

Agenda Item No. 4.2

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

11 January 2016

Report of the Strategic Director – Economy, Transport and Environment

- 2 FULL APPLICATION FOR PLANNING PERMISSION FOR: PROPOSED RAISING OF THE HEIGHT OF THE PERIMETER BUNDS TO 4 METRES, THE STORAGE OF MOUNDS OF RAW AND PROCESSED MATERIAL OVER 4 METRES IN HEIGHT (PREVIOUSLY CONTROLLED BY PLANNING CONDITION 5 OF CW4/0105/203) AND A REVISED LANDSCAPING SCHEME; AS WELL AS RETROSPECTIVE PLANNING PERMISSION FOR REVISED RESTORATION LEVELS TO THE NORTH AND THE ERECTION OF A WASTE STORAGE BARN, A WASTE PROCESSING BUILDING AND REPOSITIONING OF SITE OFFICES, STORAGE AND WELFARE FACILITIES: AT THE WASTE RECYCLING FACILITY, SLITTINGMILL, STAVELEY LANE, STAVELEY**
APPLICANT: HOPKINSON RECLAMATION LTD
CODE NO: CW4/0215/138

4.2060.7

Introductory Summary The application seeks to regularise a number of aspects concerning the operation and appearance of an existing waste recycling facility site at Slittingmill, Staveley Lane, Staveley. It concerns the location and size of the perimeter bunds and stockpiles storage mounds, and the presence of unauthorised buildings/structures.

The restoration aspects relate to the contours at the northern end of the site which have been laid higher than the approved plans and minor revisions to the landscaping scheme. The restoration aspects are considered acceptable as is the proposed increase in the perimeter bund size. In order to reduce the visual intrusion of the waste operations, however, it is considered appropriate to restrict the height of stockpile storage mounds and to limit consent for retention of one of the unauthorised buildings to a five year period only, due to its effect on the openness of the Green Belt.

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

(2) Information and Analysis

Background Information

The Slittingmill site is a former domestic waste tip used in the late nineteenth century. It extends to an area of 13.9 hectares and is situated in the countryside to the north of Staveley and south-west of Renishaw. It lies immediately to the east of a main-line railway, with the former Renishaw Colliery waste tip, now restored as part of an opencast coal development, situated immediately to the west of the railway line. The application site is a long, rectangular area of land with the eastern and northern boundaries formed by the River Rother. It is accessed off Hawthorn Hill/Staveley Lane to the south of the railway bridge.

Planning History

The relevant planning history includes the following:

Planning Reference	Development	Decision
NED/690/547	Reclamation of low grade fuel and restoration of site by landfill	Granted on appeal on 28 August 1992
CW4/496/4	Temporary waste recycling facility	22 July 1996
CW4/899/55 and 56	Extension of time for completion of restoration works and for the waste recycling facility	18 October 1999
CW4/0105/203	Permanent retention of the waste recycling facility	3 March 2006
CW4/0913/98	Regularising application for the Variation of cond 14 (CW4/0105/0203) for revised landscaping scheme.	Not validated and withdrawn by applicant May 2014
CW4/0215/138	Regularising application relating to buildings, structures, operational changes relating to stockpiles and restoration.	Pending decision

The main waste materials previously tipped in the site consisted of ash, glass, bricks and crockery. Planning permission was first granted in 1964 for the recovery of the ash from the site but this was only partially implemented. It was then left in an uneven and untidy condition with mounds of heaped materials and excavated hollows. Unauthorised excavations took place by individuals searching for old bottles and ceramics, including excavations close to the railway line. The use of the site for the recovery of the remaining low grade fuel and restoration by landfill with inert waste was approved on appeal in 1992. The applicant then began landfilling operations in March 1993.

At the same time, the applicant began sorting and separating the incoming wastes to remove those materials capable of being reused and was granted a temporary planning permission (CW4/496/6) to continue these operations, alongside the infilling works. In 1999, planning permission was granted for an extension of time to complete the landfilling works (CW4/899/55) and a corresponding extension of time for the waste recycling operations. In 2006, planning permission was granted for permanent waste recycling use at that time (on part of the site). At the time, the Authority considered the potential impact of the permanent retention of the facility, due to the location of the site in the Green Belt and the prospect of the approval setting a precedent for future proposals. In resolving to approve that application, it was decided that the stockpile material mounds, if limited to 4 metres in height, would not impact adversely on the openness of the Green Belt. All the buildings on the site at the time, apart from the office and weighbridge, were located in the southern part of the current application site, set against trees, and at a level which restricted views and also limited their impact on the openness of the area. In approving the 2006 application, an important element in its acceptability was the absence of additional buildings to the north of the offices/weighbridge (where one of the new buildings is now located). The requirements of other conditions which are relevant to this proposal are referred to in the 'Planning Considerations' section below.

