



DEVELOPMENT CONTROL AND REGULATORY BOARD

9th December 2021

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE: 2021/0991/01 (2021/CM/0108/LCC) – 4th August 2021

PROPOSAL: Proposed extension to the existing waste transfer and recycling operations, including the construction of 2no. steel portal frame recycling buildings and partial demolition of the existing brick built haulage depot building.

LOCATION: Bakers Waste Services Ltd, Workshop, Granite Close, Enderby, LE19 4AE

APPLICANT: Bakers Waste Services Ltd.

MAIN ISSUES: Impact on residential amenity, odour, noise, dust, litter; compliance with waste policies.

RECOMMENDATION: Permit subject to the conditions included in Appendix A.

Circulation Under Local Issues Alert Procedure

Mrs. L. Richardson CC

Officer to Contact

Amelia Mistry (Tel. 0116 305 7326).
Email: planningcontrol@leics.gov.uk

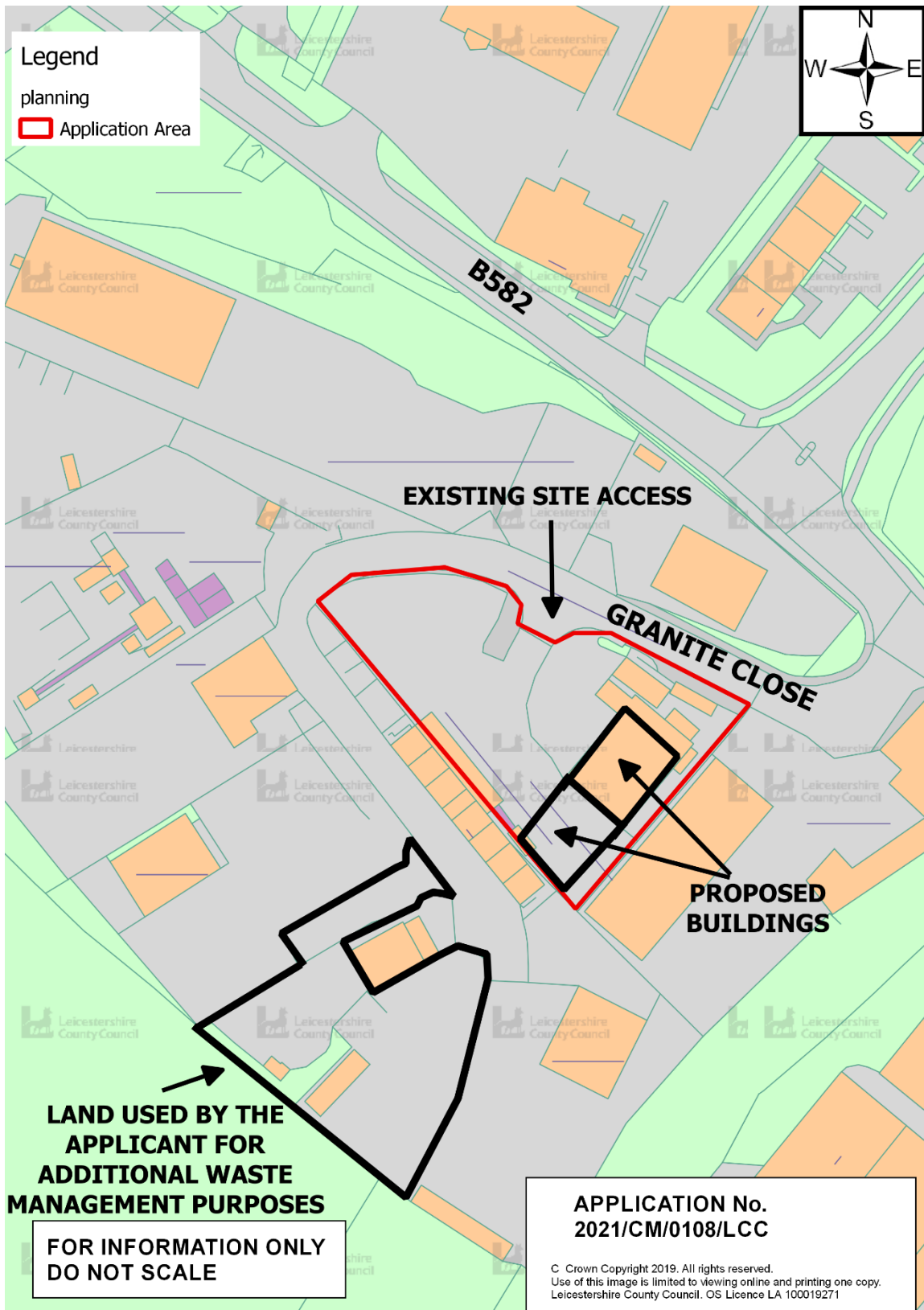
PART B – MAIN REPORT

The Site and Surroundings

1. The application site is located on the south west of Granite Close, within the Mill Hill industrial estate which lies approximately 200 metres south of the M69 motorway and 800 metres north-west of Enderby village. It contains a variety of land uses including industrial units, builders yards, offices and waste management development. The nearest residential properties are located on Mill Hill (B582) which runs along the northern boundary of the estate; approximately 30m to the east of the estate access on Connery Lane; and those properties to the south-west of the estate on Strawberry Gardens off Seine Lane. Properties along Strawberry Gardens and Seine Lane are approximately 160 metres south-west of the southern boundary of the site. However, these are separated from the application site by surrounding commercial and industrial buildings and uses and agricultural land.
2. Access to the site is gained via an existing private internal road, Granite Close, which is connected northwards directly onto the B582.
3. The Granite Close industrial estate incorporates two Bakers Waste sites. Firstly, Granite Close North occupies a central position within the estate. This area comprises the application site. Secondly, a site to the south of Granite Close North which is an overflow yard for the wider waste management operations at Granite Close North.

