

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY - PLANNING COMMITTEE

8 January 2018

Report of the Strategic Director – Economy, Transport and Environment

- 1 PROPOSED DEVELOPMENT AT UNIT 11, PYE BRIDGE INDUSTRIAL ESTATE, ALFRETON**
- (I) PROPOSED EXTENSION OF EXISTING WASTE MANAGEMENT FACILITY, TOGETHER WITH THE ERECTION OF A BUILDING FOR WASTE MANAGEMENT PURPOSES (CW6/0717/30)**
- (II) SECTION 73 APPLICATION NOT TO COMPLY WITH CONDITIONS 3 (FORM OF DEVELOPMENT), 8 (EXTERNAL CRUSHING AND REDUCTION OF WASTE NOT MORE THAN FOUR DAYS PER CALENDAR MONTH) AND 21 (REVERSING ALARMS) OF PLANNING PERMISSION CW6/0805/83 (CW6/0717/32)**
- APPLICANT: BRIDGE WASTE DISPOSAL LTD**
CODE NOS: CW6/0717/30 AND CW6/0717/32

6.1774.7 and 6.1774.8

Introductory Summary

This report relates to two applications at Unit 11, Pye Bridge Industrial Estate. The first application proposes a change of use of a piece of land which sits adjacent to the applicant's existing operations in order to extend the waste operation into this site. The application also proposes the erection of a building in which the processing of wood waste, and potentially, other wastes would take place. The second application is an application under Section 73 of the Town and Country Planning Act 1990 which seeks not comply with three conditions on planning permission CW6/0805/83 in order to regularise certain breaches of planning control. The conditions affected are 3 (form of development), 8 (external crushing) and 21 (reversing alarms). Both proposals have the potential to result in impacts associated with noise, dust and odour. It is considered that these impacts could be successfully controlled by condition and would therefore not raise conflict with the development plan or other material considerations, both applications are therefore recommended for approval.

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

(2) **Information and Analysis** Two planning applications are under consideration here. Planning application code no. CW6/0717/30 seeks planning permission to extend the existing waste management facility at Unit 11, Pye Bridge Industrial Estate site onto land which sits adjacent to the existing facility and which has recently been acquired by the applicant. The applicant also seeks permission for the erection of an industrial building on the site extension to store and process waste wood, utilising mobile shredding and chipping machinery.

The second application, code no. CW6/0717/32, seeks permission for an existing development to be carried on without compliance with requirements set out in three conditions of its existing planning permission (code no. CW6/0805/83). This would regularise operations that are currently in breach of the conditions to which that the planning permission is subject.

Site and Surroundings

The existing waste operation is situated on a large, two-part site on an established industrial estate.

The lower (southern) site encompasses a large red brick industrial building of 19th Century construction. This has been added to with modern steel frame units. Within the main building are two trommels and a waste sorting area. The northern part of the site comprises an open compound within which are large piles of waste construction material, i.e. concrete and bricks awaiting processing into recycled aggregates. Mobile crushers are located within this compound to achieve this. Mounds of the recycled aggregate are also stored in the compound awaiting sale. The compound also accommodates some staff car parking. The northern and southern sites are linked by an existing access track.

Both sections of the site are accessed via an access road leading off the industrial estate road. The surrounding land use is predominantly industrial/commercial. There is a residential dwelling, known as The Hideaway, in close proximity to the upper (northern) section of the site to the west that shares a common boundary.

The applicant has recently acquired an additional 0.172 Hectares (Ha) parcel of land which sits between the northern and southern site areas and seeks planning permission to extend waste uses into this land.

Planning History

There are two planning permissions relating to waste uses at the existing site. Both permissions have been implemented.

Planning Application Ref. No.	Description of Development	Determination Date/ Decision
CW6/0805/83	Use of site for waste transfer, storage and recycling of household, commercial and industrial waste by fixed and mobile plant	Permission granted 6 August 2007
CW6/0913/91	Retrospective application for the erection of an extension to house a waste baler	Permission granted 24 October 2013

The Proposal

The applicant seeks planning permission (CW6/0717/30) to extend an existing waste site onto the recently acquired land, to erect a steel framed and clad building in order to house mobile wood shredding and chipping machinery, and also to store and process waste wood and other wastes as and when required. The dimensions of the proposed unit would be 24.4 metres (m) long x 24.4m wide x 10.67m high to the roof apex. The colour finish of the proposed unit would be BS381 C 226 (Mid Brunswick Green). The applicant has confirmed that an additional five members of staff are required to operate the proposed development.

The applicant is also seeking (application code number CW6/0717/32), via the submission of an application under Section 73 of the Town and Country Planning Act 1990, a permission to carry on the use of the existing waste site without complying with requirements of three conditions 3 (form of development), 8 (external crushing) and 21 (reversing alarms) of planning permission code no. CW6/0805/83. The applicant suggests amended wording for such conditions in order to regularise existing site activities that are currently in breach of those conditions under the existing permission.

The content of those conditions and the reasons for wishing to amend their wording are set out below:

Condition 3 (Form of development) is currently worded as follows:

“The development shall take place in accordance with the details contained in the application from Oaktree Environmental Limited dated 12 August 2005, as clarified and amended by subsequent letters from Oaktree Environmental limited date 7 and 13 October 2005, 1 November 2005, 7 July 2006, 2, 4 and 18 October 2006, unless otherwise modified or amended by conditions of this permission.”

