

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**3 December 2018**

Report of the Strategic Director – Economy, Transport and Environment

- 2 SECTION 73 APPLICATION SEEKING PERMISSION TO NOT COMPLY WITH THE REQUIREMENTS OF CONDITION 24 OF PLANNING PERMISSION CW8/0811/61, TO EXTEND THE HOURS OF WORKING ON THE ESTABLISHED WARD WASTE RECYCLING FACILITY ON LAND AT THE QUARRY HILL INDUSTRIAL ESTATE, HALLAM FIELDS ROAD, ILKESTON, DERBYSHIRE  
APPLICANT: WARD RECYCLING LIMITED  
CODE NO: CW8/0818/45**

**8.1019.23**

**Introductory Summary** This application relates to a previously granted planning permission (code no. CW8/0811/61) for an amendment to the site layout of the application site and the erection of a new building. The site is situated within the Quarry Hill Industrial Estate, Ilkeston and within the setting of two Grade II listed buildings. The application seeks permission not to comply with the requirements of Condition 24 of planning permission code no. CW8/0811/61, which restricts the hours of operation on the application site. Condition 24 limits the operation of plant and equipment to between the hours of 0700 hours and 1900 hours on Mondays to Fridays and between 0700 hours and 1300 hours on Saturdays, and limits vehicular movements to and from the site to between 0700 hours to 1900 hours on Mondays to Fridays and 0700 hours and 1700 hours on Saturdays. The condition also prevents all working on Sundays, Bank Holidays and other National Holidays.

The applicant proposes wider days and hours of operation to enable the processing of waste within the waste recycling building between 0400 hours and 2300 hours Monday to Friday inclusive and between 0400 hours and 1900 hours on Saturdays, Sundays and Bank Holidays. The application also seeks to extend the hours of operation for all other site operations including the acceptance and processing of waste and associated activities outside the building to between 0600 hours to 1900 hours on Mondays to Fridays inclusive, and between 0600 hours and 1900 hours on Saturdays.

This application has received 103 objections raising concerns regarding noise, pests, odour, traffic, heritage and cumulative impacts. A petition was also received objecting to the application on the grounds of increased noise, smell, and traffic impacts on residents. The proposed amendment would result in

activities taking place over longer periods of the day and on days of the week where operations do not currently take place and this has the potential to impact on local amenity. However, I do not consider that the proposal would not result any adverse environmental or amenity impacts that would be so significant such as to warrant refusal of the application. I am satisfied that the proposal complies with local and national policies and it is therefore recommended for approval, subject to recommended conditions.

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

(2) **Information and Analysis**

### **Site and Surroundings**

The application site is owned and operated by Ward Recycling Limited as a waste recycling and waste transfer facility and forms part of the applicant's overall premises at Hallam Fields Road. The applicant's premises has a surface area of 3.9 hectares (ha) and is located within the Quarry Hill Industrial Estate close to the junction of Hallam Fields Road and Merlin Way, approximately 2.5 kilometres (km) to the south of Ilkeston Town Centre. The application site area is 1.3ha.

Historically, the application site was part of the former Stanton Ironworks complex and former branch rail sidings and is now an extensive Industrial Estate. The site is bounded to the north-east and west by the wider Quarry Hill industrial estate, and other industrial uses, including a large timber manufacturer to the north and various waste recycling facilities to the south, south-east and west. Immediately to the south of the site is land owned and operated by Ward Recycling Limited which forms part of the wider Ward Recycling operations at the Hallam Fields Road site.

The nearest residential properties are located off Hallam Fields Road, Ilkeston approximately 400 metres (m) to the north-west; the village of Stanton-by-Dale is approximately 2km to the south-west and 700m to the east, separated by the M1 motorway, the River Erewash, the Erewash Canal and the Nottingham-Loughborough Main Railway Line, is the settlement of Trowell and beyond that, within 1km to the south-east, are the towns of Stapleford and Sandiacre.

The site slopes generally from south to north and comprises a centrally located large modern industrial building, with skip storage areas, Heavy Goods Vehicles (HGV) and car parking, and an open yard area with associated external bays where waste materials are stored temporarily. The wider site is enclosed by security fencing and concrete walls. The application site has one planning approved access point for vehicular traffic from Hallam Fields Road via the Quarry Hill Industrial Estate, then a short stretch of recently improved, but un-adopted, highway.

