

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

7 January 2019

Report of the Strategic Director – Economy, Transport and Communities

- 2 SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITION 18 (HOURS OF OPERATION) OF PLANNING PERMISSION CODE NUMBER CW8/0315/148 (TO ALLOW THE PERMITTED EXTENDED OPENING TIMES TO FACILITATE THE ONGOING OPERATIONS WITHOUT THREE YEAR RESTRICTION)
THE OLD IRONWORKS, STANTON RECYCLING LTD, CROMPTON ROAD, HALLAM FIELDS, ILKESTON, DERBYSHIRE
APPLICANT: STANTON RECYLING LTD
CODE NO: CW8/0818/39**

8.1019.20

Introductory Summary This application, under Section 73 of the Town and County Planning Act 1990, is for planning permission for the use of the Old Ironworks, Hallam Fields, Ilkeston for waste recycling operations, without complying with a condition (Condition 18) subject to which a previous planning permission for the use (code no. CW8/0315/148) was granted.

Condition 18 generally limits the hours of operation of the site to 0800 hours until 1900 hours on weekdays and 1300 hours on Saturdays. For a three year time span up to July 2018, it also provided for extended hours (from 0400 hours until 2300 hours on normal weekdays and until 1900 hours on Saturdays, Sundays and Bank Holidays) for activities only in the building. The three years limit contains the impact on amenity, so that there can be no further authorisation for the operation of those extended hours for activities in the building without any new permission being granted. Stanton Recycling Ltd, in making this application, is proposing that a permission for the development is granted which is subject to conditions so as to authorise indefinitely the carrying out of activities in the building during the same hours as Condition 18 provided for them over the three years.

The site is situated within the large industrial complex of Quarry Hill Industrial Estate, Hallam Fields, Ilkeston. Concerns relating to noise, odour, traffic, and cumulative impacts have been raised in representations received about this proposal.

However, I do not consider that the proposal would result in any adverse environmental or amenity impacts that would be so significant such as to warrant refusal of the application. I am satisfied that the proposal conforms

with local and national policies and would not result in any significant adverse impacts on residential amenity. Taking into consideration the applicant's stated need to work to the previously extended hours of operation, I am satisfied that the proposal is acceptable and the application is therefore recommended for approval, subject to recommended conditions.

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

(2) **Information and Analysis**

Site and Surroundings

The site is owned and operated by the applicant company as a waste recycling facility. The application site has an area of 0.6 hectares (ha) and is located adjacent to other areas within the applicant's overall premises at the Industrial Park which benefit from planning permissions for other waste operations, which cover an area of 2.05ha. The site is located at the eastern end of the established Quarry Hill Industrial Park, on the southern outskirts of Ilkeston. The Industrial Park is accessed from the west primarily via the A6096 and Sowbrook Lane/Ilkeston Road and from the east via Trowell, the A609 and Low's Lane/Ilkeston Road. Quarry Hill Industrial Park includes a number of varied industrial and business uses, among them several waste recycling operations.

The applicant company is an established local waste operator which currently collects and receives green wastes, kerbside collections and other inert wastes, predominantly from the Erewash area. The site is not prominent in the landscape nor is it overlooked. It has an acceptable vehicular access.

The Stanton operations are part of a cluster of waste and recycling businesses in the area, which includes Wards Recycling Ltd (on two sites), Castle Environmental, Johnsons Aggregates and Recycling Ltd, and Trust Utility Management Ltd.

The nearest residential properties to the application site are off Hallam Fields Road/Crompton Road, Ilkeston, approximately 500 metres (m) to the north-west; the village of Stanton-by-Dale is approximately 2km to the south-west and 700m to the east, separated by the M1 motorway, the River Erewash, the Erewash Canal and the Nottingham-Loughborough Main Railway Line, is the settlement of Trowell and beyond that, within 1km to the south-east, are the towns of Stapleford and Sandiacre. To the east of the Industrial Park and 1.4km from the site is 'Elka's Rise', a significant residential development of 348 dwellings currently under construction to the west of Quarry Hill Road (Planning Permission reference ERE/0614/0030). This development site is opposite the main entrance to Quarry Hill Industrial Estate.