The proposed variation seeks to extend the details of the development so as to include the previous erection and current use of a second trommel, which the applicant presently does not have planning permission for. This is situated inside the main waste transfer building. A reconfigured parking layout is also proposed which would avoid potential conflict between site vehicles, visiting heavy vehicles and skip lorries and parked cars, thus creating a safer parking environment. The applicant is seeking to amend this condition to take account of these proposed changes to the site layout.

Condition 8 (External crushing) is currently worded as follows:

“The external crushing and reduction of waste shall not take place on more than four days in any calendar month”.

The applicant seeks to increase the number of days per month that external crushing operations can be undertaken from four to ten days per calendar month. In seeking to increase the number of days per month when crushing and screening operations can occur, the applicant also proposes to limit crushing operations to between 0900 hours – 1600 hours. There is, at present, no limit on hours for crushing within the working day, which runs from 0700 hours – 1800 hours.

Condition 21 (Reversing alarms) is currently worded as follows:

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

The applicant states that, under health and safety requirements, full compliance with the existing planning condition is not possible and that vehicles operating inside buildings need to be fitted with audible alarms.

Consultations

Local Member

Councillors Marshall-Clarke and Smith (Alfreton and Somercotes) have been notified.

Amber Valley Borough Council: Planning

Amber Valley Borough Council (AVBC) (Planning) was consulted and comments were requested by 31 October 2017.

Amber Valley Borough Council: Scientific Officer

The AVBC's Scientific Officer made comments on 17 October 2017:

With regard to planning application CW6/0717/30, the Borough Scientific Officer noted that the historic uses of the site and its surroundings could

potentially be contaminative. Risk to site operatives, neighbours, ecological receptors and future end users is unknown and conditions, including that a site investigation be undertaken prior to development, were recommended to be incorporated into any planning consent.

The Borough Scientific Officer had no comments to make regarding planning application CW6/0717/32

Amber Valley Borough Council: Environmental Health

AVBC's Environmental Health Officer (EHO) responded on 17 October 2017:

In respect of planning application CW6/0717/30, the EHO raised concern that the southern roller shutter door in the proposed new building faces the nearest residence ('The Hideaway') and would result in noise and dust problems. It was therefore recommended that close consideration be given to the permitted operating hours of the mobile shredder/chipper. The EHO also recommended that the southern roller shutter door needs to be kept closed during shredding/chipping operations.

With regard to planning application CW6/0717/32, the EHO has confirmed that there is no history of complaints regarding the two trommels or current crushing operations, and raised no objections subject to the increase in the number of days in which crushing operations could take place subject to their taking place within the restricted operating hours as stated in the planning application.

With regard to Condition 21, the EHO advises that, contrary to the information in the planning application, health and safety legislation does not specifically prescribe the use of audible reversing alarms. Other reversing safety systems are available. The EHO has confirmed that there is no recent history of complaints about noise or nuisance from activities at the site.

Somercotes Parish Council

Somercotes Parish Council was consulted and comments were requested by 31 October 2017.

Severn Trent Water Ltd

Severn Trent Water Ltd was consulted and comments were requested by 31 October 2017.

Cadent Gas Ltd

Cadent Gas Ltd was consulted and comments were requested by 31 October 2017.

Western Power Distribution

Western Power Distribution (WPD) was consulted and comments were requested by 31 October 2017.

Environment Agency

The Environment Agency (EA) was consulted and raised no objections to either application but noted that the proposed change of use of the land covered by CW6/0717/30 would need to be the subject of a variation of the existing Environmental Permit.

Lead Local Flood Authority

Derbyshire County Council, in its statutory role as the Lead Local Flood Authority, had no comments to make in respect of either application.

Highway Authority

Derbyshire County Council, in its statutory role as the Highway Authority, has no objections.

Publicity

The application was advertised by site notice, neighbour notification and press notice (Derbyshire Times) with an invitation for representations by 9 November 2017. Two letters of representation, both objecting to the proposals, have been received from local residents. The concerns raised are summarised as follows:

In respect of planning application CW6/0717/30:

- The external storage of wood waste feedstock generates odours, particularly when wet.
- Current operations prevent nearby residents from sitting outside or opening their windows due to odours and dust.
- The current operations generate dust impacts generally, and specifically when wood waste is moved, in dry weather conditions.
- The proposed expansion into the additional land would move the operations closer to nearby residential properties and would exacerbate existing issues relating to noise, dust and odours.
- Previous complaints have been made relating to noisy activities and the operator crushing more than four days per month.

In respect of planning application CW6/0717/32:

- The proposed increase in crushing from four to ten days would exacerbate existing noise and dust issues associated with the site.
- The existing conveyor sprays are not effective in suppressing dust.

- The mobile crushing machine is very noisy when being transported up and down the shared access road adjoining our garden and close to our house.
- The proposed hours would be more sociable but the proposed increase to ten days per month would result in increased noise and dust levels.
- Local environmental quality would be compromised.
- The proposal would result in a devaluation of property prices.

