropriate.
66. Finally, activities on the site would be intensified through the proposed increased throughput at the site. The existing planning permission for plot 16 allows a throughput of 75,000 tonnes per annum and this application is seeking an increase to 150,000 tonnes per annum over the expanded site. Whilst there is no objection in principle to this increased throughput, it is considered important to frame the conditions in such a way as to only allow this increase upon the completion of two of the key mitigation measures being proposed: the five metre high noise barrier and the dust suppression sprinkler system. Details of these mitigation measures are considered in greater detail in the noise and

dust observations below and further observations on the recommended conditions and the legal agreement are in paragraphs 99 – 104 below.

Noise

67. Policy W3.9 of the WLP seeks to reduce the noise impacts of waste developments by restricting the hours of operation; sound proofing fixed and mobile plant; using alternatives to reversing beepers; providing stand-off distances between operations and noise sensitive receptors; providing noise baffle mounds and screen fences; and setting maximum noise levels at noise sensitive locations. The NPPW states that the consideration of noise impacts should take account of the proximity of sensitive receptors and acknowledges that the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings, including noise and vibration from HGVs. Intermittent and sustained operating noise can be a problem of not properly managed.
68. In order to mitigate the noise impacts of the proposed development, the applicant is proposing to install a five metre high concrete acoustic wall along the entire length of the south western boundary of the site, adjacent to the residential properties on The Brickyard. The wall would also serve as a push wall against which processed materials could be stockpiled prior to sale and removal from the site. A similar wall approximately 2.5 metres high is already located on the south eastern boundary of the site. A further short section of acoustic wall, also five metres high, is also proposed and would be moved into place close to the screener when nearby stockpiles are low. This would maintain the noise attenuation that the stockpiles would normally provide.
69. The noise survey has assessed the impacts of the proposed development on a weekday, and on Saturday mornings when background noise levels could be less than during the working week. The assessment has been made to take into account the worst case scenario where all the operations likely to take place on site are occurring at any one time, as requested by ADC's EHOs. Similarly, the assessment has been made based on the maximum number of HGVs passing through the site (200 per day, 100 in and 100 out), although the assessment highlights that the maximum throughput at the site (150,000 tonnes per annum) would not allow this number of HGVs to access the site every day. The noise survey also takes into account recent upgrades the operators have made to the screener, crusher and a front loading shovel on site, plant which is considered to be quieter than the plant they replaced. The noise survey accepts that noise levels would vary depending on the position and heights of the stockpiles of processed material with larger stockpiles reducing the noise impact. It is for this reason that the additional mobile section of acoustic wall is being proposed close to the screener. Finally, penalties totalling 5dB have been added to the calculations to take into account the tonal noise of the screener and crusher and the impulsive noise from these pieces of plant being loaded.
70. Based on the above worst case scenarios and with the tonal and impulsive penalties added, the assessment considers that the noise impact of the proposed development at the nearest receptor would be no higher than 5dB above background noise levels, both during the week and at weekends, with levels less than this for significant periods given that the worst case scenario would not occur at all times. The assessment considers that if best practicable

measures are undertaken to keep noise levels to a minimum, in addition to the acoustic barrier being in place, then noise levels should be reduced to a level generally considered to be acceptable. It also considers that the visual screening provided by the acoustic wall would also be beneficial as it considers that noise levels are generally perceived to be louder if the receptor can see the noise source.