At its nearest point, the site lies approximately 160m south of the Grade 2 listed Hallam Fields Bridge and Canal Lock on the Erewash Canal. The tower

of St Bartholomews Church is also Grade 2 listed and lies 490m to the north-west of the site. Quarry Hill Lagoons Local Wildlife Site (LWS) (ER201) is adjacent to Merlin Way, the main access route to and from the site, within 300m of the site entrance. Quarry Hill Lagoons forms part of a larger complex of LWS along the corridor of the Nutbrook Canal, Nutbrook Trail and railway line.

There are no public rights of way (PRoW) within the site although there are a number close by. One public footpath (Ilkeston E6/79/1) is approximately 300m north of a site entrance off Merlin Way. This public footpath runs along Hallam Fields Road and connects to three other footpaths which meet immediately to the east of Hallam Fields Bridge (Ilkeston E6/78/2, Ilkeston E6/81/6 and Ilkeston E6/81/7). In addition, a PRoW Bridleway and the Nutbrook Trail (National Cycle Network Route number 67) run along the southern boundary adjacent to the site's existing vehicular access. The proposed site is not included within a Neighbourhood Plan Area.

The site is north of the Stanton Regeneration Site which has a long industrial heritage dating back 250 years. The Stanton Regeneration area, which is set out in the Erewash Core Strategy (ECS), is proposed to form a new sustainable neighbourhood consisting of 2,000 homes, 10ha Business Park, general industry, employment land and a 20ha wildlife/recreation corridor.

Planning History

The site under this application has been in use as a waste management facility since 2004; planning permission CW8/0704/70 was granted in October 2004 for "Change of use of a builders merchants/warehousing and yard to a waste transfer station". Since planning permission CW8/0315/148 was granted in July 2015 under section 73, this use has been continued subject to conditions under that permission which contained amended hours of operation (as Condition 18 set out below). However, the area containing the building which was in use under the 2004 and then the 2015 permission has subsequently been affected by developments under planning permission CW8/0915/90 (February 2016) for "Proposed replacement of an existing building to house waste recycling facilities" and planning permission CW8/0308/259 (May 2008) for "Proposed alteration and extension to an existing building housing a waste transfer station". As a consequence of those developments, certain parts of the area specified by the 2004 permission are no longer controlled by the 2015 permission since they are now under the control of the CW8/0915/90 and CW8/0308/259.

The Proposal

The application relates to the requirements of Condition 18 of the planning permission (CW8/0315/148) which states the following:

"For the period of three years from the date of this permission:

no activities under the operation of this permission shall take place in the building except during these periods:

*0400 hours to 2300 hours Monday to Friday
0400 hours to 1900 hours Saturdays, Sundays, bank holidays*

and no other activities under the operation of this permission take place outside the building except during these periods:

*0800 hours to 1800 hours Monday to Friday
0800 hours to 1300 hours Saturdays,*

and no activities under the operation of this permission shall take place outside the building at any time on a day which is a Sunday or bank holiday or other national holiday.

From the end of the period of three years from the date of this permission:

No activities under the operation of this permission shall be carried out except during these periods:

*0800 hours to 1800 hours Monday to Friday;
0800 hours to 1300 hours Saturdays, or at any time on a day which is a Sunday, bank holiday or other national holiday;*

and no activities under the operation of this permission shall take place at any time on a day which is a Sunday or bank holiday or other national holiday.”

This condition, therefore, limited the extended hours of working for the activities inside the building to a three year time span up to July 2018. This was to keep the future working hours under the control of the Waste Planning Authority in the interests of protection of local amenity.

The applicant proposes that under a new permission a condition would be provided for allowing, on a permanent basis, the extended hours for indoor activities set out in Condition 18, i.e:

0400 hours to 2300 hours Monday to Friday
0400 hours to 1900 hours Saturday, Sunday and Bank Holidays.

The application is not seeking to amend any other aspects of the approved development.

Consultations

Local Members

Councillor Frudd and Councillor Major have been notified of the application.

Erewash Borough Council – Planning

Have made the following comments:

"The details have been considered and the Borough Council wish to raise no objection."

Erewash Borough Council – Environmental health Officer (EHO)

Have made the following comments:

"There is no record of any noise complaints being received about the site during the time they have been operating the extended hours. I therefore have no comment to make in respect of removing the three year restriction. I have no comments to make in relation to contaminated land matters."

Stanton by Dale Parish Council

Have made the following comments:

"The Stanton by Dale Parish Council wish to object to the above planning for the following Reasons:

This will give extended noise pollution as residents have complained to Councillors already of noise late into the night.