Where appropriate, these issues are dealt with in the 'Planning Considerations' section below. Property prices are not a material planning consideration.

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 Amber Valley Borough Local Plan (AVBLP) (2006).

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. 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.

National Planning Policy for Waste

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. Appendix B: Locational Criteria of the NPPW lists amenity and environmental factors, including pollution, landscape and visual impacts, potential land use conflict, etc.

Derby and Derbyshire Waste Local Plan

It is considered that the most relevant policies against which to assess the proposal are saved policies W1b: Need for the Development, W2: Transport Principles, W6: Pollution and Related Nuisances and W7: Landscape and Other Interests.

Policy W1b of the DDWLP presumes in favour of waste development where it would cater for the needs of the area as part of an integrated approach to waste management. Policy W2: Transport Principles is against granting planning permission where there is likely to be an overall significant increase in the number or distance of waste related journeys for people, materials or waste.

DDWLP Policy W6 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 to people or communities, the site of the development, nearby land uses or the wider environment. Policy W7 of the DDWLP encourages waste development where the appearance of the development would not cause detriment to the local landscape or townscape, would respect the character and local distinctiveness of the area and would be located and designed to be no larger than necessary.

Amber Valley Borough Local Plan

The Local Plan does not contain policies that are specific to waste management but certain policies set out general development management criteria which are relevant:

ER4: Development within Business and Industrial Areas.
ER5: Redevelopment or Extension of Existing Businesses.
ER11: Quality and Design of Business and Industrial Development.
TP1: The Impact of Development on the Transport Network.
EN16: Pollution.
EN17: Pollution.

These policies raise expectations which are similar to those in the policies of the DDWLP for development to be is appropriately located where it would not give rise to unacceptable impacts on the environment and local communities. I consider that the main issues that need to be considered for this proposal are the need for the development, the location of the development and local amenity and environmental impacts.

Need for the Development

The NPPW emphasises the need to divert as much waste as possible away from landfill. To achieve this, the movement of waste up the waste hierarchy is essential. Appendix A of the NPPW details the waste hierarchy. The reduction and reuse of wastes sit at the top of the waste hierarchy, however, once wastes are actually discarded, recycling and composting are 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 as a last resort.

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

The extension to the existing site, including a new building to house the wood chipping/shredding, (code no. CW6/0717/30) would allow the operator to store the feedstock waste wood, process it and store the processed wood indoors, which would accord with the existing planning permission which requires that no non-inert waste be stored outdoors.

With regard to the existing permitted use and the Section 73 planning application (code no. CW6/0717/32), I consider that this waste site contributes to the waste management needs of both the local area and the wider area of Derbyshire, helping in moving waste up through the waste hierarchy in accordance with national waste policy. It helps to reduce the amount of waste going to landfill or otherwise disposed of, and contributes to the overall system for ensuring waste is collected, treated and re-used in a sustainable manner.

Regarding the proposed extension of the existing activities (planning application code no. CW6/0717/30) into the recently acquired land, and the construction of a large unit to accommodate stocks of waste wood, mobile chipping/shredding plant and stocks of finished product, this would provide some energy recovery as the chipped and bulked wood is essentially waste that has been diverted from landfill and contributes to national energy requirements for biomass fuel.

I am therefore satisfied that both planning applications cater for a local need and that the proposed development would contribute towards the sustainable waste management objectives of the NPPW and accord with Policy W1b of the DDWLP.

Location of the Development

The application sites are on land that is allocated in the AVBLP under Policy ER4: Development within Business and Industrial Areas. This policy seeks to grant planning permission for business, industrial or storage and distribution uses (B1, B2 and B8), including the redevelopment of land and buildings or the expansion of existing premises, within existing business and industrial areas. Criterion a) of this policy also refers to AVBLP Policy ER11: Quality and Design of Business and Industrial Development, and seeks that proposed development considered under Policy ER4 also accords with criteria under Policy ER11, the most relevant criterion being ER11 a) where the proposed development is compatible with its surroundings.

Policy ER5: Redevelopment or Extension of Existing Businesses of the AVBLP presumes in favour of the redevelopment or extension of existing business/industrial/storage and distribution uses (B1, B2 and B8) or their expansion onto immediately adjacent land outside of defined business and industrial areas provided that there is no significant increase in traffic movements within residential areas and no significant adverse impact on residential amenity or visual character in the locality.

The NPPW provides guidance on selecting suitable sites for waste management in its Locational Criteria (Appendix B) and also in Chapter 4: Identifying Suitable Sites and Areas, where the fourth criterion states that waste planning authorities should consider a broad range of locations, including industrial sites.

It is noted that the site and wider area has a history of industrial uses going back to the 19th Century, including foundry, creosote works and engineering uses. This use is suited to this location which is surrounded by B2 General Industrial uses, each creating their own noise, dust and odour problems. This type of facility has the potential to create impacts, such as noise, dust and odours. Activities are undertaken in the open, involve vehicle movements into and out of the site, plus the use of equipment and machinery which has the potential to cause such impacts.