71. Both ADC's EHO and the County Council's Noise Engineer are satisfied that the proposed development would not lead to an unacceptable level of noise at nearby residential properties with the acoustic wall in place and taking into account the significant amendments that have been made to the proposed site layout and proposed operations. A number of noise related conditions are recommended to ensure noise impacts are within acceptable limits including the construction of the acoustic wall in accordance with previously approved details and its subsequent maintenance; setting noise limits as measured from the nearby residential property on The Brickyard; providing for noise surveys should justifiable complaints be received and the implementation of any additional measures deemed necessary to prevent further justifiable complaints; restricting the hours of operation; the use of 'white noise' reversing alarms; restricting the location of the crusher, screener and wheelwash to plot 16; restricting the height of stockpiles; restricting the amount of material processed through the site per annum; and daily limits regarding the number of HGVs passing through the site. Furthermore, restrictions on the throughput at the site and the hours of operation would be in place until the wall is in place (see paragraphs 99 – 104 below). Whilst it is accepted that noise from the proposed development would not be totally eliminated from neighbouring properties, it is considered that these matters would help to keep noise levels at acceptable levels in accordance with Policy W3.9 of the WLP and Policy WCS13 of the WCS.
72. One issue that has been raised by local residents in the past has been the positioning of some plant and machinery on top of stockpiles of inert material. Not only does this raise issues of visual intrusion but it can also lead to increased noise levels and such a scenario in the future could lead to plant or machinery being located in a higher position than the top of the proposed acoustic wall, a situation which would diminish the acoustic benefits that the wall is intended to provide. The noise survey carried out by the applicant states that no plant would operate on top of stockpiles towards the south west corner of the site but the applicant has stated that the 360° excavators feeding the crusher and screener in plot 16 would need to sit on stockpiles in that area to operate effectively. Given the distance from plot 16 to the south western boundary of the site and by limiting plant in these areas to being no more than two metres off the ground, the County Council's Noise Engineer and Ashfield's EHO consider that the use of excavators above ground would not result in adverse noise impacts and nearby residents would not suffer from being overlooked. A condition to this effect is therefore recommended.
73. A business on Wigwam Court to the south east of the site has suggested that the acoustic wall should be extended along the south eastern boundary of the site. There is already a push wall, approximately 2.5 metres in height, along this boundary in front of the rear elevation of the row of business units on Wigwam Court and with the rear elevation of these units having no openings such as door and windows, it is considered that increasing the height of the wall in this location would not bring any material benefits. The concerns raised about dust

would be addressed by the proposed sprinkler system, considered in detail below.

74. The application proposes to increase the hours of operation in place at the present time from 7.30am to 5.30pm Monday to Friday to 7am to 6pm and this has been an issue raised by objectors. For Saturdays, it is proposed to extend the operating hours from 8am to 1pm to 7am to 1pm. For the purpose of assessing noise, the NPPF Technical Guidance identifies 'normal working hours' as being from 7am to 7pm and so the hours of operation being proposed fall within these limits and are therefore considered acceptable.

Dust

75. Policy W3.10 of the WLP seeks to control dust from waste developments by using water bowsers on haul roads; using screen banks; enclosing fixed plant and machinery that generates dust; siting dust generating activities away from sensitive receptors; temporarily suspending operations when necessary; and using tree screens where relevant. With respect to minerals development, the NPPF makes it clear that unavoidable dust emissions should be controlled, mitigated or removed at source and dust assessments should accompany planning applications. The NPPW states that consideration should be given to the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.
76. Dust has been another source of complaint in the past and it is important that this matter is addressed, including the control of dust outside of normal operating hours. As highlighted above, operations most likely to generate dust, such as the use of the screener and crusher, would be restricted to plot 16 to keep them as far away as practically possible from residential properties. The majority of traffic travelling through the site would pass through the wheelwash which would help to suppress dust and also prevent mud from being carried onto the public highway.
77. In addition to this, a number of sprinklers are proposed to be erected on the perimeter of the site. Whilst details of these sprinklers have not yet been finalised, the applicant has indicated that they would be 'auto dampeners' and so would be triggered by a pre-determined level of dust in the air. This means they could control any dust generated, irrespective of whether the site is operational or not, as opposed to being manually operated only during operational hours. This is considered an important matter to address.
78. The site layout plan shows 19 of these sprinkler units around the perimeter of the site and a condition would be attached to any grant of planning permission requiring a dust management scheme to be submitted, providing further details of the sprinklers to be installed along with matters such as sweeping and dampening internal haul roads, limiting the speed of vehicles on site, and the temporary suspension of operations during periods of unfavourably dry or windy conditions. The approved dust management scheme would need to be implemented as approved and maintained throughout the life of the development. In addition to this, restrictions on the throughput at the site and the hours of operation would be restricted until the sprinkler system is in place and operational (see paragraphs 99 – 104 below). With these measures in

place, it is considered that the site could operate without adverse impact on residential amenity and so would accord with Policy W3.10 of the WLP and Policy WCS13 of the WCS.

