



**13<sup>th</sup> March 2018**

**Agenda Item: 5**

**REPORT OF CORPORATE DIRECTOR – PLACE**

**GEDLING DISTRICT REF. NO.: 7/2017/1147NCC**

**PROPOSAL 1: RETENTION OF UNDERGROUND DRAINAGE STORAGE TANKS, ABOVE GROUND STORAGE TANKS, EMERGENCY GENERATOR, SUBSTATION BUILDING AND NOISE SCREEN STRUCTURE OUTSIDE ORIGINAL SITE AREA.**

**GEDLING DISTRICT REF. NO.: 7/2017/1144NCC**

**PROPOSAL 2: VARIATION OF PLANNING CONDITIONS 3, 7, 10, 16, 17, 21 AND 25 IMPOSED UNDER PLANNING PERMISSION 7/2011/0548NCC IN RELATION TO CONFIGURATION OF SITE LAYOUT, AMENDED DRAINAGE SCHEME, ALTERATION TO CAR PARKING FACILITIES, ALTERATION TO PLANT AND MACHINERY USED ON THE SITE, INCREASE TO STORAGE HEIGHTS AND PHASING FOR PROVIDING BOUNDARY ENCLOSURES.**

**LOCATION: CHRIS ALLSOP BUSINESS PARK, COLWICK ESTATE, PRIVATE ROAD NO 2, NOTTINGHAM, NG4 2JR**

**APPLICANT: BENTARKA LIMITED**

**Purpose of Report**

1. To consider two planning applications which seek retrospective planning permission to regularise alterations which have been made to the approved site layout and working arrangements at the waste processing facility within the Chris Allsop Business Park, Colwick Industrial Estate.
2. The key issue therefore with the determination of these planning applications is whether the proposed changes to the working practices and new structures would have no unacceptable environmental impacts.
3. The recommendation is to grant planning permission for each planning application subject to the conditions set out within the appendices of the report.

## The Site and Surroundings

4. The application site is located within the Chris Allsop Business Park, which is situated on the western edge of Colwick Industrial Estate in the Borough of Gedling (see Plan 1). Colwick Industrial Estate is extensive and incorporates a variety of uses including light and general industrial, warehousing and waste related facilities.
5. The Chris Allsop Business Park historically formed part of a sugar beet processing factory which was originally developed in the 1930's and closed in the 1970's.
6. Since the closure of the sugar beet factory most of the former factory buildings have stood vacant, but other parts of the site have been used for open storage, lorry parking and workshops. Industrial warehouses were also developed on part of the site in the 1980's. (see Plan 2). The applicant purchased the freehold of the entire former sugar beet site around 7 years ago.
7. The planning application site incorporates approximately 40% of the Chris Allsop land ownership. The boundaries of the site have been drawn to include the north-eastern part of the applicant's land ownership incorporating 3.5 hectares. The main body of the planning application site is rectangular in shape and measures 240m by 150m with access to Private Road No.2 to the north-west.
8. Vehicular access to the site is obtained via Private Road No.2 which in turn links to the A612 via either Private Road No. 1 or Mile End Road. Mile End Road has a one-way environmental weight restriction which restricts vehicles with a gross vehicle weight exceeding 7.5 tonnes from obtaining access to the A612 from the industrial estate.
9. In terms of the relationship of the operational waste transfer facility to adjoining land:
  - Beyond the northern boundary towards Private Road No. 2 and properties within Colwick Manor Farm there are intervening industrial uses incorporating open storage and commercial vehicle parking and a strip of tree/landscaping planting. The site is set back approximately 150m from the Private Road No. 2 and over 250m from residential properties in Colwick Manor Farm.
  - Beyond the western boundary towards residential properties on Fox Covert and Cottage Meadow the waste site is separated by two large industrial buildings which provide a visual screen of waste operations and an area of open storage as well as a landscape bund. The nearest residential properties are at a distance of approximately 110m from the waste facility.
  - Beyond the southern boundary there is the River Trent with Holme Pierrepont Country Park beyond.
  - Beyond the eastern boundary there is a large waste transfer building operated by Biffa Waste.

## **Planning history**

10. In 1987 planning permission was granted by Gedling Borough Council for the use of the land which now forms the Chris Allsop Business Park for storage and distribution. The development provided for the demolition of some of the sugar beet factory buildings.
11. In 2011 the County Council granted planning permission for the change of use of land and buildings as identified on Plan 3 for the development of a waste management facility. The key features of the development granted planning permission are set out below and identified on Plan 3:
  - The facility would handle a variety of wastes including metals, end of life vehicles and their associated parts including plastics and waste electrical components, aggregates and non-hazardous wastes.
  - Building 1 is in use and accommodates the non-ferrous metal processing/recycling operations, the end of life vehicle de-pollution area and the main site office.
  - Adjacent (south-east) of building 1 is the metal shredding facility which is in use. The activities are undertaken in the open air.
  - Building 2 would accommodate the waste electrical storage and treatment facilities and a plastic shredder/granulator and is not in use.
  - Building 3 would accommodate a non-hazardous waste transfer station and is not in use.
  - The aggregates recycling area has been developed and is undertaken in the open air towards the rear of the site.
  - Scrap metal would be stored in the open air at the rear of the site and also along the side (north-eastern) boundary adjacent to Biffa Waste.
  - Two weighbridges have been installed at the front of the site.
  - Vehicle parking was also proposed to be provided for 24 cars at the front of the site.
  - 5m high concrete walls were proposed around the perimeter of the waste site
  - The site was to be surfaced with concrete and served by a drainage system installed across the entirety of the site prior to it first being brought into use.
  - A maximum storage of height of 5m was permitted for aggregates and a 3m storage height limit elsewhere was imposed.

## **Proposed Development**

12. Two planning applications have been submitted to regularise a series of alterations that have been made to the operation of the waste processing facility at the Chris Allsop Business Park.