Planning History

4. The application site forms part of a wider general industrial estate off Mill Hill (B582) in Enderby. A small area in the south-east of the existing site had planning permission for waste sorting and transfer in 1991 (reference 1991/0658/01). Planning permission for the wider use of industrial land for waste transfer and recycling at the existing operations was granted in October 2010 (reference 2010/0312/01). In 2011 planning permission was granted for the installation of a picking line (reference 2011/0196/01). In 2013 planning permission was granted for the erection of a 5m high concrete panel wall, the installation of a four-metre-high steel fence and revisions to the site layout. The application also approved the installation of a two-metre-high litter fence on top of the perimeter wall (reference 2013/0152/01). In 2014 planning permission was granted for revisions to the existing waste transfer and materials recovery facility, comprising an increase to the approved limits on vehicle movements. Retrospective approval was also approved for revisions to the site layout and additions to the fencing and litter netting on the site boundary (reference 2014/0835/01). In 2016 planning permission was granted for the erection of two site cabins for use as offices (reference 2016/0223/01).



5. The existing operations include a waste transfer station and materials recycling facility which handles mixed household and commercial waste. The site has a maximum annual operational throughput of 65,000 tonnes. All waste received at the site is classed as non-hazardous except for waste electrical and electronic equipment (WEEE). Existing operations on the site include waste sorting into separate fractions where different waste streams are then removed offsite for onward recycling or treatment. The typical waste streams sorted on the site include:
 - General mixed municipal waste,
 - Paper/card,
 - Plastics,
 - Wood,
 - Metal,
 - Hardcore,
 - WEEE waste (storage only).
6. The application area comprises the existing waste transfer station and materials recycling facility and the neighbouring brick built former vehicle service and repair depot building which is separated from the waste operations by a four-metre-high steel fence and litter netting. The existing operations include the tipping of waste material once it has been transported into the site. Waste material is then processed using a picking line. The picking line includes loading waste into a hopper, screening and hand sorting of materials into different recycling fractions, for example, paper/card, plastics, wood, metal and hardcore. Items are then stored and await collection for onward disposal or recycling. An excavator is then used to load waste material into a feed hopper and for loading articulated lorries. Shovels and tele-handlers are also used to move material from bays to storage points and loading vehicles as required.
7. The WEEE waste onsite is stored within a covered WEEE crate.

Description of Proposal

8. The planning application seeks planning permission for an extension to the existing waste transfer and recycling operations, including the construction of two steel portal frame recycling buildings and the partial demolition of the existing brick built former vehicle service and repair depot building, adjacent to the existing waste management operations.
9. The application proposes a change of use where the proposed extension and works would be located on adjacent employment/industrial land which was used by the previous tenant as a vehicle service and repair depot building. The depot would be partially demolished to make room for the proposed extension to the waste transfer and recycling operations. The existing offices would be retained for continued use. The existing steel fence and litter netting would be removed to open the area between the existing operations and the proposed extension area. A new concrete dividing wall would be constructed to separate the waste management operations from the offices.

10. Two open fronted, mono-pitch steel portal frame waste transfer and recycling buildings would be constructed. One would measure 17.5 metres long by 12 metres wide and 15 metres high to its front (north-west) elevation, and 12 meters high to the rear (south-east) elevation. The second building would measure 17.5 metres long by 13 metres wide and 15 metres high to its front (north-west) elevation, and 12 meters high to the rear (south-east) elevation. The buildings would contain concrete storage bays with a five-metre-high concrete wall to the rear of the building to facilitate the storage and loading of waste materials. The height of the buildings has been designed to accommodate the height required for vehicles to tip or load material within the buildings.
11. A mobile size regulator would be located within the buildings. This piece of machinery would be used to break down some of the waste streams to 600mm in size.
12. It is not proposed to increase waste or traffic throughput to and from the site. It is proposed that the existing restrictions on vehicle movements would be retained. The site is currently restricted to 158 heavy goods vehicle movements (79 in and 79 out per day) in any working day, except on Bank Holidays which are restricted to 30 heavy goods vehicle movements (15 in and 15 out).
13. The site currently has 12 full-time equivalent staff members who assist with site operations. The proposal would enable the applicant to employ an additional 3 full-time equivalent staff members. It is proposed that an additional three car parking spaces would be provided to accommodate for this.
14. No changes to the existing hours of operations are proposed. The site would continue to adhere to existing planning conditions on the extant planning permission, which require the following hours to be adhered to:
 - a) Monday to Friday between 06:00 and 00:00hrs (sorting and recovery of waste permitted, with tipping permitted between 0600 and 1900hrs only and crushing and screening of waste to take place between 0800 and 1800hrs only);
 - b) Saturday between 07:00 and 19:00hrs (tipping, sorting and recovery of waste permitted, and crushing and screening of waste to take place between 0800 – 1800hrs only);
 - c) Bank and Public Holidays between 08:00 and 16:00hrs (collection and delivery of waste only (no tipping, sorting, recovery or other operations on the site), and between the hours 06:00 and 07:00hrs and 1900 to 00:00 hours only the picking line and 360 excavator will be operational and no other machinery or plant will be used on site.
15. Condition 4 of planning permission reference 2014/0835/01 requires that between the hours of 06:00 to 07:00hrs and 19:00 to 00:00hrs (Monday-Friday), only the picking line and 360 excavator shall operate and no other machinery or plant shall be used on site. The proposed mobile size regulator would operate as part of the picking line plant and therefore is proposed to operate during these hours.

16. Vehicle movements into or out of the site will only take place as follows:

- a) Monday to Saturday 07:00 and 19:00 hours;
- b) Monday to Saturday 06:00 and 07:00 hours – vehicles allowed to leave the site only, no vehicles to enter the site and no loading/unloading of skips, and
- c) Bank Holidays and Public Holidays 08:00 to 16:00 hours.