There are landfilling/restoration requirements under conditions which involve approval of final landform contours and an overall landscaping scheme. Although detailed landfilling/restoration schemes have been approved as required under planning conditions these, following enforcement monitoring have been shown not to have been fully implemented in accordance with the approved scheme details. The enforcement monitoring has established that the applicant has also erected additional buildings at the site without obtaining prior planning permission. The current planning application seeks to address these issues, together with amendments to the current restrictions on the storage of materials on the site.

Application Details

The application is for permission to cover the following elements:

- Raising of the height of the perimeter bunds to 4 metres (currently required at 2 metres).
- Increasing the height of on-site storage mounds of raw and processed material to 10 metres in height (currently controlled by planning Condition 5 of CW4/0105/203 to a maximum height of 4 metres).
- A revised landscaping scheme.
- Retrospective permission for revised restoration levels to the north.
- Retrospective permission for the erection of a waste storage barn and a waste processing building.

- Retrospective permission for the repositioning of site offices, storage and welfare facilities at the waste recycling facility.

The terms of the 2006 previous planning permission require the construction of bunds around the perimeter of the site to a height of 2 metres but these have not yet been completed. The applicant now proposes to complete the bunds but at a new height of 4 metres and to extend the bunds further along the eastern part of the site. It is also proposed to complete the formation of a bund across the site at the northern end of the operational site to the same 4 metres height. The applicant states that these measures would have the following benefits:

- capturing any rainwater run-off within the site;
- capturing the possible dispersal of dust and other wind-blown material from the site;
- providing a natural acoustic barrier to the operational activity within the facility; and
- providing greater visual screening to the site, particularly once landscaping of them has established.

The base planning permission for this site provided for reclamation works to restore it from the degraded condition it was left in after previous landfilling and unauthorised extraction. A scheme, approved under the terms of that permission, set out the landform and levels which were to be achieved. The applicant has, however, tipped material in the northern section of the site to levels above those which were approved and now seeks retrospective permission to retain the land at those levels and for other variations to the approved plan. The applicant is also proposing revisions to the approved landscaping scheme.

The mounds of raw and processed materials stored on the site are currently restricted to a maximum of 4 metres and the applicant now proposes to increase this to 10 metres. The applicant claims that this is in line with the general industry standard for recycling sites and that it would help maintain the efficiency of the recycling operations.

Since planning permission was granted in 2006 for the permanent use of the facility, the applicant has erected two more waste storage/processing buildings without the benefit of planning permission and installed a new two-storey office block (also without any permission), and now seeks to obtain retrospective permission for their retention. The unauthorised developments relate to a waste storage barn and a waste processing building constructed on the part of the site which lies in the Green Belt. The waste storage barn has dimensions of 15.2 metres in length, 10.3 metres wide and 6.1 metres high, constructed with an exposed steel frame with steel sheet cladding to the upper walls and roof with interlocking concrete panels to the lower walls. The waste

processing building has dimensions of 25.4 metres in length, 15.2 metres wide and 10.1 metres high, constructed with an exposed portal frame with steel sheet cladding to the upper walls and roof, and blockwork to the lower walls. The site offices and welfare buildings consist of two light grey coloured portacabin style units placed on top of each other which have been moved several metres from the position indicated on the approved layout.

Post Application Submission

In response to Officer comments concerning the scope of information submitted with the application, the applicant has submitted supplementary documents consisting of a Landscape and Visual Impact Assessment, photographs of the site and buildings, a revised policy assessment and amendments to the proposed landscaping plan which extends the bunds and tree planting to the rear of the unauthorised waste processing building.

Consultations

Local Member

Councillors Diane Charles and Brian Ridgway were consulted.

North East Derbyshire District Council

No objections on planning grounds or from the Environmental Health Officer.

