

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

7 September 2020

Report of the Director – Economy, Transport and the Environment

- 1 RETROSPECTIVE APPLICATION FOR PLANNING PERMISSION FOR CHANGE OF USE OF LAND AND A BUILDING FROM INDUSTRIAL B2 USE TO A WASTE TRANSFER STATION, TO ALLOW THE STORAGE AND BULKING UP OF DRY RECYCLABLES COLLECTED FROM NORTH EAST DERBYSHIRE DISTRICT COUNCIL, CHESTERFIELD AND BOLSOVER KERBSIDE COLLECTIONS SITUATED ON THE EASTERN SIDE OF THE B6039 MANSFIELD ROAD, INCLUDING THE OVERNIGHT PARKING OF REFUSE COLLECTION VEHICLES, THE INSTALLATION OF A VEHICLE WEIGHBRIDGE, AND TWO STORAGE CONTAINERS AND FOR THE SITING OF A PORTACABIN LAND AND BUILDINGS TO THE EAST OF MASFIELD ROAD, CORBRIGGS INDUSTRIAL ESTATE, CORBRIGGS  
APPLICANT: WARD RECYCLING LIMITED  
CODE NO: CW4/0620/21**

**4.2514.4**

**Introductory Summary** This is a retrospective application that seeks permission to use an existing building and surrounding land at Mansfield Road, Corbriggs for the storage of dry recyclable waste materials, such as glass, plastic, tin, paper and cardboard that has arisen from local kerbside recycling collections. These waste streams are bulked up within the existing building and transferred by Heavy Goods Vehicles to a treatment facility for reprocessing into a product for subsequent use. The facility receives dry recyclable waste materials and can be an integral part of a sustainable method of waste management. The planning application also seeks permission for a portable type office building, a weighbridge, and two steel storage containers for the storage of recycled clothes.

The site is identified in the North East Derbyshire Local Plan as an Existing Employment Area. The site is operated by Wards Recycling Limited who provide kerbside recycling collection services for Chesterfield Borough, North East Derbyshire District and Bolsover District Councils.

Objections have been received from local residents and from Grassmoor, Hasland and Winsick Parish Council. I have considered the points raised and have concluded that the development accords with Local Plan policies and

national planning policy and is acceptable subject to imposition of the recommended planning conditions. With respect to the concerns over the proposed hours of the waste operation and the impact on nearby residents, I have proposed a condition under the recommendation to limit the daily finish time (Mondays to Fridays) to 19:00 hours, in the interests of neighbouring residential amenity. There is concern regarding the condition of the land being of made ground and the presence of pollutants, however, I am satisfied that this can be satisfactorily remediated and that this can be required by a condition.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

### **The Site**

The application site area is just under 1 hectare (ha) and is located to the east side of Mansfield Road, Corbriggs, to the south-east of Hasland, Chesterfield. The site is located within a relatively small area designated as existing employment land in the North East Derbyshire Local Plan (NEDLP) that has a history of industrial and waste uses. The site itself was previously used for vehicle/plant maintenance and repair and, prior to this, was part of a former colliery site (Coal Contractor's yard). The site is now operated by Ward Recycling Limited, this is a different company to Donald Ward Limited (who trades as Ward Recycling) who has a number of waste recycling sites in Derbyshire.

The nearest dwelling is 40 metres (m) south of the application site; it is in a row of residential properties on the west side of Mansfield Road. There are also dwellings lining the east side of Mansfield Road, the nearest being 75m south of the site. To the north-west, on the west side of Mansfield Road, is a residential caravan site where the nearest dwelling is 120m distance from the application site. To the south-east, on the other side of Mansfield Road, is Grassmoor Golf Club and Country Park.

The land immediately to the north and east of the application site also forms part of the wider employment land area and is in use by separate companies including a crane hire business and a construction plant hire business. Also located to the north of the site is a building and land that was formerly in use as a waste recycling facility for which an extant planning permission remains in place. North-west of the application site is a derelict two storey office building.

The application site is accessed from Mansfield Road via a shared access which also serves the adjacent businesses and other sites in the employment area. The application site is not within the designated Green Belt but is within

a landscape character area broadly categorised as Coalfield Village Farmlands.

The site is not within a Conservation Areas and there are no others within the vicinity or any Listed Buildings in close proximity. In terms of ecological designations the Local Wildlife Sites (LWSs) Corbriggs Marsh is 110m to the south-east of the site and Grassmoor Country Park Ponds is 620m to the south. There are no Sites of Special Scientific Interest (SSSI) nearby.

There are no bridleways cycle trails or other Public Rights of Way (PROW) affected by the proposed development. The nearest PROW are 85m and 150m to the south of the application site respectively.

The site is located within Flood Zone 1 which is land having less than a 1 in a 1,000 year probability of flooding. There is an unnamed watercourse (possibly a field drain) running in a north-east to south-west direction 115m to the south-east of the application site.

The site is within a Coal Authority Development Low Risk Area and a coal mining risk assessment would not be required.

### **The Application**

The development described by the application comprises the retrospective change of the use of the site to a waste transfer facility. The site accepts waste that comprises of mixed dry recyclables, glass and paper with a small amount of clothes and shoes. The site has been operating as a waste facility since April 2019. An application to regularise this development was originally submitted in March 2019 but was considered to be invalid due to lack of supporting information. A further application was submitted August 2019, but was subsequently withdrawn by the applicant to address a technical matter. This current application is a resubmission.

Retrospective planning permission is also sought for a portable type office building of dimensions: 9.78m long x 6.05m wide x 3.0m high, a weighbridge of dimensions 24m long x 3.0m wide x 0.50m high and two steel storage containers for the storage of recycled clothes each measuring 1.45m long x 1.3m wide x 2.26m high.

The waste transfer facility accepts mixed dry recyclables, glass, paper, clothes and shoes collected from the kerbside recycling collections in North East Derbyshire District, Bolsover District, and Chesterfield Borough. The received waste material is stored temporarily in separate bays within the existing building on the site and then bulk loaded onto Heavy Goods Vehicles (HGVs) for transportation off-site. There is some storage of second-hand clothes and shoes in a closed-off section of the building at its south-east elevation (separate from the storage bays) and also within the two on-site steel storage containers.

Up to 15 Rear End Loader (REL) kerbside waste collection vehicles are based at the site. When the vehicles return to the site they unload in the large building through one of the two large roller shutter doors. The applicant states that the waste transfer station can operate with its doors closed, other than when vehicles are entering/leaving the building to deliver or remove the waste. Waste is already segregated when collected and there is no waste sorting on site.

The application form states a maximum throughput figure of 75,000 tonnes per annum of municipal waste, which is the maximum allowed under an Environment Agency Standard Rules Environmental Permit. However, the applicant has advised that the facility is currently operating at an average of 28,600 tonnes per annum. The applicant estimates that waste tonnages in the future will potentially increase by between 3% and 5% per annum. However, this would be restricted to a maximum of 35,000 tonnes per annum, which the applicant has clarified is the maximum capacity of the waste transfer building.

The applicant says that a typical daily make-up of the waste streams arriving at the site would be around 110 tonnes of mixed dry recyclables, paper and glass.

Approximately 40kg of waste clothing/shoes is collected each day from kerbside collections and temporarily stored in two steel containers which are located in the yard and in a separate area of the main building for collection by the charity every fortnight.

The application proposes that the site would be open for the receipt and removal of wastes Monday to Friday 06:30 hours to 20:00 hours.

The supporting information states that the facility would normally close at 18:00 hours, however, there may be occasions where the facility would need to remain open until 20:00 hours. An example stated in the application is where the late opening hours would be required to complete the loading of bulked waste onto HGVs for transportation off-site.

On Saturdays and Sundays, the site would be closed except on Saturdays over weekends extended by a Bank Holiday when the site would be open on the Saturdays preceding and after the Bank Holiday. The proposed hours of operation on these exceptional Saturdays are 06:30 hours to 17:00 hours.

A total of 15 vehicles would continue to be used for kerbside collections and would operate from the site. The crews would arrive at the site between 06:30 hours and 06:45 hours and leave between 15:00 hours and 17:30 hours. The submitted information states that no vehicles would leave the site before 07:00 hours each day.