13. Planning Application 1 (Ref: 7/2017/1147NCC) seeks full planning permission for a number of building works which have been developed outside the original boundaries of the approved waste processing site. The alterations are constructed on land immediately to the west of the originally approved boundary for waste processing and comprise:
- The retention of underground drainage storage tanks: The tanks comprise a series of three linked underground storage tanks providing 195,000 litre water holding capacity, a pumping station and a 74,000 litre capacity interceptor tank. In combination the tanks provide holding capacity and a pollution filter for surface water discharging from the site prior to it entering the public drainage system at a controlled run off rate not exceeding 1 litre/second.
  - The retention of an above ground water storage tank: Comprising a vertically mounted silo externally coloured red. The silo holds water collected from the site drainage and for use within dust control.
  - The retention of an electrical substation building: Recently installed to provide a housing for an electrical substation as part of the upgrading of the electrical supply into the site. The substation is housed within a rectangular shaped building constructed from concrete blockwork and a pitched tiled roof.
  - The retention of an emergency electricity generator: The diesel powered electricity generator was installed prior to the electrical upgrade of the site and has been retained to provide a back-up power supply.
  - The retention of a diesel storage tank: The diesel tank is horizontally mounted and externally finished in a blue colour.
  - The retention of an acoustic barrier: The acoustic barrier comprises three metal containers which have been stacked on top of each other. The containers are mounted to the west of the site and have been installed to reduce operational noise passing through the existing gap between two buildings.
14. The second planning application (Ref: 7/2017/1144NCC) is a Section 73 (minor material amendment) submission which seeks to modify a number of the planning conditions imposed under planning permission 7/2011/0548NCC. The alterations are set out below:
15. Condition 3 - Schedule of Approved Plans: Condition 3 sets out a schedule of the approved plans and documents. This planning application seeks permission for a revised site layout drawing incorporating:
- The repositioning of the fence line at the frontage of the site to exclude the car parking area from the fenced off operational land.
  - The minor relocation of the fence line on the western boundary of the site resulting in a reduction to the size of the operational waste area.
  - The minor relocation of the fence line on the eastern boundary of the site adjacent to Biffa Waste Services resulting in a reduction to the size of the operational waste area.

- Repositioning of the metal and aggregate recycling facilities within the rear part of the site.
  - Confirmation of the position of the aggregates crusher/screen and metal shredder within the site.
  - The identification of a three phased development programme for the site.
16. Condition 7 - Implementation of Surfacing and Drainage: Condition 7 imposes an obligation to impermeably surface and install drainage across the entirety of the site prior to any part of the site first being brought into use for waste processing.
- Retrospective planning permission is sought to develop the site over three phases instead of a single phase. Surfacing and drainage would be undertaken on a phase by phase basis prior to the phase being brought into use. Currently only Phase 1 has been implemented.
  - Retrospective planning permission is also sought to agree a revision to the drainage of the impermeable areas. The scheme previously agreed incorporated drainage gullies which would have been constructed within the waste storage area. From an operational point of view this would have created maintenance issues because the storage of waste would have restricted access to the drainage gullies. The drainage arrangements for the site have therefore been amended to slope the site gently towards the perimeter boundary allowing surface water run off to pass under the stored materials and flow into a drainage channel located outside the waste storage compound and thus allow easier access for maintenance purposes. Collected water would flow through the holding tanks and interceptor prior to release from the site.
17. Condition 10 - Access and Parking: Condition 10 requires off-street car parking to be provided in accordance with approved drawing CH/SP/1.
- Although the location of the car parking facilities has not significantly moved, alterations have been made to the fence line at the frontage of the site which removes the car park area from the confines of the operational site. The submission seeks retrospective planning permission for this change which the operator states has been made on the grounds of operational safety.
18. Condition 16 and 17 - Noise: Condition 16 and 17 impose a duty to operate the site in accordance with the specification of plant, machinery and layout which was submitted to the Council in support of the 2011 planning application.
- Retrospective planning permission is sought to regularise the use of a different metal shredder within the operation of the site. The submitted details are supported by a noise assessment to quantify the level of noise emissions from this new piece of plant.
  - Permission is also sought to agree the modified site layout under condition 17 including the relocation of the inert waste processing facility.
19. Condition 21 - Storage Heights: Condition 21 limits the maximum storage height of inert waste to 5m and other materials to 3m.

- Planning permission is sought to increase the maximum storage height to 8m in the open areas of the site, except for those sections within 5m of the perimeter boundaries of the site where the maximum height of storage would be 5m.
20. Condition 25 - Boundary Enclosures: Condition 25 requires the erection of a 5m high concrete wall around the perimeter of the site prior to the site first receiving any waste.
- Retrospective planning permission is sought to allow the development of the boundary wall on a phase by phase basis. The operator undertakes to complete the installation of the boundary wall prior to the commencement of operations in the phase adjacent to the boundary wall.
  - Retrospective planning permission is also sought to regularise an amended boundary wall design at the front of the site. The amended design incorporates a 1.8m concrete panel fence with a 1.8m high wire mesh fence over providing an overall height of 3.6m. 2.4m high metal gates would be provided across the site entrance.
21. Following the initial round of planning consultation a number of objections were received to the planning application which resulted in NCC requesting additional information from the developer regarding the following matters:
- i. Noise Assessment: The developer was asked to carry out a noise assessment from a second noise monitoring location on the path at the rear of properties on Fox Covert. This noise assessment concludes that noise levels are higher in this location (but not excessive) and concludes that this is because there is a gap between the end elevation of the building and the steel containers which allows noise to penetrate to this location. The developer has agreed to provide an additional noise barrier/acoustic screen to close this gap and reduce noise levels further. Concerns were raised that the original noise assessment assumed the aggregate processing plant would operate for 70% of the time in any hour. The assessment has been recalculated on the basis of operation 100% of the time in any hour, this shows that noise emissions would be 1dB higher than originally calculated, but would not be intrusive at residential properties. The operator has also reviewed their site operations and cannot find any operations which give rise to the release of loud bangs alleged by local residents.
  - ii. Phasing of Development: Clarity was sought from the developer regarding the programme for the phased implementation of the development. In response the operator has confirmed that to date only Phase 1 of the scheme has been implemented, the remaining section of wall/fence along the rear (River Trent) boundary enclosing phase 1 is to be installed by 30<sup>th</sup> March 2018. Within Phase 1 aggregates recycling has been undertaken infrequently (20 days over 6 months). Phase 2 has not been implemented - metals stored in this area originate from the demolished building that previously stood on this area rather than waste imported to the site and the majority of the area designated as Phase 3

continues to be used for overnight lorry parking and not waste metal storage.