Eckington Parish Council

No response received.

Environment Agency

No objection.

Network Rail

No objection in principle but provided an advisory note for the applicant with regard to the continued protection of their assets which abut the site.

Publicity

The application was advertised in the local press and by site notices with a request for observations by 3 April 2015. No observations were received.

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 relation to this application, the relevant policies of the development plan are contained in the Derby and Derbyshire Waste Local Plan (DDWLP) adopted in April 2005 and the saved policies of the North East Derbyshire Local Plan (NEDLP). The National Planning Policy Framework (NPPF), the National Planning Practice

Guidance (NPPG) the Waste Management Plan for England (WMPE) and the National Planning Policy for Waste (NPPW) provide material policy considerations.

National Planning Policy Framework

The NPPF provides guidance on material considerations in the context of determining planning applications. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term sustainable development is not defined as such but is said to have economic, social and environmental aspects. The economic aspect is about providing sufficient land for the right type of development, in the right place, at the right time. The social aspect is about supporting strong and vibrant communities by providing for the needs of the community, whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment. The position of the NPPF is enhanced where the existing local plan is out of date, being a plan which was prepared and adopted prior to the publication of the NPPF and not wholly consistent with the policies therein.

National Planning Practice Guidance

The NPPG does not contain specific waste policies, but it does repeat the message of the NPPF that the main purpose of the planning system is to deliver sustainable development to support the needs of society. It does, however, provide practical guidance on many potential environmental impacts, such as noise and dust impacts, which are of relevance to this proposal.

Waste Management Plan for England, December 2013

The WMPE sets the agenda for working towards a more sustainable and efficient approach to resource use and management. It provides an analysis of the current waste management situation in England and evaluates how it will support the implementation of the objectives and provisions of the EU Waste Framework Directive.

National Planning Policy for Waste, October 2014

The NPPW sets out detailed waste policies and should be read in conjunction with the NPPF and the WMPE. It is intended to support the main objective of the WMPE as referred to above. It states that local waste plans should ensure that the need for waste management facilities is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can bring to the development of sustainable communities. It reinforces established Government waste policy of driving the management of waste up the waste hierarchy whilst stating that local planning authorities need to ensure there are sufficient opportunities to meet the identified needs of the area.

When assessing the suitability of sites for waste management uses it advises that account should be taken of the physical and environmental constraints on development, including existing and proposed neighbouring land uses and the cumulative impact of waste facilities, although it does advocate the co-location of facilities where appropriate. When assessing planning applications, it states that waste planning authorities should consider the likely impact on the local environment and amenity using the criteria set out in the document. It further advises that account should be taken of the advice of the appropriate body concerning the potential impact on health and that they should ensure that facilities are well designed so that they contribute positively to the character and quality of the area in which they are located.

The NPPF highlights the great importance Government attaches to Green Belts and contains in paragraphs 87 to 92 firm advice for avoidance of approval of inappropriate forms of development which are to be regarded as having adverse impacts on Green Belts, except in very special circumstances.

Derby and Derbyshire Waste Local Plan

The most relevant policies of the DDWLP are:

- W1b: Need for the Development.
- W2: Transport Principles.
- W3c: Development in Green Belts.
- W5: Identified Interests of Environmental Importance.
- W6: Pollution and Related Nuisances.
- W7: Landscape and other Visual Impacts.
- W8: Impact of the Transport of Waste.
- W9: Protection of Other Interests.
- W10: Cumulative Impact.

The objective of the Plan is to ensure the delivery of a sustainable waste management system with sufficient capacity and of the right types to meet the waste arising in the Plan area. These policies seek to ensure that this objective is fulfilled with adequate facilities on the right site and in the right locations where the waste management operations would not give rise to unacceptable impacts on the environment, local communities and the economy of the area.

North East Derbyshire Local Plan

The saved policies of the NEDLP which are of relevant to this proposal are:

- GS1: Sustainable Development.
- GS2: Development in the Green Belt.
- GS3: Major Developed Sites in the Green Belt.
- GS6: New Development in the Countryside.
- NE1: Landscape Character.
- NE7: Protection of Trees and Hedgerows.