A total of 55 staff are employed in the operation of this site.

## **Planning History**

Planning application code no. CW4/0319/107 – Change of use of land for a material waste transfer facility with no sorting of materials for kerbside contract from three local councils including an education centre housed in an onsite porta-cabin. Application was not validated due to lack of supporting information.

Planning application code no. CW4/0819/45 - Change of use of land and buildings to a waste transfer station, including the overnight parking of refuse collection vehicles, the installation of a vehicle weighbridge and the siting of a portacabin was withdrawn on 22 June 2020.

## **Consultations**

### **Local Members**

Councillor Barker (Staveley Sutton Ward) responded on 9 July 2020 and expressed concerns about allowing this activity on this site given its close proximity to residential properties. Councillor Barker states that if the County Council is minded to approve planning permission, then strict enforceable planning conditions must be applied.

Councillor Allen (Birdholme Ward, north-west of the application site) was requested to respond by 14 July 2020.

Councillor Wright (Clay Cross Ward, west of the application site) was requested to respond by 14 July 2020.

### **North East Derbyshire District Council (Planning)**

North East Derbyshire District Council (NEDDC) (Planning) responded on 16 July 2020 raising concern that the proposed operating hours from 06:30 hours to 20:00 hours Mondays to Fridays could give rise to an unacceptable impact on neighbouring residential amenity.

### **North East Derbyshire District Council (Environmental Health)**

NEDDC's Environmental Health Officer (EHO) responded on 26 June and 12 August 2020 under the following sub-headings and his/her comments are summarised as follows:

#### **Contaminated Land**

The EHO notes that the submitted Phase II Environmental Assessment confirms that due to the presence of asbestos and Poly-Aromatic Hydrocarbons (PAHs) the Made Ground across the site will need to be remediated. The assessment goes on to say that remediation can be undertaken by capping with hardstanding or tarmac, or by removing all hazards presented in the conceptual model, so that the site can be made suitable for the proposed use. The EHO expresses concern that it is not clear from the application which option the applicant is wishing to pursue and so

clarification of the remediation method is needed (which may be required by condition). It is also not clear what depth of capping is considered necessary for the area that has not had a tarmac/concrete covering.

#### Noise

The EHO commented that the submitted Noise Impact Assessment appears to represent a worst case scenario and the lack of concerns raised to Environmental Health by neighbours suggests to him/her that this assessment is robust. The EHO notes, however, that the Noise Impact Assessment only considers on-site noise sources and the impact of vehicles when accessing/egressing the public highway is not directly considered. The EHO notes that commercial vehicles would not leave the site before 07:00 hours and considers that the number of vehicle movements involved is unlikely to be significant, compared to the significant traffic flow on Mansfield Road. The EHO considers that 07:00 hours to 20:00 hours is a long duration over which commercial vehicles may access and egress the site.

The EHO notes that Mansfield Road does carry commercial traffic not associated with the site. The EHO considers that there may be some vehicular access/egress noise impact associated with the site but does not consider this to be so significant as to warrant a recommendation for refusal of this planning application.

#### Dust

The EHO considers the conclusions of the submitted Dust Impact Assessment to be reasonable. Dust emission levels were monitored as part of the assessment and the deposited dust at the vehicular access/egress and weighbridge area are at acceptable levels. The EHO does not consider that further dust control is required.

#### General

The EHO is aware of a recent complaint made to Environmental Health with regard to operational activities taking place outside the building and litter from the site being spread along Mansfield Road. The EHO forwarded the complaint to the Environment Agency, as the lead permitting authority. The EHO notes that the operator sweeps Mansfield Road regularly.

#### **Chesterfield Borough Council (Planning)**

Chesterfield Borough Council (CBC) (Planning) responded on 14 July 2020 and has no objections.

#### **Chesterfield Borough Council (Environmental Health)**

CBC (EHO) was requested to respond by 14 July 2020.

#### **Temple Normanton Parish Council**

The application site is within Temple Normanton Parish. Comments were requested from the Parish Council by 14 July 2020.

### **Grassmoor, Hasland and Winsick Parish Council**

Grassmoor, Hasland and Winsick Parish is to the west and north of the application site. The Parish Council responded on 8 July 2020 and objects on the following grounds:

- *“Increase in volume of Heavy Goods Vehicles;*
- *The impact in terms of noise, smell and dust on neighbouring residential properties.*
- *The site already has a rats and the proposed activities will only*
- *Increase this problem, again causing a nuisance and danger to environmental health to neighbouring residential properties. The application will be a general blight on the local area which has over the years had more than its fair share of such sites.”*

### **Calow Parish Council**

Calow Parish is to the north-west of the application site and the Parish Council was requested to respond by 14 July 2020.

### **Environment Agency**

The Environment Agency (EA) has no objections to the application, however, it recommends that the operator ensures that the current proposals fit with the existing Environmental Permit.

### **Derbyshire Wildlife Trust**

Derbyshire Wildlife Trust (DWT) responded on 3 August 2020 and noted that the application site comprises previously developed land. The DWT database has not highlighted any notable features of ecological value on the site. DWT requests that any boundary tree lines are retained and any external lighting should be sensitively designed to minimise light spillage to tree lines and impact on any potential adjacent habitat. DWT concluded that ecological impacts were not anticipated to result from the proposal.

### **Highway Authority**

The Highway Authority responded on 22 July and 10 and 11 August 2020. The Highway Authority noted that the planning application red line area includes the access road between the site and Mansfield Road, and has not raised any concerns with regard to the submitted Transport Statement. The Highway Authority noted that there has been one serious highway accident in the vicinity of the site but it does not consider that this would justify refusal of the application.

The number of parking spaces is considered acceptable, however, the Highway Authority states that car parking spaces should be 5.2m long and the length of spaces for larger spaces should be 11.6m long. The Highway Authority is satisfied with the width of car and lorry parking spaces, which are 2.5m and 3.0m respectively. The Highway Authority requires that all vehicles shall be able to enter and exit the site in a forward gear. The Highway

Authority has provided a footnote in respect of the potential for drag out of material onto the public highway and the need for the applicant to take reasonable steps to keep the highway clear and clean.

### **Lead Local Flood Authority**

The County Council, as Lead Local Flood Authority (LLFA) responded on 11 August 2020. The LLFA states that it has no comments to make.

### **Publicity**

The application has been advertised by a press advert in the Derbyshire Times on 25 June 2020, with a request for observations by 16 July 2020. Site notices were posted together with notices posted to neighbouring residences and businesses on 25 June 2020 with a request for observations by 16 July 2020.

In response to the publicity undertaken, including that undertaken for the previous withdrawn application (code no. CW4/0819/45), 11 letters of objection (from 5 households) have been received and are summarised as follows:

- The site is not on an industrial estate, this is a hamlet.
- The application does not comply with the Waste Local Plan.
- Concern at hours of operation; 8pm in the evening is too late and impacts on neighbouring residential amenity.
- Constant stream of vehicles accessing and egressing the site all day, detrimental impact of more vehicles on the highway including problems of vehicle fumes.
- Danger to wildlife from the high volume of large vehicles.
- Personal CCTV footage shows vehicles running outside of the specified hours.
- Fly and vermin infestation in and around local residences.
- Nuisance putrefying waste odours coming from the site.
- Dust from the site deposited on and in local houses, on local cars and breathed in by local people.
- Nearby house windows cannot be opened in warm weather because of the dust.
- Water culvert runs under Mansfield Road which needs to be assessed re: its condition and wear and tear from the additional heavy vehicle movements.
- The road floods and washes into local houses cellars.
- Benzoapyrene, PAHs and asbestos was observed in the environmental assessment (ground condition report). Benzoapyrene is a carcinogen.
- Concern over contaminated material from the yard surface being dragged out onto the highway.