The unreasonable hours will affect local resident who have expressed their concerns.

Increased hours will mean increased traffic and HGV's at unreasonable hours of the day/night affecting residents who are already under duress.

There will be increased vibration with the HGV's to old buildings in the Stanton by Dale conservation area."

Environment Agency

No comment.

Publicity

The application has been advertised by site notice and press notice (Derbyshire Times) with a request for comments by 4 October 2018. In response to this publicity, eight representations have been received raising objection to the proposal. They are summarised as follows:

- Complaints to the Environment Agency and Borough Council have not been logged. Noise, dust and vibrations from goods vehicles accessing and leaving Quarry Hill Industrial Estate. An independent noise assessment should be undertaken prior to determination, particularly for weekend and night operations. Air pollution and litter arising from poorly loaded heavy goods vehicles (HGVs). HGVs passing residential areas outside operating hours. Cumulative impact of HGVs from a number of waste operations on Quarry Hill Industrial Estate. Highway safety.

- Objection to noise and vibration caused by HGVs, particularly at night, vehicles mounting the pavement, affecting quality of life due to noise and vibration.
- Traffic noise and debris from poorly loaded HGVs en route to Quarry Hill Industrial Estate, damage to property due to debris falling from vehicles. Highways safety concerns.
- Traffic noise, dust, air quality and odour affecting Corporation Road and the village of Trowell. Vehicle routing.
- HGVs en route to Quarry Hill Industrial Estate creating noise and vibration, frequently outside operating hours. Dust from the site. Vehicle routing.
- Noise and vibration from HGVs on the industrial estate impacting on quality of life. Vehicles mounting the pavement, highway safety. The extended hours are not necessary for the profitable operation of the company. Requests a report on road condition and noise/vibration assessments of the operation.
- Noise and odour, day and night from operations at the applicant's site.
- Noise and air pollution from the site preventing enjoyment of local facilities, particularly outdoor sports facilities. Traffic noise and pollution from HGVs accessing the site.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In respect of this application, the relevant development plan policies are contained in the saved policies of the 2005 adopted Derby and Derbyshire Waste Local Plan (DDWLP), the Erewash Borough Local Plan Saved Policies 2005 (EBLP) (Amended 2014) and the 2014 Adopted Erewash Core Strategy (ECS) – 2011 – 2028.

Other material considerations include national policy, as set out in the July 2018 National Planning Policy Framework (NPPF), the associated Planning Practice Guidance (PPG), the 2014 National Planning Policy for Waste (NPPW) and Erewash Borough Council's 2017 adopted Stanton Regeneration Site – Supplementary Planning Document (SPD).

In relation to this application, a further material consideration is that the principle of the waste recycling development at this site has been established. The relevant planning permissions granted by this Authority have been implemented and the development is regulated by an Environmental Permit. I do not propose, therefore, to set out the merits of the nature of the recycling works against the development plan. For this site, the facility is now well established and the previous permissions for this site must be taken as material factors in the determination of this Section 73 application. The permissions were granted with planning controls to manage the site

operations. The question now is whether the proposed extended hours for activities in the building satisfy planning policy.

National Planning Policy Framework

The NPPF sets out the Government's key economic, social and environmental objectives, and the planning policies designed to deliver them.

The NPPF is a material consideration in planning decisions. The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant.

The NPPF does not change the statutory status of the development plan as the focus for decision making; applications for planning permission must still be determined in accordance with the development plan unless material considerations indicate otherwise. It states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such within the NPPF, however, it states that "*the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*". To achieve this, the planning system has three overarching objectives, which are economic, social, and environmental. The objectives 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).

The most relevant paragraphs from the NPPF for this proposal are:

11: The presumption in favour of sustainable development.

46-48: Decision-making.

54-55: Planning conditions.

80, 82: Building a strong, competitive economy.

91c: Promoting healthy and safe communities.

109: Considering development proposals.

180,183: Ground conditions and pollution.

184,190,193-196, 202: Conserving and enhancing the historic environment.

National Planning Policy for Waste

The NPPW was published in October 2014, and sets out detailed waste planning policies. The NPPW should be read in conjunction with the NPPF, the Waste Management Plan for England (2013) and National Policy Statements for Waste Water and Hazardous Waste. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management. The NPPW identifies that '*Positive planning plays a pivotal role in delivering this country's waste ambitions through: ...helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment*'.