Amenity and Environmental Impacts

The existing facility is in an established industrial area. This Sui Generis use is suited to this location where there is minimal impact and surrounded by B2 General Industrial uses. This type of facility has the potential to create impacts such as noise, dust, odours and visual impacts. Activities are undertaken in the open, involve vehicle movements into and out of the site, plus the use of

equipment and machinery which has the potential to cause such impacts. The application site is within a well-established industrial area and is surrounded by other industrial units and buildings.

The AVBC EHO has confirmed that it has not received any nuisance complaints about this site. The EA has also not raised any objection to the proposals. I note that the concerns raised in the representations predominate over the issues of dust, odour and noise pollution and that these mostly relate to the existing permitted waste operation. I am mindful that the site and its locality has a long history of industrial and commercial uses where no restricted hours of use were in operation and nor were there any pollution monitoring regimes. I consider that revised dust, odour and noise management plans are needed and that the requirement for these can be conditioned as part of the Section 73 variation of planning conditions application (code no. CW6/0717/32). Similarly, it is relevant to request dust, odour and noise management plans for the proposed extension to the site (planning application code no. CW6/0717/30).

I consider that the requirement in Condition 3 of planning permission code no. CW6/0805/83, in respect of the presently unauthorised second waste trommel and the need to reconfigure the car parking layout, can be satisfactorily varied. This would address the present planning breach and I do not consider that the second trommel, being located inside an existing waste transfer building, would cause any detriment to the locality or to the amenity of neighbouring properties. The proposed reconfigured car parking layout represents a safer option to that existing on site at present.

With regard to the proposed relaxation of the requirement of Condition 8 of planning permission CW6/0805/83 to increase crushing days allowed from up to four days per month to up to ten days per month, whilst I note local residents concerns over this with regard to dust and noise problems, I am also mindful that no objections have been raised from either the EHO or the Environment Agency in this respect. The reason for the imposition of the restriction of existing crushing operations to up to four days per calendar month is stated as being for the protection of local and environmental amenity. Whilst the current proposal would more than double those occasions when crushing operations could take place, and would therefore have the potential to increase impacts to local and residential amenity, the restriction to 10 days per any calendar month would still, in my view, provide sufficient protection to local residents and the surrounding area. In this respect I would also recommend that the hours of operation for crushing activities at the site be restricted to between the hours of 0900 hours - 1600 hours Mondays to Fridays and 0900 – 1300 hours Saturdays.

With regard to Condition 21 of the existing planning consent (code no. CW6/0805/83), I note the comments of the AVBC EHO and have investigated

different types of reversing alarms with the EHO. It is important to avoid the use of high pitch tonal type reversing alarms which, due to their frequency, can be heard a considerable distance away, up to 30 times greater than the target hazard zone. A better alternative are white sound alarms which target receptors within the hazard zone, thus benefitting the safety of site workers inside the waste transfer building and also the amenity of neighbouring residents. I consider that the wording of the existing condition would cover the use of such alarms and therefore propose no change.

I note the comments of the EHO in respect of planning application code no. CW6/0717/30 and the permitted operating hours of the mobile shredder/chipper and the comments with regard to the southern roller shutter door needing to be kept closed during shredding/chipping operations. I consider that these matters can be addressed via appropriate planning conditions.

Criterion f) Traffic and Access of Appendix B: Locational Criteria of the NPPW demands that consideration is given to the suitability of the road network and transport links. AVBLP Policy TP1: The Impact of Development on the Transport Network, presumes in favour of development where satisfactory access can be obtained to the transport network and any additional traffic movements generated by the development can be satisfactorily accommodated on the transport network. DDWLP Policy W2: Transport Principles presumes against development where there is likely to be an overall significant increase in the number or distance of waste related journeys for people, materials or waste.

There is no increase in waste throughput proposed and, as such, no increase in vehicle movements. A further five personnel are proposed to operate the wood chipping and storage operation on the proposed extension (planning application code CW6/0717/30), and it is not envisaged that these commuting vehicle movements would impact detrimentally on the capacity of the highway network to the point where the proposed development would not accord with the NPPW, AVBLP Policy TP1 or DDWLP Policy W2.

Policy EN16: Pollution of the AVBLP states that planning permission will not be granted for development that would be likely to lead to a material increase in pollution and seeks to steer potentially polluting development away from existing residential areas or other sites sensitive to pollution where such uses could not reasonably exist.

Policy EN17: Pollution of the AVBLP states, however, that planning permission would be granted for development which is close to existing sources of pollution and where the proposed use is compatible with the existing operation. Policy W6: Pollution and Related Nuisances of the DDWLP presumes against development that would result in material harm, i.e.

contamination, pollution or other adverse environmental or health effects to people or communities and on the site and the wider area.

The proposed extension of this existing waste site is intended for a waste wood chipping and storing facility. This planning application site and the site comprising the existing waste processing area, have both historically been used for industrial uses. I note the comments of the AVBC Scientific Officer in respect of planning application code CW6/0717/30 (proposed extension of the existing site) and have imposed a condition accordingly.