- Concern that young children live near to this site which contains contaminants and asbestos fibres. This site has been operating for a year without addressing these health issues.
- Drop in property value.
- Wards need to relocate to somewhere more suitable.
- This site needs to be closed down.
- The proposed action to contain the contamination is not enough.
- Roller shutter doors to the building left open when they are supposed to be kept shut except for vehicles accessing/egressing the building.
- Noise nuisance from loading shovels and reversing alarms.
- The existing yard surface of compacted scrapings is not suitable for the constant manoeuvring of heavy vehicles.
- Approval of this planning application would be permanent and have potential for intensification of the waste use.
- Local residents have suffered the results of non-compliance of planning conditions and the failure of enforcement to rectify problems.
- Litter along Mansfield Road nuisance comprising paper, plastics and glass falling off lorries.
- Dust and rubble drag out from the site blocks the drains and flood water enters local peoples' gardens and the cellars of local residences.
- The REL vehicles have an upward pointing exhaust giving a loud turbo whine.
- The Dust and Noise Assessments are resubmissions from the previous planning application.
- The site is open more than it is closed.
- The operator is working outside of the hours stipulated in the planning application.
- There have been several vehicle accidents on Mansfield Road, plus walls, hedges and railings being demolished by cars.
- Nearby houses physically shake when lorries pass.
- Some of the objections could be overcome by good housekeeping, good working practice and upgrading and overhauling of the site.

## Planning Considerations

Section 38(6) of the Planning and Compulsory Planning Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. In relation to this planning application, the relevant policies of the development plan are the saved policies contained within the Derby and Derbyshire Waste Local Plan (2005) (DDWLP) adopted in 2005, and the North East Derbyshire Local Plan (NEDLP), also adopted in 2005. Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG), the Waste Management Plan for England (WMPE) and within the National Planning

Policy for Waste (NPPW) (2014). The application site is within Temple Normanton Parish and is not covered by a Neighbourhood Plan.

**Saved Policies of the Derby and Derbyshire Waste Local Plan (2005)** for this application, the most relevant development plan policies from the DDWLP are:

W1b: Need for the Development.  
W4: Precautionary Principle.  
W6: Pollution and Related Nuisances.  
W7: Landscape and Other Visual Impacts.  
W8: Impacts of the Transport of Waste.  
W9: Protection of Other Interests.  
W10: Cumulative Impacts.

**Saved Policies of the North East Derbyshire Local Plan 2001-2011 (2005)** for this application, the most relevant development plan policies from the NEDLP are:

GS1: Sustainable Development.  
GS6: New Development in the Countryside.  
GS7: Change of Use and Conversions.  
NE1: Landscape Character.  
BE1: General Design Principles.  
E6(k): Existing Employment Areas.  
E7: Development in New and Existing Employment Areas.  
CSU6: Contaminated Land.  
T2: Highways Access and the Impact of New Development.  
T9: Car parking Provision.

The NEDLP 2014-2034 Publication Draft Local Plan and Supporting Documents were submitted to the Secretary of State on 24 May 2018 for independent examination. Policies within the Draft Local Plan are not considered to be of significant weight given their unadopted status at this time.

### **National Planning Policy Framework (Revised 2019)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework as a whole contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF states that achieving sustainable development means that the framework has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this application are:

Chapter 2: Achieving sustainable development.

Chapter 6: Building a strong, competitive economy.

Chapter 12: Achieving well-designed places.

Chapter 15: Conserving and enhancing the natural environment.

### **National Waste Management Plan for England**

This plan provided guidance regarding the ‘waste hierarchy’. However, the most relevant statements of Government waste policy on the issues raised by this proposal are now contained within the NPPW.

### **National Planning Policy for Waste (2014)**

This document sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management, and states that positive planning plays a pivotal role in delivering this country’s waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. Annex A of this document details the waste hierarchy.

The other highly relevant sections of the NPPW are at Paragraph 7 (Determining Planning Applications) and at Appendix B: (Locational Criteria).

One of the key priorities of the County Council is to ensure that waste development increases sustainable waste management achieved through moving the management of waste up through the waste hierarchy. This can only be achieved by recycling, recovery and reuse of waste materials. As a consequence, there is a continuing need to provide sustainable waste management facilities but this, of course, has to be balanced against the suitability of the proposed site and its potential impacts on this local environment. Bearing this in mind, the key issues relevant to this proposal are:

- The need for the development.
- Location of the development.
- Local amenity impacts.

### **The Need for Development**

The planning application site comprises a waste transfer facility, presently operating without the benefit of planning permission.

DDWLP Policy W1b: Need for the Development states that *“Waste development will be permitted if the development would help cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management...”*

The policy presumes in favour of waste development that would help to cater for the needs of the local area as part of an integrated approach to waste management. In terms of the needs of a wider area, this policy also seeks to permit development where it would satisfy a need which could not realistically be met closer to the source of the waste and would contribute to an integrated system of waste management.

The proposal is for a waste transfer station that would receive waste collected from kerbside collections in the Chesterfield, Bolsover and North East Derbyshire Local Authority areas. The site would act as a local bulking point prior to the waste being transported to other recycling facilities for processing. The facility would continue to play an important part in the delivery of the existing recycling collection service in the areas, which cater for the needs of local people. It facilitates management of waste in accordance with the waste hierarchy. I consider that the proposed facility would contribute towards sustainability objectives and would accord with the requirements of DDWLP Policy W1b.

Policy GS1: Sustainable Development of the NEDLP states that all development proposals “*will be required to have regard to the need to maintain or improve the quality of life of our communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute towards achieving a sustainable pattern of development*”. Criterion (b) of this policy is also relevant: it provides that, unless otherwise indicated in the Local Plan, “*all development proposals make use of previously developed land before greenfield sites*”. Waste is collected, taken to a transfer facility, which comprises a former employment site, and segregated before being taken elsewhere for processing. Without collecting and dealing with a community’s waste, the quality of life of the community and the local environment would inevitably lead to detrimental effects leading to reductions in quality of life and the quality of the environment.

Economic growth can be stimulated by the sale of segregated waste in bulk, such as used aluminium drinks cans transferred to companies who re-use the metal in their products. The application accords with Paragraph 8 of the NPPF under Chapter 2: Achieving sustainable development in that the overarching economic, social and environmental objectives of the NPPF are met by identifying and coordinating the provision of necessary infrastructure, in this case, a waste transfer facility, supporting healthy communities, by dealing with the waste produced by the community, and by minimising waste and moving towards a low carbon economy.

This is an existing waste transfer facility, operating without the benefit of planning permission, serving the kerbside recyclable waste collection duties of North East Derbyshire District, Bolsover District, and Chesterfield Borough Councils. There is evidently a need for such kerbside collections from the areas of the three authorities and a consequent need for suitable local

capacity for collating and segregating the waste thereby collected, to facilitate waste management in accordance with the waste hierarchy. I am satisfied that the need for the development is therefore demonstrated.

The proposal accords with the requirements of the NPPF, the NPPW, Policy W1b of the DDWLP and Policy GS1 of the NEDLP, given that there is a need for this type of waste recovery facility for meeting the expectations of the waste hierarchy.

The acceptability of the scheme in the planning balance, however, must be considered further against planning policy and the merits of the application in the following respects:

- location of the development; and
- environmental and amenity impacts, to include consideration of contaminated land, noise and vibration (including hours of operation), highway impacts, dust, odours, drainage, vermin, lighting and landscape and visual impacts.

### **Location of the Development**

The site is located in an industrial complex which is listed as one of several existing employment areas (Corbriggs, Mansfield Road) by Policy E6 (k) of the NEDLP, and identified by the Proposals Map under the NEDLP. The application site is surrounded by other established industrial units and buildings. Policy E6 of the NEDLP specifies that proposals for employment development within the listed areas will be permitted subject to the criteria listed in Policy E7 of the NEDLP.

Policy E7 of the NEDLP states that proposals for the development of land, the extension of existing premises, the redevelopment of existing disused employment sites or their reuse, including conversion, of vacant employment premises, will be permitted for employment uses (Use classes B1, B2 and B8), provided that:

- (a) the effect on the appearance and character of neighbouring uses and the surrounding environment is acceptable;
- (b) problems of noise, disturbance and pollution are minimised;
- (c) the problems of heavy traffic in residential areas and on unsuitable roads are minimised, and the local and trunk road network in the vicinity of the site is capable of accommodating traffic generated by the proposed development. Where it is considered appropriate, a traffic impact study will be required to be submitted prior to the determination of the planning application; and
- (d) a high standard of design, materials and landscaping is achieved and that the neighbouring and wider landscape and valued features within can be safeguarded.