There are two Local Wildlife Sites (LWSs) in the vicinity of the site, the Erewash Canal LWS (standing open water) to the east and Quarry Hill Lagoons LWS (lowland swamp) to the west. In addition, to the north-east of the site are two grade II listed buildings, Hallam Fields Lock and Hallam Fields Bridge. These are located immediately east of the Industrial Estate's vehicular access point which leads to the site.

There are no Public Rights of Way (PRoW) within the site although there are a number close by. One public footpath (Ilkeston E6/79/1) is approximately 115m north of a site entrance off Hallam Fields Road. This public footpath runs along Hallam Fields Road and connects to three other footpaths which meet immediately to the east of Hallam Fields Bridge (Ilkeston E6/78/2, Ilkeston E6/81/6 and Ilkeston E6/81/7). In addition, a PROW Bridleway and the NutBrook Trail (National Cycle Network Route (no 67) run along the southern boundary adjacent to the site's existing vehicular access. The proposed site is not included within a Neighbourhood Plan Area.

The site is located to the north of the Stanton Regeneration Site which has a long industrial heritage dating back 250 years. The Stanton Regeneration area, which is set out in the Erewash Core Strategy, is proposed to form a new sustainable neighbourhood consisting of 2,000 homes, business park, general industry, employment land and a wildlife corridor. Ward Recycling Limited also owns and operates another waste recycling facility within the Quarry Hill Industrial Estate along Griffon Road. Stanton Recycling, a separately owned and operated waste recycling site, is located to the south of the application site. The Stanton and Ward Recycling (Hallam Fields Road) sites are located amongst a cluster of other waste and recycling sites that operate in the area, these being Castle Environmental, Johnsons Aggregates and Recycling Ltd, Trust Utility Management Ltd.

### **Relevant Planning History**

The most relevant aspects of the application sites planning history are:

- Application and permission Code No. CW8/0811/61 – Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 of planning permission code no. CW8/0509/57, to amend the layout of an existing waste recycling and transfer site and erect a new building on land at the Hallam Fields Industrial Estate (granted 6 July 2012).
- Application and permission Code No. CW8/0509/57 – Retrospective application to vary a condition of a planning permission to amend the layout of the existing Waste Recycling and Transfer Site (granted 29 January 2010).
- Application and permission Code No. CW8/0307/193 – Proposed waste recycling facility (granted 25 June 2007).

Although the overall premises referred to above are also being used for the applicant's waste management business, apart from the application site, the

waste activities on other parts of the premises are not covered by this application. The applicant has indicated that it is in the process of preparing a fresh application to deal with the future use of the premises as a whole and the County Council has recently issued a screening and scoping opinion in relation to that proposal.

### **The Proposal**

The application seeks to vary the time limits applying to this development which currently restrict the use of the site. Condition 24 of the current planning permission (CW8/0811/61) states:

*“Excluding the movement of vehicles into or out of the site, the operation of and any plant authorised or required under this permission, including the maintenance of vehicles, plant or equipment shall not be carried out outside of the following hours (except in an emergency):*

*0700 hours to 1900 hours Monday to Fridays  
0700 hours 1300 hours Saturdays*

*There shall be no vehicular movements to and from the site outside the following hours:*

*0700 hours to 1900 hours Mondays to Fridays  
0700 hours to 1700 hours Saturdays*

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

These limits were condition was originally imposed under planning permission code no. CW8/0307/193 which granted permission for the operation of a Waste Transfer Station at the site, approved 25 June 2007, to control the potential noise impact of the proposed development. The limits were subsequently carried over into the most recent planning permission code no. CW8/0811/61.

The applicant wishes to extend the hours of operation for the processing of waste which takes place inside the existing building at the site. This building was granted planning permission (code no. CW8/0811/61) on 6 July 2012 and contains recycling machinery that is used for the recycling and reprocessing of waste from scrap vehicles (automobile shredder residue). The applicant is proposing that the hours of operation for the processing of waste inside the building are extended to 0400 hours to 2300 hours Monday to Friday inclusive and 0400 hours to 1900 hours Saturday, Sunday and Bank Holidays.

The applicant also seeks to extend the hours of working for all other site operations, including the acceptance and processing of waste and associated activities outside of the building to 0600 hours to 1900 hours Monday to Friday

inclusive, 0600 hours to 1900 hours Saturdays and Closed on Sundays and Bank Holidays. The application does not seek to change any other aspects of the approved development at the site.