17. The proposal is sought to provide the applicant with more room to undertake the existing waste transfer and recycling operations. The buildings would allow some of the sorting/recycling and storage of recovered materials to be partially enclosed and under-cover. The changes are sought to aim to improve efficiencies in the waste recycling and transfer operations.

18. The existing site operations are also controlled by an Environmental Permit which is issued and monitored by the Environment Agency. This permit places controls on dust and litter management at the site. Whilst these controls lie outside of the planning process, the applicant has stated that it will seek a variation to the existing permit to ensure that litter and dust impacts are effectively controlled across the existing and proposed site areas.

Planning Policy

The Development Plan

Leicestershire Minerals and Waste Local Plan (adopted September 2019)

- Policy W4: Non-Strategic Waste Facilities
- Policy W5: Locating Waste Facilities
- Policy W7: Facilities for Energy and Value Recovery from Waste
- Policy DM1: Sustainable Development
- Policy DM2: Local Environment and Community Protection
- Policy DM5: Landscape Impact
- Policy DM9: Transportation by Road
- Policy DM11: Cumulative Impact

Blaby District Local Core Strategy (2013)

- Policy CS1: Strategy for locating new development
- Policy CS2: Design of new development
- Policy CS6: Employment
- Policy CS21: Climate change
- Policy CS22 Flood risk management
- Policy CS23: Waste
- Policy CS24: Presumption in favour of sustainable development

Blaby District Local Plan Delivery DPD (2019)

- Policy SA5: Key Employment Sites and Other Existing Employment Sites

- Policy DM1: Development within the Settlement Boundaries
- Policy DM8: Local Parking and Highway Design Standards
- Policy DM13: Land Contamination and Pollution

National Policy and National Guidance

National Planning Policy Framework (NPPF)

19. The National Planning Policy Framework (2021) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.
20. Paragraph 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.
21. Paragraph 111 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
22. Paragraph 119 of the NPPF states that "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."
23. Paragraph 188 of the NPPF advises "the focus of planning policies and 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."
24. Paragraph 185 of the NPPF 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. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁵; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

National Planning Policy for Waste (NPPW)

25. The NPPW (October 2014) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.
26. Paragraph 1 of the NPPW discusses the importance of working towards a more sustainable and efficient approach to resource use and management. This includes "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".
27. Paragraph 7 of the NPPW outlines the criteria that should be considered when determining planning applications; in this case waste planning authorities should: "consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies".
28. Appendix B of the NPPW discusses the key locational criteria for waste management facilities. These criteria include amenity related factors (e.g. landscape and visual impacts, and noise) and environmental factors (e.g. protection of water quality and nature conservation).

Other Policy and Guidance Considerations

29. The Waste Management Plan for England (2021) sets out the Government's ambition in embedding sustainable thinking around waste management. Page 14 of the Plan highlights the governments focus on moving up the waste hierarchy, to minimise the amount of waste we produce by improving our resource efficiency and keeping products in circulation longer so that they do not become waste.
30. Paragraph 047 of the planning practice guidance for waste (Determining planning applications) states that the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant.

Consultations

Blaby District Council – Planning and Environmental Health: No objection.

31. Some controls would be imposed via the Environmental Permit for the site, including those for odour, dust, litter and insect control. Sites such as this are potential sources of pests, notably insects, which can cause off-site impacts. The operator must ensure that effective measures are in place to minimise the potential for pest infestations. It is recommended that a note to applicant is applied to any planning permission granted to this effect.

32. The acoustic assessment indicates that the existing condition relating to noise emanating from the site will be complied with should the proposed scheme be implemented.
33. **Enderby Parish Council:** No objection.
34. **Environment Agency (EA):** No objection. In terms of controlled waters, the site is of limited sensitivity. We are satisfied that any pollution prevention measures can be suitably addressed under the Environmental Permitting Regulations.
35. **Leicestershire County Council - Landscape:** No objection. The proposal not only lies within an established, operational industrial area, but also the proposed building would be industrial in appearance and would be of a similar scale and size to the buildings on the existing industrial estate. The proposal would be well screened from adjacent properties and would not have a major adverse visual impact on the surrounding landscape.
36. **Leicestershire County Council - Lead Local Flood Authority (LLFA):** No objection. The application site is brownfield totalling 0.30 ha in size. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a low risk of surface water flooding. The proposed development would not have any impact on surface water drainage.
37. **Leicestershire County Council - Highways:** No objection. The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to a planning condition to require the applicant to provide and implement the proposed parking and turning facilities prior to occupation of the development and to require the applicant to provide the parking provision on the site in perpetuity.
38. **Leicestershire County Council – Ecology:** No objection. The proposed extension appears to be sited on existing hardstanding areas, and the existing building to be affected is of modern construction. Therefore, no ecological surveys are required.
39. Councillor Louise Richardson (Enderby & Lubbethorpe ED): No comments received at the time of publication of this report.

Publicity and Representations

40. The proposal has been publicised by a press notice in the Leicester Mercury on 9th August 2021, and by neighbour letters and site notices dated 9th August 2021 in accordance with the County Council's adopted Statement of Community Involvement. Additional neighbour letters were sent on 16th August 2021 and an additional site notice was posted on the 7th September 2021, as the initial publicity did not account for the August Bank Holiday and so additional time was given for comments.