I am satisfied that the above criteria can be met and controlled to acceptable levels by imposition of planning conditions (considered further in this report).

Whilst the application site is located in an area allocated for employment use under Policy E6(k) of the NEDLP, the site is, however, outside the defined settlement limits. Therefore, under the terms of the NEDLP policies, it is in the countryside. Policy GS6 of the NEDLP states that "*In the countryside, new development will only be permitted where:*

- (a) the development is for the operation of a use appropriate to such a location;*
- (b) it is in keeping with the character of the countryside;*
- (c) it causes minimal disturbance to farming and minimises the loss of agricultural land, particularly that of the best and most versatile quality;*
- (d) it does not require major new or improved infrastructure provision;*
- (e) it causes minimal problems of noise, disturbance and pollution and other environmental impact; and*
- (f) it does not represent a prominent intrusion into the countryside."*

With regard to the operational use being required to be appropriate to such a location, as specified by (a) in GS6, the previous use of the application site was for plant and vehicle maintenance and repair and (Use Class: B2 General Industrial). At national and local level it is recognised, subject to environmental considerations, that in principle, industrial sites are generally acceptable for waste management operations. The situation of the site within an Existing Employment Area under Policy E6(k) of the NEDLP is also an indicator of its appropriateness for the development.

The use is required to be in keeping with the character of the countryside by Policy (b) in GS6 and not to represent a prominent intrusion into the countryside by Policy (f) in GS6(f).

Waste uses are often found in rural localities and, given that appropriate screening of the development can be achieved, I consider that there would be no significant conflict with the countryside setting in this instance.

Given that the site has been used historically for industrial purposes, I consider that there is no conflict with regard to farming operations and nor any conflict with Policy GS6 at (c) since there is no loss of agricultural land.

The site does not require major new or improved major infrastructure provision, therefore there is no conflict with GS6 at (d).

Issues of noise, disturbance, pollution and other environmental impacts (considered in detail below) could be mitigated by way of condition and I am satisfied that therefore that a grant of permission subject to suitable

conditions, the development would also be in accordance of the requirement of Policy GS6 at (e).

Similarly the requirement of Policy GS7: Change of Use and Conversions is not against the grant of planning permission where the use, scale or type of operation would not have an adverse effect upon the character of the area or neighbouring land uses. I am satisfied the impacts assessed below can be appropriately and sufficiently controlled through imposition of planning conditions.

Paragraph 4 of the NPPW states that waste planning authorities should consider a broad range of locations for waste facilities including industrial sites and give priority to previously developed land, such as this site. Appendix B of the NPPW provides locational criteria for waste planning authorities to consider when determining planning applications, where criteria c. landscape and visual impacts, f. traffic and access, g. air emissions, including dust, h. odours and j. noise and vibration are particularly relevant. These are considered further in the Environment and Amenity Impacts and Landscape and Visual Impacts sections below. However, the location of the development is considered acceptable in consideration of the criteria set out in the NPPW, subject to appropriate mitigation through the imposition of planning conditions.

Policy W9: Protection of Other Interests of the DDWLP presumes in favour of waste development where it would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community. I am satisfied that, subject to conditions, the application would accord with this policy.

Regarding the comment made in a representation that the application site is not an industrial estate but a hamlet, I agree that the two areas of linear residential development on the west and east sides of Mansfield Road could be described as a hamlet. Historic maps available for the area confirm, however, that the application site was part of a former colliery from the late 19<sup>th</sup> century through to the 20<sup>th</sup> century and subsequently became an employment area. I therefore consider that the application site has a long established industrial history, albeit in close proximity to the linear residential development along Mansfield Road.

Although a waste facility of this sort is a unique (“Sui Generis”) land use which does not fall within any general use class such as a B1, B2 or B8 use, it is the type of use which is generally considered to be acceptable in existing industrial locations, subject to consideration of impacts on neighbouring employment and residential uses. If these impacts can be adequately controlled and mitigated, then there should be no particular policy conflict or other reason to refuse permission for such a use in this locality.

Overall, in the context of the policies identified above, the use is considered to be acceptable in land use policy terms, subject to there being no significant adverse environmental impacts which cannot be appropriately mitigated by way of condition where considered necessary. I therefore consider that the location of the proposed development is acceptable and accords with Paragraph 4 and Appendix B of the NPPW, Chapter 15 of the NPPF, Policy W9 of the DDWLP and policies GS6, GS7, E6 and E7 of the NEDLP.

### **Environmental and Amenity Impacts**

Paragraph 170 in Chapter 15 of the NPPF (Conserving and enhancing the natural environment) states that planning policies and decisions should contribute to and enhance the natural and local environment by [among other means] preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. The NPPF further states in Paragraph 183 that local planning authorities should focus on whether a proposed development is an acceptable use of land rather than the control of emissions or processes and assume that pollution control regimes and the remit of pollution control authorities will operate effectively.

Paragraph 5 of the NPPW advises waste planning authorities to assess the suitability of sites for new and enhanced waste management facilities in terms of the cumulative impact of existing and proposed waste facilities on the well-being of the local community, including any significant adverse impacts on environmental quality.

Appendix B of the NPPW outlines a number of locational criteria in testing the suitability of waste sites in the determination of planning applications. Criteria g. air emissions including dust, h. odours, i. vermin and birds and j. noise and vibration consider the proximity of sensitive receptors and the extent to which adverse dust, odour, noise, vibration and vermin can be controlled through the use of appropriate and well-maintained and managed equipment. The advice recognises that waste facilities can produce noise affecting both the inside and outside of buildings and that HGV movements to and from a site can produce noise and vibration. Criterion f. of NPPW Appendix B, traffic and access, is concerned with the suitability of the local road network.

Policy W4 of the DDWLP (Precautionary Principle) presumes against development where there is reasonable cause for concern that a proposed waste development presents a threat of serious or irreversible damage to the environment unless conditions can be imposed or legal agreements made to ensure that precautionary measures are taken to minimise and seek to prevent such damage. Policy W6 of the DDWLP: (Pollution and Related Nuisances) seeks to permit development only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects to local communities, the wider environment, nearby land uses and the application site.



Policy W8 of the DDWLP (Impact of the Transport of Waste) states that waste development will be permitted where the methods and routes of transport would not cause significant disturbance to the environment, people or communities, the transport network is adequate to accommodate the traffic generated by the proposal and where the access arrangements and the generated traffic impact would not be detrimental to road safety.

Policy W10 of the DDWLP (Cumulative Impact) seeks to assess proposed development in light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. This policy presumes in favour of development that would not result in significant and detrimental cumulative impact on the environment of those communities.

Policy E7 of the NEDLP (Development in New and Existing Employment Areas) seeks to minimise any potential problems of noise, disturbance and pollution and to ensure that any effects on the appearance and character of neighbouring land uses are acceptable in criteria a) and b) of the policy.

#### Contaminated Land

Policy CSU6 of the NEDDLP (Contaminated Land) requires that proposals for the redevelopment of sites likely to be contaminated should be accompanied by a detailed assessment that would identify the nature and extent of the contamination and set out the necessary remedial or mitigation measures required.

The applicant has submitted a Phase II Ground Conditions report (entitled Environmental Assessment) which concludes that there is 'made ground' across the site which will need to be remediated due the presence of asbestos and localised PAHs. The report recommends that remediation can be undertaken by capping with hardstanding or tarmac. The report states that there is a risk to end users of the site in respect of the proposed development. Local residents have also expressed concern about the presence of PAHs, asbestos and also benzoapyrene (a carcinogen) on this site, and the potential for drag out of contaminated material onto the public highway (Mansfield Road) by vehicles accessing and egressing the site. Residents are also understandably concerned that this site has been operating for over a year without remediation of the made ground having been undertaken.