The NPPW also emphasises the need to divert as much waste as possible away from landfill. In order to achieve this, the movement of waste up through the waste hierarchy is essential. Appendix A of the NPPW details the waste hierarchy. The prevention and reuse of wastes sit at the top of the waste hierarchy, however, once wastes are actually discarded, recycling is one of the preferred management routes, where value is recovered in terms of secondary materials that can be substituted for virgin resources. Wastes that still remain should be diverted from landfill through processes that recover energy, with disposal of residual waste to land or sea as a last resort.

In addition to the above, the NPPW also sets out considerations, expectations and guidance for the determination of waste planning applications. An example of this which can be applied to this application is *“waste planning authorities should ... concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”*.

The main development plan policies relevant to this planning application are:

Derby and Derbyshire Waste Local Plan (2005) Policies

W2: Transport principles.
W6: Pollution and related nuisances.
W8: Impact of the transport of waste.
W10: Cumulative impact.

Adopted Erewash Core Strategy 2011-2028 (March 2014) Policies

A: Presumption in Favour of Sustainable Development.
13: Culture, Sport and Tourism.
17: Biodiversity.
18: Infrastructure.
20: Stanton Regeneration Site.

Erewash Borough Local Plan Saved Policies 2005 (Amended 2014)

R1: Recreational Trails.

Stanton Regeneration Site – Supplementary Planning Document

The application site is close to the area allocated in the ECS for the Stanton Regeneration Project. The bulk of the regeneration site is separated from the application site by an area of existing industrial uses and a belt of landscaping and wildlife sites, crossed by a multi-user trail network.

However, since the first local plan inclusion of the regeneration site in 1994, the regeneration has not progressed beyond the master planning stage.

Assessment of the Proposal

The three years provision for extended working hours in the building only,

which this application seeks to restore without time limitation, was imposed in the interests of protection of local amenity, to ensure that the extended hours would not become indefinite under the existing permission.

The applicant has stated that the extended operating times are required to maintain the ongoing commitment to providing both local authorities and commercial businesses with a destination for the depositing of waste to suit their ongoing needs. If the extended operating times were not permitted, it could reduce the ability of the site to accept waste and therefore affect the number of staff employed on site, and the ongoing economic viability of the business.

The buildings present at the time of granting consent CW8/0315/148 have subsequently been modified and extended in accordance with permissions CW8/0915/90 and CW8/0308/259. Consequently, this application which seeks to vary the conditions imposed by CW8/0315/148, if approved, will only permit an extension of hours for the operations carried out in those parts of the buildings present in March 2015, and referred to in planning permission CW8/0315/148. Therefore, the operations and hours of working proposed by this application would only apply to those activities carried out in the central building and the footprint of the former lean-to structure replaced and extended by the new building benefiting from planning consent CW8/0915/90.

The applicant considers that the proposed amendment to the hours of operations would allow more efficient waste recycling and business operations enabling the company to continue to provide a service to its clients, facilitating *“the ongoing commitment to provide both local authorities and commercial businesses with a destination for the depositing of waste at times to suit their ongoing needs.”*

The applicant further states that *“if the opening times were not allowed it could reduce [the] intake of waste and therefore affect the number of staff needed on site which in turn could affect the local economy, shops, cafes etc., that staff currently use.”*

A new permission with similar conditions, except in respect of Condition 18 would not involve any increase in the tonnage of waste to be accepted on site. The proposal for the extended hours for activities in the building would not involve new recycling processes, plant or equipment. These amendments to the hours of operation would not, in my view, result in a development significantly different from what is current. The site was operated with the proposed hours for the activities in the building for a period of three years. I am satisfied that the development, subject to such conditions would accord with the high level aims of the NPPW and the Government's waste management objectives.

The potential environmental and amenity impacts of this development were assessed during the consideration of the previous application and planning

conditions were imposed to mitigate potential impacts where identified. However, in the context of the current development plan and national guidance, I have given consideration as to whether the development, as changed, would be likely to give rise to any significantly different or additional impacts to those previously considered.

Paragraph 183 of the NPPF states that *“The focus of planning ... decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”*

The site operates under a number of waste management exemptions and an environmental permit issued by the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016. The Environment Agency is responsible for monitoring compliance of the site against the permit/and conditions of these exemptions.