41. Five letters of representation have been received, which raised concerns relating to the following matters:
- a) odour,
 - b) vermin,
 - c) impact of the site on public health,
 - d) litter,
 - e) drainage issues,
 - f) height of the existing waste stockpiles and compliance of stockpiles with existing planning controls,
 - g) local parking issues and local highway safety issues because of the existing development,
 - h) existing and additional noise impacts on local amenity including during night-time hours (between 00:00 and 06:00 hours);
 - i) landscape impacts of the proposed buildings on local amenity and nearby residential properties, particularly with regards to height;
 - j) existing and additional dust pollution;
 - k) lighting impacts of the existing and proposed operations, including during night-time hours.
42. Additionally, concerns were raised that should the application be granted planning permission then the above issues would multiply and impact the wider residential community.
43. The issues raised by representees and the comments made by statutory consultees are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

Planning Policy Assessment

44. The application does not seek to increase the volume of waste which is received by the site, and therefore, would not alter the volume of material present on the site. The application seeks additional space in which to undertake the existing operations on the site. No changes to the existing controls on the operations are proposed. Policy W7 states that planning permission will be granted for waste management facilities that would provide for energy or value recovery from waste provided that pre-sorting is carried out ensuring that residual waste is recovered and that value recovery from by-products of the process is maximised. The proposal would give the existing operator more room and undercover storage to allow the existing operations to be more efficient in sorting and recovering residual waste for potential onward transport to recovery operations. Therefore, the proposal supports the aims of Policy W7.
45. Policy W4 states that planning permission will be granted for new non-strategic waste facilities, including extensions to existing waste facilities, within the Broad Locations for Strategic Waste Facilities, taking into account the principles set out in Policy W5. Policy W5 states that planning permission will be granted for waste facilities in accordance with the objectives of Policies W3 and W4 upon land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated either as a consequence of proximity to the existing waste management uses or the co-location of waste management facilities or on existing industrial/employment land.

46. Given that the land lies within the Broad Locations as set out in the LMWLP and that the proposed extension to the existing facilities would be located on existing industrial and employment land where transport, operational and environmental benefits could be demonstrated as a consequence of proximity to the existing waste management facility, the proposal accords with Policies W4 and W5.
47. The site lies within the settlement boundary as outlined on the Policies Map within the Blaby District Local Plan Delivery Development Plan (adopted 2019) and therefore policies CS1 of the Blaby District Local Core Strategy (2013) and DM1 of the Blaby District Local Plan Delivery DPD (2019) apply. Given the proposed development would take place on previously developed land and underused land and buildings, the proposal accords with Policy CS1. The proposal would not have any adverse impacts upon the local landscape, biodiversity or wildlife habitats and the design of the new development is considered acceptable as it would be industrial in appearance and would be of a similar scale and size to the buildings on the existing industrial estate. The proposed buildings would be well screened from adjacent properties and would not have a major adverse impact on the surrounding landscape. The proposal is found to accord with Policy DM1.
48. The application site is designated as a key employment site on the Policies Map within the Blaby District Local Plan Delivery Development Plan (adopted 2019) and therefore policies CS6 and SA5 apply. Policy CS6 seeks to protect key employment sites from non-employment uses. As the proposed extension to the existing site would include the construction of buildings and the installation of machinery in order to tip, store and break up waste material, this activity is similar in nature to an industrial process and would generate comparable levels of employment. The proposal would not therefore result in the loss of any employment land and would not have an adverse impact upon employment opportunities within the locality. Additionally, the proposal would result in an additional three full-time equivalent employees to be hired to the operations, for which parking would be provided. Therefore, the proposal accords with Policies CS6 and SA5.

Landscape and Visual Impact

49. The proposals include the demolition of the existing vehicle service and repair depot building and the erection of two steel portal framed buildings. The buildings would be a maximum height of 15 metres and would be metal clad and grey in colour. The nearest residential properties are located on Mill Hill (B582) which runs along the northern boundary of the estate, approximately 30m to the east of the estate access on Connery Lane, and those properties to the south-west of the estate on Strawberry Gardens off Seine Lane. Properties along Strawberry Gardens and Seine Lane are approximately 160 metres south-west of the southern boundary of the site. These properties are separated from the application site by surrounding commercial and industrial buildings and uses and open agricultural land. Given the nature of the surrounding industrial estate and the existing buildings within close proximity to the site it is not considered that the height, design and treatment of the proposed buildings would have a severe impact on the local landscape and the visual amenity of the nearest residential properties. It is considered that the design of the development is appropriate for its context. Therefore, the proposal accords with Policy DM5 of the LMWLP and Policy CS2 of the Blaby District Local Core Strategy (2013).

Lighting

50. No additional lighting is proposed. To minimise the adverse impact of light generated by the existing operations on the local community and the environment the existing lighting is controlled by planning conditions. A planning condition controls the details of the siting, design, luminance, direction of light distribution and the shielding of all means of external lighting at the site. Should the applicant wish to alter lighting at the site, details must be submitted to and agreed in writing by the Waste Planning Authority before any such provision is made within the development. Additionally, a planning condition imposed on the existing operations requires that all lighting operated on site must be turned off within one hour of the waste operations ceasing on site each day and must not be operated again more than one hour prior to operations commencing on site the next working day.
51. Subject to such planning conditions being imposed onto the whole application site including the extension area, the proposal would not result in unacceptable adverse impacts from light generated by the operations on the local community and the environment. Therefore, the proposal accords with Policies DM2, DM5 and DM11 of the LMWLP.

Traffic, Access and Parking

52. The proposed development would not result in any changes to the throughput of waste at the site and therefore there would be no change to the numbers of articulated lorries which enter and leave the site. It is proposed that the development would result in three additional staff being employed and car parking for those staff would be provided. Subject to a planning condition to require the applicant to provide and implement the proposed parking and turning facilities prior to occupation of the development and to require the applicant to provide the parking provision on the site in perpetuity, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021). The proposal accords with Policy DM8 of the Blaby District Local Plan Delivery Development Plan (adopted 2019) and Policy DM9 of the LMWLP.