Appropriate remediation across the site is confirmed as a requirement by the EHO. There has not been sufficient information submitted with the application regarding the intended capping and hardstanding of the site. More information is required on the intended remediation and the thickness and nature of the capping/hardstanding material. However, I consider that there is an appropriate engineering solution to safely cap and contain the contamination. I recommend a condition in respect of this, requiring the developer to submit to the Waste Planning Authority a scheme for a phased programme of site

remediation which includes details of the capping and hardstanding material specifications, for approval subject to any amendments by the Authority (following consultation with the EHO) and then implementation as approved.

Subject to the recommend conditions I am satisfied that the application, in this regard, is in accordance the NPPF, the NPPW, policies W6 and W10 of the DDWLP and Policy CSU6 of the NEDLP.

#### Noise and Vibration

Concerns are raised in the representations received about the impact of noise from the operations at this site. Apart from the complaint to NEDDC referred to by the EHO, the County Council has since operations commenced received complaints from local residents regarding noise. The concerns relate to the impact of noise associated with operations taking place outside the building, the roller shutter doors to the waste transfer building being kept open when they could be closed (i.e. generally, except for when vehicles are accessing and egressing the building), noise from loading shovels and reversing alarms and noises and vibration from vehicles when passing nearby properties. Grassmoor, Hasland and Winsick Parish Council has also raised concerns about noise impacting on local residents from this development. A representation also comments that the Noise Assessment is a resubmission from the previous planning application.

The resubmitted Noise Assessment is considered to be a valid document in respect of this current planning application and was updated by the applicant prior to submission. Background noise monitoring was undertaken at a location representative of the noise climate of the closest residential receptor on Mansfield Road. The Noise Assessment report predicts the likely impact of noise on this receptor from the operations at the site for weekday operations and the proposed occasional Saturday operations. The assessment concludes that the predicted internal and external noise levels at the closest receptor would be well below the recommended guidelines.

I appreciate the concerns of residents about noise and vibration associated with operations and vehicles accessing and egressing this site. I note that the terrace of houses along the west side of Mansfield Road front, near to the highway. Mansfield Road is a busy road throughout the day with much commercial traffic using it.

However, I am satisfied that these noise related amenity concerns can be satisfactorily controlled by conditions. Therefore, planning conditions are recommended to require that doors of the building remain closed except for vehicles entering/leaving the building to deliver or remove the waste and to require reversing alarms used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices. I have also included a planning condition in the recommendation to require the submission of a noise

management plan for the site which includes a relevant mechanism for complaints with regard to noise nuisance.

I am also of the opinion that the current condition of the waste recycling building should be improved to provide noise attenuation benefits, such as by repairing of holes and gaps in panels. I have therefore recommended a condition to require a scheme of improvement works to the building.

The hours of operation sought by the applicant in the application are 06.30 hours to 20:00 hours Mondays to Fridays. Saturdays, Sundays and Bank Holidays would normally be non-working days, however, the submitted information does state that Saturday working would be required for weekends that fall either side of a Bank Holiday.

The supporting Planning Statement states that the facility would normally close at 18:00 hours but there may be instances where operations need to continue to 20:00 hours to allow for bulk loading of waste for transportation off-site. It also states that crews who drive and operate the vehicles arrive at the site between 06:30 hours to 06:45 hours, but no RELs leave the site before 07:00 hours each day.

Local residents are concerned about the stated hours of operation at this site until 20:00 hours in the evening being too late for operations such as this, and detrimental to local residential amenity. Residents also report that the site operates outside the times proposed in the planning application. NEDDC (Planning) also raised concern about the proposed operating hours and the potential to give rise to unacceptable impacts on neighbouring residential properties. The EHO considers 07:00 hours to 20:00 hours to be a long duration over which commercial vehicles may access and egress the site.

I acknowledge the concerns of local people and that noise nuisance can have a detrimental impact on their amenity and quality of life. I do not consider the occasional need to load a bulk loader lorry to be a reasonable justification for allowing working at the site to 20:00 hours. I am of the opinion that the site operator could configure the relevant schedules and operations to within 07:00 hours to 19:00 hours (allowing only staff and their personal vehicles to access the site from 06:30 hours). This would provide an 12 hour working day, during daytime hours, which would, in my opinion, be sufficient to run a waste transfer facility and would leave an hours tolerance for employees to leave the site after operations cease at 18:00 hours and a tolerance for instances where bulk loader vehicles are still being loaded after 18:00 hours. I am also concerned about the potential for disturbance from Saturday working (where the Saturday falls either side of a Bank Holiday weekend). In this respect, I consider that a finish time of 17:00 hours on Bank Holiday weekend Saturdays to be appropriate. I have recommended a planning condition on hours of operation in the recommendation below.

Subject to the recommend conditions, I am satisfied that the application in respect of noise and vibration is in accordance with the NPPF, the NPPW, policies W6 and W10 of the DDWLP and policies GS1, GS7 and E7 of the NEDLP.

#### Highway and Transport Impacts

A Transport Assessment has been submitted in support of the planning application which concludes that the traffic generated by the proposal in the AM and PM peak hours is not material and that the proposed development would not result in material impact on the operation of the highway network. The Highway Authority has not raised any concerns regarding the content or conclusions of the Transport Assessment or the proposed development in general. However some local residents have communicated concerns in respect of vehicles accessing and egressing the site throughout the day, the detrimental impact of more vehicles travelling on the highway and exhaust fumes. Grassmoor, Hasland and Winsick Parish Council is also concerned in respect of the increase in HGVs.

One resident considers that the existing yard surface of compacted scrapings is not suitable for the constant manoeuvring of heavy vehicles. I would agree that non-solid bound surfacing, particularly during wet weather conditions, can become rutted and be a cause of drag out from such sites on to the highway. However, a condition is recommended in respect of the requirement for a site remediation scheme to include hard surfacing of area where vehicles move around which would also help to mitigate any potential drag out issues from the site.

A local resident has expressed concerns that the HGV movements associated with the application site are a danger to wildlife. DWT has been consulted on the application but has not suggested that there might be ground for concern regarding any impacts on wildlife from the HGV movements. I consider, therefore, that there is unlikely to be any significant danger to wildlife from HGV movements.

Mansfield Road is a relatively busy road with a mixture of commercial and domestic traffic. I have had regard to the concerns of local residents relating to a history of accidents on Mansfield Road and the comments that walls, hedges and railings have been demolished in vehicle accidents. The Highway Authority has noted an historical serious traffic accident in the vicinity of the application site but does not consider that this would constitute a highway safety issue. I do not, however, consider that the concerns over accidents on Mansfield Road are sufficient to warrant refusal of this planning application.

I am however recommending a condition to limit the annual throughput of the site to its upper capacity limit of 35,000 tonnes per annum and not the 75,000 tonnes stated on the application form. The use of the site above the capacity that it is able to handle could result in detrimental impacts on local amenity.

The Highway Authority has not raised any objections to the development and, subject to the recommend conditions, I am satisfied that the application in respect of highway impacts is in accordance the NPPF, the NPPW, policies W6, W8 and W10 of the DDWLP and policies GS1, T2 and E7 of the NEDLP.

#### Dust

I have had regard to the concerns of Grassmoor Hasland and Winsick Parish Council on nuisance dust emissions from the application site impacting detrimentally upon local residences. Local residents have also commented that dust is deposited on their property and is also inhaled. The applicant has provided a Dust Impact Assessment with the application. A background survey of dust has been carried out at the site using Frisbee dust gauges positioned at the HGV exit and proposed weighbridge location. The assessment concludes that the levels of deposited dust meet acceptable levels set out in published guidance and that no further dust controls are required. The applicant has provided a dust management plan with the application. One resident comments that the Dust Impact Assessment is a resubmission from the previous planning application. The resubmitted assessment is considered to be a valid document in respect of this current planning application and was updated by the applicant prior to submission.

This type of waste (dry recyclable materials) does not generally cause significant dust and the recycling activities are carried out inside the building which would help to contain any dust from this source. The most likely source of dust would be from HGVs moving around the site. The NEDDC EHO considers that the conclusions of the Dust Impact Assessment to be reasonable and that further dust control is not required. The EHO considers that the deposited dust at the vehicular access/egress and the weighbridge area are of acceptable levels.

