

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

20 April 2015

Report of the Strategic Director – Economy, Transport and Environment

1 APPLICATION FOR RETROSPECTIVE PERMISSION FOR CHANGE OF USE TO WASTE TRANSFER STATION, AT PLANET METALS, INCOMOL BUILDING, DERBY ROAD, CLAY CROSS
APPLICANT: PLANET METALS
CODE NO: CW4/0115/132

4.2486.2

Introductory Summary The applicant seeks a grant of retrospective planning permission to authorise the change of use of an existing industrial premises which has taken place from a general industrial use to a waste transfer station use. The site is in an established employment area, at the Incomol Buildings, off Derby Road, Clay Cross. The waste transfer use for which permission is sought involves metal waste sorting and processing before export for final disposal and processing for recycling elsewhere. It contributes to sustainable waste management objectives in the recycling of waste metal. I am satisfied that its impacts on amenity and the environment are not significant and can be appropriately controlled by planning conditions. The application accords with the National Planning Policy Framework, the National Planning Policy for Waste, the development plans and other material planning considerations and is recommended for approval subject to the recommended planning conditions.

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

(2) **Information and Analysis** This application is for retrospective planning permission for a change of use of premises containing an industrial building, to a use for the sorting and cutting of waste metal for transfer onward for recycling/reuse.

The premises are understood to have been used previously for industrial purposes (corresponding to class 'B2' of the Town and Country Planning (Use Classes) Order 1987).

Under the waste transfer use, waste metals are sorted into skips and then moved off-site for processing. The waste transfer use has endured without the benefit of planning permission for several years.

Site and Surroundings

The premises which form the application site are located at the northern extent of built development on the west side of Derby Road, Clay Cross, within an established employment area. To the north and west of the application site is open countryside. To the south is a commercial bus garage. To the rear of the waste metal transfer business is a timber supplies business which is also owned and operated by the applicant.

The building is not Listed and is not within a Conservation Area.

The Development

This is a retrospective planning application. The waste metal transfer use is claimed to have been operating for several years but without the benefit of planning permission. This planning application seeks to regularise this.

The waste metal transfer activities comprise receiving and sorting waste metal. A significant amount of the waste metal involves plumbing and building waste such as copper pipe and water cylinders, brass fittings, radiators, steel lintels etc. White goods e.g. fridges, cookers, and scrap metal e.g. brake discs (from local garages), are also received at the facility. This is a relatively small scale waste metal transfer operation. The maximum annual operational throughput is specified in the application as 720 tonnes.

The majority of waste metal is delivered to the site by customers and the site attracts between 10-15 customers per day. The facility employs two full time persons. This is the only facility of this type in the local area. The two nearest other waste metal transfer facilities to the application site are 3.7 miles away at Burley Close, Chesterfield (Spire Recycling) and 5.4 miles away at Hasland (J.W. Thompson). Beyond this are facilities 7 miles away at Temple Normanton (C.T. Ramsdale and Son), A. Howard (Tansley) and Old Whittington (Richard Fletcher Metals Ltd.).

Some metal items are cut into manageable pieces at the facility e.g. copper pipe using a guillotine or a metal saw. All cutting takes place within the building. Metals are separated and stored in separate skips within the yard. The skips are then collected and taken off-site for processing. A total of six skips are normally kept on site at any one time: two for copper and brass (the copper and brass is separately bagged but stored within the same skips); two for light steel/iron; one for heavy steel/iron; and one for white goods. On average 13 skips are collected from the site per month.

The hours of use sought by the applicant are:

Mondays to Fridays 0800 to 1800 hours;
Saturdays 0800 to 1800 hours;
Sundays and Bank Holidays 0800 to 1800 hours.

Planning History

The applicant claims to have been operating the waste metal transfer business for approximately eight years without the benefit of planning permission. The submitted information indicates that the applicant was not aware that planning permission was required having believed that their use was in that accordance with an existing B2 general industrial use.

The County Council does not hold any further planning history for this site.

Consultations

Local Member

Councillor Wright was consulted on 29 January 2015 with a request to make any comments by 19 February 2015.

North East Derbyshire District Council (Planning)

North East Derbyshire District Council Planning Services was consulted on 29 January 2015 with a request to make any comments by 19 February 2015. The District Council stated, on 24 February 2015, that it has no objections subject to relevant conditions being included in any planning permission to limit the type of waste to inert materials and to restrict the hours of operation to between 0800 and 1800 hours Monday to Fridays, 0800 to 1300 on Saturdays and no working on Sundays.