- iii. Dust Emissions: The developer was requested to provide more detailed information regarding their dust management controls. The operator has confirmed that both the metal and aggregate recycling facilities incorporate dust suppression facilities which limit dust emissions at source through the use of water sprays in accordance with industry standard practice.
- iv. Hours of Operation: The Company was questioned about alleged breach of operating hours. The company has replied by stating it is compliant with the operating hours detailed within Condition 13 of the planning permission and that compliance is controlled via a clock in/out system for all employees. In addition machine operational time is monitored with all operating hours logged on the machines diarised on a daily basis.
- v. Floodlighting: Local residents have raised concerns regarding light pollution from floodlighting within the site. The applicant confirms that no floodlighting has been installed on the operational area of the site, that mobile plant and lorries have lighting but this is not likely to affect the neighbours as these operate within the confines of the site. The applicant states that complaints in respect of floodlighting are likely to be as a result of floodlighting attached to the operation of the adjacent large warehouse building which is outside of the application site area and situated directly adjacent to the housing estate.
- vi. Use of adjoining industrial land: The operator considers the most likely cause of complaints with regards to hours of operation and floodlighting may be from the adjacent document storage facility. With regards to dust and noise, the operator states the houses are directly adjacent to a large heavy industrial estate which by its very nature will generate noise and dust.
- vii. Control of Pollution: In terms of pollution control:
  - All motor vehicles for recycling are drained of fluids prior to their dismantling/fragmenting. The fluids are stored in bunded tanks.
  - Batteries are removed and stored in acid resistant bunded containers, the maximum available battery storage at the site is 5-6 tonnes and not 3,000 tonnes which is allowed in the permit.
  - Asbestos was banned in brake and clutch linings post 1985. The Environment Permit requires the removal of break and clutch linings from vehicles registered pre 1985 prior to shredding.
  - The developer has provided copies of their fire management plan.
  - The control of traffic entering and leaving the site is by way of guidance supplied to the vehicle operators using the site. In addition Mile End Road has a statutory weight limit restriction. At

the exit of the Allsop site road signs signalling right turn only have been installed.

## Consultations

22. The two planning applications have each been subject to separate publicity and consultation but most consultees have provided a joint response for both planning applications.
23. **Gedling Borough Council:** *Have acknowledged receipt of the two planning applications but have raised no representations.*
24. **Colwick Parish Council:** *Object to the planning application*
25. *The Parish Council is concerned that the original planning permission has not been adhered to and this has resulted in complaints being raised over the intervening years. The concerns relate to:*
  - *Traffic – The Parish have been advised that vehicles use Mile End Road to access the site despite controls imposed under Condition 12 which require the operator to instruct drivers to access via the Private Road No1 Junction. The Parish ask how this condition is policed.*
  - *Hours of Operation – The Parish have also been advised that the approved hours of operation imposed under Condition 13 have not been complied with.*
  - *Surfacing and Drainage – The site has not been surfaced and drained in accordance with the requirements of Conditions 7 and 8 and concerns are raised about the pollution risk this is creating.*
  - *Noise – Residents report to the Parish that the site is excessively noisy and that the screening in place is not adequate (Conditions 16, 17, 18, 19 and 20). The placing of metal containers to provide supplementary screening is a cheap way of trying to minimise noise and the Parish are concerned that the containers echo noise instead of buffering it.*
  - *Litter, dust and mud – The 5m concrete panel wall around the perimeter of the site has not been erected (Condition 25). Residents have reported excessive amounts of dust from activities, increasing storage heights will add to this problem. The Parish question whether the dust controls (use of dust suppression system, ceasing operations in dry and windy weather and preparing supplementary dust management plans) have ever been undertaken.*
  - *Health and Safety - Residents have raised concerns with regards to the composition of waste that is handled at the site, in particular the possibility of asbestos, concrete and metal dust releases.*
  - *Size of Site – Concerns are raised that the site is far bigger than was originally permitted.*
26. *The Parish Council have been re-consulted in connection with the supplementary information which has been submitted. The Parish maintain*



*their objections to the planning application and re-emphasise their concerns regarding breaches of planning control at the site. The parish remain concerned about noise, dust and silica particles and their potential effects on amenity and health.*

27. **Environment Agency:** *No objections*

28. *The EA has provided some specific advice in connection with pollution control and permitting regulations, as follows:*

- *Flood proofing measures should be incorporated in the site design to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.*
- *Fuel oils such as diesel should be stored in line with the Oil Storage Regulations and steps should be taken to ensure the possibility of spills is minimised.*
- *The suitability of the acoustic barrier will be reviewed by the EA as part of on-going regulation and in response to any noise complaints the EA may receive from members of the public.*
- *Interceptors are generally a good option for the management of run-off from waste management facilities but access to and maintenance of the interceptor is vital to its successful operation.*
- *The proposed reduction in the operational area is believed to coincide with the site's intention to partially surrender their permit which will result in a new permit being issued under the Industrial Emissions Directive.*
- *Any repositioning of waste storage and treatment areas within the permitted area is acceptable but the operator must ensure that the waste types are permitted under the permit and requirements for surfacing, drainage, storage and treatment are still met in the new area of the site.*
- *A sloping site draining to a centralised point and interceptor would be acceptable under the permit as long as dust, litter and mud are adequately controlled, the capacity of the bunded area, drainage channels and interceptor is sufficient to handle the volume of water and flood conditions are considered in order to ensure that contaminated water can be contained on site in the event of a flood.*
- *Waste storage must also consider and prevent the ingress of water into hazardous wastes such as batteries.*
- *Removing the car park from the operational area is acceptable as long as no end of life vehicle storage is carried out in this area.*
- *Noise from the shredder will be reviewed through permitting regulation but potential amenity issues of noise and dust should be identified and managed through the Environmental Management System.*
- *All aspects of the site should consider the requirements of a Fire Prevention Plan and recommended best practice.*

- *The management of dusts and particulates from on-site processes must be managed appropriately and explained within the Environmental Management System as part of the permitting process.*
- *In terms of silica and other releases, the permit expects the operator to consider and manage all risks of pollution and manage them appropriately.*

29. **NCC (Highways):** *No Objections*

30. *The modifications sought planning permission would have no impact on the highway network.*