Highways

79. Policy W3.14 of the WLP does not allow for waste developments where the vehicle movements to be generated cannot be satisfactorily accommodated by the highway network or where they would cause unacceptable disturbance to local communities. The NPPW requires the suitability of the road network to be considered.
80. As a result of discussions during the consideration of the previous application which was ultimately withdrawn, the application seeks permission for 100 HGVs to enter and leave the site per day. Condition 5 of Planning Permission 4/2006/0409, which the applicant presently operates under at plot 16, allows 50 vehicles to enter the site per day and the applicant considers that a maximum limit of 100 HGVs a day is acceptable given that the proposed development now covers five further plots, all of which have planning permissions for various industrial uses and so which could be expected to generate their own levels of traffic if they were all operating independently. It is also worthwhile highlighting that, in addition to the traffic associated with the extant use of plot 16, the other five plots subject to this application benefit from planning permissions granted by ADC which have no controls in place with respect to traffic generation.
81. The Highways Authority has undertaken its own calculations in order to give a realistic idea of how many vehicles movements the additional plots would generate, taking into account the existing permission in place on plot 16 for the applicant's existing operation along with the nature of other developments in the area, namely the adjacent waste transfer station and concrete batching plant. With these other facilities in operation, the Highways Authority considers it unlikely that a Class B1 use (offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area) would operate on any of these plots and a Class B2 use (industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste)) would be more likely to operate in the area.
82. Based on this presumption, the Highways Authority considers that all the individual plots that form the application area could reasonably be expected to cumulatively generate 90 HGV trips per day, equivalent to 181 HGV movements. The Highways Authority considers that a daily limit of 100 HGV trips a day (200 movements) would be acceptable and would not result in an unacceptable impact on the local highway network and so would accord with Policy W3.14 of the WLP.
83. It should be noted that a daily limit of 100 HGVs per day would equate to 550 over a 5½ day working week and 27,500 over a 50 week working year. Based on the proposed throughput at the site (150,000 tonnes per annum), if the maximum daily total number of HGVs used the site every day, with half of them bringing inert waste in and the other half taking processed material out, each HGV would only be carrying around 11 tonnes of waste or processed material. This does not factor in the potential for the same HGVs to bring inert waste in

and, on the same journey, take processed material out which is a likely scenario as it reduces road mileage and diesel costs. Given that the HGVs regularly used by the applicant company can carry up to 20 tonnes of material, it is unlikely that 100 HGVs would enter and leave the site every day but this maximum limit would allow the operator to deal with any peaks in business.

84. A condition requiring the operator to keep records of loads entering and leaving the site would be attached to any planning permission granted to ensure this limit is being complied with. Other conditions have been recommended which are considered reasonable, although a recommended dilapidation survey of the section of Wigwam Lane immediately in front of the application area would need to be secured through a legal agreement as it relates to land outside the application area and outside the applicant's control. This would ensure that any obvious wear and tear to the highway resulting from the proposed development could be repaired at the applicant's expense but it is not considered reasonable to extend the survey further along Wigwam Lane given all the other HGVs that use the road in association with other developments in the area.
85. The Highways Authority has also recommended that HGVs associated with the proposed development be restricted from travelling onto Hucknall High Street and through the town centre. This is considered reasonable given that Policy W3.14 of the WLP seeks to protect local communities from unacceptable disturbance from HGVs. The Highways Authority has stated that the restriction would only apply to larger HGVs (18 tonne gross weight and above) and so skip lorries, which are smaller than this and which form a significant part of the applicant's business but would not have the impact on a busy high street that large HGVs would have, would not be captured by this restriction. It should be noted that this restriction would only be for a relatively short period of time as works on the Hucknall town centre improvement scheme are due to commence later in the year. Whilst the scheme would result in a section of High Street being pedestrianised, it would also provide an inner relief road along which all HGVs associated with the proposed development would be able to travel. It is therefore anticipated that such a restriction would not have a significant detrimental impact on the applicant's operation of their business in the long term but would reduce the disturbance of HGVs on the local community in the short term in accordance with Policy W3.14. Again, this matter would need to be secured by a legal agreement as it relates to matters outside the application area.