North East Derbyshire District Council (Environmental Health)

North East Derbyshire District Council Environmental Health Department was consulted on 29 January 2015 with a request to make any comments by 19 February 2015. The District Council responded on 24 February 2015 and 16 March 2015. The latter response was in relation to comments made in relation to noise by a local resident (please see below). A copy of the local residents' comments were forwarded to Environmental Health for comment.

The District Council Environmental Health comments are summarised as follows:

The hours of use requested in the planning application may give rise to noise complaints and are not appropriate. They would only be appropriate where the application was submitted with a detailed noise impact assessment and appropriate mitigation proposed.

With respect to the comments made by a local resident over noise emanating from this operation it is appreciated that noise will be audible at nearby dwellings. Without a detailed noise impact assessment being undertaken, it is difficult to comment upon the scale of the impact.

The Environmental Health Department anticipates that the applicant will adopt good practice procedures to minimise adverse noise impacts, given the risk of enforcement action.

The hours of use requested by the applicant (0800 to 1800 hours Monday to Friday) are considered reasonable. For Saturdays it is recommended that working hours are restricted to 0800 to 1300 hours. Sunday working is considered inappropriate and it is recommended that no working on Sundays is permitted.

The Environmental Health Department has confirmed that it has not received any complaints regarding noise with respect to this existing operation.

Clay Cross Parish Council

Clay Cross Parish Council was consulted on 29 January 2015 with a request to make any comments by 19 February 2015. The Parish Council responded on 16 February 2015. The comments of the Parish Council are as follows:

“The applicant has been carrying out a waste metal sorting and cutting business for some years without planning permission;

The applicant has suggested that the site would not be vulnerable to the presence of contamination and it would seem certain that the cutting and sawing of various metals and residues from car parts such as oil, petrol and benzenes would have a detrimental effect. There must also be waste products arising after the guillotining and dismantling of white goods such as plastics, oils, grease and other non-recyclable products;

The applicant has stated in Section 24 of the planning application that the site cannot be seen from a public road. This is not the case as seen from the applicant’s submitted photograph which looks from the A61 up through the owners land and into the premises;

Opposite the application site there is a pending District Council planning application for a new pub/restaurant with outdoor play area and dining tables. The waste business would have a detrimental effect on the redevelopment area and site immediately opposite and also on the Snooker Centre adjacent as these facilities provide recreation, food and beverages to people;

The business is not of a high standard of design and landscaping is of a minimum allowing a poor visual aspect from the A61 and the redevelopment site opposite;

The planning application for the proposed Hilltop Opencast Site suggests that the main access to the site will be through the applicants site and would therefore cause potential vehicular problems to site traffic and people visiting Planet Metals;

It is noted from the submitted application form photo appendix that there are only two employees. So why are so many cars parked on the site restricting access?;

The cumulative impact of traffic and road usage is a source of concern involving the construction of a new roundabout, potential heavy traffic from the Hilltop site, the new St. Modwen housing and retail development and the Energy from Waste application on Bridge Street;

The cumulative impact of waste sites within the area poses a threat to people who live in the surrounding area. Sites established include Re-Use Skips on the corner of Market Street and Furnace Hill Road plus pending planning applications locally – Energy from Waste (Bridge Street), Hilltop Opencast (A61) and this planning application.

If permanent screening was introduced restricting the view of the workshops from the new development site and the A61 then this may add a positive outlook onto this retrospective application.”

Environment Agency

The Environment Agency was consulted on 29 January 2015 with a request to make any comments by 19 February 2015. The Environment Agency responded on 9 February 2015 stating that it has no objections. Further comments received from the Environment Agency on 30 March 2015 confirm that Planet Metals is operating the waste metal transfer operation under a T9 exemption and a permit is not required.

Internal Consultations

The County Council's Public Rights of Way team responded on 3 February 2015 stating no objections.

The County Council Tree Officer was consulted on 29 January 2015 with a request to make any comments by 19 February 2015.

The County Highway Authority responded on 24 March 2015 stating that the use is satisfactory in highway terms, however, there is insufficient detail submitted with regard to the parking and manoeuvring space within the

curtilage. The County Highway Authority recommends that any planning permission is subject to a condition requiring that a scheme for car and lorry parking and manoeuvring space should be submitted, approved and implemented within three months of the permission being granted, and the facilities retained available thereafter.