Assessment of the Proposal

The principle of the use of this site for waste management purposes has already been established by previous planning permissions and does not need to be reconsidered at this point. The site provides a facility for managing waste arisings in the north-eastern part of Derbyshire which enables a high proportion of the imported material to be recycled or processed, and helps minimise the amount of waste going to landfill. It therefore moves the waste up the waste hierarchy in accordance with European and national policy and guidance.

The main issues arising from this application relate to:

- the location and use of the unauthorised buildings;
- the impacts and benefits of the proposed changes to the perimeter and storage bunds; and
- the revised landscape proposals.

Land Restoration Levels

The ground levels of the main operational area are broadly in accordance with the previously approved plans. The area, which is the subject of this application, is the northern part of the site; that is the area not used for waste management purposes. The approved restoration plan is not very detailed. Nevertheless, visual inspection of the site suggests that the current landform in the northern area is higher than the approved plan provides for and this has been confirmed by a recent topographical survey. The applicant states that the current landform in this area was created to blend the site levels with the adjacent railway embankment and to allow vehicular/plant access to the area for maintenance purposes. This part of the site is visually contained within the surrounding landscape by the railway embankment; the river and mature vegetation and the current landform is appropriate in this context. This existing landform can therefore be retained without detriment to the area.

Perimeter Bunds

The creation of 2 metres high perimeter bunds formed part of the proposals in the 2005 planning application and it is regrettable that these have not yet been completed as they were considered to be an integral part of the site screening mechanism. The applicant states that the planning permission coincided with the economic downturn which resulted in a reduction of appropriate material being received at the site. It is acknowledged that the recession did result in a reduction in construction work and a corresponding reduction in demolition wastes. Nevertheless, the supporting statement for the current application states that sufficient material is currently available on site to complete the bunds to an increased height of 4 metres, and to create an additional bund of 90 metres in length across the northern part of the site to physically separate the operational area from the remainder. It is disappointing that the bunds have not even been completed to the 2 metres height as originally proposed,

which would have provided the intended screening effect for the last nine years of operation.

That aside, the completion of the bunds at the proposed 4 metres height, followed by seeding and planting as shown on the current landscape proposals, would provide certain benefits. It would help further visually contain the site and screen the operations and some of the buildings, it would provide an additional acoustic and dust barrier, and could assist in site drainage as suggested. When the proposed landscaping of the bunds was completed and matured, it would contribute to the overall site restoration and help its assimilation into the surrounding landscape. This part of the proposal is therefore considered to be acceptable but it is recommended that the completion be secured by an appropriate condition with no further leeway on the time period being allowed.

Storage Mounds

The current planning permission restricts the storage of raw and processed materials to no more than 4 metres in height and the operator is seeking to have this increased generally to 10 metres. The application proposes that the storage of wood which would be in a defined area only and restricted to a maximum height of 6 metres, as this material is considered by the applicant to be more prominent than other wastes.

The supporting statement for the application states that the current restriction has proved unsuitable from an operational perspective and claims that 10 metres is more in keeping with the industry standard. In addition, it claims that the proposed height is more efficient, would use less heavy oil fuel and enable the operation to maintain high levels of recycling, but it does not provide any evidence to support these claims. The applicant states that a restriction to 4 metres would require a larger surface area to be used for the mounds which would make it more difficult to keep out rainwater. The supporting statement claims that the transient nature of the mounds, the type and colour of the materials and the limitation of views in to the site from distance means that they would not be intrusive at the proposed height.

Most of the storage mounds are in the central part of the site where they are visually prominent from certain viewpoints, notably from Hague Lane to the east which is elevated above the site. Whilst it is accepted that the material in the mounds will change continuously, the presence of the mounds is effectively a constant feature of the facility whilst ever it is in use. The claim that a restriction to 4 metres would require the use of a greater surface area is not considered to be justification for the height to be increased to 10 metres. It is self-evident that a lower height limit would require the use of a larger surface area for any given amount of waste but the applicant is not proposing that the location and extent of the mounds be restricted so, as proposed, the mounds could cover the whole of the identified area and at a height of 10

metres. The site is in the Green Belt and therefore, the impact on the openness of the area is an important issue. In the absence of any substantive justification for the proposed increase to 10 metres, and due to the location of the site in the countryside and in the Green Belt, it is considered that 10 metres storage mounds would be too prominent and intrusive as they would extend well above the perimeter bunds. The site area set aside for the storage mounds is extensive which adds to the scale of the impact of the mounds but also provides the opportunity for the use of a larger area at a more restricted height. It is therefore considered that a general restriction consistent with the proposed storage mounds for wood wastes would be more acceptable.