Noise and Vibration Impacts

The proposed amendment to the hours of operation would enable activities inside the building to continue under the extended hours that were originally permitted for a three year period, on a permanent basis.

All representations received refer to noise generated by the operation of the site but primarily noise arising from traffic accessing and leaving the site by the local road network. Some of these representations state that the noise and vibration (primarily traffic) is disrupting local residents' lives and therefore adversely affecting their quality of life. There are also concerns about HGV traffic passing through residential areas. Whilst there are goods vehicles using the site, not all goods vehicle movements on the local road network can be attributed to the applicant's site. Furthermore, the site is situated within an existing Industrial Estate that currently experiences significant HGV traffic of which traffic to and from this site forms a proportion. In addition to traffic generated by Quarry Hill Industrial Estate, the locality also includes the West Hallam Storage Depot (4.5km) and Low's Lane Industrial Estate with its large logistic operations. The applicant does not propose additional vehicle movements to and from the site as part of this application and therefore would not contribute to an increase in traffic noise. A condition to the current permission code no CW8/0315/148 requires, the submission of a detailed routing plan to ensure that all traffic is routed via Merlin Way, avoiding the residential roads in the vicinity of the Industrial Estate and that HGV movements are kept to a minimum outside of daylight working hours. There is no record of the submission of this plan. I do not consider that the application would warrant refusal on the grounds of vibration and noise impacts from traffic. However, I now consider that a grant of a new planning permission should be subject to a condition to secure a detailed HGV traffic routing and traffic scheme for submission for approval within one month of the date of the permission.

The site lies within a large Industrial Estate, near to the M1 motorway, main line railway and less than 1km north of a number of other industrial and distribution uses on the former Stanton Ironworks site which has been in heavy industrial use since the 1780s. Given the location of the application site within this predominantly industrial area, a degree of noise must be anticipated.

The Nutbrook Trail passes to the south of Quarry Hill Industrial Estate through the site of the former Stanton Ironworks. From its start at the former colliery, now Shipley Country Park, to the Erewash Canal adjacent to the application site, the Trail passes through a former or current industrial and edge of urban landscape. Given its setting, the user of the Trail is unlikely to anticipate the type of quiet experience that may be expected in a more rural area. The extended indoor operating periods are unlikely to have a significant impact on the Trail.

Regarding night time noise from the operation of the recycling plant, Erewash Borough Council's Environmental Health Officer (EHO) has stated that there is no record of any noise complaints being received about the site during the time they have been operating the extended hours, although a representation received suggested that complaints have been made regarding noise arising from the site. Similarly, the Environment Agency has made no comment on the topic of noise. Controls on noise from the site form part of the environmental permitting regime regulated by the Environment Agency. The continuation of the extended operating hours relate to processes carried out within a building and subject to waste management exemptions and an Environmental Permit registered with, and monitored by, the Environment Agency. Paragraph 183 of the NPPF states that planning decisions should assume that this [Environmental Permitting] regime will operate effectively.

Therefore, I do not consider that the proposed amended hours of operation would generate any significant noise impact sufficient to warrant refusal and I am satisfied that the proposal would accord with the Policy W6: Pollution and Related Nuisances of the DDWLP.

Odour

Representations received suggest that complaints have been made regarding odour arising from the site. Erewash Borough Council's EHO has stated that no complaints have been received about the site relating to the period of extended operating hours. However, Erewash Borough Council's EHO has also stated that any complaints relating to Environmental Permitting will have been passed to the Environment Agency, who has also made no comment regarding complaints.

Three representations have been received relating to odour from the site, two of these from the Trowell area approximately 500m to the east of the site. While it is accepted that the wastes accepted and processes carried out have the potential to generate odours, it should be noted that a large sewage

treatment works is also located between the application site and the village of Trowell, and that this, along with other activities at Quarry Hill Industrial Estate, may also contribute to odour and that the Environmental Permitting regime regulated by the Environment Agency has not identified odour as a regulatory issue. Therefore, it is recommended that issues relating to odour should be raised with the Environment Agency as this would also be an Environmental Permitting issue.

Traffic, Highway Safety and Public Right of Way

The application does not propose to increase traffic movements to and from the site or to increase the annual through-put of waste. Traffic, highway safety and the PRow adjacent to or near the site would not be impacted upon by the proposal.

The representations received relate mainly to noise and vibration generated by traffic accessing the Industrial Estate. These issues are addressed in 'Noise' and 'Cumulative Impacts' sections of this report.