Landscape and visual impact

86. Policy W3.4 of the WLP seeks to reduce the landscape and visual impact of waste developments by retaining, enhancing, protecting and managing existing features of interest and value for screening; using features such as walls, fences, earth mounding and/or tree or shrub planting to screen sites; and by securing details of any planting to be provided, including the replacement of any failed planting.
87. In addition to providing acoustic benefits, the proposed wall on the south western boundary of the site would help screen views of the site from adjacent residential properties. Cross-section drawings have been submitted showing the site in relation to adjacent properties and how the five metre high noise attenuation wall would help restrict views into the site. The applicant is

proposing to attach a green plastic coated mesh to the side of the wall facing these residential properties and the County Council's Landscape Officer considers that there would be benefits from planting ivy at the base of the wall which could then grow up the mesh and reduce the visual impact of the wall.

88. In addition to this, the applicant is proposing to supplement existing Leylandii planting along the south western boundary with further planting in order that the entire length of the wall would be further screened by Leylandii planting. Whilst Leylandii are not necessarily typical of the local landscape, they are not considered inappropriate in this industrial setting and their evergreen nature would be beneficial in screening the site from nearby residential properties, given that another band of trees between the application site and neighbouring properties is largely deciduous. Leylandii are renowned for their fast growth but the applicant has demonstrated that the existing planting can be suitably maintained and a condition would be attached to any planning permission granted requiring the Leylandii planting to be maintained to a suitable height for the life of the development so that it doesn't create shading issues. It had been proposed to remove some of the existing Leylandii plants and transplant them to provide the additional planting required but it is considered beneficial for the additional area to be planted with new plants as there is the danger of what are already fairly substantial plants failing if they are dug up and moved.
89. A condition is recommended requiring details of all landscaping proposals to be submitted for prior approval, including details of ground preparation and maintenance. With these measures in place it is considered that the proposed development would be suitably screened from neighbouring properties and so would accord with Policy W3.4 of the WLP and Policy WCS13 of the WCS.

The do-nothing scenario

90. Whilst the siting of the proposed extended waste transfer station in close proximity to residential properties has raised concerns, and given that the observations above confirm that the development as proposed would have a degree of impact on residential amenity, albeit one which would not cause unacceptable impacts, it is considered worthwhile setting out what the alternative scenario could be should planning permission be refused.
91. As set out in the Planning History section above, the various plots as highlighted on Plan 1 which the applicant is applying to extend into benefit from a number of planning permissions granted by ADC. Given the age of these permissions, it is perhaps not surprising that they have few conditions attached to them to control the nature and scale of activities on them.
92. For example, planning permission V/1987/0355 for plot 10, which is immediately to the south west of plot 16 where the applicant presently has permission for their waste transfer station, allows for a haulage/storage depot and has a single condition simply requiring the development to begin within five years of the date of the permission. The permission for plot 11, which is immediately south west of plot 10, allows for car dismantling and dealers and has four conditions attached regarding commencement, the provision of perimeter fencing, the height of stocked scrap cars, and the company to whom the permission benefits. Aerial photos and officer knowledge of the area indicate that both plots 10 and 11 have been used for the storage of pallets from at least 2004 until

around 2011 and so the established use of both these plots for general storage has already been established and it is possible that certificates of lawful use could be secured for general storage on these two plots.