31. **NCC (Noise Engineer):** *Raise no objections*

32. *The applicant has provided additional noise data to address a series of queries that were raised regarding the methodology used to carry out the noise assessment. The updated noise assessment adequately assesses the noise impacts from the operations on site in accordance with BS4142:2014 and the proposed alterations to the existing shipping container noise barrier will offer sufficient protection to neighbouring residential receptors reducing noise emissions to an acceptable level. The existing operational noise limits will ensure ongoing protection from noise impacts from future operations on the site. Therefore, no objections are raised to the proposals subject to the extension of the existing noise barrier to infill any gaps between the containers and the adjacent buildings and the ground and thereafter its retention for the life of the development.*

33. **Canal and River Trust:** *Raise no observations.*

34. **Western Power Distribution, Cadent Gas Limited, Severn Trent Water, Via (Reclamation):** *No representations received. Any comments received will be orally reported.*

## **Publicity**

35. The two planning applications have been separately publicised by means of the posting of three site notices, the publication of a press notice in the Nottingham Post and the posting of 7 neighbour notification letters sent to the nearest residential properties within Cottage Meadow and Fox Covert as well as the adjoining commercial site occupied by Biffa Waste in accordance with the County Council's adopted Statement of Community Involvement Review.

36. Nine letters of representation have been received from the local community which raise the following objections:

### Location

- The facility is too close to residential property and not a suitable location for a waste processing facility.

- The residents note that the operator also has a facility in a rural location remote from residential property. Residents consider this is a much more appropriate location for a waste facility.

#### Boundary Wall

- The planning assessment for the original planning application identified that a 5m wall around the perimeter of the site would provide visual and acoustic screening of the site. Residents therefore question why the site has been allowed to operate without the wall being in place and request the Council take action to ensure the wall is now constructed in accordance with the approved scheme.

#### Noise

- The lack of boundary walls around the site fails to screen noise emissions from the site in a north-west direction towards residential properties in Colwick Manor Farm. A resident of Colwick Manor Farm states that they experience noise disturbance from the site including whining/droning as well as banging and clattering. These noise emissions have been recorded at more than 5dB above background noise by the resident and can be heard in bedrooms with the windows shut.
- Concerns are raised that the noise assessment is not representative and fails to comply with BS4142. It focuses on the Zato metal shredder and does not incorporate measurements of the concrete crusher, it was undertaken by Chris Allsop's employees and the time period (four lots of five minute sessions on one day) are not adequate to fully assess the impact. A more independent noise survey should be carried out by the Council over a longer period, with no notification to Chris Allsop that this is being undertaken to avoid the risk of the business reducing noise levels for the purpose of the survey.
- Are existing noise controls being complied with?
- Concerns are raised that NCC have historically failed to fully investigate noise complaints and that site visits to investigate noise complaints are not undertaken at the time the complaint is made. Concern is also raised that officers investigating noise complaints do not use appropriate noise monitoring equipment.

#### Dust

- Concerns are raised about the level of dust emissions from the site. Residents report they have noticed a considerable amount of dust settling on windows and cars.
- Residents ask whether the site has ever had to stop working due to dust emissions.

#### Pollution and Health

- Questions are raised about the potential for dust to contain hazardous substances, particularly asbestos from the inert waste crushing.
- Concrete dust generated by crushing and screening potentially incorporates silica which could have health effects.

- Are brake and clutch linings (which may potentially contain asbestos) removed before vehicles are shredded?
- Concerns are raised that contamination of the surrounding area could occur in the event that the site flooded.
- A fire at the site could result in air pollution and questions are raised as to whether the storage containers are fire resistant?

#### Visual Impact

- The site is visible from Mile End Road.
- The shipping containers along the boundary look appalling.

#### Traffic

- Colwick PC raised concerns about the amount of additional traffic that would be created in the area when they responded to the planning consultation in connection with the original planning application in 2011.
- Colwick PC request that controls be put in place to require all vehicular accessing the site to travel from the A612 and Private Road No. 1, and thus avoid trafficking past residential properties on Mile End Road.

#### Breaches of Planning Control

- Noise has been heard outside the approved working hours on several occasions.
- The operators have flouted planning law for the last six years.
- Residents state that any future breaches of planning conditions (which they consider is highly likely) could potentially cause harm or damage to people or the environment.

#### Inaccuracies incorporated within the Original Planning Application Submission

- The planning application forms state that hazardous waste is not stored within the site, however the waste permit issued for the site by the Environment Agency allows the storage of up to 3,000 tonnes of batteries which are classified as hazardous waste.
- The applicants have wrongly identified the flood zone of the site in their planning application.

#### Issues with the Original Planning Permission for the Site.

- Concerns are raised that there was a lack of publicity in connection with the original planning application for the use of the site in 2011. This lack of publicity effectively meant that residents were not able to make any objections to the original planning application.
- During the original planning application, Colwick PC raised a concern about the amount of additional traffic that would be created in the area, but presumably that concern was dismissed by the NCC Highways Dept. At the moment lorries are allowed to enter Mile End Road from the A612 in one direction only (passing residential areas). Should this not be changed to access only from A612 Private Road No 1 end so as not to disturb these areas?

- The applicant should not be allowed to reduce or cut back on any of the environmental controls that were originally put in place.
37. In addition a petition has been received signed by 174 people objecting to the planning application due to concerns that it could cause harm to human health and/or the environment by reason of:
- i. Air Pollution – from the chemicals and elements released during the vehicle depollution and concrete recycling activities.
  - ii. Noise Pollution – which residents consider is in excess of the conditions applied in the original 2011 planning permission.
  - iii. Ground Pollution – and the release of potentially hazardous waste from recycling operations. Residents seek assurances that the site is regularly monitored by the appropriate authorities.
  - iv. Water Pollution – concern is expressed that the operation of the site could release hazardous waste to the local waterways.
  - v. Site Monitoring – residents want to know what monitoring has been carried out at the site since 2011.
38. Councillor Nicki Brooks has been notified of the application.
39. The issues raised are considered in the Observations Section of this report.