Cumulative Impacts

The NPPF (Paragraph 180) states that "*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. ... and avoid noise giving rise to significant adverse impacts on health and the quality of life*"

Policy W10 of the DDWLP states that "*Proposals for waste development will be assessed in the light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. Waste development will be permitted only if the development would not result in significant and detrimental cumulative impact on the environment of those communities.*"

There is a cluster of waste facilities in this area and the cumulative impact of these developments in combination with other development is of potential concern. The application does not propose an increase in HGV movements to and from the site and movements of HGVs would remain restricted to the currently specified hours. With the imposition of conditions recommended below, I am satisfied that continuing this development under a new permission would not cause any increase in traffic and associated traffic noise which could potentially have a cumulative impact in conjunction with traffic from other developments.

The site lies within a large Industrial Estate, near to the M1 motorway, main line railway and less than 1km north of a number of other industrial and distribution uses on the former Stanton Ironworks site which has been in heavy industrial use since the 1780s. Given the location of the application site

within this predominantly industrial area, noise from the site is unlikely to be distinguishable from other noise sources. Neither the Borough Council's EHO nor the Environment Agency have reported noise complaints during the previous three years of operation during which the extended hours were permitted.

I do not consider that the proposal would result in any significant and detrimental cumulative impact on the environment and local communities. I am satisfied that the proposal would accord with the Policy W10 of the DDWLP and the NPPF in this respect.

Conclusion

I am of the opinion that a restoration of the extended hours for processing inside the building, as set out in Condition 18, would enable the business to process waste more efficiently in accordance with sustainable waste management methods. The representations which raise a number of concerns have been taken into consideration. The development, subject to conditions as recommended, would not, in my opinion, generate any significant impacts and I conclude that the continuation of the extended operating hours inside the building would be acceptable. I am satisfied that the proposal would accord with the DDWLP and the adopted ECS, and the application is recommended for approval.

(3) **Financial Considerations** The correct fee of £234 has been received.

(4) **Legal Considerations** This is an application under Part III of the Town and Country Planning Act 1990, which falls to be determined by the County Council as Waste Planning Authority.

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 Officer's Recommendation.

(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. 8.1019.20
Application documents from Stanton Recycling Ltd:
Application form CW8/0818/39 and Supporting Statement received 31 August 2018. Planning permission CW8/0215/148 dated July 2015.

Consultation responses from:

The Environment Agency dated 5 September 2018, Erewash Borough Council's Environmental Health dated 18 September 2018, Stanton by Dale Parish Council dated 5 October 2018 and Erewash Borough Council's Planning and Regeneration dated 16 October 2018.
Letters of representation – various dates.

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

Form of Development

- 1) The development shall be carried out in accordance with the relevant details set out in the application for planning permission CW8/0704/70 dated 12 June 2004, submitted by R Roberts & Company, as amended by such details as are relevant from: the application for planning permission CW8/0315/148 dated 4 March 2015, submitted by Stanton Recycling Ltd and accompanying documents and drawings; the application for planning permission CW8/0818/39 dated 15 August 2018 submitted by Stanton Recycling Ltd and accompanying documents and drawings, except to the extent (if at all) that any requirements of the subsequent conditions of the planning permission provide otherwise.

For the avoidance of doubt, the accompanying documents and drawings are:

in respect of Application CW8/0704/70:

- Application form and accompanying details and Method Statement dated 21 June 2004
- Drawing No TO/TW/04/73/01, titled 'Existing internal layout' dated May 2004
- Drawing No TO TW 04 73 02, titled 'Proposed site block plan. Site location plan' dated May 2004
- Drawing No TO TW 04 73 03, titled 'Proposed internal layout' dated May 2004

in respect of Application CW8/0315/148:

- Application form dated 4 March 2015
- Document titled 'Supplementary comments regarding alterations to operational hours at Stanton Recycling Ltd, Crompton Road, Ilkeston, Derbyshire'.
- Noise Impact Assessment dated 21 April 2015
- Letter from Stanton Recycling Ltd dated 26 March 2015
- Email from Stanton Recycling Ltd dated 15 June 2015 (subject – Planning Detail).

in respect of Application CW8/0818/39:

- Application form dated 15 August 2018

- Supporting Statement dated 23 August 2018

Reason: To enable the Waste Planning Authority to monitor the development in the interests of the amenity of the area.