DDWLP Policy W7 seeks to grant planning permission for waste development where the appearance of the development would not materially harm the local landscape or townscape, and would respect the character and local distinctiveness of the area. Appendix B of the NPPW seeks in criterion c) Landscape and Visual Impacts that development respects landscape character. The planning application (code no. CW6/0717/30) for the site extension is relevant and it is considered that the proposed cladded steel construction unit to house the wood storage and chipping operation would not be out of keeping with adjacent structures of similar massing, design and finish in this predominantly industrial/commercial area. I am therefore satisfied that there would be no anticipated landscape or visual impacts associated with the proposed development.

It is considered that, in respect of the location of the proposed development, the proposed variations of existing planning conditions (planning application code no. CW6/0717/32) and the proposed extension of the site (planning application code no. CW6/0717/30) are in accordance with the requirements of NPPW Appendix B criteria c) Landscape and Visual Impacts and f) Traffic and Access, policies W2, W6 and W7 of the DDWLP and policies EN16, EN17 and TP1 of the AVBLP.

Conclusion

Having considered the above, I consider that the proposed extension to the existing waste site, including the erection of a building to house a mobile wood shredder/chipper and wood storage (planning application code no. CW6/0717/30) is acceptable, subject to appropriate planning conditions being imposed, particularly with regard to permitted operating hours of the mobile shredder/ chipper and to the southern roller shutter door needing to be kept closed during shredding/chipping operations.

With regard to the Section 73 planning application (code no. CW6/0717/32) a permission which could regularise the presently unauthorised second waste trommel, can be satisfactorily granted subject to a suitable set of conditions. This would address the present planning breach and I do not consider that the second trommel, being already located inside the existing waste transfer building, would cause undue detriment to the locality or to neighbouring

amenity. This permission could also, through a modified form of the requirement in Condition 3 of the existing permission, permit a reconfigured site car parking layout. I consider that this is beneficial for site safety purposes.

Whilst I note the concerns of local residents with regard to the relaxing the restrictions on crushing days per month up to ten days, subject to the imposition of a condition restricting the hours that such activities could take place I am satisfied that this would not lead to impacts so significant that they would be unacceptable and recommend that the condition be changed accordingly.

With regard to Condition 21 of the existing planning consent (code no. CW6/0805/83), I note the comments of the AVBC EHO and have investigated alternative reversing alarm systems in discussion with the EHO. White noise reversing alarm systems are far less intrusive than high frequency tonal alarms where the white noise alarm receptors are aimed at the hazard zone only, rather than the hazard zone and a wide surrounding area. I note that the applicant seeks to use reversing alarms only on vehicles operating inside the existing waste transfer building and consider that the use of white noise reversing alarms is the best option with the amenity of surrounding residents in mind. As such, I have recommended a condition to this effect.

Overall, I consider that development under the two planning applications under consideration would contribute to the waste needs of the local area, continuing to be part of an integrated approach to waste management. I consider that this would continue to bring benefits in the form of a contribution to more sustainable waste management, which would not give rise to other unacceptable environmental or traffic related impacts. I am satisfied that the proposals would accord with national and local planning policies and, subject to conditions, are recommended for approval.

(3) **Financial Considerations** The correct fees of £2,695 (CW6/0717/30) and £195 (CW6/0717/32) have been received.

(4) **Legal Considerations** These are applications under the terms of the Town and Country Planning General Regulations 1992, which fall to this Authority to determine as the 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 these permissions being granted subject to the conditions referred to in the Officer's Recommendations.

(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 Nos 6.1774.7 and 6.1774.8

In respect of planning application CW6/0717/30:

Application documents received from Bridge Waste Disposal Ltd (agent: Oaktree Environmental Ltd) dated 4 July 2017, Planning Statement ref. 3232-678-B dated 23 June 2017 (author: Oaktree Environmental Ltd), Site Location Map ref. 3232/678/01 dated 27 October 2015, Site Location Plan ref. 3232/678/02 dated 3 June 2016, Building Elevations Plan ref. 3232/678/06 dated 30 June 2017. Email correspondence from the agent, Oaktree Environmental Ltd, dated 15 November 2017 confirming that the proposed development would create five new jobs and that there would be no increase in throughput of waste. Email correspondence from the applicant dated 7 December 2017 confirming the colour finish details of the proposed new building. Letter from the EA dated 10 November 2017. Emails from AVBC's Scientific Officer dated 17 October 2017, AVBC's EHO dated 17 October 2017, County Council Flood Risk Management Team dated 15 November 2017, and County Council Highways Network Management Development Control dated 31 October and 7 December 2017.

In respect of planning application CW6/0717/32:

Application documents received from Bridge Waste Disposal Ltd (agent: Oaktree Environmental Ltd) dated 11 July 2017, Planning Statement ref. 3232-678-C dated 14 June 2017 (author: Oaktree Environmental Ltd), Site Location Map ref. 3232/678/01 dated 27 October 2015, Site Location Plan ref. 3232/678/04 dated 29 June 2016, Site layout Plan ref. 3232/678/05 dated 10 July 2017. Emails from the EA dated 10 October 2017, AVBC's Scientific Officer dated 17 October 2017, AVBC's EHO dated 17 October 2017, County Council Highways Network Management Development Control dated 31 October 2017, and lead Local Flood Authority dated 18 October 2017.