## **Consultations**

### **Local Members**

Councillor Frudd and Councillor Major have been notified of the application

### **Erewash Borough Council – Planning**

No objections.

### **Erewash Borough Council – Environmental Health Officer (EHO)**

Has made the following comments:

*“• The Noise Assessment submitted in support of the application (Spire Environmental, Noise, Vibration and Air quality Consultants Report Number R18.1298-1-AG) has detailed BS 4142 assessments of the operations during the proposed hours at the nearest noise sensitive receptors. These assessments have shown that the proposed changes will be of low impact as the resultant sound levels will be below the existing measured background levels. Based on the information they have provided I have no reason to contradict their findings.*

*• The assessment is confined to activities on site and no consideration has been given to the resultant increase in traffic noise on the local roads at sensitive times of the day. I would stress that traffic noise on highways is specifically excluded from the statutory nuisance provisions of the Environmental Protection Act 1990 and this is perhaps an aspect that needs to be considered at the planning stage.*

*• Activities on this site are covered by an environmental permit issued by the Environment Agency. This means that “nuisance” type complaints about site operations including noise will be handled by the regulating body which, in this case is the Environment Agency.”*

### **Stanton-by-Dale Parish Council**

The Parish Council objects to the changes proposed on the following grounds:

*“The unreasonable hours will affect local residents who have expressed their concerns. This will give extended noise pollution as residents have complained to Councillor’s already of noise late into the night.*

*Increased hours will mean increased traffic and HGV's at unreasonable hours of the day/night affecting residents who are already under duress. There will be increased vibration with the HGV's to old buildings in the Stanton by Dale conservation area.*

*We already have skip lorries travelling through the village in the early hours of the morning and increased hours will increase this issue which especially effects Twelve Houses.*

*The Post Code is DE7 4RF which is a Stanton-by-Dale post code and gives HGV's a loop-hole to allow them to travel through the village. The post code should be changed as HGV's cause untold problems trying to negotiate the small triangle turnings and travelling between parked cars down extremely narrow roads."*

### **Highway Authority**

No objections.

### **Environment Agency**

Had no comments to make on the application.

### **Publicity**

The application has been advertised by site notice and press notice (Derbyshire Times) with a request for comments by 11 October 2018. In response to this publicity, a petition containing 258 signatures and 103 representations have been received all raising objections to the proposal.

### **Representations**

The main points of objection are summarised as follows:

- Dust pollution has covered gardens and washing, as well as impacting on peoples' health.
- Odour produced from the site impacting local residents and resulting in the attraction of flies.
- Smells of burning oils from the Crusher.
- Noise pollution generated from the site's daily operations.
- Sounds of explosions generated from the site which shake windows and doors.
- Impact on residents from traffic noise generated from trucks accessing housing areas.
- Noise and vibration from the vehicles disrupting local residents and keeping them awake.
- Damage to the roads due to HGVs resulting in potholes and debris.
- The extension of hours would affect the quality of lives of local residents.
- Unsecured loads results in metals and other waste falling on the road.
- Lorries regularly block traffic during rush hours as the road is not wide enough to pass parked cars outside home owners' properties.
- Breach of current planning permission in respect of hours of operation.
- Cumulative impact of traffic generated by neighbouring sites.
- Noise Assessment does not extend to increased night-time traffic noise and vibration along transportation routes caused by extended working hours, nor does it evaluate noise within properties local to the site.

- Unsociable hours.
- Impact on heritage assets.

### **Petition**

The petition objects to the application on the grounds of increased noise, smell, traffic and impact on residents.

### **Planning Considerations**

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

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

This application relates to previously granted planning permissions for the operation of a waste recycling and transfer facility (including the erection of a new building). The principle of the waste development at this site was assessed against the provisions of the development plan and relevant Government guidance in force at the times the applications were considered, and the relevant permissions were granted. For the most recently granted permission, the main national guidance comprised of the NPPF 2012, DDWLP and the Erewash Borough Local Plan (EBLP) (2005), and Waste Planning Policy Statement (PPS 10). Since the granting of that permission, there have been changes in both development plan policy and national guidance. The EBLP has been replaced by the ECS and PPS10 no longer remains in effect. The NPPF of 2012 has been superseded by the NPPF of 2018.

### **National Planning Policy Framework**

The NPPF sets out the Government's key economic, social, and environmental objectives, and the planning policies designed to deliver them. The NPPF is a material consideration in planning decisions. The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant.