## **Observations**

40. The two planning applications seek retrospective planning permission to regularise a series of alterations which have been made to the approved site layout and its working arrangements, and also to retain a number of structures/containers that have been installed on land immediately adjacent to the waste processing facility within the Chris Allsop Business Park, Colwick Industrial Estate.
41. The planning consultation process has resulted in a number of objections being raised from Colwick Parish Council and local residents concerning both the suitability of the location of the site for the waste use particularly in relation to its proximity to residential properties, alleged breaches of existing environmental controls and concerns regarding the environmental impact from the changes proposed in these planning applications.
42. The assessment of the planning merits of the modifications sought in these planning applications does not necessitate a full re-examination of the principle of using the site for waste management since this has been established through the original planning permission. Nevertheless, the report incorporates a review of planning policy to explain why the officers consider the use of the site for waste management continues to be appropriate and this is relevant in the overall balanced planning assessment.
43. The key issue however with the determination of this planning application is whether the proposed changes to the working practices and new structures sought planning permission would have acceptable environmental effect.

Existing Use of Site: Compliance with waste planning policy and the appropriateness of location.

44. Waste metal scrapyards and waste transfer stations play an important intermediate role between the collection and final management point for waste, providing a facility to separate and bulk together waste at a local level until sufficient quantities are accumulated to merit transportation to the relevant waste processing facility which can involve longer distance haulage. Scrapyards and waste transfer stations therefore assist in achieving a more environmentally sustainable system of waste management, contributing towards ensuring a greater proportion of the waste stream is recycled, treated and/or recovered and assisting in reducing the overall transport distances associated with the management of waste and their development is supported in principle by Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policies WCS2 (Waste awareness, prevention and re-use) and WCS3 (Future waste management provision) which promote the development of waste management facilities in accordance with the waste hierarchy.
45. The WCS 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 and 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. They are not normally favoured in rural areas. 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.
46. Colwick Industrial Estate is identified within the adopted Gedling Local Plan (GLP) under saved Policy E3 as a designated employment site. The use of the Chris Allsop Business Park for waste management purposes therefore continues to be supported in principle by planning policy subject to the activities on the site resulting in no unacceptable environmental impacts. The magnitude of the environmental effects resulting from the amendments sought planning permission are considered below.

Phasing of development and unauthorised works

47. At the time planning permission was originally sought (over 6 years ago) the operator envisaged the development of the waste site would be undertaken in a single phase prior to any waste being brought to the site. The planning conditions were therefore drafted on the basis that the site would be developed on this basis.
48. In practice only part of the site has been developed for waste management purposes with the remainder of the site either vacant or continuing to be used for its previous lorry trailer storage use. The applicant states that the change to a phased development at the site has occurred primarily due to the high capital cost associated with developing a large area of land in a single phase. The operating company is a family owned business and there is an understandable

need to balance the level of capital costs against revenue receipt to ensure it continues to be viable. The company has sought to do this by phasing the development.

49. The change to a phased implementation of the development however creates a number of tensions with the existing planning permission and its planning conditions. In particular it creates an issue with Condition 7 which imposes an obligation to impermeably surface and install drainage across the entirety of the site prior to any part of the site first being brought into use for waste processing and Condition 25 which requires the erection of a wall around the full perimeter of the site prior to its use. Other changes that are sought planning permission in these two applications are as a direct result of the operator not deciding to build the site in accordance with the scheme originally granted planning permission.
50. The Parish Council have raised concerns regarding the frequency and adequacy of the site monitoring undertaken by the County Council. In terms of the monitoring frequency, the County Council's policy is to visit operational waste transfer facilities at least once a year with supplementary visits made in response to any complaints that are made.
51. The application site has received 20 visits since 2012 comprising 8 monitoring visits and 12 visits in response to complaints. These planning applications have been submitted as a direct result of discrepancies identified through the site monitoring. The operator did not notify the Council of the changes that were being made to the approved scheme, the Council only becoming aware of these changes following its monitoring of the planning permission.
52. Upon becoming aware of the inconsistencies between the approved scheme and the development as constructed the developer was requested to retrospectively regularise the unauthorised development through the submission of these planning applications.
53. It is unfortunate that the operator has allowed the development to progress with so many differences to the approved scheme. The alterations were not shown on the original approved plans and therefore do not currently have planning permission.
54. The decision of officers to request planning applications in an attempt 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'. This document 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.... 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 (May 2015) which identifies retrospective planning

applications as being an appropriate method of dealing with breaches of planning control to regularise unauthorised works.

55. The submission of a planning application to regularise unauthorised development gives no guarantee that a planning permission will be forthcoming. The planning application needs to be considered on its own merits and follow the same procedures as a normal planning application. However, it is also clear that the fact the planning application is retrospective should not therefore affect the judgement of the Council in this case.
56. The National Planning Policy Framework (NPPF) (paragraph 18) requires the planning system to '*do everything it can to support economic growth*', requiring planning to operate '*to encourage and not act as an impediment to sustainable growth*', and requiring significant weight to be placed on the need to support economic growth through the planning system. The economic arguments put forward by the operator for their decisions which have led to these planning applications are therefore a material planning consideration in support of the planning application, but need to be balanced against any resultant adverse environmental effects.

#### Assessment of environmental effects resulting from the amendments sought planning permission.

57. The policy support for the development provided by WCS Policy WCS7 is conditional upon the operation of the site resulting in no unacceptable environmental impacts. These impacts are considered below:

#### Traffic and Highways

58. WLP Policy W3.14 states that planning permission will not be granted for a waste management facility where the vehicular movements likely to be generated cannot be satisfactorily accommodated by the local highway network or would cause unacceptable disturbance to local communities. WLP Policy W3.15 encourages the imposition of planning conditions to regulate the routing of lorries associated with the operation of waste transfer facilities. NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
59. Colwick Parish Council and the local community have raised objections that the development would increase traffic in the area.
60. These planning applications do not alter the level of traffic associated with the operation of the site from the levels agreed in 2011. At this time it was identified that the operation of the site would generate a maximum 100 vehicles (200 two way movements) on a normal working day, 17 of these vehicles being heavy goods vehicles (HGVs), the remainder (83 vehicles per day) being light goods vehicles (skip lorries) under 7.5 tonnes. Saturday morning vehicle movements would be substantially lower at 46 vehicles (92 two way movements), 5 of these vehicles being HGVs. It is recommended that planning conditions are re-imposed as part of this decision to regulate the number of vehicle movements.