Unauthorised Buildings

The site contains three buildings which have been erected without the benefit of planning permission. Two of these buildings are within the area of the site for which Condition 2 of the previous planning permission (CW4/0105/203) expressly stated that no new buildings should be erected. For the purposes of clarifying the current position, the condition was imposed by this Authority on the application for the permanent retention of the waste management facility, due to the general concern about the location of the site in the countryside and the impact of any more buildings, particularly in the specified area, on the openness of the Green Belt.

The waste storage building is constructed in concrete block walls and metal sheet cladding, and has been divided into three bays. It is located adjacent to the south-western boundary of the site where the contours of the site and boundary vegetation restrict views. Officers consider this building does not intrude into the countryside or affect the openness of the Green Belt. It is acceptable in this location and in its form of construction.

The office/weighbridge/facilities building is a two-storey block of 'portacabin' style construction. The units are in a good state of repair and are an improvement on the previous block, which was in a poor state of repair and was becoming structurally unsound. The weighbridge itself remains in the same position as when the site opened, but the new office block has been installed a few metres to the east. This is technically in the restricted area but the encroachment is modest and does not significantly alter the appearance of the site. Construction of the block in single-storey would have had a less visual impact but, taking account of the current block in comparison to the previous building, it does not significantly affect the appearance of the site.

The waste processing building raises more serious concerns. It is located well into the area and is a substantial structure. The reason given by the applicant for its installation without prior planning permission is not an acceptable justification for its construction at the facility and is certainly not justification for the construction of a large building in this particular location. Municipal green waste arisings in the north-eastern part of the County are now managed

elsewhere), so the original stated reason for the introduction of the building is redundant. It is now occupied as part of the general facility at the site and there is no substantive need for it to be in this location. The securing of a contract to manage more waste, whether from the County Council or any other client is irrelevant to the planning position. The applicant did not contact the waste planning authority about his intention to construct the building, or afterwards, in an attempt to regularise its construction. Its presence was only discovered by officers of this Authority on a routine enforcement monitoring inspection. It is a breach of the restriction placed on the site by this Authority at the time of the granting of permanent planning permission and no explanation has been provided why it was not constructed in the 'non-restricted' part of the site.

This aside, it is necessary to consider the application on its merits. It is therefore appropriate to examine the specific objectives and provisions of the DDWLP Policy W3c. The principal objective of the policy is to reflect and help implement the general national and local Green Belt policy to maintain the openness of such areas and to restrict new built development to those exceptions that were essential to the area and which were designed and located to minimise any impact on the openness. Policy W3c states that other forms of development (which includes new buildings) will not be permitted unless they are on an identified major developed site or would provide small-scale, essential facilities for the maintenance or improvement of waste management facilities would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

This is not an identified major developed site as defined for this policy. The applicant has stated that he had a need for the building to fulfil a new contract but that does not equate to it being essential for the use made of it. It is certainly not essential that the building should remain on the part of the site that the applicant chose for its location. The building in this part of the site does diminish the openness of the area and therefore adversely affects the purpose of the Green Belt designation of the area.

The 'urgent need' for the building is no longer such a significant consideration; the building is not used for managing green waste and now forms part of the general covered sorting structures within the overall waste management facility. The main issue is whether the impact of this building is so adverse as to merit refusing planning permission, or limiting its retention to a temporary period. The size, form and materials of the building are in keeping with other buildings elsewhere on the site and are not dissimilar to other industrial and agricultural buildings in this part of the County. The dark green colour of the cladding is recessive and helps to reduce the visual appearance of it in its surroundings. It is, however, very visible from the open aspect from Hague Lane. This road sits on higher land relative to the site which further exposes views into the site and to views of this building in the open part of the

site. The proposed extension of the bunds to 4 metres in height to the north of the building and the extension of the bund to the rear, with additional tree planting, would help to reduce its prominence but it would be some years before the new trees matured. However, it is difficult to predict how successful these measures will prove to be in negating the adverse impact on the openness of the area. The screening effect of the bund and tree planting will only reduce the prominence of the building from viewpoints in one direction. It would remain visible from all other areas, particularly the high ground on Hawthorn Hill to the south.