Airport Safeguarding

53. The internationally accepted safeguarding area with reference to bird hazards is defined by International Civil Aviation Organisation as a 13km radius around any aerodrome. The application site is approximately 12km from Leicestershire Aero Club. The proposal would not result in any additional throughput at the site and the proposal would allow for more of the waste on the site to be stored undercover, and within a building. This would improve the efficiency of processing the waste stockpiles onsite. Therefore, it is not considered that the proposal would increase risk of bird strike above or surrounding the site. It is considered that the proposal would not have an adverse impact on airport safeguarding in line with objectives of the LMWLP.

Sustainability and Climate Change

54. The proposal would provide the applicant with more room to carry out the existing waste transfer and recycling operations. This would allow the existing facility to improve efficiency of the waste transfer and recycling operations and to improve efficiency of materials moving up the Waste Hierarchy, as encouraged in the NPPW. Using natural resources prudently and minimising waste and pollution forms part of the environmental objective of achieving sustainable development, as detailed in paragraph 8 of the NPPF. Improving the efficiency of materials moving up the Waste Hierarchy minimises energy use and the use of valuable resources which accords with policy CS21 of the Blaby District Local Core Strategy (2013).
55. Additionally, improving efficiency of the business is in keeping with the NPPF which seeks (amongst other things) to promote a strong and competitive economy. Paragraph 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

Ecology and Biodiversity

56. The proposed extension would be sited on existing hardstanding areas and it was assessed that no bat or other ecological surveys are required to support the application.

Noise and Vibration

57. An acoustic assessment report which was undertaken by an independent competent person was submitted by the applicant in support of the application. The report included an assessment of the existing and proposed operations, including the operation of the proposed size regulator. The assessment concluded that the proposed operations would not result in any adverse noise impacts at the surrounding residential properties located along Mill Hill to the east and Seine Lane to the north west. The assessment concluded that the noise levels would remain substantially below the current planning condition limits, with an indication of a low impact when assessed against the current BS 4142 guidance and in summary, the proposed operations would ensure acceptable noise levels are maintained at the surrounding properties.
58. The site has existing measures to control the impacts of any noise on the local environment and local amenity. These measures include planning conditions which control which operations can take place onsite during day and night-time hours. For example, Conditions 3 and 4 of planning permission reference 2014/0835/01 control the hours during which certain operations can take place on the site. Condition 4 states that between the hours of 06:00 to 07:00hrs and 19:00 to 00:00hrs (Monday-Friday), only the picking line and 360 excavator shall operate and no other machinery or plant shall be used on site. The proposed mobile size regulator would operate as part of the picking line plant and therefore is proposed to operate during these hours. Additionally, Condition 6 of planning permission reference 2014/0835/01 controls the exact type and sound of alarm for the picking line or elsewhere on the site and the hours during which alarms can be sound.

59. To support the application an acoustic assessment was submitted. The report included an assessment of the existing and proposed operations, including the operation of a proposed mobile size regulator. The assessment concluded that the proposed operations would not result in any adverse noise impacts at the surrounding residential properties located along Mill Hill to the east and Seine Lane to the south west. It was concluded that the noise levels would remain below the current planning condition limits, and that the proposals would have a low impact on the local environment and local amenity when assessed against the latest current British Standard guidance for rating and assessing industrial and commercial sound. Therefore, subject to the imposition of conditions to control which operations can take place onsite during day and night-time hours across the operations and proposed extension area and the continued imposition of planning conditions to control alarms and noise levels on the site, the proposal is considered acceptable with regards to noise impacts.
60. It is not considered that the proposal would result in any vibration impacts upon the local environment or local amenity.

Air Quality, Dust and Litter

61. The site has existing measures to control the impacts of any dust on the local environment and local amenity. These measures include existing planning conditions to control the height of waste stockpiles and their location in order to reduce windblown dust and/or litter. Additionally, the existing site is covered by the Dust Management Scheme and Complaints Procedure document dated October 2010 which accompanied the planning application referenced 2010/0312/01, permitted on 26th October 2010. For the existing operations the applicant is required, in the event of a complaint being received in regard of dust, noise or litter, to investigate the source of nuisance and mitigate against it in accordance with the Scheme. In the event the complaint is not resolved the operator is required to undertake further mitigation in agreement with the Waste Planning Authority. It is recommended that a planning condition be imposed to require the Dust Management Scheme and Complaints Procedure document to be updated to cover the extended operations.
62. Additionally, the existing site has an Environmental Permit which is controlled and managed by the Environment Agency. The proposal would require the applicant to update their permit. The permit would place additional controls on the site to ensure that there would be no unacceptable impacts in terms of dust to local air quality and the local environment.
63. The existing steel fence and litter netting would be removed to open the area between the existing operations and the proposed extension area. This would be replaced by a new concrete dividing wall which would be constructed to separate the waste management operations from the offices. Details of the height of the new concrete wall have not been provided by the applicant. Provided the wall is of at least the same height as the existing steel fence and litter fencing, this wall would continue to offer protection against windblown litter leaving the site. It is recommended that a planning condition be imposed to require details of the height and finish of the concrete wall prior to its erection which would ensure that a sufficient barrier against wind-blown litter is established. Requiring the operator to

maintain the boundary treatments and any litter netting in perpetuity would prevent the escape of litter from the site and protect the local environment and local amenity.

64. Subject to the controls of the required environmental permit, the continued imposition of existing planning conditions to control dust and litter emanating from the application area and the imposition of planning conditions to require the applicant to update the existing Dust Management Scheme and Complaints Procedure document and to provide details of the height and finish of the concrete wall for approval, the proposal is acceptable with regards to air quality, dust and litter impacts.