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

7.1 In respect of Planning Application Code No. CW6/0717/30:

Commencement and Duration

- 1) The development hereby permitted shall be begun before the expiration of the three years from the date of this planning permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Written notification of the following shall be provided to the Waste Planning Authority within seven days of any such commencement:
- a) The Commencement of development
 - b) The Completion of the construction phase
 - c) The commencement of wood waste processing and shredding operations.

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

Form of Development

- 3) The development shall only be undertaken in accordance with the following documents and plans as submitted with the application for planning permission from Bridge Waste Disposal Ltd (agent: Oaktree Environmental Ltd) dated 4 July 2017 or as otherwise required by the conditions of this permission:
- Planning Statement ref. 3232-678-B dated 23 June 2017 (author: Oaktree Environmental Ltd),
 - Site Location Map ref. 3232/678/01 dated 27 October 2015,
 - Site Location Plan ref. 3232/678/02 dated 3 June 2016,
 - Building Elevations Plan ref. 3232/678/06 dated 30 June 2017.
 - Email correspondence from the agent, Oaktree Environmental Ltd, dated 15 November 2017 confirming that the proposed development would create five new jobs. Email correspondence from the applicant dated 7 December 2017 confirming the colour finish details of the proposed new building.

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

- 4) No waste, other than wood waste, shall be processed at the site under the terms of this permission.

Reason: To enable the Waste Planning Authority to monitor the development and in the interests of the protection of the environment and local and residential amenity.

Availability of Plans

- 5) A copy of this planning permission, including all documents referred to in them, and any further submissions to, and approvals by the Waste Planning Authority under these conditions, shall be kept available for inspection at the site office 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.

Further Schemes to be Submitted

- 6) Within two months of the date of this permission, the following schemes shall be submitted to and approved in writing by the Waste Planning Authority:
- a) A scheme for the management and monitoring of dust at the site to include:
 - Measures to minimise the emission of dust;
 - Provision for the daily monitoring of dust at the site to be undertaken;
 - Provision for written records to be maintained including specifying weather conditions and results of monitoring;
 - Any remedial action to be taken;
 - Measures to be taken in the event of complaints received; and
 - A programme of implementation.
 - b) A scheme for the management and monitoring of noise at the site to include:
 - Measures to minimise the emission of noise;
 - Provision for the daily monitoring of noise at the site to be undertaken;
 - Provision for written records to be maintained including specifying weather conditions and results of monitoring; and
 - Any remedial action taken;
 - Measures to be taken in the event of complaints received; and
 - A programme of implementation
 - c) A scheme for the management and monitoring of odours at the site to include:
 - Measures to minimise the emission of odours;
 - Provision for the daily monitoring of odours at the site to be undertaken;
 - Provision for written records to be maintained including specifying weather conditions and results of monitoring;
 - Any remedial action taken;
 - Measures to be taken in the event of complaints received; and
 - A programme of implementation
 - d) A scheme detailing the provision of a further five car parking spaces, including siting, layout and surface preparation and a programme of implementation.

The schemes shall then be implemented as approved and maintained for the duration of the development.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

Hours of Operation

- 7) With the exception of wood shredding and chipping operations, all operations authorised by this permission, shall be carried out between the following hours:

0700 hours to 1800 hours Mondays to Fridays; and
0700 hours to 1600 hours Saturdays.

Wood shredding and chipping operations shall be restricted to the following times:

0900 hours to 1600 hours Mondays to Fridays; and
0900 hours to 1600 hours Saturdays.

There shall be no working on Sundays, Bank Holidays or other National Holidays.

Reason: In the interests of local amenity.

- 8) The southern facing roller shutter door to the building housing the wood shredding and chipping operation, as delineated on Building Elevations Plan ref. 3232/678/06 dated 30 June 2017 shall be kept closed during all wood shredding and chipping operations.

Reason: In the interests of local amenity.

Restriction on Permitted Development Rights

- 9) Notwithstanding the provisions of part 7, Class L of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no extensions or alterations to existing buildings or the installation of replacement plant or machinery shall be undertaken at the site without the prior written approval of the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon the landscape and built form in the area.

- 10) There shall be no external storage of unprocessed wood waste or recycled wood material at the site.

Reason: To safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

Noise, Dust and Odours

- 11) All vehicles, plant and machinery operated within 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 ensure minimum disturbance from operations and avoidance of noise nuisance in the interest of the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

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

Reason: To ensure minimum disturbance from operations and avoidance of noise nuisance in the interest of the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

- 13) At all times during the carrying out of operations authorised or required by this permission, water bowzers, sprayers, whether mobile or fixed, or similar equipment shall be used to minimise the emissions of dust from the site. No vehicles used for the movement of materials on the site shall be equipped with downward pointing exhaust pipes. At such times as the prevention of dust nuisance by these means is not possible, movements of material, shredding and chipping operations shall cease until such time as conditions improve.

Reason: To provide for the control of dust impact in the interest of local amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

Environmental Protection

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

Reason: To safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

Drainage and Pollution

- 15) Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be equivalent to the capacity of

the tank plus 10%. If there is multiple leakage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution to the water environment and to protect groundwater quality in the area.

Ground Contamination

- 16) No development shall commence until:
- a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Waste Planning Authority;
 - b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved in writing by the Waste Planning Authority;
 - c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
 - d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Waste Planning Authority;
 - e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
 - f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of the prevention of pollution through the disturbance of previously contaminated land and in the interests of local and residential amenity.