I am also mindful that although some time has elapsed over discussions with the applicant about the form and content of this current planning application, the waste planning authority has not previously instigated enforcement proceedings relating to this building. The applicant has clearly made use of the building and it now forms part of his established business. Removing it immediately could cause logistical problems for the business. For these reasons, I recommend that permission be granted for the retention of the building for a temporary period of five years, which would allow the applicant time to investigate and obtain relevant permissions to re-organise the layout and operation of the site to accommodate operations currently undertaken in the building to another location in the southern part of the site outside the restricted area.

(3) **Financial Considerations** The correct fee of £1,690 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 delegated decision.

(5) **Environmental 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 and transport considerations.

(6) **Background Papers** File No. 4.2060.7
Application and supporting statement from IBA Planning Ltd under cover of letter dated 20 February 2015.

Supplementary submissions from IBA Planning Ltd under cover of letter dated 18 June 2015.

Emails from Network Management dated 26 February and 3 July 2015.

Emails from Rights of Way dated 4 March and 15 July 2015.

Letters from Network Rail dated 17 March and 17 July 2015.

Letters from the Environment Agency dated 20 March and 2 July 2015.

Letters from North East Derbyshire District Council dated 26 March and 21 July 2015.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission for the development described in the application code no. CW4/0215/138 be **granted** subject to the conditions substantially similar to the following:

Form of Development

- 1) The form of development shall be in accordance with the terms of planning permission CW4/0105/203 granted by the Waste Planning Authority on 3 March 2006, as detailed in the planning application from Ian Baseley Associates dated 20 December 2004, as amended by the drawing attached to the letter from Ian Baseley Associates dated 7 October 2005, as further amended by the details contained in the application from IBA Planning Ltd under cover of letter dated 18 June 2015, except as may otherwise be required by the conditions set out below.

For the avoidance of doubt, the details of the development are comprised in the following:

- Location Plan (dwg. ref. 15/140-01);
- Existing Layout Plan (dwg. ref. 15/140-02);
- Proposed Layout Plan (dwg. ref. 15/140-03 A);
- Existing Topographical Survey with Sections;
- 3no. Existing and Proposed Sections (A-A, B-B and C-C);
- Proposed (detailed) Landscaping Plan (incorporating Topographical detail - dwg. no.6425-L-01 Rev D);
- Landscape and Visual Appraisal;
- Photomontage without waste processing building (dwg. no. 6425-L-12) and with waste processing building (dwg. no. 6425-L-13)
- Photographic Appraisal of 3no. Buildings as amended;
- Proposed Waste Storage Barn (dwg. ref. 15/140-04);
- Proposed Site Office, Office Storage and Welfare Facilities (dwg. ref. 15/140-05); and
- Proposed Waste Processing Building (dwg. ref. 15/140-06).

Reason: To control the form of development in the interests of the amenity of the area.

- 2) Use of the waste processing building shall cease on or before the end of the period of five years from the date of this decision notice. The building shall be removed within six months from the end of that period

Reason: The location of the unauthorised building has an adverse impact on the openness of the Green Belt, contrary to policies W3 and GS2. However, in recognition of the contribution of the building to the overall function of the waste management facility, planning permission is acceptable for the temporary period. This enables the operator to seek permission to replace the building within the southern part of the site would not so adversely affect the openness of the Green Belt.

- 3) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015, or any order amending or replacing that Order, no extensions or alterations to the external appearance of the structures hereby permitted shall be carried out and no further building, structure or any other enclosure shall be erected, constructed or placed on the site.

Reason: To maintain the openness of the site which is located in the Green Belt and, in particular, to maintain the openness of the site which is prominent in the local landscape and where additional structures and/or buildings would impact detrimentally on the openness of the area.

- 4) No operations approved under the terms of this planning permission shall take place within a lateral distance of 2 metres from the adjacent railway boundary along the north-eastern boundary of the site.

Reason: In order to protect the integrity of the railway property.

- 5) The types of waste received and processed at the site shall remain limited to those listed in the planning application (ref CW4/0105/203) from Ian Baseley Associates dated 20 December 2004.

Reason: The import and processing of other waste types could give rise to impacts which have not been considered in the assessment and determination of this proposal.