Publicity

The application was advertised by site notices and a press notice in the Derbyshire Times.

Copies of the site notice were also hand delivered to the adjacent D.W. Coaches bus garage and North East Derbyshire Snooker Centre as businesses nearby the site.

As a result of the publicity, one letter has been received from a local resident. The resident does not object in principle to the continuation of this business and considers that it is a useful and necessary local facility for the recycling and management of metal waste.

The local resident states that when the applicant empties metal into the scrap metal storage skips (which are located to the rear of the premises) using a fork lift, the noise can be heard at residential properties on Woodland Way, Riber Crescent, Winster Close and North Street, which are approximately 400 metres away, separated by farmland from the application site.

The resident seeks planning conditions to be imposed to limit noise disturbance and to alter working practices to reduce noise when scrap is being emptied into skips and to install noise screening.

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 (2006) (DDWLP) and the North East Derbyshire Local Plan (2001) (NEDLP). Other material considerations include statements of Government policy in the National Planning Policy Framework (2012) (NPPF), National Planning Practice Guidance (NPPG), the National Waste Management Plan for England 2013 and National Planning Policy for Waste (NPPW) (2014).

National Planning Policy Framework

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 starting

point for decision making. Planning applications 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 NPPF states in its introduction that it does not contain specific waste policies and states that national waste planning policy will be published as part of the National Waste Management Plan for England. The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF so far as relevant.

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal is contained within the NPPW (2014) document.

National Planning Policy for Waste

The NPPF replaced many of the Planning Policy Statements, and the Waste Planning Policy Statement (PPS10) has been replaced by the NPPW (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.

NPPF, NPPW, DDWLP and NEDDLP

The relevant policies against which to assess the proposal are:

NPPF Policies:

Chapter 4: Promoting sustainable transport.

Chapter 11: Conserving and enhancing the natural environment.

NPPW Policies:

Chapters 4 and 5: Identifying Suitable Sites and Areas.

Annex B: Locational Criteria.

DDWLP Policies:

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W9: Protection of Other Interests.

W10: Cumulative Impact.

NEDLP Policies:

GS5: Settlement Development Limits.

GS7: Change of Use and Conversions.

E6: Existing Employment Areas.

E7: Development in New and Existing Employment Areas.

T2: Highway Access and the Impact of New Development.

The key planning considerations for this application are:

- Need for the development.
- Location of the development.
- Potential impacts on amenity and on the surrounding environment.
- Cumulative impact of development.

Need for the Development

The NPPW document emphasises the need to divert as much waste as possible away from landfill so that society can manage its waste in a more sustainable manner. In order to achieve this, the movement of waste up the 'Waste Hierarchy' by promoting the recycling and reuse of waste, rather than sending it to landfill, is essential.

The waste hierarchy aims to:

- minimise the amount of waste that is produced;
- where waste is still produced, to reuse as much useful material as possible;
- where reuse is not possible, to recycle as much useful material as possible;
- where reuse and recycling are not possible to recover any useful energy that the waste can be used to generate;
- only, when the above options are not possible, to dispose of the waste safely.
- landfilling of waste should only be used as a last resort.

DDWLP Policy W1b 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..."*

This existing well used facility receives waste from the surrounding area and, it is considered, provides a useful local waste management facility for the recycling of metal waste in the area. The facility promotes the recycling of scrap metal waste and plays a pivotal role in moving waste through the waste hierarchy. I am therefore satisfied that there is a need for the development to cater for a local need and that it would accord with DDWLP Policy W1b and the sustainable waste management objectives of the NPPW.

Location of the Development

The application site is located in an 'existing employment area' as delineated on the NEDLP Proposals Map and is within defined settlement limits.

Policy GS5: Settlement Development Limits, states that within Settlement Development Limits, as defined on the Proposals Map, development will be permitted provided:

"It would not be detrimental to the character and appearance of the site and its surrounding environment; and

It would not have a detrimental effect on the amenities of neighbouring occupiers and uses."

This is an application for a change of use that does not significantly alter the character and appearance of the site and its surrounding environment, having regard to the pre-existing general industrial use. The waste metal transfer operation is not dissimilar to a general industrial employment use and the application site is adjacent to this type of existing development. It is considered that this current use causes no serious detriment to the amenities of neighbouring occupiers and users. As such, it is considered that the application accords with this policy.