Odour

65. The site has existing measures to control the impacts of any odour on the local environment and local amenity. These measures include existing planning conditions to control the types of waste received and processed onsite. For example, Condition 15 of planning permission reference 2014/0835/01 requires that no loads of food waste shall be delivered to the site. If any food waste is delivered amongst mixed waste, it shall be removed and placed in a covered sealed bin for removal off site.
66. Additionally, the site has an existing Environmental Permit which would be updated should permission be granted. The permit would place additional controls on the site to ensure that there would be no unacceptable impacts in terms of odour to local air quality and the local environment. Subject to the imposition of a planning condition to control the handling of incidental food wastes which may inadvertently arrive onsite within the extension area, the proposal is considered acceptable with regards to odour.

Flood Risk and Drainage

67. The site lies within Flood Zone 1 and is situated within an area at the lowest probability of flooding. The Lead Local Flood Authority have identified the site at a low risk of surface water flooding. The proposal accords with Policy CS22 of the Blaby District Local Plan Core Strategy (adopted 2013) and Policy DM2 of the LMWLP.

Contamination

68. The site has existing measures to control the potential for contamination of nearby waters and soils. These measures include the existing environmental permit which is controlled and managed by the Environment Agency. The applicant would be required to update the permit to cover the extension area should permission be granted. Therefore, the proposal accords with Policy DM13 of the Blaby District Local Plan (Delivery) Development Plan Document (adopted 2019) and Policy DM6 of the LMWLP.

Socio-Economic Impact

69. The proposal would result in the land remaining as an activity that generates employment and would not have an adverse impact upon employment opportunities within the locality. Additionally, the proposal would result in an a

further three full-time equivalent employees to be hired to the operations. At present the application area comprises a vacant former vehicle service and repair depot building and therefore the proposal would result in additional jobs within the locality. Furthermore, the proposal would allow the applicant to run the existing operations more effectively and efficiently and therefore the proposal would have positive economic effects for the business.

Other

70. It is recognised that some types of waste facilities can be a potential source of pests, notably insects, or vermin which can cause off-site impacts and harm to the local environment and to human health.
71. The proposal would result in additional room for the handling and processing of waste which would improve on-site efficiency in the handling of waste. This would include moving a proportion of the waste on the site within a covered building. It is considered that this would have operational benefits to the site and reduce the likelihood of pests on site. However, the operator must ensure that effective measures are in place to minimise the potential for pest or vermin infestations. Blaby District Environmental Health recommend that a note to applicant is applied to any planning permission granted to this effect. The existing operations are subject to a planning condition ensuring that no loads of food waste are delivered to the site. If any food waste is inadvertently delivered amongst mixed waste, it should be removed and placed in a covered, sealed bin for removal off site by the end of the working week.
72. Subject to such an advice note and the continued imposition of a planning condition to control any incidences of food waste on the site, the proposal is considered acceptable in terms of its potential to cause pests in the locality and harm to the local environment and human health.

Compliance with Existing Planning Controls and other Regulatory Regimes

73. Representations raised concerns that there are issues with the site complying with existing planning controls. Article 34 of the Waste Framework Directive and regulation 19(2) of the Waste (England and Wales) Regulations 2011 require local planning authorities to carry out appropriate inspections of waste management facilities. As such, regular inspections of the site take place by planning officers and will continue throughout the life of the development. These regular inspections check compliance with the terms of the planning permission. Where a complaint is received regarding an alleged breach of planning control, such as a failure to comply with planning conditions, further inspections would take place as part of any investigation, as required.
74. Planning decisions should consider 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, such as an Environmental Permit). Therefore, it is assumed that an Environmental Permit which would be required by the Environment Agency should permission be granted, would operate effectively.

Amenity of Residents

75. Policy DM2 states that planning permission will be granted for waste development where it is demonstrated that the potential effects from bird strikes, dust, emissions, flooding, illumination, noise, odour, run-off, traffic, vibration, or visual intrusion to adjoining land uses and users and those in close proximity to the proposal would be acceptable. The operations would be contained entirely within the application site with the distance to neighbouring properties and intervening landscaping and topography mitigating all but the most adverse impacts. However, due to the nature of waste operations these have the potential to be significant in impact and have been discussed in the above text under the respective headings. The main areas for concern in terms of impact upon neighbouring homes and the environment as raised in representations include:
- a) odour,
 - b) vermin,
 - c) impact of the site on public health,
 - d) litter,
 - e) drainage,
 - f) height of the existing waste stockpiles and compliance with existing planning controls,
 - g) local parking and highway safety issues,
 - h) cumulative impacts should permission be granted,
 - i) existing and additional noise impacts,
 - j) landscape impacts of the proposal on local amenity,
 - k) existing and additional dust pollution,
 - l) lighting impacts of the existing and proposed operations.
76. Many of the amenity related controls are subject to planning conditions which are monitored to ensure compliance. Subject to appropriate controls as outlined in the above text, the development would not have an adverse impact on the amenity of local residents or wider environment. As mentioned, this is subject to controls imposed by way of condition and restrictions which would be placed on the site under an Environmental Permit which is required, and would be monitored by, the Environment Agency. On this basis, the proposal meets the terms of Policies DM1 and DM2 of the LMWLP.

Cumulative Impact

77. The Waste Planning Authority does not assume that because a particular area hosts a waste facility, that it is appropriate to add to this. Therefore, the application has been assessed, taking into account individual and linked impacts, and each issue has been considered to be acceptable having regard to available controls, mitigation and monitoring. When added together these effects may have broader impacts that may be individually acceptable, but having regard to the accumulation of these, they may not. In this instance, the individual impacts are not considered to amount to unacceptable adverse impacts when considered cumulatively. Consideration has been given above to the various potential environmental impacts associated with the proposed development, and in consultation with specialist advisors, the proposed controls recommended would limit impacts to recognised, satisfactory limits. Overall, it is considered that the cumulative impacts are satisfactory in accordance with Policy DM11 and given the assessment of the proposal as outlined in the above text the overall proposal is found to accord with Policy DM1 of the LMWLP, Policy CS24 of the Blaby

District Local Plan Core Strategy (adopted 2013) and Policy DM1 of the Blaby District Local Plan Delivery Development Plan (adopted 2019).