- 2) Within one month from the date of this permission, the following schemes shall be submitted for approval in writing of the Waste Planning Authority:
 - i) The submission of a detailed local highway routing and traffic management plan to ensure that all traffic to and from the site is routed via a defined route to the main road network, avoiding the residential roads in the vicinity of the industrial estate and that HGV movements to and from the site are kept to daytime working hours to be specified in the scheme (subject to any exceptions for essential traffic at other times as may be specified)
 - ii) Scheme of drainage works to ensure no unauthorised discharge into the Erewash Canal.

From approval in writing by the Waste Planning Authority, the schemes shall be implemented in accordance with the details as approved.

Reason: To ensure that the proposed development does not have an adverse impact on neighbouring amenity and adjoining land uses.

Volumes of Waste Processed

- 3) The site operator shall keep accurate records of the total amount of wastes arriving at the site and these records shall be made available for inspection by the Waste Planning Authority.

Reason: To safeguard the amenity of users of nearby land and to ensure that continuation of the waste management facility does not give rise to environmental impact.

Environmental Protection

- 4) Unless otherwise approved by separate permissions, there shall be no tipping, sorting or processing of waste materials outside the building.

Reason: To clarify the details approved and to ensure the development does not have an adverse effect on neighbouring commercial interests and local amenity.

- 5) The site operators will ensure that all surface water drainage continues to operate in an efficient manner.

Reason: To ensure that the site drains efficiently.

- 6) The site shall not be available to the general public.

Reason: To ensure the development does not have an adverse effect on neighbouring amenity.

Dust

- 7) 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 interest of protection of local amenity.

- 8) Each working day, the surrounds of the site shall be monitored for any odours arising from the development. If any materials result in noticeable odours they shall be contained, or removed from the site as soon as practicable.

Reason: In the interest of protection of local amenity.

- 9) Any skips or containers which receive waste materials, and which may give rise to dust and cause nuisance or environmental degradation, must be lidded or netted at all times other than when the waste materials are being added or removed.

Reason: To prevent dust arisings and in the interest of protection of local amenity.

- 10) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust. At such times as any operation gives rise to unacceptable levels of dust leaving the site, that operation shall be temporarily suspended until weather and site conditions improve and the operations can be resumed without causing nuisance.

Reason: To prevent dust arisings and in the interest of protection of local amenity.

- 11) 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: To prevent dust arisings and in the interest of protection of local amenity.

- 12) Areas on the application site where vehicular activity takes place must be hard-surfaced and well-maintained, and appropriate dust suppression methods, such as the use of water bowsers and/or hosepipes, applied.

Reason: To prevent dust arisings and in the interest of protection of local amenity.

Noise

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

Reason: In the interest of protection of local amenity.

- 14) The use of powered tools, including pneumatic hammers to break up or reduce the size of any material, is prohibited until such times that a satisfactory noise management scheme which makes an assessment of this equipment has been submitted and approved by the Waste Planning Authority.

Reason: In the interest of protection of local amenity.

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

Reason: In the interest of protection of local amenity.

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

Reason: In the interest of protection of local amenity.

Lighting

- 17) No external lighting shall be installed unless details have been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interest of protection of local amenity.

Hours of Operation

- 18) No activities under the operation of this permission shall take place in the building except during these periods:
0400 hours to 2300 hours Monday to Friday
0400 hours to 1900 hours Saturdays, Sundays, Bank Holidays

and no other activities under the operation of this permission take place outside the building except during these periods:

0800 hours to 1800 hours Monday to Friday
0800 hours to 1300 hours Saturdays.

and no other activities under the operation of this permission shall take place outside the building at any time on a day which is a Sunday or Bank Holiday or other national holiday.

Reason: In the interests of protection of local amenity.

Drainage and Pollution Control

- 19) Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks. All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within a bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. 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. There shall be no drain through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

Reason: To prevent contamination of underground water.

- 20) No foul or contaminated surface water or trade effluent shall be discharged from the site into either ground water or surface water drainage systems.

Reason: To ensure that the site drains efficiently.

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 Authority has requested clarification on the application where required, which the applicant has provided. The Authority has provided the applicant with details of consultation comments and representations received and kept the applicant informed of progress with the application.