Policy E6 Existing Employment Areas and Policy E7 Development in New and Existing Employment Areas of the NEDLP seek to protect the employment generating potential of sites, such as the application site, with priority being for industrial and business uses that fall within B1 (Business), B2 (Industrial) and B8 (Storage) use classes. Whilst the proposed use does not fall within the B1, B2 or B8 use classes, being 'Sui Generis' (definition: in a class of its own), it is considered to be an 'employment use'.

North East Derbyshire District Council (Planning and Environmental Health) has no objections to this proposal subject to relevant conditions being included in any planning permission to limit the type of waste to inert materials and to restrict the hours of operation. As such, it is considered that the proposed change of use would not conflict with Policies E6 and E7 of the NEDLP in this respect.

Chapter 4 of NPPW states that waste planning authorities should consider a broad range of locations for waste management facilities including industrial sites and look for opportunities to co-locate waste management facilities together and with complementary activities. The application site was previously being used as a general industrial unit, and is within an existing employment area. The waste metal transfer facility's customer base includes local businesses which are based in the area. Thus it is considered that the proposed development accords with the requirements of this guidance.

Annex B of NPPW sets out locational criteria for waste planning authorities to consider in determining planning applications:

- Protection of water quality and resources and flood risk management.
- Land instability.
- Landscape and visual impacts.
- Nature conservation.
- Conserving the historic environment.
- Traffic and access.
- Air emissions including dust;
- Odours.
- Vermin and birds.
- Noise, light and vibration.
- Litter.
- Potential land use conflict.

North East Derbyshire District Council's Environmental Health has confirmed that it has never received any complaints or had any concerns about this waste metal transfer operation. The nature of the waste, being inert non-odorous metal items, would not normally give rise to concerns over odours, air emissions and vermin. With regard to noise, a member of the public has made comment in response to this planning application about being able to hear the operator drop waste metal into skips using a fork lift approximately 400m away. This is not regular noise but sporadic. Employment use noises in neighbouring units may be far more intrusive. Some scrap metal items may contain fluids which may need to be decanted into containers.

Potential Impacts on Amenity and on the Surrounding Environment

Policy GS7: Change of Use and Conversions of the NEDLP states that planning permission for change of use will be permitted provided that the use, scale or type of operation will not have an adverse effect upon the character of the area or neighbouring land uses.

Policy E7: Development in New and Existing Employment Areas of the NEDDL P seeks to presume in favour of 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 local and trunk road network in the vicinity of the site is capable of accommodating traffic generated by the proposed development.”*

Policy T2 of the NEDLP states that planning permission will only be granted for development which includes access by vehicles provided that:

*“(a) the development would be served by a safe access with appropriate gradient, width, alignment and visibility;
(b) the site is accessible to a road network of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road network;
(c) there is satisfactory provision within the site for access, manoeuvring and circulation;
(d) there is no significant adverse impact on the environment or amenity of local communities; and
(d) the needs of pedestrians, people with disabilities, cyclists and public transport users are also taken into account.”*

Policy W6: Pollution and Related Nuisances of the DDWLP states that waste development will be permitted only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects on people or communities, the site of the development, nearby land uses or the wider environment.

Policy W9: Protection of Other Interests of the DDWLP states that waste development will be permitted only if the development 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.

Paragraph 123 of Chapter 11: Conserving and Enhancing the Natural Environment of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. This paragraph also states that there should be recognition that development from businesses will often create some noise. Some noise is to be expected at general industrial sites. Appropriate planning conditions such as restricting hours of use can be utilised to reduce any adverse impacts on health and quality of life.

Clay Cross Parish Council has raised concerns that the metal transfer operation is not of a high standard of design and landscaping is of a minimum. The Parish Council also states that this allows a poor visual aspect from the A61 and the proposed redevelopment site opposite (land to the east of the application site, the other side of Derby Road, which has a pending District Council planning application for a new pub/restaurant with outdoor play area). The comments of the Parish Council are noted. The application site is within an established employment area and is set well back from the A61. The unit has an existing planning permission for general industrial use. The appearance of this building and site is not considered to be out of keeping with an employment use and the locality.