61. This development alters the location of the off-street car parking facilities within the site. The amended location is considered acceptable and maintains an acceptable number of spaces for the off-street car parking of staff and visitor vehicles.
62. With regard to the access arrangements into Colwick Industrial Estate from the A612, this is obtained via one of three routes from the A612, either via Mile End Road to the west, or one of two dedicated industrial access roads to the east. (see plan 1). The Mile End Road access into the industrial estate passes a number of residential properties and is regulated by a one-way environmental weight restriction which prohibits HGVs (vehicles over 7.5 tonnes) exiting the industrial estate to the A612. The TRO does not regulate the movement of light goods vehicles along Mile End Road.
63. As part of the existing planning conditions, controls have been imposed on the applicant's delivery vehicle routing for both light and heavy goods vehicles requiring all such vehicles to access and depart the site from the east thus avoiding trafficking along Mile End Road. Signage has been erected on site and instructions are given to direct drivers to ensure this route is followed. It is recommended this planning condition be re-imposed within this decision.
64. The development site is predominantly hard surfaced with vehicles entering and leaving the site using demarcated roadways therefore minimising the potential for mud and detritus to get dragged onto Private Road No. 2. The regular sweeping of haul roads is controlled by planning condition with a requirement to impose further management measures in the event that these controls do not satisfactorily control mud and detritus.
65. It is therefore concluded that the access to the site is satisfactory and its use by the numbers of vehicles associated within the development would not result in any significant highway capacity impacts of disturbance to the local community subject to the imposition of conditions as identified above. The development therefore complies with WCS Policies W3.14 & W3.15 and NPPF paragraph 32.

### Visual Impact

66. WLP Policy W3.3 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 identifies the importance of screening to reduce visual impacts.
67. The planning consultation responses from the local community have raised a number of objections to the development based on its visual impact.
68. The visual impact and proximity to residential properties of the waste facility was carefully considered at the time the original planning application in 2011 to provide separation between the waste site and nearby residential properties. The process resulted in the selection of a site within the south eastern corner of the applicants larger land-holding benefitting from being remote from residential properties, public viewpoints and existing screening as noted below:

- Beyond the northern boundary towards Private Road No. 2 and properties within Colwick Manor Farm there are intervening industrial uses incorporating open storage and commercial vehicle parking and a strip of tree/landscaping planting. The site is set back approximately 150m from the Private Road No. 2 and over 250m from residential properties in Colwick Manor Farm.
  - Beyond the western boundary towards residential properties on Fox Covert and Cottage Meadow the waste site is separated by two large industrial buildings which provide a visual screen of waste operations and an area of open storage as well as a landscape bund. The nearest residential properties are at a distance of approximately 110m from the waste facility.
  - Beyond the southern boundary there is the River Trent with Holme Pierrepont Country Park beyond.
  - Beyond the eastern boundary there is a large waste transfer building operated by Biffa Waste.
69. 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.
70. The current planning applications seek to alter the arrangements for the provision of a boundary wall around the site perimeter and to allow an increase in the storage heights within the site. Planning permission is also sought for a number of new structures including a water storage tank, diesel tank, electrical substation, generator equipment and retention of acoustic barrier.
71. In terms of the boundary walls, the approved development scheme for the site incorporated 5m high concrete walls to be erected around the entire perimeter of the waste site prior to it being used for waste processing. The decision to install these walls came from the developer with the objective of securing the site rather than a requirement made by the County Council to visually screen operations. The separation of the site from sensitive visual receptors and the screening provided by intervening uses and buildings means that the operation of the site without the presence of the boundary walls has no significant greater visual impact to sensitive visual receptors. The amended boundary enclosures and phasing proposed in this planning application therefore would result in no significant change to the visual prominence of site activities.
72. Planning permission is also sought to increase storage heights within the site to 8m in the open areas of the site, except for those sections within 5m of the perimeter boundaries of the site where the maximum height of storage would be maintained at 5m. Again the separation of the site from sensitive visual receptors and the screening provided by intervening uses and buildings means that this increase in storage heights would result in no significant greater visual impact to sensitive visual receptors.
73. The application also seeks to retain a number of ancillary structures including a water storage tank, diesel tank, electrical substation and generator and acoustic

barrier. These structures are comparatively low in height, extensively screened by existing structures and result in minimal visual impacts.

74. With particular reference to the acoustic barrier, the materials used in this structure comprise three stacked shipping containers with the gap between two buildings infilled with acoustic panels coloured white. The visual appearance of the acoustic screen is functional rather than attractive, however its location between two buildings with physical separation from residential properties and intervening landscape screen bund minimises the visual prominence of the acoustic screen and it is not considered visually intrusive.
75. It is therefore concluded that the revisions to the boundary treatments, storage heights and supplementary structures proposed in this planning application are visually acceptable and the development is compliant with WLP Policies W3.3 (Plant and Buildings) and W3.4 (Screening) which seek to ensure visual impacts from waste development are minimised and screened as far as practical.

## **Noise**

76. WLP Policy W3.9 seeks to ensure that when planning permission is granted for waste management facilities conditions should be imposed to reduce potential noise impacts. Such conditions may include the enclosure of noise generating uses; stand-off distances between operations and noise sensitive locations; restrictions over operating hours; using alternatives to reversing beepers and setting maximum noise levels.
77. The noise assessment undertaken in 2011 informed both the site selection and the site design. The original design assumptions remain valid. In particular the site is located within an industrial estate, surrounded by industrial land and the River Trent to its rear boundary and therefore does not directly adjoin noise sensitive development. The nearest residential properties are sited approximately 120m to the south/south-west with intervening buildings which assist in screening noise emissions. The operational design ensures that the noisier features of the site are undertaken within buildings or in locations on the site which benefit from the screening provided by existing buildings.
78. These planning applications incorporate a number of alterations to the site layout which have potential to effect noise emissions including the use of a different metal processing plant with differing noise emissions and an alteration to the boundary enclosures of the site. To assess whether the alterations sought planning permission significantly alter the noise emissions from the site a noise impact assessment has been undertaken which has been prepared in accordance with the methodology set out within BS4142:2014.
79. The noise assessment demonstrates that emissions from the amended site layout would not be intrusive at residential properties subject to the existing shipping container noise barrier being extended to ensure there is no gap between the containers and the adjacent buildings and the ground so as to fully screen noise emissions. NCC's Noise consultant recommends the existing noise controls are re-imposed on the site, these provide for:

- A restriction of the operating hours to control site opening times as follows:
    - Between 07:00 to 18:00 Monday to Friday.
    - On Saturdays between 07:30 and 12:30 for the delivery of materials and associated sorting using forklift trucks, guillotine, bailer and granulator. The metal and aggregate recycling operations would not be carried out.
    - On Sundays operations would be limited to the receipt of incoming waste only between 07:00 to 13:00.
    - Up to six delivery vehicles are permitted to enter and leave the site outside these hours in the event of haulage delays and to meet early morning delivery/ferry deadlines. These vehicles would be loaded/unloaded within the core business hours and therefore the only activities outside the approved hours of the site would be the vehicle being driven on/off the site.
  - A control over the location of waste activities on the site to ensure the plant and machinery benefits from the noise screening assessed in the noise report.
  - A limit to the level of noise output at residential properties.
  - The use of silencers on mobile plant, and
  - Controls over reversing warning devices
80. Whilst officers acknowledge the concerns of local residents regarding general noise and in particular loud banging noises in the area, site inspections and noise monitoring indicate that these noises do not originate from the operation of the waste site. The intermittent character of these loud noises makes it difficult to identify their precise source but it is believed they originate from other industrial activities within Colwick Industrial Estate.
81. Subject to the imposition of the planning conditions identified above, it is concluded that noise from the operation of the site would be satisfactorily controlled to ensure it is not intrusive at surrounding residential properties, in accordance with the objectives of WLP Policy W3.9.

#### Air Quality, Dust, Pollution and Health Issues

82. Concerns relating to deterioration in air quality, dust, pollution and associated health impacts are one of the main areas of concern raised through the planning consultation responses from the local community.
83. The operation of the facility is regulated by the Environment Agency through an environmental permit. The purpose of the permit is to ensure the operation of the waste facility is undertaken to a satisfactory standard to protect the environment by using measures to prohibit or limit the release of substances to the environment to the lowest practicable level, ensure that ambient air and water quality meet standards that guard against impacts to the environment and human health and thus prevent pollution.
84. The Environment Agency have confirmed in their consultation response that the permit for the site incorporates controls to protect air quality and health, and minimise dust and pollution.

85. Government policy concerning the relationship between the planning system and the pollution control regime is set out within both the National Planning Policy for Waste (NPPW) and the supporting Planning Practice Guidance (PPG) concerning waste. PPG paragraph 50 states that:

*'Waste planning authorities should assume that pollution control regimes will operate effectively.'*

And advises that:

*'The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.'*

86. No objection has been received from the Environment Agency in respect of the planning application. The operation of the site benefits from an environmental permit issued by the Environment Agency. Since the facility is operated under an environmental permit, the planning authority can be satisfied in this instance that its operation would be appropriately regulated to ensure that it meets air quality, dust, pollution and health controls. In terms of the specific environmental concerns that have been raised by the local community:

- The release of chemicals and elements to air, water or the ground from the concrete recycling activities and vehicle depollution is regulated through the permit thus ensuring these processes meet relevant air quality, pollution and health controls thus providing controls over safety.
- Permit controls require all end of life vehicles to be drained of liquids prior to them being broken up and defragmented.
- All metal processing is undertaken from concrete surfaced areas which are impermeable. These areas are engineered with appropriate falls to direct water to sealed drainage systems and interceptors to ensure potentially contaminated liquids do not enter the watercourse.
- Asbestos removal controls are in place for the breaking of motor vehicles registered before 1985. Vehicles registered after this date do not incorporate asbestos.
- Fire avoidance and evacuation strategies are regulated through the permit.

87. With particular reference to the concerns that have been raised regarding dust emissions, the plant operated at the site incorporates dust abatement controls:

- With regard to the metal processing facility two types of dust suppression systems are used. One is a dust suction and suppression system that is built into the plant and is used when humidity is low, collecting and filtering dust by suction. When humidity is higher a water suppression system is used.

- The aggregate recycling facility has a water sprinkler system fed via a mobile bowser and is engaged during dry or windy periods.
88. The applicant has installed a water collection system and storage tank within the site to ensure there is a supply of water available for the operation of the sprinkler systems. The dust control measures installed on the plant and machinery are considered appropriate under the Environmental Permit.
  89. Notwithstanding these dust controls, residents have raised a number of concerns regarding dust levels in the area which have been taken up with the waste operator. In response the operator has identified that the residential properties are adjoined by a large industrial estate. The operator considers the dust levels in the local area originate from the general industrial character of the industrial area rather than a specific source within the waste operating yard. Officer's inspections of the site have not identified any significant level of dust emissions from the waste processing activities, but have noted there are large areas of crushed stone roadways and open storage areas in the area surrounding the development site which give rise to dust from wind blow and the passage of vehicles. Since these areas are outside the boundaries of the planning application and relate to longstanding established uses of land, they cannot be regulated within this planning permission.
  90. In accordance with WLP Policy W3.10, it is recommended that a planning condition is imposed requiring the dust abatement measures installed within the plant and machinery to be utilised. The planning condition can also ensure that the stockpiles/haul roads are dampened with water in the event that they give rise to dust emissions, and impose a requirement to temporarily suspend waste processing operations during excessively dry or windy periods.
  91. Taking into account the advice in the NPPW and the PPG, the planning authority must assume that the pollution control regime will operate effectively and that a refusal of planning permission on grounds of impact of pollution of air and water quality and associated health concerns could not be substantiated.

### Surfacing and Drainage

92. WLP Policy W3.5 and W3.6 seek to avoid pollution of ground and surface water through implementing engineered solutions including impermeable surfacing to operational areas, use of appropriate drainage systems and control over waste types.
93. Alterations are sought to the drainage arrangements as part of these planning applications, the alterations include:
  - The implementation of the development over three phases (instead of a single phase) with the surfacing and associated drainage provided in each phase prior to the phase it serves first being brought into use;
  - The repositioning of the drainage gullies in the phase 1 (metals) area;
  - The installation of water holding tanks.
94. The alterations to the surfacing and drainage have been approved through the permitting process and are acceptable from a drainage point of view. Phasing

the implementation of the site and provision of the associated drainage/surfacing would not increase pollution risks and can be regulated by planning condition. The operation of the inert facility from a permeable base would not give rise to any pollution issues. The amended drainage gullies in Phase 1 are functioning satisfactorily and the installation of the water holding tanks ensure that the surface water run-off from the site does not exceed the rate of flow of an equivalent green field site and thus result in no increased flood risks.