93. Planning permission 93/0429 for plots 12, 13 and 14 allows for B1 (business), B2 (general industrial) and B8 (storage or distribution) uses and includes conditions regarding the outside storage of materials, the use of former units on the site, screening and perimeter treatments. As stated above, it should be noted that the applicant is not using plots 12, 13 and 14 although they have been used recently by another nearby waste operator for skip storage.
94. The County Council as Waste Planning Authority therefore considers that it is not unlawful for plots 10 – 14 to be used for general storage and distribution which in effect is all that this application is seeking to do on these plots, albeit that this would be done in conjunction with the crushing and screening activities on plot 16 on what would be a new single planning unit. In addition to this, the proposed development, if granted planning permission, would provide for the five metre high acoustic wall and the dust suppression measures, matters that are not in place at the present time and which could not be secured under the existing permissions in place. Furthermore, various other conditions deemed appropriate to control the development so as not to cause unacceptable impact could be attached to any planning permission granted, such as various other matters to control noise and dust and a restriction on the number of HGVs that could enter the site. At the present time, there are not even any controls regarding the hours of working under the existing planning permissions for plots 10 – 14.
95. If planning permission was to be refused, any refusal would be accompanied by enforcement action requiring the operator to reinstate the fence which once separated plots 16 and 10. However, any such enforcement action could not stop the operator from continuing to use plot 16 under their existing permission and using plots 10 – 14 for storage and distribution, with processed inert material being transported from plot 16 to the other plots via the private road which runs from Wigwam Lane to the north western edge of plots 12 – 14. It is considered that this scenario would result in increased impacts on neighbouring residents, impacts which the planning system could do little to control to satisfactory levels. Any actions to deal with adverse environmental impacts would need to be dealt with by ADC's EHOs and the acceptance of what the 'do nothing scenario' might entail has been central to the lengthy discussions that have taken place between the Waste Planning Authority, the EHOs and the applicant to arrive at the proposal and recommendation before Members now.
96. The consultant representing a local resident, having seen the committee report for the previous application which was withdrawn after the committee papers were published, has raised issue with the observations on the 'do nothing' scenario which were as per the observations above. There is disagreement with these observations and the consultant considers that the proposed development has created a new planning unit which does not have immunity from enforcement action. The consultant considers that Members should be made fully aware of the options available to them and not unduly influenced and that refusal of the application and subsequent enforcement action is an option.
97. It is fully accepted that the option of enforcement action is available should planning permission be refused and that is what is set out in paragraph 93

above. However, given the old ADC planning permissions in place for plots 10 – 14, it would be possible for the operator to use these plots for the storage of processed material, having reinstated the fence which used to separate plots 16 and 10 and carrying out waste processing operations on plot 16 only. The storage of such processed material on plots 10 – 14 would not be classed as a waste activity falling under the planning jurisdiction of the County Council and so it would be for ADC to enforce any planning breaches that it considered to be taking place. It should be noted that ADC has not taken out any enforcement action of this kind since the applicant started using plot 10 for the storage of processed materials.

Other matters

98. One final matter to consider is the response from the County Council's Reclamation Team which states that surface drainage should be considered in order to prevent the discharge of any silt etc into the adjacent stream. This matter has also been raised by residents. A condition requiring all surface water drainage from the site to pass through trapped gullies which have a capacity comparable to the site area being drained and which are maintained throughout the life of the development is recommended. This would ensure that the proposed development protects surface and groundwaters and accords with Policy W3.6 of the WLP.