A local resident has stated that waste metal can be heard being tipped into skips from the application site westwards, towards a residential area, across a

distance of approximately 400m and has recommended noise attenuation screening to address this. The comment has been considered and it is noted that the nature of the noise is sporadic and not continuous. A copy of the residents' comments were forwarded to the North East Derbyshire District Council's Environmental Health Officer (EHO) who confirmed that no complaints regarding noise or any other environmental problem have ever been raised in respect of this waste metal transfer operation. The EHO considers that the hours of use requested by the applicant are reasonable for Mondays to Fridays (0800 to 1800), but considers that Saturday working should be restricted to 0800 to 1300 hours and no working on Sundays. In addition to this, it is considered that no working on Bank or Public holidays is also appropriate in order to preserve local residential amenity. In view of the sporadic nature of the noise, and relevant conditions to control the hours of use, it is not considered necessary to also require noise attenuation screening.

Overall, it is considered that the proposal accords with the requirements of Policies GS7, E7 and T2 of the NEDLP and Policies W6 and W9 of the DDWLP which seek to protect the appearance and character of an area and the environment and amenity of local communities.

The Parish Council has concerns as to the level of car parking at the site when there are only two employees at this operation. The County Highways Officer also has concerns at insufficient detail submitted by the applicant with regard to parking and manoeuvring space within the site curtilage. As a result, an appropriate condition to address this is recommended. It is considered that this accords with Policy T2 of the NEDDLP which seeks satisfactory provision within a planning application site for access, manoeuvring and circulation.

Cumulative Impact of Development

Chapter 5 of National Planning Policy for Waste states that:

“Waste planning authorities should assess....the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.”

Policy W2: Transport Principles of the DDWLP states that:

“Waste development which would be likely to result in an overall significant increase in the number or distance of waste-related journeys.....will not be permitted if there is a practicable, environmentally better alternative.”

Policy W10: Cumulative Impact 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."

This is the only facility of this nature in the locality. The nearest two other waste metal transfer facilities are in Chesterfield (3.7 miles away) and Hasland (5.4 miles away). Without this facility, the customer base would have to travel extra miles to the nearest facility. If the use of the premises were within the B2 general industrial use class, the amount of vehicle deliveries, operational noise etc. would not be dissimilar to that which it is witnessed now as a metal waste transfer facility.

The comments of the Clay Cross Parish Council in respect of the cumulative impact of waste sites, traffic and road use are noted. Waste metal transfer sites are not prevalent in this area (please see details above regarding local existing facilities). The cumulative impact of traffic generated by the waste metal transfer station and road use is not a cause for concern raised by the County Highway Authority. Deliveries of waste metal to the site and collections/ deliveries of waste skips do not appear excessive and are in keeping with a general industrial use. Paragraph 34 of Chapter 4: Promoting Sustainable Transport of the NPPF states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe.

Having considered the above, it is considered that the development would not have any significant environmental or amenity impacts, and that there would not be any significant effect on the environment in relation to either an accumulation of the potential impacts discussed above or any of those potential impacts together with existing development. Thus, it is considered that the development is acceptable within the context of national and local development plan policies.

Conclusion

On balance, it is considered that the waste metal transfer facility would help to cater for the needs of the local area and would have benefits in terms of the role it would play in enabling waste to be processed higher up the waste hierarchy and its contribution towards sustainable waste management objectives. It is not considered that the proposed change of use would give rise to unacceptable or amenity impacts.

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

(3) Financial Considerations

The correct fee of £385 has been

received.

(4) **Legal Considerations** This is an application under Part III of the Town and Country Planning Act 1990 (as amended) which falls to this Authority to determine 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 and transport considerations.

(6) **Background Papers** File No. 4.2486.2
Application documents dated 22 January 2015 from Planet Metals.
Correspondence from the Highways Area Management Division dated 24 March 2015. Correspondence from the Rights of Way Officer dated 3 February 2015. Correspondence from Clay Cross Parish Council dated 16 February 2015. Correspondence from North East Derbyshire District Council (Planning) dated 24 February 2015. Correspondence from North East Derbyshire District Council (Environmental Health) dated 24 February 2015 and 16 March 2015. Correspondence from the Environment Agency dated 9 February 2015.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** in accordance with the application, subject to a set of conditions substantially similar to the following:

Commencement

Form of Development

- 1) The development shall be in accordance with the details set out in the planning application and the accompanying drawing and planning statement from John Church Planning Consultancy dated 22 January 2015 and registered as valid on 27 January 2015 unless otherwise modified or amended by conditions of this planning permission. For the avoidance of doubt, the approved plans and documents are:

One App Form – Application for Planning Permission dated 22 January 2015.

Submitted Ordnance Survey Plan dated 22 January 2015.