95. The development is therefore considered to be compliant with WLP Policies W3.5 and W3.6 since the design of the site satisfactorily safeguards against water pollution.

#### Litter

96. Due to the nature of wastes to be managed at the facility, which generally are heavier materials and therefore not particularly vulnerable to wind blow, significant nuisance from litter is not anticipated. A planning condition is suggested to require the sheeting of lorries servicing the site in accordance with the WLP Policy W3.8.

#### Odour

97. The site has the benefit of planning permission as a waste management facility. The modifications to the operation of the site which are sought within these planning applications will not change the operational characteristics of the site in terms of waste management streams which are handled by the facility or odour management controls that are in place and primarily regulated through the waste permit.
98. It is recommended that the exiting planning condition which requires the operator to inspect all incoming loads and remove any putrescible or potentially odorous waste immediately upon receipt, to store this material within a sealed skip/container and remove this material from site within 72 hours is re-imposed to ensure that odour emissions are satisfactorily controlled and do not result in disturbance to the amenity of local residents.

#### Flooding

99. The application site is identified on the Environment Agencies flood map as being within an area classified as a flood zone 3 (an area at highest risk of flooding) but also protected by flood defences (constructed in 2012) which means that the actual level of flood risk is now much lower.
100. The Environment Agency have not objected to the development of the waste facility in this location. They recommend flood proofing measures are incorporated in the buildings (such as barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels). The applicant can be informed of these suggestions through an informative note as part of the planning decision.

101. Local residents have raised concerns that, if the site were to flood, floodwaters could potentially act as a pathway for contamination. The applicant states that operational controls regarding potentially hazardous materials are regulated through the permitting process and ensure that any risk of pollution at a time of flooding is not significant. These controls ensure that fluids are drained from vehicles prior to processing and stored in bunded sealed tanks and batteries are stored in bunded containers. Significant pollution risks from flooding events therefore are not anticipated.

### Floodlighting

102. Local residents have raised concerns that floodlights installed on the applicant's land shine towards residential properties on Fox Covert and Cottage Meadow.
103. The investigation of these concerns has identified that no floodlighting has been installed on the operational area of the site. There is lighting attached to mobile plant and lorries but this is not likely to affect local residents because of the screening provided by the site boundary and adjoining warehouse buildings.
104. There is floodlighting installed on the west facing wall of adjacent warehouse buildings used for document storage which is outside the operational waste site. Although these buildings are owned by the applicant they are located outside the planning application site and not connected to the waste uses on the site and therefore cannot be regulated through this planning decision. Nevertheless, officers have written to the applicant to request the floodlights be re-angled and switched off outside business hours to reduce any nuisance to local residents.
105. It is recommended that a planning condition should be imposed to require prior agreement of any floodlighting installation. This control would ensure that any floodlights are appropriately sited, angled and shielded to avoid dazzle to surrounding property. It is also suggested that the hours of floodlight operation be restricted in line with the operating hours of the site.

### Ecology

106. The site is not designated for its nature conservation interest, is generally hard surfaced with very small areas of vegetation offering negligible habitat for protected or notable species. Significant ecological impacts are not therefore predicted as a result of the development.

### **Other Options Considered**

107. 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**

108. 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

109. The development would be located within an established industrial park benefiting from perimeter security fencing along its boundaries.

#### Data Protection and Information Governance

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

#### Human Rights Implications

111. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered. The proposals have the potential to introduce increased levels of noise, dust, light pollution and traffic. Mitigation for these potential impacts is provided within the development to ensure they would not be significantly intrusive and any residual impacts would need to be balanced against the wider benefits the proposals would provide including the contribution the facility makes towards a network of waste management facilities. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Public Sector Equality Duty Implications

112. 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

113. These have been considered in the Observations section above.
114. There are no financial, human resource, safeguarding of children and young adults at risk or implications to service users.

## **Conclusion**

115. The operation of the site and its location continue to benefit from planning policy support from Nottinghamshire and Nottingham Waste Core Strategy Policies WCS2 (Waste awareness, prevention and re-use), WCS3 (Future waste management provision) and its location is supported by Policy WCS7 (General Site Criteria) and Gedling Local Plan saved Policy E3.
116. The existing planning permission for the site incorporates a detailed methodology for the development and operation of the waste management facility based on the site being constructed in its entirety over a single phase prior to any waste being brought to the site. In practice modifications have been made to the plant, machinery and structures on the site including its development on a phased basis. These modifications have created a number of tensions with the existing planning permission and its planning conditions which these planning applications seek to address. The key issue therefore with the determination of this planning application is whether the proposed changes to the working practices and new structures sought planning permission would have acceptable environmental impacts.
117. It is clear from the planning consultation process that the Parish Council and local residents have concerns regarding the operation of the site, but the analysis of these concerns by the case officer and informed by the responses received from technical consultees concludes that there would be no significant harmful impacts to the environment or the amenity of the local community, and environmental emissions are capable of being regulated through planning condition and the environmental permitting processes regulated by the Environment Agency.
118. It is therefore concluded that, subject to the imposition of the conditions listed within Appendices 1 and 2, the overall balanced conclusion is to support the granting of planning permission for each planning application.

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

119. 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. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

### Recommendation 1

120. It is RECOMMENDED that planning permission be granted for planning application 7/2017/1147NCC subject to the conditions set out in Appendix 1.

### Recommendation 2

121. It is RECOMMENDED that planning permission be granted for planning application 7/2017/1144NCC subject to the conditions set out in Appendix 2.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments [RHC 15/2/2018]**

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

### **Comments of the Service Director - Finance [RWK 15/02/2018]**

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

### **Background Papers Available for Inspection**

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

### **Electoral Division(s) and Member(s) Affected**

Carlton East

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