- 6) No stockpiles or mounds of materials (processed or otherwise including compost windrows) shall exceed 6 metres in height from existing ground levels.

Reason: In the interests of the visual amenity of the area.

- 7) The access track from Hawthorn Hill, which has been laid out and surfaced in accordance with the requirements of Condition 6 of planning permission CW4/0105/203 shall be maintained in such condition for the duration of the development.

Reason: To ensure the provision of a satisfactory access to the site and to prevent the carry out of mud and other debris onto the public highway in the interests of highway safety.

- 8) The construction of the perimeter bunds shall be completed within six months of the date of this decision notice in full accordance with the details shown on drawing reference 15/140-03A Proposed Layout Plan (Feb 2015)

Reason: In order to provide adequate screening of the site and operations in the interests of the visual amenity of the area.

Hours of Operation

- 9) None of the operations authorised or required by this decision notice shall be carried out except between the following hours:

0700 hours to 1800 hours Monday to Saturday.

No operations shall be carried out on Sundays or Public Holidays.

Reason: To control the hours of operation in the interests of the amenity of the area.

Noise, Dust and Odours

- 10) The operator shall implement all measures that are necessary to prevent or minimise the creation of noise, dust and odours, or wind-blown materials from any of the operations or uses authorised by this decision notice. In the event that the measures detailed in the planning application documents relating to planning permissions granted at this site, or any other measures implemented by the operator fail to prevent the transmission of dust, odours and litter onto adjoining property, or the Authority notifies the operator that the level of noise, dust, wind-blown materials or odour being generated is causing significant disturbance to the owners and occupiers of any property, the impact generating activity shall be suspended until alternative measures have been specified by the Authority.

Reason: To minimise the generation of noise, dust, odours and litter in the interests of the amenity of the area.

- 11) All plant and vehicles employed on the site shall, at all times, be silenced in accordance with the manufacturers' recommendations and shall be so maintained for the duration of the development.

Reason: To minimise the generation of noise, dust, odours and litter in the interests of the amenity of the area.

Burning of Waste

- 12) There shall be no burning of waste materials on the site, except for the use of timber waste in appropriate plant within the electricity generator building.

Reason: To ensure that all waste materials are managed to secure the maximum level of reuse and recycling, and to prevent adverse impacts on the amenity of the area.

Mud on Roads

- 13) No waste materials, mud or other debris shall be carried from the site onto the public highway.

Reason: In the interests of highway safety.

Drainage

- 14) There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.

- 15) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least 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, or the combined capacity of the interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses 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 overflow pipe outlets shall be detailed to discharge downwards.

Reason: To prevent pollution of the water environment.

Landscaping

- 16) The site shall be landscaped in accordance with the details shown on drawing number 6425-L-01 Rev D, as part of planning application

submitted by IBA Planning Ltd under cover of letter dated 20 February 2015. The scheme shall be implemented in the first planting and seeding season following the completion of the perimeter bunds. Any tree or shrub, which within five years of being planted, dies, becomes diseased or is otherwise removed, shall be replaced in the first available planting season with another of the same species and size unless otherwise approved in writing by the Waste Planning Authority.

Reason: To help screen the development and reduce its visual impact, and to help assimilate the site into the surrounding landscape.

Policies

The principal planning policies relevant to the determination of this planning application are:

Derby and Derbyshire Waste Local Plan

W1b: Need for the Development.

W2: Transport Principles.

W3: Development in Green Belts.

W5: Identified Interests of Environmental Importance.

W6: Pollution and Related Nuisances.

W7: Landscape and other Visual Impacts.

W8: Impact of the Transport of Waste.

W10: Cumulative Impact.

North East Derbyshire Local Plan Saved Policies

GS1: Sustainable Development.

GS2: Development in the Green Belt.

GS3: Major Developed Sites in the Green Belt.

GS6: New Development in the Countryside.

NE1: Landscape Character.

NE7: Protection of Trees and Hedgerows.