The NPPF does not change the statutory status of the development plan as the starting point for decision making; applications for planning permission must still be determined in accordance with the development plan unless material considerations indicate otherwise. It states that the purpose of the

planning system is to ‘contribute to the achievement of sustainable development’ and adds that there should be a presumption in favour of sustainable development. The term ‘sustainable development’ is not defined as such within the NPPF, however, the document does state that “*the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*”. To achieve this, the planning system has three overarching objectives, which are economic, social, and environmental. The objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

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

- 11: The presumption in favour of sustainable development.
- 46-48: Decision-making.
- 54-55: Planning conditions.
- 80, 82: Building a strong, competitive economy.
- 91c: Promoting healthy and safe communities.
- 109: Considering development proposals.
- 180,183: Ground conditions and pollution.
- 184,190,193-196, 202: Conserving and enhancing the historic environment.

### **National Planning Policy for Waste**

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

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



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

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

**Derby and Derbyshire Waste Local Plan (2005)**

W2: Transport principles.

W6: Pollution and related nuisances.

W8: Impact of the transport of waste.

W10: Cumulative impact.

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

A: Presumption in Favour of Sustainable Development.

11: The Historic Environment.

13: Culture, Sport and Tourism.

17: Biodiversity.

18: Infrastructure.

20: Stanton Regeneration Site.

**Stanton Regeneration Site – Supplementary Planning Document**

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

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

**Assessment of the Proposal**

The applicant considers that the proposed amendment to the hours of operations would allow more efficient waste recycling and enable the company to work with adjoining waste companies. According to the applicant's supporting statement, the amended hours would enable the machinery inside the building to work more efficiently, which would consequentially allow the company to recycle and reuse more waste instead of it being sent to landfill.

The applicant further states that the equipment installed at the site *“has never performed efficiently, or as well as hoped and therefore the changes to the working hours in the building is essential in order to ‘double shift’ the equipment and enable the original projected tonnages to be handled.”* The

permitted throughput of waste under the current planning permission is 40,000 tonnes per annum of domestic, commercial and industrial waste.

The second part of Condition 24 relates to the hours of operation for *“All other site works including the acceptance and processing of waste and associated activities outside of a building”*. The applicant states that operating an hour earlier Monday to Friday *“would allow the company to maintain service to customers.”* With regards to the proposed hours of operation outside the building on a Saturday, the applicant states that it is seeking similar hours of operation to the surrounding waste operations in the area.

The proposed amendment to Condition 24 would not involve any increase in the tonnage of waste to be accepted on site. The proposal would not involve any new recycling processes, plant or equipment. With the exception of the hours of operation, the site would continue to operate using the same processes as are currently approved. The proposed amendments to the hours of operation would not, in my view, result in a development significantly different from what is currently approved. The difference being that the processing of waste within the building and operations outside the building would begin earlier and finish later. The operations within the building would further be extended to include Sundays and Bank holidays. I am satisfied that the proposed changes would accord with the aims of NPPW and the Government’s waste management objectives.

The potential environmental and amenity impacts of this development were assessed during the consideration of the previous applications and mitigation measures were proposed and planning conditions were imposed to reduce those identified impacts where required. However, in the context of the current development plan and national guidance, I have given consideration as to whether the development, as changed, would be likely to give rise to any significantly different or additional impacts to those previously considered.

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

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

### **Noise and Vibration Impacts**

The proposed amendment to the hours of operation would enable the operation of machinery inside the building for an additional hours each day. Operations inside the building would be carried for an additional 7 hours each

day Monday to Friday and an additional 9 hours on a Saturday (0400 hours to 2300 hours) over and above what is currently approved. It is also proposed to carry out operations in the building on Sundays and on Bank holidays during the same hours. It would also allow site operations outside the building, including the deliveries of waste to commence an hour earlier each day Monday to Saturday from 0600 hours and for extended hours on a Saturday up to 1900 hours. The proposed amendments to the hours of operation would introduce a source of noise into the area from the development that does not currently occur during these hours and this could potentially cause disturbance to the public during periods of the day and on days of the week that are acknowledged to be noise sensitive times.