Conclusion

78. The planning application seeks planning permission for an extension to the existing waste transfer and recycling operations, including the construction of two steel portal frame recycling buildings and the partial demolition of the existing brick-built haulage depot building, adjacent to the existing waste management operations onsite.
79. It is considered that the proposals are in accordance with the spatial and development control policies of the Development Plan, and that subject to the conditions below, any potential adverse impacts can be controlled to an acceptable level. The proposal would result in operational benefits for the existing site and improve efficiencies in moving waste up the waste hierarchy. This would provide local employment opportunities on a vacant site and provide wider climate change benefits, by driving waste management up the waste hierarchy. The proposal therefore accords with the relevant policies and guidance and is recommended for approval.

Statement of Positive and Proactive Engagement

80. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and the representations received. The Waste Planning Authority has given the applicant the opportunity to address concerns raised during the consultation process regarding noise through the submission of further information including an acoustic assessment. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

Recommendations in support of an application:

1. PERMIT subject to the conditions set out in Appendix A.

Officer to Contact

Amelia Mistry (Tel: 0116 305 7326)
E-Mail planningcontrol@leics.gov.uk

APPENDIX A

Conditions

1. The development hereby permitted shall commence within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Waste Planning Authority shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

Reason: To assist with the monitoring of conditions attached to the planning permission and for the avoidance of doubt.

Approved Plans

3. The development hereby permitted shall be carried out in accordance with the following plans and documents, unless otherwise specified by other conditions attached to this permission:
 - a) Application Form - dated 20/07/2021;
 - b) Planning Statement, reference B005-20 Rev 2, dated July 2021 and amended August 2021;
 - c) Drawing number GPP/BW/GCE/21/01 revision no 1 titled 'Site Location Plan' - dated 10 May 2021;
 - d) Drawing number GPP/BW/GCE/21/03 revision no v 04 titled 'Proposed Site Layout Plan' - dated 10 May 2021;
 - e) Drawing number GPP/BW/GCE/21/04 revision no 01 titled 'Elevations of Waste Transfer Building 1' - dated 10 May 2021;
 - f) Drawing number GPP/BW/GCE/21/05 titled 'Elevations of Waste Transfer Building 2'- dated 10 May 2021.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

Hours of Operation

4. The site shall operate only in accordance with the following prescription of hours and activities:
 - Monday to Friday: between 06:00 and 00:00hrs – sorting and recovery of waste permitted, with tipping permitted between 07:00 and 19:00hrs only and crushing and screening of waste to take place between 08:00 and 18:00hrs only;
 - Saturday: between 0700 and 1900hrs – tipping, sorting and recovery of waste permitted, and crushing and screening of waste to take place between 08:00 – 18:00hrs only; and

- Bank and Public Holidays: between 08:00 and 16:00hrs – collection and delivery of waste only (no tipping, sorting, recovery or other operations on the site).

The site shall not operate outside of the specified hours or at any times on Sundays.

Reason: To safeguard the amenities of the locality and minimise any adverse impacts on nearby noise sensitive properties in line with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (LMWLP).

5. Between the hours of 06:00 to 07:00hrs and 19:00 to 00:00hrs (Monday to Friday), only the picking line and 360 excavator shall be operational and no other machinery or plant shall be used on site. During these specified times, the 360 excavator shall only operate within the south eastern waste reception area shown on Drawing No. GPP/BW/GCN/14/03 (Rev. 6) – ‘Site Layout Plan’ (scale 1:500 at A4) received by the Waste Planning Authority on 22nd August 2014.

Reason: To safeguard the amenities of the locality and minimise any adverse impacts on nearby noise sensitive properties in line with Policy DM2 of the LMWLP.

6. Vehicle movements into or out of the site are only permitted between the following hours:
 - Monday to Saturday: 07:00 and 19:00hrs
 - Monday to Saturday 06:00 and 07:00hrs – vehicles allowed to leave the site only, no vehicles to enter the site and no loading or unloading of skips
 - Bank and Public Holidays: 08:00 and 16:00hrs

No vehicles shall enter or leave the site outside of these hours or at any times on Sundays.

Reason: To safeguard the amenities of the locality and minimise any adverse impacts on nearby noise sensitive properties in line with Policy DM2 of the LMWLP.

Restrictions on Heavy Goods Vehicle Movements

7. There shall be no more than an 158 Heavy Goods Vehicle movements (79 in, 79 out) at the application site in any one working day, except on Public and Bank Holidays when there shall be no more than 30 vehicle movements (15 in, 15 out). The applicant shall provide written details of the number of all lorry movements for the previous 3 month period upon request of the Waste Planning Authority.

Reason: In the interest of highway safety in line with Policy DM9 of the LMWLP.

External Lighting

8. All existing external lighting shall be maintained in accordance with the details outlined on Drawing Ref. GPP/BW/GCN/16/03 dated 5th January 2016, Rev no 1. Details of the siting, design, luminance, direction of light distribution and the

shielding of all means of external lighting at the site, in addition to that shown on Drawing Ref. GPP/BW/GCN/16/03 dated 5th January 2016, Rev no 1, shall be submitted to, and approved in writing by the Waste Planning Authority before any such provision is made within the development. The lighting shall thereafter be maintained in accordance with the approved details for the life of the development.

Reason: To minimise the adverse impact of light generated by the operations on the local community and the environment in line with Policy DM2 of the LMWLP.

9. All lighting operated on site shall be turned off within one hour of the waste operations hereby permitted ceasing on site each day and shall not be operated again more than one hour prior to operations commencing on site the next working day.

Reason: To ensure that the development does not cause unacceptable adverse impacts upon the amenities of the area surrounding the site in line with Policy DM2 of the LMWLP..