Planning Statement.
Appendix A – Photos.

Reason: To ensure conformity with the details of the application that is approved and to clarify its scope.

- 2) No waste other than metal waste as identified in the application documents shall be brought to and processed as part of this waste transfer facility.

Reason: Other types of waste material could raise environmental and amenity issues not considered in the determination of this retrospective application and could be detrimental to the amenity of the area.

- 3) Notwithstanding the details submitted, within three months from the date of this permission, the applicant shall submit for consideration and approval by the Waste Planning Authority, a scheme illustrating the layout of the site. The scheme shall include location of all proposed plant and equipment on the site including area/s defined for:
- i. Storage of unsorted metals.
 - ii. Storage of sorted recycled metals.
 - iii. Storage of skips (full and empty).
 - iv. car and lorry parking.
 - v. vehicle manoeuvring space.

The scheme shall be laid out, operated and maintained in accordance with the details approved.

Reason: To ensure that there is no detriment to visual amenity and to protect the amenity of adjoining land uses.

- 4) A copy of this permission shall be kept available for inspection at the site offices during the prescribed working hours.

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

- 5) No more than 720 tonnes of scrap metal waste annually shall be imported and processed at the site. The operator shall keep accurate records of the amount of scrap metal waste arriving at and leaving the site, and this record shall be made available for inspection by the Waste Planning Authority on request.

Reason: The use of the site at a higher rate of input could raise environmental and amenity issues not considered in the determination of this proposal and could be detrimental to the amenity of the area.

Hours of Operation

- 6) Except in emergencies, no operations authorised or required under this planning permission, including the maintenance of vehicles, plant or equipment shall be carried out except between the following hours:

0800 to 1800 hours Monday to Friday;
0800 to 1300 hours on Saturday.

No operations shall be carried out on Sunday or Public and Bank Holidays.

Reason: In the interests of amenity of the area.

Environmental Protection

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

Reason: In the interest of amenity.

- 8) All rubbish, debris, scrap and other waste material generated on the site shall be regularly collected and stored in a suitable container until disposed of off-site in a suitable facility.

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

- 9) All cutting of waste metals shall be undertaken within the business premises delineated on the submitted Ordnance Survey Plan dated 22 January 2015.

Reason: In the interest of amenity.

Noise

- 10) All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturers' specifications at all times and shall be fitted with and use effective silencers.

Reason: To control the impact of noise generated by the development in the interests of amenity of the area.

- 11) All reversing warning systems used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

Reason: To control the impact of noise generated by the development in the interests of the amenity of the area.

Drainage and Pollution

- 12) The site operator shall ensure that all existing surface water drainage continues to operate in an efficient manner.

Reason: To prevent pollution to the water environment.

Cessation

- 13) Within 12 months of the cessation of use of the waste metal transfer facility all related plant, structures, skips, waste material, shall be removed and the site restored in accordance with a written scheme that has been submitted to and approved in writing by the Waste Planning Authority. The site shall be restored in accordance with the approved details.

Reason: In the interest of the amenity of the area and of the environment.

Statement of Compliance with Article 31 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 accordance with this Article. The applicant had engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application.

The planning application has been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework (NPPF) (2012) and the National Planning Policy for Waste (NPPW) (2014) published by the Department of Communities and Local Government.

There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan.

The development under the planning permission with the conditions above is in accordance with the relevant policies of the development plan, which are listed below.

Policies

The principal planning policies relevant to this grant of planning permission are:

National Planning Policy Framework

Chapter 4: Promoting sustainable transport.

Chapter 11: Conserving and enhancing the natural environment.

National Planning Policy for Waste

Chapters 4 and 5: Identifying Suitable Sites and Areas.

Annex B: Locational Criteria.

Derby and Derbyshire Waste Local Plan

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W9: Protection of Other Interests.

W10: Cumulative Impact.

Adopted North East Derbyshire Local Plan Policies

GS5: Settlement Development Limits.

GS7: Change of Use and Conversions.

E6: Existing Employment Areas.

E7: Development in New and Existing Employment Areas.

T2: Highway Access and the Impact of New Development.

Footnotes

- 1) This permission does not authorise vehicle depollution.
- 2) This permission does not authorise any advertisements required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3) The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example, the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your

attention is drawn to the Coal Authority policy in relation to new development and mine entries available at: www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

Mike Ashworth
Strategic Director – Economy, Transport and Environment