The applicant has submitted a report of noise impact assessment using BS4142:2014 (Methods of rating and assessing industrial and commercial sound) which considers the impact of this proposed amendment. The report concludes that for the acceptance of waste within a building during both day and night time hours, noise from the site would be below the lowest background sound levels at the closest noise sensitive receptors. The report therefore predicts a low impact. The report also identifies that all site works during the day time and night time periods at the closest noise sensitive receptors, would be below the +5 dB adverse impact threshold of BS4142:2014.

The building is described in the supporting statement as being cladd in 40mm Kingspan KS100RW composite sheet steel panels because of the “*excellent acoustic properties*” they have. It also states that there would be no increase in HGV movements as a result of this application. It is anticipated that during the proposed extended hours of outside operations (0600 to 1900), a maximum of four vehicles per hour would be expected to access the site. The amendment is not proposed to involve any HGV movements into, within or out of the site except between 0600 to 1900 hours which would bring its hours in line with some adjacent businesses.

The representations received objecting to the proposal relate to noise from the site and HGV traffic. Some of these representations claim that the noise and vibration (primarily traffic) is disrupting local residents’ lives and therefore adversely affecting their quality of life. There are also concerns about HGV traffic passing through residential areas. The applicant does not propose to increase the amount of traffic to and from the site. The majority of the HGV movements would occur during day time hours (0700 hours to 1900 hours). Furthermore, the site is situated within an existing industrial estate that currently experiences significant HGV traffic of which traffic to and from this site forms a proportion. Bearing in mind the nature of the proposed change, therefore, I do not consider that the application warrants refusal on the grounds of vibration and noise impacts from traffic.

Some of these representations received in respect of this application object on the grounds of hearing explosions from the site. The source of this type of sound is not considered to be the application site. There is a history of loud explosions associated with the Griffon Road site which uses a metal shredder to process materials. These sudden noises are thought to have been caused by gas bottles hidden inside vehicles entering the shredding plant. The application site does not contain a metal shredder. The Waste Planning Authority (WPA) is not aware that the application site contains any form of plant equipment/machinery that could cause blast vibration events. The Environment Agency and Erewash Borough Council's Environmental Health Department both have regulatory responsibilities in relation to the control of noise pollution. They were consulted on the application and neither consultee has raised any objections to the proposal on noise grounds.

The current planning permission (CW8/0811/61) has conditions imposed to reduce the potential impact of noise relating to the site. Representations have been received raising objection to this application in respect of night time noise from traffic. The site is in an industrial estate with some businesses that operate at night. The WPA can only implement conditions if it is reasonable to do so with respect to what is proposed in the application. It is not within the WPA's powers to directly control traffic on adopted and unadopted roads. However, we can restrict the time in which the HGVs can be permitted to access and egress the site.

For the latest permission, in addition to Condition 24 which restricts the hours of operation, noise is further controlled by planning conditions which require silencers and non-audible, ambient related or low tone devices to be used on all vehicles, plant and machinery used on site, as well as limitations on the permitted operational hours for all activities within the overall permitted hours. In the event that planning permission is granted for this proposal, I recommend that these limitations or similar be applied to any new planning permission. The site is situated within an industrial estate and is bounded by other similar waste facilities with various operational hours and the cumulative impact of noise with these other developments is a factor to be taken into consideration and this is considered further below.

Whilst the proposed amendment would result in noise emissions from the site over longer periods of the working day and on days on which it does not currently occur, it is unlikely to result in higher levels of noise as no other changes to the development are proposed. Overall, I do not consider that the proposed amendment to hours of operation would be likely to result in any significant noise impacts such as to warrant refusal of the application. Subject to the recommended conditions, I am satisfied that the proposal would accord with Policy W6 of the DDWLP.

### **Traffic, Highway Safety and Public Rights of Way**

The application site under the current planning permission is permitted to receive and process 40,000 tonnes of domestic, commercial and industrial waste per annum. HGV movements in and out of the site are restricted by the current permission to a maximum of 39 HGVs per day entering the site and 39 HGVs egressing the site (78 vehicles movements per day). The proposed amendment to the hours of operations would not result in any higher maximum number of HGV movements.

The application site access is off Hallam Fields Road via a shared access to the north of the site which is also a PRow, as previously stated above (Ilkeston E6/79/1). The section of the Nutbrook Trail near the application site is within an industrial area and close to an active railway line and the M1. The amenity of PRow users could be affected by longer hours of operation as vehicles could arrive at the site and noise generating activities could be experienced over longer periods. I note the concerns raised by the local residents in respect of the impact upon the local highway network, PRows and the noise from the existing traffic movements. However, I do not consider that this impact would be significant

The Highway Authority has not objected to the proposal and I am satisfied that it would not cause any significant disturbance to the environment, people or communities in respect of traffic or highway safety impacts. The proposal is considered to accord with policies W2: Transport Principles and W8: Impact of the Transport of Waste of the DDWLP.