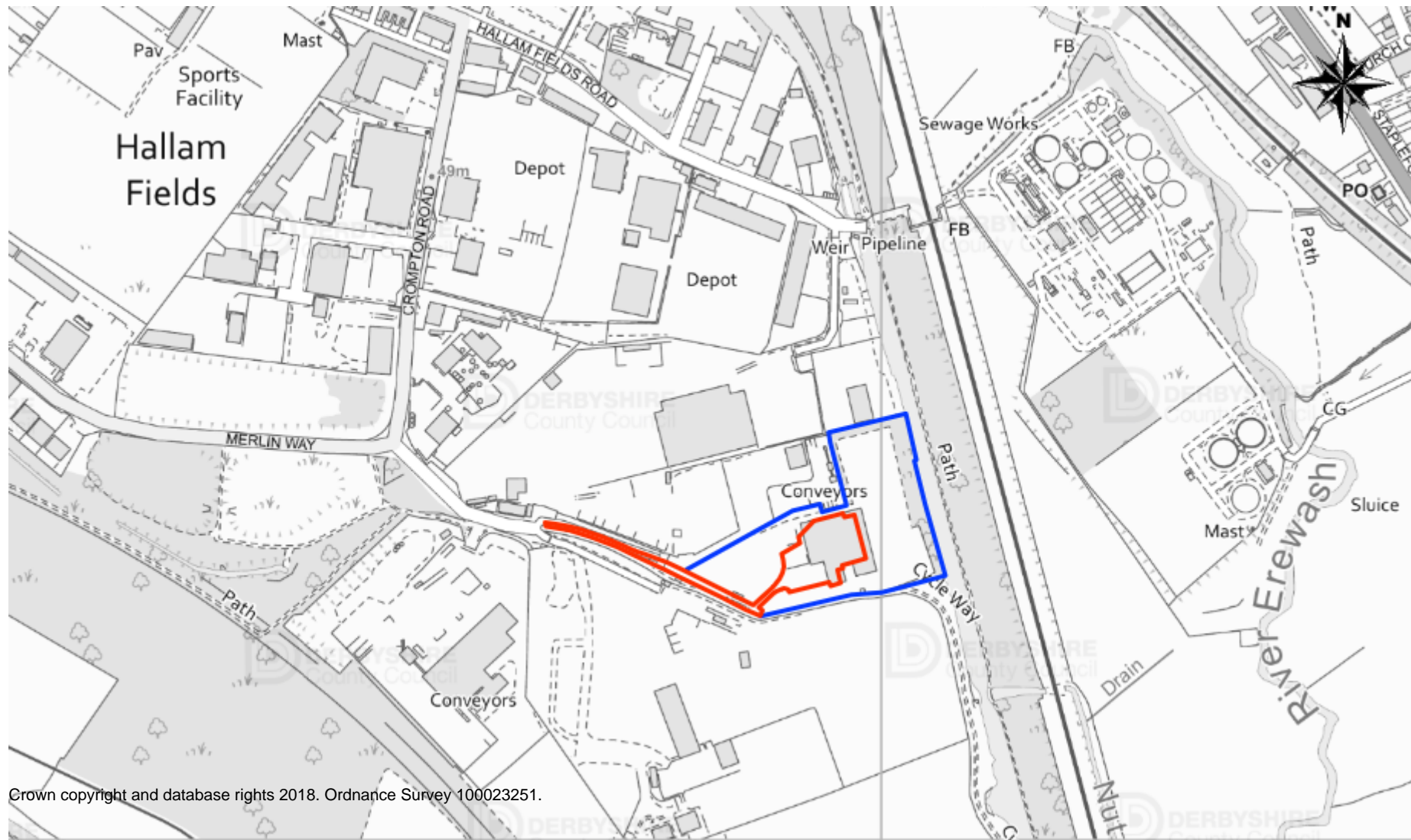
Footnotes

- 1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 7626848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

- 2) The development under this permission does not include any development which is authorised by planning permission CW8/0308/259 (May 2008) for “Proposed alteration and extension to an existing building housing a waste transfer station” or planning permission CW8/0915/90 (February 2016) for “Proposed replacement of an existing building to house waste recycling facilities”. As a consequence of the development which has taken place under those permissions, certain parts of the area formerly controlled by the conditions to which 2008 permission CW8/0704/70 and then the 2015 permission CW8/0315/148 were subject are now under the control of the permissions CW8/0915/90 and CW8/0308/259.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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50 m
Scale = 1 : 5000

17-Dec-2018