Storage Areas

10. Waste and material stored within the site shall not be stored above the height of the perimeter wall or fencing, or above 5 metres, whichever is the lesser.

Reason: To ensure that the development does not cause an unacceptable adverse impact upon the amenities of the area surrounding the site in line with Policy DM2 of the LMWLP.

11. Any skips and containers stored within the site shall not be stored above the height of 4 metres.

Reason: To ensure that the development does not cause an unacceptable impact upon the amenities of the area surrounding the site in line with Policy DM2 of the LMWLP.

Site Access and Site Parking

12. The existing site access and vehicle turning areas within the site shall remain unobstructed at all times to serve their purpose for the life of the development hereby permitted.

Reason: To safeguard the safety and amenity of occupants and users of the wider industrial estate in line with Policy DM2 and Policy DM9 of the LMWLP.

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number GPP/BW/GCE/21/03 titled 'Proposed Site Layout Plan', Rev no v 04 and dated 10 May 2021. Thereafter the onsite parking provision and turning facilities shall be so maintained in perpetuity.

Reason: The development hereby permitted cannot be occupied until the requirement has been met in order to ensure that adequate off-street parking

provision is made to reduce the possibility of the development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021) and Policy DM9 of the LMWLP. The provision of such facilities in perpetuity is in the interests of highway safety and in accordance with the National Planning Policy Framework (2021) and Policy DM9 of the LMWLP.

Control of Visual Amenity

14. The external sheeting on the external elevations of the picking line cabin shall be maintained in Goosewing Grey (BS 10A 05), while its edges and the surrounding steel structure shall be maintained in Aircraft Blue (BS 381 108) for the period that the development remains on site.

Reason: To ensure a satisfactory appearance of the picking line in the interest of visual amenity in line with Policy DM2 of the LMWLP.

15. Any replacement access gate or barrier installed across the site entrance in the position shown on Drawing number GPP/BW/GCE/21/03 revision no v 04 titled 'Proposed Site Layout Plan' - dated 10 May 2021 shall not exceed four metres in height.

Reason: In the interest of visual amenity in line with Policy DM2 of the LMWLP.

Control of Odour, Dust, Noise and Litter

16. No loads of food waste shall be delivered to the site. In the event that any food waste is delivered amongst mixed waste, it shall be removed and placed in a covered, sealed bin for removal off site by the end of the working week.

Reason: In the interest of amenity in line with Policy DM2 of the LWMLP.

17. The development hereby permitted shall not be occupied until such time as an updated version of the existing Dust Management Scheme and Complaints Procedure document dated October 2010 accompanying the Planning Application 2010/0312/01, permitted on 26th October 2010 is submitted to and agreed in writing by the Waste Planning Authority. This document shall cover the application site and extended waste management operations. All operations thereafter shall be carried out in a manner which minimise the emission of dust and litter from the site in accordance with the approved document.

Reason: The development hereby permitted cannot be occupied until the requirement has been met to ensure that the amenities of local residents and the local environment are protected from first operation and on an ongoing basis in line with Policy DM2 of the LMWLP

18. In the event of a complaint being received in regard of dust, noise or litter, the applicant shall investigate the source of nuisance and mitigate against it in accordance with the document approved pursuant to Condition 17 of this planning permission. In the event the complaint is not resolved the operator shall undertake further mitigation that shall have been previously approved in writing by the Waste Planning Authority.

Reason: In the interest of amenity in line with Policy DM2 of the LMWLP.

19. The level of noise emitted as a result of any activity or operation at the site and associated with the development hereby permitted shall not exceed 5dB (A) (1hour LAeq) (freefield) above background noise levels recorded at the boundary of the site or 55dB(A) at any noise-sensitive property, whichever is lower.

Reason: To minimise the adverse impact of noise generated by the operations on the local community and environment and in the interest of amenity in line with Policy DM2 of the LMWLP.

20. Prior to construction of the permitted development details of the boundary treatments for the site including the concrete wall to be constructed adjacent to the parking area and details of the mesh litter fencing and supporting framework within the application site shall be first agreed in writing by the Waste Planning Authority. The fencing and supporting framework shall be erected and maintained in perpetuity throughout the life of the development in accordance with the approved details.

Reason: To prevent the escape of litter from the site in the interest of amenity in line with Policy DM2 of the LMWLP.

21. No alarm shall be operated on the picking line or elsewhere within the site after 19.00 hours on any day, other than the Brigade 107dB heavy duty white sound alarm (BBS-107) or an alternative alarm which has been approved in writing by the Waste Planning Authority prior to its operation on site.

Reason: To safeguard the amenities of the locality and minimise any adverse impacts on nearby noise sensitive properties in line with Policy DM2 of the LMWLP.

Notes to the Applicant

1. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
2. The Environment Agency advises that all building work should be in compliance with best working practices and in particular Government guidance on 'Construction, inspection and maintenance' www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance. You are advised to contact the Environment Agency to arrange a site meeting to agree necessary measures to prevent pollution of the water environment during the construction phase of the development. The Environment Agency can carry out pollution prevention visits. Please contact EastMidWaterQuality@environment-agency.gov.uk for further information and advice.
3. Please refer to the environmental permitting guidance contained here - <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit> and <https://www.gov.uk/topic/environmental-management/environmental-permits>
4. The applicant should ensure that measures are implemented to minimise the potential for the operations undertaken to have off-site impacts. Those impacts include pests, odour, dust, noise, and vibration. These should not be limited to compliance with the conditions on the environmental permit for the site.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State's power to grant planning permission on enforcement appeal;
- Section 226(2) : compulsory acquisition of land for planning purposes;
- Section 294(3) : special enforcement notices in relation to Crown land;
- Sched. 9 para (1) : minerals discontinuance orders.

This page is intentionally left blank