### **Odour**

Concerns have been raised in representations relating to issues with odour and smells from the site. The site accepts and processes domestic, commercial and industrial wastes. This includes construction and demolition wastes, plastics, tyres, wood, mixed waste, ferrous and nonferrous metal wastes.

The Environment Agency was consulted as part of the consultation process for this application and had no comments to make on the proposal. The EHO has also not raised any concerns in respect of odour for this proposal.

The current planning permission has conditions attached to it which impose controls to prevent odours from the site. These conditions could be carried over in the event that planning permission is granted for this proposal. I am satisfied that continuation of the controls under the planning conditions presently in place and through other regulatory controls (e.g. through the environmental permitting regime; the Environment Agency who is the lead regulatory body in this respect), would effectively address any odour issues should they arise.

### **Heritage Assets**

The application site is located within the setting of two Grade II listed buildings, Hallam Fields Lock and Hallam Fields Bridge. The heritage assets are situated approximately 115m north of the application site, off Hallam Fields Road and adjacent to the existing entrance to Quarry Hill Industrial Estate.

Concerns have been raised in representations regarding the impact of noise and vibrations on listed buildings. There are significant numbers of HGV movements in this area generated by businesses located on the industrial estate. Not all of these HGV movements in the area are related to the application site.

The site entrance off Hallam Fields Road is the only approved access to the application site. The two heritage assets are set back from the highway and are inaccessible by vehicular traffic. I do not consider that the proposal would have any discernable impact on Hallam Fields Lock and Hallam Fields Bridge or on the value of their settings, given that the proposed amendment to working hours would not change the nature of the activities under the development or introduce any built development.

I am therefore satisfied that the proposal would comply with the Policy 11 of the adopted ECS.

### **Pests**

Concerns have been raised in representations regarding pests (flies), however, I do not consider the amendment to the hours of operation proposed would be likely to result in any pest issues at the site. Any pest problems would be investigated as a 'statutory nuisance' issue by the relevant Local Authority Erewash Borough Council (Environmental Health Department). Erewash Borough Council was consulted on the planning application and the EHO did not raise any issues relating to the presence of pests or the proposal generating a pest issue.

### **Cumulative Impacts**

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

Policy W10 of the DDWLP states that "*Proposals for waste development will be assessed in the light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively.*"

*Waste development will be permitted only if the development would not result in significant and detrimental cumulative impact on the environment of those communities.”*

There are a cluster of waste facilities in this area and the cumulative impact of these developments in combination with other development is of potential concern. With regard to traffic generated by Quarry Hill Industrial Estate, the locality also includes the West Hallam Storage Depot (4.5km) and Lows Lane Industrial Estate with its large logistic operations. The applicant does not propose an increase in HGV movements to and from the site. With the imposition of conditions recommended below, I am satisfied that continuing this development under a new permission will not cause any significant increase in traffic and associated traffic noise which would have a cumulative impact in conjunction with traffic from other developments.

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

The LWSs identified above are acknowledged within the Lowland Derbyshire Biodiversity Action Plan 2011-2020 (2011) understanding open water, main rivers and ponds. However, given the nature of the proposed application and location, I do not consider any adverse impact would be generated by the proposal.

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

## **Conclusion**

Having considered the above, I am of the opinion that the proposed amended hours for processing inside the building and all site activities outside the building would enable the business to process waste more efficiently in accordance with sustainable waste management methods. The representations and petition which raise a number of concerns, have been taken into consideration. The development, subject to conditions as recommended, would not, in my opinion, adversely affect the listed heritage assets or generate significant extra traffic or pollution and would accord with the DDWLP and the adopted ECS.

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

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

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

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

### **Other Considerations**

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

(6) **Background Papers** File No. 8.1019.23  
Application documents from Wards Recycling Limited  
Application Form, Site Development Plan Phase 1a, Planning Statement, Noise Assessment and Planning Permission July 2012 received 31 August 2018.  
Letter additional information received 7 November 2018.  
Email additional clarification received 9 November 2018.