I have, however, recommended a planning condition to require the measures set out in the dust management plan are adhered to, that dust suppression methods are utilised during dry and/or windy weather and in the interest of local amenity that a procedure for complaints with respect to dust is submitted. I am satisfied that with conditions in place, issues arising from dust can be appropriately controlled.

Subject to the recommend conditions, I am satisfied that the application in respect of dust is in accordance the NPPF, the NPPW, policies W6 and W10 of the DDWLP and policies GS1, GS7 and E7 of the NEDLP.

#### Odours

The NEDDC EHO has not raised any concerns over the potential for odour nuisance from the application site. However, I note the concerns of Grassmoor Hasland and Winsick Parish Council on nuisance odour emissions from the application site impacting detrimentally upon local residences. I also note the comments of local residents with regard to waste odours emanating

from the site. I appreciate that food remnants on recyclable materials, could result in odour. The key to controlling this nuisance is keeping the roller shutter doors closed to the building at all times, except for vehicular access/ egress and loading/unloading vehicles within the building.

A condition has been recommended to require the doors to remain closed and for a scheme of improvements to the building. The site is also controlled by conditions on the Environmental Permit issued by the EA which includes conditions relating to odour control. The EA is considered to be the key regulator in respect of odour. I am therefore satisfied that the application in respect of odour is in accordance the NPPF, the NPPW, policies W6 and W10 of the DDWLP and policies GS1, GS7 and E7 of the NEDLP.

#### Drainage and Litter

Whilst local residents have expressed concern about local drainage issues (drains being blocked by debris from the application site and the need for a water culvert underneath Mansfield Road to be assessed with regard to its condition and potential wear and tear from heavy vehicle movements), it is clear from the consultation response from the LLFA that it has had no comments to make on this planning application.

I am aware of complaints to this Authority and to the NEDDC EHO with regard to litter and drag out from the site being spread along Mansfield Road. Residents are concerned about paper, plastics and glass falling off lorries belonging to the waste operator and littering the highway. Residents also state that the dust and rubble drag out from the site blocks the drains, resulting in the road flooding and water entering local residential gardens and cellars. There is also concern that contaminated material from the yard surface could be dragged out onto the highway. The operator has been made aware of these issues and has put measures in place at the site which include regular litter picking and mechanical sweeping of Mansfield Road. However, I recommend a planning condition seeking to ensure that all loads into and out of the site are enclosed or sheeted to prevent spillage on to the highway. Subject to the recommended conditions, I am satisfied that the application, in respect of drainage and litter, is in accordance the NPPF, the NPPW, policies W6, and W10 of the DDWLP and policies GS1 and E7 of the NEDLP.

#### Vermin and Fly Infestation

I have had regard to the concerns of Grassmoor, Hasland and Winsick Parish Council with respect to an existing problem with rat infestation at the site. The Parish Council considers that the development would exacerbate this problem. I also note the concerns of local residents over fly and vermin infestation at the site, spreading to local residences. I acknowledge that waste food remnants on empty packaging is a source of food to flies and other vermin. Flies also use the food remnants to lay eggs on and breed, thereby exacerbating the problem. I consider that a vermin control regime could

control the problem and have included a relevant planning condition to this effect in the recommendation.

#### External Lighting

I have had regard to the comments of DWT in respect of the potential for light spillage from external lighting affecting tree lines and any potential adjacent habitat. External lighting can also impact on residential amenity. I have therefore included a planning condition in the recommendation for the submission of an external lighting scheme to be submitted to and approved by the Waste Planning Authority.

#### Landscape and Visual Impact

At national level, the NPPF seeks to protect landscape and local character. The most relevant section of the NPPF in this regard is considered to be Chapter 12: Achieving well-designed places where Paragraph 127(c), which requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Appendix B: Locational Criteria (c) Landscape and Visual Impacts of the NPPW similarly identifies landscape impact as a consideration in the determination of waste planning applications.

Policy W7 of the DDWLP (Landscape and Other Visual Impacts) presumes in favour of waste development where the appearance of the development would respect the character and local distinctiveness of the area, would not materially harm the local landscape and would be located and designed to be no larger than necessary. This policy also seeks that the visual impact of the proposed development is minimised or the appearance of the landscape is improved. Policy NE1: Landscape Character of the NEDLP seeks to conserve and/or enhance the character of the landscape and states that development that would result in the loss of distinctive features that contribute towards and add value to the landscape character of an area would be resisted.

Policy BE1 of the NEDLP requires that proposals for new development will only be granted planning permission where they are of a density, scale, massing, height and layout, and use materials that (a) respect the character and appearance of the surrounding area; and (b) contribute towards providing a safe and secure local environment. Whilst the application is made in retrospect, the policy is still considered relevant.

I do not consider that any significant adverse landscape or visual effects would occur which would be associated with this development. The change of use relates to an existing industrial building, containers and portacabin which are already well screened from Mansfield Road. The site is not easily viewable from any vantage points, including from Grassmoor Country Park to the west on the opposite side of Mansfield Road. Drivers using Mansfield Road and pedestrians cannot readily view the application site due to the existing trees

and vegetation that bounds the application site to the west and south-west. With regard to the comments of DWT that consider that boundary tree lines should be retained and protected. I recommend a planning condition to require this. I am satisfied that with this safeguard the change of use is acceptable with regard to landscape and visual impact, would have limited impact upon the landscape, and accords with the NPPF, the NPPW, Policy W7 of the DDWLP and policies NE1 and BE1 of the NEDLP.

### **Other Comments**

A local resident has expressed concern regarding any drop in residential property values as a result of the development. Whilst such financial concern is understandable and not unusual it is not a material planning consideration so cannot be taken into account in determining the application.

### **Conclusion**

The waste transfer facility forms an important part of the delivery of the existing kerbside recycling collection service in the area, moves waste up through the waste management hierarchy and contributes to sustainable waste management objectives set out in Government policy. The waste facility has been in operation since April 2019 without the benefit of planning permission. The planning application site is within an employment area, as identified in the NEDLP, which has history of industrial type uses and is surrounded by other general industrial type uses. I am satisfied that the location is appropriate for this type of use. There is concern regarding the condition of the land being of made ground and the presence of pollutants, however, I am satisfied that this can be satisfactorily remediated. The concerns of local residents regarding the impact of this development on their amenity and on the local environment are acknowledged, however, I do not consider that they would be so significant as to warrant refusal of the application. This application seeks to regularise the use of the site and would enable modern planning controls to be placed on the operation via planning conditions. This would enable the Waste Planning Authority to appropriately control and monitor the operation, and to ensure that any associated impacts can be effectively controlled.

Subject to the recommended conditions, I consider that the proposal is acceptable. I do not consider that the proposal conflicts with national or local planning policies and it is recommended for approval.

(3) **Financial Considerations** The correct fee of £2340 has been received.

(4) **Legal Considerations** I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the delegated decision.



(5) **Environmental and Health Considerations** As indicated in the report.

### **Other considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No 4.2514.4  
Application documents received from Ward Recycling Ltd dated 12 June 2020;  
1APP form dated 12 June 2020;  
Covering Letter ref. 4095-CAU-XX-XX-DR-T-9104.A0-C1 dated 12 June 2020;  
Supporting Planning Statement, author: Caulmert Limited, ref. 4095-CAU-XX-XX-DR-T-9301.A0-C1 dated 12 June 2020;  
Transport Statement, author: Ashley Helme Associates Ltd, ref. 1674/1C, dated June 2020;  
Phase II Environmental Assessment, author: Ivy House Environmental, ref. IV.116.19 dated February 2020;  
Noise Impact Assessment, author: Spire Environmental Consultants Ltd, ref. R20.1340-N-3-AG dated 9 June 2020;  
Deposited Dust Impact Assessment, author: Environmental Consultants Ltd, ref. R20.1340-D-3-AG dated 9 June 2020;  
Site Boundary Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1801, Revision PO2 dated 4 July 2019;  
Existing Site Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1802, Revision P2 dated 4 July 2019;  
Proposed Site Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1800, Revision P5 dated 27 June 2019;  
Waste Transfer Building Existing Internal Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1805, Revision P1 dated 4 July 2019;  
Waste Transfer Building Proposed Internal Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1806, Revision P5 dated 4 July 2019;  
Portacabin Elevations, Drg. No. 4095-CAU-XX-XX-DR-T-1803, Revision P1 dated 4 July 2019;  
Portacabin Floor Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1804, Revision P1 dated 4 July 2019;  
Weighbridge Plan and Elevation, Drg. No. 4095-CAU-XX-XX-DR-T-1807, Revision P1 dated 4 July 2019;  
Clothes and Shoes Storage Container, Drg. No. 4095-CAU-XX-XX-DR-T-1808, Revision P1 dated 22 November 2019.