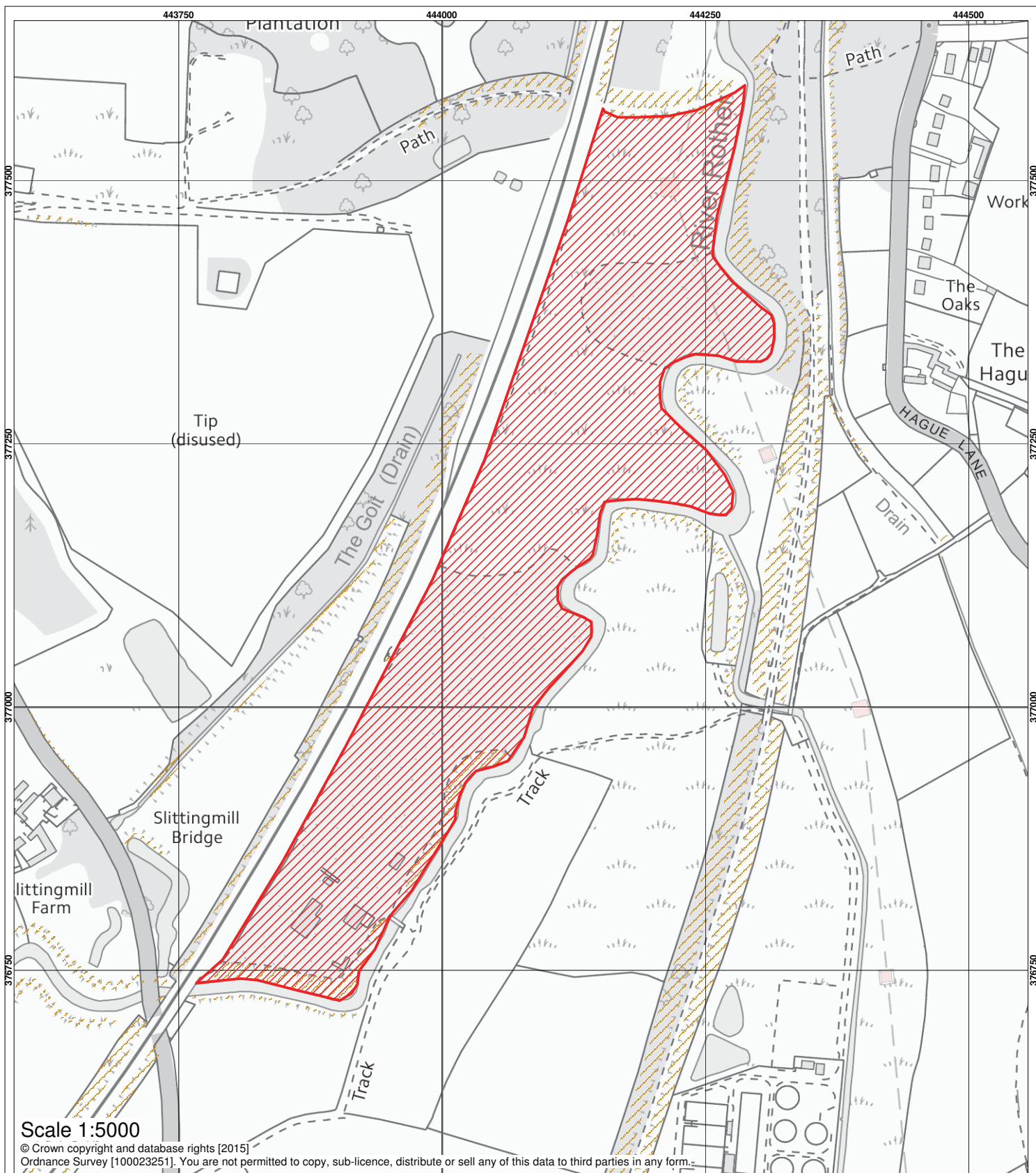
Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2012

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 compliance 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. In addition the applicant was given further advice concerning the coverage and suitability of the documentation submitted with the planning application resulting in the applicant submitting revisions and additions to the original proposals.

Footnotes

- 1) Attention is drawn to the requirements of Network Rail detailed in the attached email dated 17 July 2015.
- 2) Attention is drawn to the request by the Environment Agency specified in the attached letter dated 20 March 2015.
- 3) Notwithstanding the range of waste types referred to in any Environmental Permit, the types of waste that may be imported are restricted to those specified in application reference CW4/0105/203.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



Development Management
Shand House
Dale Road South
Matlock
DE43RY

Committee Plan - Slittingmill Recycling Centre - CW4/0215/138