### **Consultation Responses**

Consultation responses from the Environmental Agency dated 7 September 2018, the Highway Authority dated 10 September 2018, Stanton-by-Dale Parish Council dated 5 October 2018, Erewash Borough Council – Planning dated 16 October 2018 and Erewash Borough Council – EHO dated 10 October 2018.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission be **granted** subject to conditions based on the following draft conditions:

### **Form of Development**

- 1) The development shall be carried out in accordance with the relevant details set out in the application for planning permission CW8/0307/193 dated 25 June 2007, submitted by Big Red Skip Hire Ltd, as amended by such details as are relevant from: the application for planning permission CW8/0509/57 dated 29 January 2010, submitted by Erewash Recycling Limited and accompanying documents and drawings; the application for planning permission CW8/0811/61 dated 6 July 2012 submitted by Donald Ward Ltd; and accompanying



documents and drawings, and the application for planning permission CW8/0818/45 dated 3 December 2018, submitted by Donald Ward Ltd and accompanying documents and drawings, except to the extent (if at all) that any requirements of the subsequent conditions of this planning permission provide otherwise.

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

in respect of Application CW8/0307/193:

- Drawing No. BRS/002 entitled 'Site Layout' Revision A dated 14 January 2007
- Drawing No. BRS/003 entitled 'Site Layout' dated 14 February 2007

in respect of Application CW8/0509/57:

- Drawing No. J054-06-08 Revision B entitled 'Proposed Site Plan Details and Elevations' dated 9 June 2009.

in respect of Application CW8/0811/61:

- Cover Letter dated 12 August 2011
- Design & Access Statement dated 18 August 2011
- Kingspan Product Data Sheet dated 18 August 2011
- Drawing No. FW/2507/01 entitled 'Proposed Site Layout' dated 31 August 2011
- Report No. R11.6967/1/AG entitled 'Proposed Recycling Operations' dated 31 August 2011
- Drawing No. 320306 entitled 'Phase 1 Site Outline' dated 12 February 2012
- Correspondence App to CO Info for PI App dated 17 February 2012
- Report No. 1381.08.DWL.IZL.AJO.A0 entitled 'Flood Risk Assessment' dated 20 February 2011

in respect of Application CW8/0818/45:

- Drawing No. 3205/120 entitled 'Site Development Plan Phase 1a' dated 31 August 2018
- Planning Statement dated 31 August 2018
- Noise Assessment dated 31 August 2018
- Planning Permission July 2012 dated 31 August 2018
- Letter – additional information dated 7 November 2018
- Email – additional clarification dated 9 November 2018

### **Availability of Plans**

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

site during the prescribed working hours for the duration of the development.

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

### **Further Schemes to be Submitted**

- 3) Within two months of the date of this planning permission, a Dust Management/Action Plan shall be submitted for the approval in writing of the Waste Planning Authority. The Dust Management/Action Plan must include details and procedures for the use of all dust suppression equipment currently and proposed to be installed on site, including dust suppression equipment installed within the buildings and any other structure.

**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.

- 4) Within two months of the date of this planning permission, a detailed site layout plan to an appropriate scale showing location of all storage bays, skip storage areas, office and staff accommodation, etc, shall be submitted for the approval in writing of the Waste Planning Authority. The scheme shall then be implemented in accordance with the details as approved in writing by the Waste Planning Authority.

**Reason:** To ensure that impact of the development on general loss of amenity is minimised.

- 5) Within two months of the date of this permission, details of the external lighting at the site, including the position and nature of all lights, lux levels, light spread and activation methods, shall be submitted for the approval in writing of the Waste Planning Authority. The scheme shall then be implemented in accordance with the details as approved in writing by the Waste Planning Authority.

**Reason:** To ensure that impact on local amenity is minimised.

### **Environmental Protection**

- 6) No more than 40,000 tonnes of waste shall be imported to the site per annum. The operator shall keep accurate records of the amount of waste arriving at and leaving the site, and this record shall be made available to 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.

- 7) No waste materials, segregated or recycled materials, shall be stored at a height more than 4m above the adjacent ground levels.

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

- 8) The top of any skip shall not be stored at a height greater than 4m above adjacent ground levels.

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

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

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

- 10) Any windblown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

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

#### **Flood Risk**

- 11) The development shall be carried out in accordance with the Flood Risk Assessment (FRA) Addendum ref 1381.08.DWL.IZL.AJO.AO and the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation of the new building and, subsequently, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Waste Planning Authority.