County Elected Member response dated 9 July 2020;  
Internal County Highways Authority responses dated 22 July, 10 and 11 August 2020;  
Internal County Lead Local Flood Authority response dated 11 August 2020;

Internal County Landscape Architect response dated 30 June 2020;  
North-East Derbyshire District Council (Planning) response dated 16 July 2020;  
North-East Derbyshire District Council (Environmental Health) response dated 26 June and 12 August 2020;  
Chesterfield Borough Council (Planning) response dated 23 June 2020;  
Grassmoor, Hasland and Winsick Parish Council response dated 8 July 2020;  
Derbyshire Wildlife Trust response dated 3 August 2020.  
Letters of representations – various dates.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is granted subject to condition substantially to the effect of the following draft conditions:

### **Form of Development**

1) The development shall take place in accordance with the details in the following drawings and documents, except as otherwise required by any other conditions of this planning permission:

- 1APP form dated 12 June 2020;
- Covering Letter ref. 4095-CAU-XX-XX-DR-T-9104.A0-C1, dated 12 June 2020;
- Supporting Planning Statement, author: Caulmert Limited, ref. 4095-CAU-XX-XX-DR-T-9301.A0-C1, dated 12 June 2020;
- Transport Statement, author: Ashley Helme Associates Ltd., ref. 1674/1C, dated June 2020;
- Phase II Environmental Assessment, author: Ivy House Environmental, ref. IV.116.19, dated February 2020;
- Noise Impact Assessment, author: Spire Environmental Consultants Ltd., ref. R20.1340-N-3-AG, dated 9 June 2020;
- Deposited Dust Impact Assessment, author: Environmental Consultants Ltd, ref. R20.1340-D-3-AG, dated 9 June 2020;
- Site Boundary Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1801, Revision PO2, dated 4 July 2019;
- Existing Site Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1802, Revision P2, dated 4 July 2019;
- Proposed Site Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1800, Revision P5, dated 27 June 2019;
- Waste Transfer Building Existing Internal Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1805, Revision P1, dated 4 July 2019;
- Waste Transfer Building Proposed Internal Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1806, Revision P5, dated 4 July 2019;
- Portacabin Elevations, Drg. No. 4095-CAU-XX-XX-DR-T-1803, Revision P1, dated 4 July 2019;
- Portacabin Floor Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1804, Revision P1, dated 4 July 2019;

- Weighbridge Plan and Elevation, Drg. No. 4095-CAU-XX-XX-DR-T-1807, Revision P1, dated 4 July 2019;
- Clothes and Shoes Storage Container, Drg. No. 4095-CAU-XX-XX-DR-T-1808, Revision P1, dated 22 November 2019.

**Reason:** To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

### **Availability of Plans**

- 2) A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any condition of this permission, shall be kept available for inspection at the site for the duration of the development.

**Reason:** To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of development.

### **Volume of Waste**

- 3) The maximum limit of waste imported to the application site shall not exceed 35,000 tonnes annually.

**Reason:** In the interest of the amenity of the area.

### **Hours of Operation**

- 4) Except during an emergency incident affecting the site, which shall be notified to the Waste Planning Authority within 24 hours of the incident occurring, the development and use of the site under this permission and all activities relating to it, including operations in the Waste Transfer building and the movement in and out of the site of Rear End Loading vehicles and any other Heavy Goods vehicles, shall only be undertaken during the following times:

- between 07:00 hours and 19:00 hours on any Monday, Tuesday, Wednesday, Thursday or Friday that is not a Bank Holiday or other public holiday;
- between 07:00 hours and 17:00 hours on Saturdays which occur immediately before or after a Bank Holiday or other public holiday.

No such development use or activities shall be undertaken on a Sunday or Bank or Public Holiday nor on any Saturday other than those Saturdays specified above.

Except in an emergency incident affecting the site, employees or other agents of the developer who arrive at the site for undertaking the development or use of the site or any activities relating to it shall not enter or be allowed entry to the site earlier than 06:30 hours.

**Reason:** In the interests of minimising the impact on the amenity of the area.

### **Site Remediation Scheme**

- 5) Within one month of the date of this planning permission, the applicant shall submit a phased and programmed scheme for remediation of site contamination by capping and surfacing to the Waste Planning Authority for approval in writing. The scheme to be submitted shall include timescales for the implementation and completion of works in each phase, details of the capping and surfacing of the yard area, internal vehicle manoeuvring areas and the internal access road in concrete or tarmac to a depth suitable to address the underlying ground contamination to the satisfaction of the Waste Planning Authority, in consultation with the North East Derbyshire District Council's Environmental Health Officer. Upon a submitted scheme being approved by the Waste Planning Authority including any amendments the scheme as approved shall be implemented in accordance with the timescales as approved.

**Reason:** To ensure that the contamination in the Made Ground on the site (the yard area, internal vehicle manoeuvring areas and the internal access road) is remediated appropriately.

### **Highway Safety**

- 6) No mud, dirt, debris, oil or grease shall be carried from the site onto the public highway.

**Reason:** In the interest of highway safety.

- 7) There shall be no discharge of surface water from the site onto the public highway.

**Reason:** In the interest of highway safety.

- 8) All loaded vehicles delivering to or removing waste materials from the site shall be enclosed or covered so as to prevent spillage, dust or loss of material on the site or onto the public highway.

**Reason:** In the interest of environmental and highway safety and the local and wider amenity.

### **Car and Lorry Parking On-Site and Vehicle Manoeuvring**

- 9) Within one month of the date of this planning permission, the applicant shall submit a revised proposed site layout drawing to the Waste Planning Authority for approval in writing, showing all car parking spaces to be of dimensions 5.2 metres (m) long x 2.5m wide and lorry parking spaces to be of dimensions 11.6m long x 3m wide. The revised

proposed site layout drawing shall also provide vehicle path details where vehicles entering and leaving the site can do so in a forward gear. The spaces shall be provided, as approved by the Waste Planning Authority, within one month from the date of approval.

**Reason:** In the interest of highway safety.

### Noise Emissions

- 10) The doors to the waste transfer building shall be kept shut at all times, except to allow for vehicular access/egress into and out of the building to deliver or remove waste. Unloading of Rear End Loader lorries and the loading of the segregated waste onto bulk loaders for transporting off-site for processing shall be undertaken within the waste transfer building.

**Reason:** In the interests of noise mitigation and local amenity.

- 11) Within one month of the date of this planning permission a Noise Management scheme shall be submitted to the Waste Planning Authority for its written approval. The scheme shall include:
- details of noise suppression measures to be employed on site;
  - methods to monitor emissions of noise arising from the development; and
  - procedures to be followed in the event of a complaint being received by the Waste Planning Authority or the developer regarding noise arising from the development.

The noise management scheme shall be implemented as approved for the duration of the development.

**Reason:** To ensure that the waste management facility and the related operations do not have an adverse effect on local amenity.

- 12) Efficient silencers shall be fitted to, used, and maintained in accordance with the manufacturers' instructions on all vehicles, plant and machinery used at the site. Save for the purpose of maintenance, none of the above shall be operated with covers open or removed.

**Reason:** To ensure avoidance of disturbance or minimum disturbance from noise during operations in the interests of the amenity of the area.

- 13) At all times, all vehicles, plant and machinery employed on the site shall operate only during the permitted hours, except in an emergency.

**Reason:** To ensure that the waste management facility and the related operations do not have an adverse effect on local amenity and the site operations are contained within the site.