Conditions and Legal Agreement

99. As set out in paragraph 2 of the report, the application was reported to committee on 30 June 2015 but it was resolved to defer determination to allow officers to review the recommended conditions. The conditions have been reviewed as requested and some important changes have been made to take account of the part-retrospective nature of the application, insofar as the applicant has been operating in the additional plots outside plot 16, and also to encourage the applicant to implement some of the key changes to the site which would bring improvements to the amenity of local residents.
100. Rather than requiring the applicant to implement the permission within three years of the date of the permission, Condition 1 of the recommended conditions, as set out in Appendix 1, confirms the scope of the permission and the fact that it will take effect on the date it is issued. This removes any possible opportunity for the applicant to carry on operating as they presently are for up to three years prior to implementing the application as it is considered that any continued working in areas outside plot 16 should only occur in accordance with the recommended conditions.
101. This change also has implications for a number of conditions requiring the submission of details, insofar as the previous requirement for the details to be submitted prior to the commencement of the development now requires details to be submitted within a specified timeframe following the date of the permission. For the majority of these conditions, and certainly for those conditions relating to the submission of details relating to the five metre high noise barrier, the submission of details relating to the dust suppression sprinkler system and the installation of the wheelwash, the timeframe is one month from the date of the permission. These changes would ensure that the provision of

these improvements to the site is made without any undue delay to the benefit of nearby residents.

102. To further encourage the applicant to bring about these improvements in a prompt manner, it is proposed to restrict both the hours of operation at the site and the throughput at the site to those presently permitted under the planning permission in place for plot 16 until two key matters – the construction of the five metre high noise barrier and the installation of the sprinkler system – have been fully implemented. Therefore, Condition 5 of the recommended conditions initially allows the site to operate between the hours of 7.30am and 5.30pm Monday to Friday and 8am to 1pm on Saturdays. Once the noise barrier and sprinkler system are in place, these hours of operation would increase to 7am to 6pm Monday to Friday and 7am to 1pm on Saturdays. Similarly, the throughput at the site would be restricted to the presently permitted 75,000 tonnes per annum until the noise barrier and sprinkler system are in place, after which the throughput would increase to the 150,000 tonnes per annum sought through the application.
103. A final change that has been made has been to reduce the length of time to prepare the legal agreement to be attached to the permission, as the permission cannot be issued, and the improvements to the site implemented, until the legal agreement is in place. Recommendations to Members on planning applications which require a legal agreement to be prepared usually allow a period of three months from the date of committee for the agreement to be finalised and the planning permission issued. In this instance, it is recommended that this time period is reduced to nine weeks, or 22 September 2015, the date of the next meeting of Planning and Licensing Committee. This is four weeks in advance of what the target date would have been if the three month period had been allowed.
104. It is considered that with these changes in place to the conditions and the recommendation in relation to the legal agreement, the improvements to the operation of the site which the application is seeking to provide can be provided at the earliest opportunity.

Other Options Considered

105. 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

106. 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.

Crime and Disorder Implications

107. The development would be located within an established industrial area benefiting from perimeter security fencing.

Human Rights Implications

108. 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 (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. The proposals have the potential to introduce impacts of noise, dust and general impacts on residential amenity to neighbouring properties. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of managing waste further up the waste hierarchy and also addressing a lack of planning controls in the area as a result of historic planning permissions in the area. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

109. These are considered in the Observations section of this report.
110. There are no service user, financial, equalities, safeguarding of children and human resource implications.

Statement of Positive and Proactive Engagement

111. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions, and assessing the proposals against relevant Waste Local Plan policies and the National Planning Policy for Waste, including the accompanying technical guidance. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees and the applicant to resolve issues and progressing towards the determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise, dust and traffic and these have been 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

112. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 to secure an annual dilapidation survey of the section of Wigwam Lane immediately adjacent to the application site and to restrict HGVs associated with the development with a gross weight over 18 tonnes from travelling along Hucknall High Street from its junction with Station Road north west to its junction with South Street.

113. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before 22 September 2015 or another date which may be agreed by the Team Manager, Development Management, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by 22 September 2015, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

SLB 13/07/2015

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

Comments of the Service Director – Finance

The comments of the Service Director – Finance will be reported orally to Members at committee.

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Hucknall	Councillor Alice Grice
	Councillor John Wilkinson
	Councillor John Wilmott

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