**Reason:** To prevent flooding elsewhere by ensuring that compensatory storage of floodwater is provided.

- 12) Within two months from the date of this permission, a scheme to provide an evacuation plan to take account of the availability of the flood warning service, provided by the Environment Agency, has been submitted to, and approved in writing by, the Waste Planning Authority.

The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the Waste Planning Authority.

**Reason:** To provide a safe means of egress from the premises for its occupants.

### Site Drainage

- 13) Within two months from the date of this permission, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- the utilisation of holding sustainable drainage techniques;
- the limitation of surface water run-off to a betterment of current brown-field rates;
- the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- the responsibility for the future maintenance of drainage features.

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure the future maintenance of the sustainable drainage structures.

### Odours

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

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

- 15) Any non-inert odorous 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:** For the avoidance of doubt and to ensure that the waste management facility and related operations do not have an adverse impact on local amenity.

### Dust

- 16) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust and in accordance with the Dust Action/Management Plan to be submitted and approved under Condition 3 above. If, in the opinion of the Waste Planning Authority, despite the steps taken in the Dust Action Plan, at any time during the operations hereby approved, the operator becomes aware of, or is informed by the Waste Planning Authority that it believes that dust

is leaving the site, then all relevant operations shall be suspended immediately and the works shall not be resumed until the Waste Planning Authority has confirmed in writing that measures are in place to ensure that site operations may be resumed without causing nuisance.

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

- 17) During dry and/or windy weather, dust suppression methods, such as waster bowser and hosepipes, shall be used to prevent dust being blown off the site. At such times as the preventions 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 that the waste management facility and related operations do not have an adverse impact on local amenity.

- 18) Notwithstanding the requirement of other conditions, areas of the application site and outside the building where vehicular activity takes place must be surfaced with a solid bound material and be well maintained and appropriate dust suppression methods, such as the use of water bowzers and/or hosepipes applied.

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

## Noise

- 19) At all times, 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. There shall be no maintenance or testing of vehicles outside the permitted hours of operations.

**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.

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

**Reason:** For the avoidance of doubt and to ensure that the waste management facility and related operations do not have an adverse impact on local amenity.

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

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

### **Highway Safety**

- 22) The sole vehicular access to the site shall be the access off Hallam Fields Road as indicated in the Site Development Plan Phase 1a, Drawing No. 3205/120.

**Reason:** To restrict the routes for accessing the site in the interests of the highway safety and in accordance with Policy W8 of the Derby and Derbyshire Waste Local Plan.

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

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

- 24) No mud or other debris shall be carried from the site onto the public highway (Hallam Fields Road).

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

- 25) The space provided within the site for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development, free from any impediment to its designated use.

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

### **Hours of Operation**

- 26) All activities under this permission which are carried out entirely inside the building shall be carried out during the following times only:

0400 hours to 2300 hours on Mondays to Fridays inclusive

0400 hours to 1900 hours on Saturdays, Sundays and Bank Holidays

No Heavy Good Vehicles shall be permitted to be driven into, on or out of the site outside the following times:

0600 hours to 1900 hours on Mondays to Fridays inclusive

0600 hours to 1600 hours on Saturdays.

For the avoidance of doubt, no Heavy Goods Vehicles shall be driven into, on or out of the site at any time on any Sunday or Bank Holiday.

All other activities under this permission shall be carried out during the following times only:

0600 hours to 1900 hours on Mondays to Fridays inclusive  
0600 hours to 1900 hours on Saturdays

All other site operations outside of the building shall not take place on Sundays and Bank Holidays.

**Reason:** To ensure that the Waste Management facility and related operations do not have an adverse impact on the local amenity.

- 27) The site operators shall ensure that all surface water drainage operates in an efficient manner.

**Reason:** To ensure that the site drains efficiently.

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

**Reason:** To prevent pollution of the water environment and ensure the site is adequately drained.

- 29) Prior to being discharged into any watercourse, surface water drain, sewer or soakaway system, all surface water drainage from parking areas and hard standings, shall be passed through an oil interceptor, which shall be designed and constructed to have a capacity (and details) compatible with the site being drained.

**Reason:** To prevent pollution of the water environment and ensure the site is adequately drained.

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

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

application. The applicant was given clear advice as to what information would be required.

**Footnote**

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

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

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**





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20-Nov-2018