It is considered that the scheme will only be successful if the information is submitted prior to the commencement of the development.

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

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application.

7.2 Planning Application Code No. CW6/0717/32:

Form of Development

- 1) The development shall only be undertaken in accordance with the following documents and plans as submitted with the application for planning permission from Oaktree Environmental Ltd dated 12 August 2005, as clarified and amended by subsequent letters from Oaktree Environmental Ltd dated 7 and 13 October 2005, 1 November 2005, 7 July 2006, 2, 4, and 18 October 2006, as amended by the application documents received from Oaktree Environmental Ltd dated 11 July 2017 including:

- drawing no PWR/01 entitled 'Site Location Map'
- Drawing no PWR/002 Rev 2 entitled 'Site Location Plan'
- Drawing no PWR/04 entitled 'Application boundary in red and other land in control of applicant in blue'
- Planning statement (version 1.1) produced by Oaktree Environmental Ltd dated 12 August 2005.
- Planning Statement ref. 3232-678-C dated 14 June 2017 (author: Oaktree Environmental Ltd),
- Drawing no 3232/678/01 entitled 'Site Location Map' ,
- drawing no 3232/678/04 entitled Site Location Plan,
- drawing no 3232/678/05 entitled Site layout Plan.

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

- 2) At all times the site shall be laid out in accordance with drawing no 3232/678/05 entitled 'Site Layout Plan' dated 10 July 2017 unless otherwise required by the other conditions of this permission.

Reason: For the avoidance of doubt and to enable the Waste Planning Authority to monitor the development.

Further Schemes to be Submitted

- 3) Within two months of the date of this permission, the following schemes shall be submitted to and approved in writing by the Waste Planning Authority:
- a) A scheme for the management and monitoring of dust at the site to include:
 - Measures to minimise the emission of dust
 - Provision for the daily monitoring of dust at the site to be undertaken;
 - Provision for written records to be maintained including specifying weather conditions and results of monitoring; and
 - Any remedial action to be taken;
 - Measures to be taken in the event of complaints received; and
 - A programme of implementation.
 - b) A scheme for the management and monitoring of noise at the site to include:
 - Measures to minimise the emission of noise;
 - Provision for the daily monitoring of noise at the site to be undertaken;
 - Provision for written records to be maintained including specifying weather conditions and results of monitoring; and
 - Any remedial action taken;
 - Measures to be taken in the event of complaints received; and
 - A programme of implementation.
 - c) A scheme for the management and monitoring of odours at the site to include:
 - Measures to minimise the emission of odours
 - Provision for the daily monitoring of odours at the site to be undertaken
 - Provision for written records to be maintained including specifying weather conditions and results of monitoring;
 - Any remedial action taken;
 - Measures to be taken in the event of complaints received; and
 - A programme of implementation.
 - d) A scheme detailing the provision of a further five car parking spaces, including siting, layout and surface preparation and a programme of implementation.

The schemes shall then be implemented as approved and maintained for the duration of the development.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

Restriction on Permitted Development Rights

- 4) Notwithstanding the provisions of part 7, Class L of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no extensions or alterations to existing buildings or the installation of replacement plant or machinery shall be undertaken at the site without the prior written approval of the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon the landscape and built form in the area.

- 5) No fencing or gates, other than those identified on drawing no PRW/03 Rev 1 dated 8 October 2007, shall be erected at the site.

Reason: In the interests of visual amenity and to control the appearance of the development.

- 6) No plant or machinery other than that set out in the letter from Oaktree Environmental Limited dated 8 October 2007 as approved by the Waste Planning Authority on 18 February 2008 under code number SW1499 and the trommel identified on drawing number 3232/678/05 entitled 'Site Layout Plan' dated 10 July 2017 shall be erected or installed at the site without the prior written approval of the Waste Planning Authority. The Waste Planning Authority shall not be bound to approve anything under this condition which it considers would be development requiring planning permission in its own right.

Reason: In the in the interests of local and residential amenity and to enable the Waste Planning Authority to monitor the development.

Environmental Protection

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

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

- 8) The facility shall only be available to persons by prior arrangement with the operator and shall not be available to the general public.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

- 9) Only inert waste shall be processed and stored outside the building in the upper area.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

- 10) The external crushing and reduction of inert waste on the upper area shall not take place on more than ten days in any calendar month.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

- 11) Stockpiles of inert waste or recycled materials shall not be constructed to a height greater than 3 metres when measured from ground levels.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

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

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

- 13) At all times, the development shall be undertaken in accordance with the recommendations set out in the Assessment of Ground Stability report produced by James Associates dated January 2008 approved by the Waste Planning Authority on 18 February 2008 under code no SW1527

Reason: In the interests of land stability and the protection of nearby residential properties.