- 14) Reversing alarms used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

**Reason:** To ensure that the waste management facility and the related operations do not have an adverse effect on local amenity and the site operations are contained within the site.

### **Dust Emissions**

- 15) Within one month of the date of this planning permission a Dust Management scheme shall be submitted to the Waste Planning Authority for its written approval. The scheme shall include:

- details of dust suppression measures to be employed on site;
- methods to monitor emissions of dust arising from the development; and
- procedures to be followed in the event of a complaint being received by the Waste Planning Authority or the developer regarding noise arising from the development.

The Dust Management scheme shall be implemented as approved for the duration of the development.

**Reason:** In the interests of local amenity and the environment.

- 16) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

**Reason:** In the interests of the protection of local amenity.

- 17) During dry and/or windy weather, dust suppression methods, such as water bowsers and hosepipes, shall be used to prevent dust being blown off the site. At such times as the prevention of dust nuisance by the above conditions is not possible, the movement of any dusty materials shall temporarily cease until such times that the weather conditions improve.

**Reason:** In the interests of the protection of local amenity.

### **Odour Emissions**

- 18) Within one month of the date of this planning permission an Odour Management scheme shall be submitted to the Waste Planning Authority for its written approval. The scheme shall include:

- details of odour suppression measures to be employed on site;
- methods to monitor emissions of odour arising from the development; and
- procedures to be followed in the event of complaint being received by the Waste Planning Authority or the developer regarding noise arising from the development.

The Odour Management scheme shall be implemented as approved for the duration of the development.

**Reason:** In the interests of local amenity and the environment.

### **External Lighting**

- 19) Within one month of the date of this permission, an external lighting scheme which shall have regard to the Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including a plan showing details of all existing external lighting and any proposed new external lighting, shall be submitted to the Waste Planning Authority for approval in writing subject to any amendments. The scheme, shall be implemented as approved within three months of the date the scheme is approved.

**Reason:** In the interests of visual amenity and to avoid any light pollution during the operation of the facility.

### **Pest Control**

- 20) The operator shall ensure that appropriate measures for vermin and other pest control (including flies) are employed at the site.

**Reason:** In the interests of local amenity and the environment.

### **Environmental Protection**

- 21) There shall be no burning of waste materials on the site.

**Reason:** In the interests of the amenity of the area and of the environment.

- 22) No mixed dry recyclables, paper or glass or other waste material shall be stored outside the building. All loading of waste material shall be undertaken entirely within the building.

**Reason:** In the interests of the amenity of the area and of the environment.

- 23) The existing trees and vegetation at the west and south-west boundaries of the site shall be retained.

**Reason:** In the interests of visually screening the waste operations.

- 24) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and appropriately stored.

**Reason:** In the interests of the amenity of the area and of the environment.

- 25) During each working day any loose rubbish, debris, scrap and other waste material generated on the site shall be collected up and then stored securely in a suitable container until moved for acceptance to the waste transfer building or for disposal off-site in a suitable facility.

**Reason:** In the interests of the amenity of the area and of the environment.

### **Storage of Fluids**

- 26) Any facilities for the storage of oil, fuels or other fluids shall be sited on impervious bases and surrounded by imperious bund walls. The volume of the bunded compound shall be equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

**Reason:** To prevent pollution to the water environment.

### **Scheme of Building Improvements**

- 27) Within two months of the date of this permission a scheme of improvement works for the waste transfer building shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include measures to repair holes/gaps in the building walls, panels and roof, improvements to the operation of the doors to the building and a programme of implementation. The improvement measures shall be implemented as approved and the building shall from then on be subject to appropriate maintenance to ensure that it is kept in a good state of repair.

**Reason:** In the interest of the amenity of the area.



### **Cessation**

- 28) In the event of cessation of use of the site as a Waste Transfer Facility, for a period in excess of six consecutive months, the site shall be cleared of all residual waste materials within six weeks of the end of that period of six consecutive months.

**Reason:** In the interest of local amenity

### **Footnote**

#### **Highways**

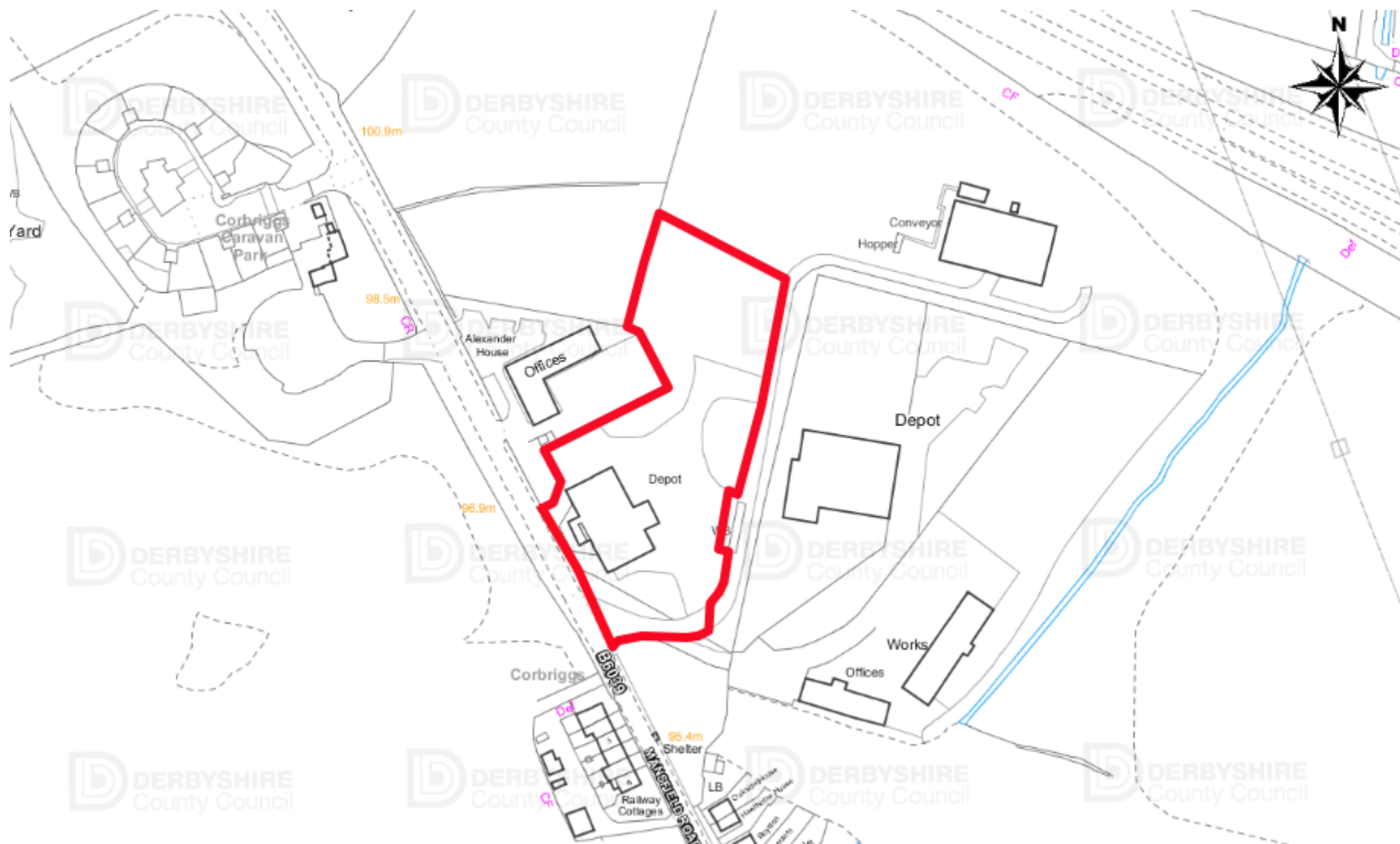
- 1) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that any mud or other extraneous material carried out of the site and deposited on the public highway is removed from it. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

#### **Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

**Tim Gregory**  
**Director - Economy, Transport and Environment**

# CW4/0620/21 - Ward Recycling Ltd., Land and Buildings to the East of Mansfield Road, Corbriggs



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13-Aug-2020