Odours

- 14) Any non-inert wastes brought onto the site shall be stored separately from the inert wastes in a lidded skip or container and removed from the site as soon as reasonably practicable.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

Dust

- 15) 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 ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

- 16) 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 ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

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

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

- 18) 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 ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

Noise

- 19) Notwithstanding the provisions of the revised noise monitoring scheme required by Condition 2 above, the noise generated by the development shall not exceed the existing background noise level by more than 5dB Laeq 1 hour free field at any noise sensitive property.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

- 20) 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 be operated with covers open or removed.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

- 21) The use of powered tools, including pneumatic hammers, to break up or reduce the size of any material, is prohibited until such time as the revised noise management scheme, required by Condition 2 above, has been submitted to and approved by the Waste Planning Authority.

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

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

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

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

Reason: To ensure the development does not give rise to environmental impact or have an adverse effect on local amenity.

Highway Safety

- 24) All loaded vehicles entering or leaving the site shall be sheeted.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

Hours of Operation

- 26) With the exception of inert waste crushing and screening operations, all operations authorised by this permission, shall be restricted to the following hours:

0700 hours to 1800 hours Mondays to Fridays; and
0700 hours to 1600 hours Saturdays.

Inert waste crushing and screening operations shall be restricted to the following times:

0900 hours to 1600 hours Mondays to Fridays; and
0900 hours to 1600 hours Saturdays.

There shall be no working on Sundays, Bank Holidays or other National Holidays.

Reason: In the interests of protection of local amenity.

Water Resources

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

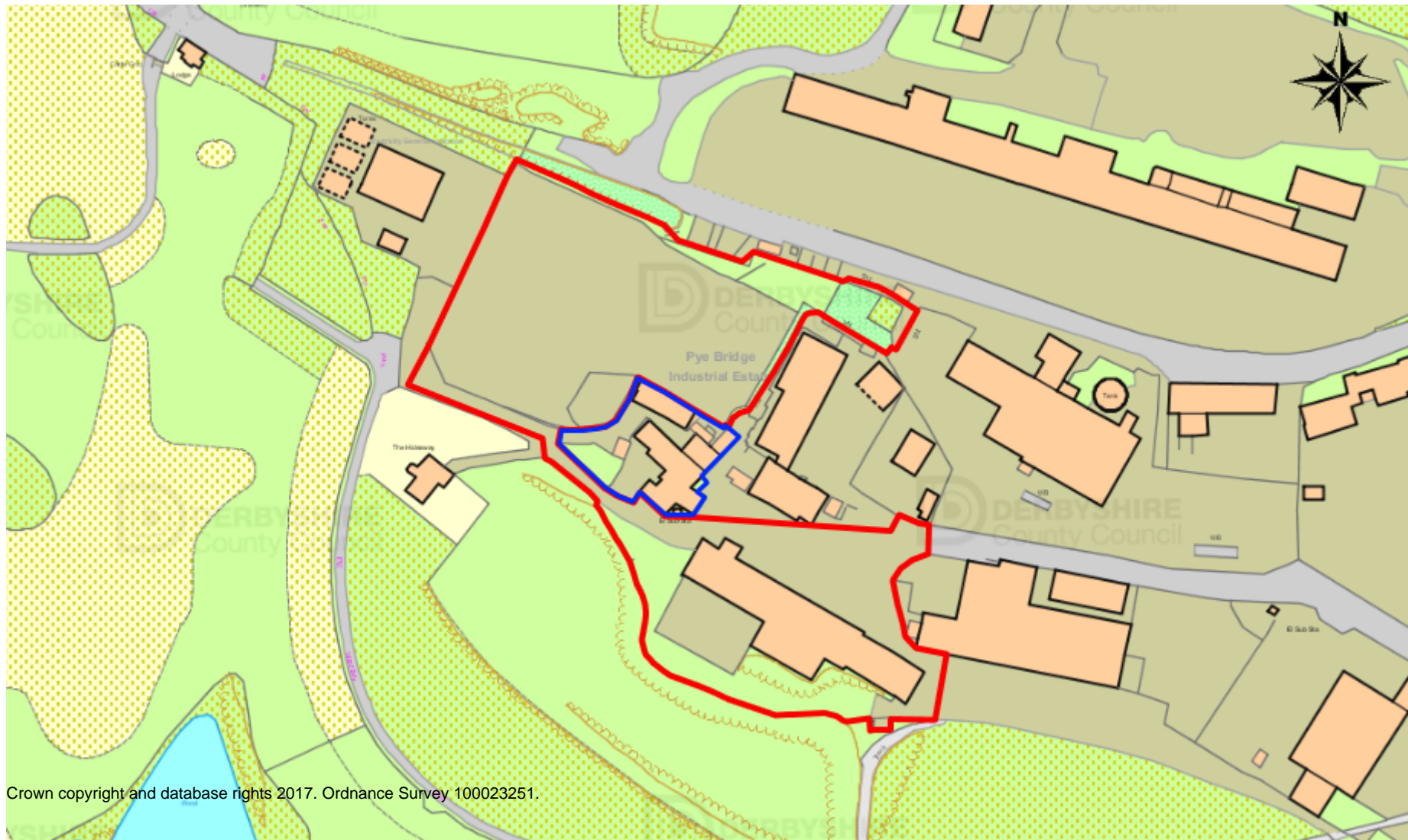
Reason: To prevent pollution to the water environment and to protect groundwater quality in the area.

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

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

CW4/0117/30 & CW4/0717/32 Pye Bridge Industrial Estate



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21-Dec-2017