

## Item No. 13

<b>APPLICATION NUMBER</b>	<b>CB/12/00193/MW</b>
<b>LOCATION</b>	<b>Totternhoe Lime And Stone Works, Knolls View, Totternhoe, Dunstable, LU6 2BU</b>
<b>PROPOSAL</b>	<b>Change of use of part of the former Lime Works from B2 to End of Life Vehicle and Metal Recycling Facility with associated plant and the erection of a de-pollution building</b>
<b>PARISH</b>	<b>Totternhoe</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Mustoe</b>
<b>CASE OFFICER</b>	<b>Georgina Toye</b>
<b>DATE REGISTERED</b>	<b>09 May 2012</b>
<b>EXPIRY DATE</b>	<b>29 August 2012</b>
<b>APPLICANT</b>	<b>Totternhoe Metal Recycling Ltd</b>
<b>AGENT</b>	<b>Wilbraham Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Ward Cllr Mrs Mustoe</b>
<b>RECOMMENDED DECISION</b>	<b>Waste Application - Granted</b>

### Site Location and background:

The application site is located within the former Totternhoe Lime Works complex, approximately 3 miles to the east of Dunstable. The former Totternhoe Lime Works complex was used by the Totternhoe Lime and Stone Company for over 50 years for extracting processing and storage of lime for distribution. Post 1993, the company concentrated on importing quicklime and converting it to hydrated lime and therefore did not rely upon chalk sourced from the adjoining workings at Totternhoe. The Lime Works ceased to be operational in early 2009 with the closure of the Totternhoe Lime and Stone Company. The whole of the Lime Works was subsequently sold in July 2011.

In December 2009, a Lawful Development Certificate was allowed on appeal describing the pre-existing use of the Lime Works for the hydrating of lime as immune from enforcement action, having been carried out for a period in excess of 10 years, and being a use falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Therefore, the lawful use of the Lime Works is regarded as general industrial (B2). A further Certificate of Lawful Use (ref. CB/10/00236/MWLP) was issued by the Council on 25 June 2010 in respect of land on the south side of the main former works. Again, the land was certified as lawful for purposes of hydrating lime, being a use within Class B2.

The Lime Works are currently used for the hire, sale and repair of plant and vehicles, including the application site itself. In addition, a plasterboard recycling business and a concrete crushing operation occupy the far (southern end) of the former Lime Works next to Totternhoe Stone Pit.

There are old chalk workings next to the Lime Works which supplied the raw mineral for production. These old quarries were sold to the Wildlife Trust several years ago who manage the areas and the surrounding Sites of Special Scientific Interest (SSSIs) for nature conservation purposes. The SSSIs include the Totternhoe chalk quarries that are located approximately 150 metres to the south east of the application land. A Byway Open to All Traffic (BOAT) no. 45 runs adjacent to the application area on the eastern boundary and through the middle of the SSSIs. Totternhoe Stone Pit is the sole remaining active quarry adjoining the old lime works, approximately 150 metres to the south east of the application area. It is designated as a geological SSSI and is worked on a campaign basis for specialist building stone. The Totternhoe Knolls Nature Reserve is situated approximately 230 metres to the southwest of the application land. Public Right of Way no. 23 (PROW) is runs near the main access to the former Lime works.

The entrance into the former Lime Works is located at the end of the residential road of Knolls View. It too would serve the application proposal site. This entrance is used by the existing businesses on the complex for plant hire, plaster board and concrete crushing. The nearest residential property, Mapesedge, adjoins the proposed means of access off the public highway. A further 27 residential properties on Knolls View are located to the west of the former Lime Works entrance, the closest being 50 metres from this access point. The proposed operational area is 240 metres from the nearest dwelling on Knolls View (excluding Mapesedge)

A footpath is located on one side of the residential street of Knolls View and there is a playground which is approximately 50 metres to the west of the access to the old Lime Works. The footpath is not continuous and stops at the last house on Knolls View which is approximately 50 metres from the main entrance of the site. A sign at the entrance of Knolls View directs cyclists, horse riders and walkers to the PROW 23 and BOAT 45 and the new Sewell Greenway which is part of the Sustrans Scheme. (The Sustrans Scheme is part of a national cycle network and is routed to/from Stanbridge – Dunstable – Houghton Regis and uses the old disused railway). Since the path along Knolls View is not continuous, pedestrians and cyclists need to use part of the road located near the main site access to access the PROW, BOAT or the Sewell Greenway.

### **The Application:**

Essentially, the proposed development would consist of two different operations, namely a facility treating End of Life Vehicles and a scrap metal recycling operation. The operational area is located adjacent to the north eastern boundary of the old Lime Works.

#### End of Life Vehicle facility (ELV)

The proposed development consists of bringing scrap vehicles to the site on HGVs, weighing them and then storing them on site prior to transfer to a new de-pollution building. Once the vehicles have had all fluids removed, the gearbox, batteries, engine, and tyres would be removed and the airbags discharged. The vehicles would then be stored before crushing and baling on site. Once the vehicles have been crushed and baled, they would be held on site in a designated area before being transferring to a different site elsewhere for fragmentation.

The proposed de-pollution building would be 12 metres wide by 6 metres deep (72m<sup>2</sup>) with a mono pitch roof having eaves and ridge heights of 4.5 metres and 5.0 metres respectively. The front elevation would be open. Vehicles would be raised on a hydraulic lift to allow access to the sump and fuel tanks. The building will also be used for non ferrous metals and storage.

Tanks will be positioned adjacent to the de-pollution building and will store screen wash, oil, petrol, diesel, and engine coolant and brake fluid. These tanks will be emptied as required. The tanks would vary in size but not exceed 2 metres in height and 1.5 metres in diameter. All tanks would be bunded and be a galvanised metal in a green or blue colour. The tanks will be situated on a concrete pad. The concrete pad will be drained to the foul sewage system via interceptors

#### Metal recycling operation

Smaller metals would be imported to the site by the public and businesses for the purpose of recycling. It is proposed that metals would also be collected in skips from surrounding sites and companies and then cut in to smaller pieces of metal using alligator shears. The material will then be graded to size and then stored in storage bays measuring 3 metres to 5 metres and located on the south western boundary.

In addition to the non ferrous metal baler, crusher and car baler, other plant and equipment that would be used on site for both operations includes a 35 tonne track mounted crane, alligator shears, a 3.3 tonne fork lift truck and a 3.5 tonne JCB Teletruck.

It is proposed that operations will take place between the hours of 7:00 hours to 18:00 Monday to Friday and 7:00 hours to 16:00 hours on a Saturday with no operations on Sunday and Bank Holidays. The vehicle baler will only be used between the hours of 09:00 to 16:00 Monday to Fridays, with no operation on Saturdays, Sundays or Bank Holidays.

It is estimated that the throughput of ELVs and scrap metal will be 1000 tonnes per week or c. 50,000 tonnes per annum. This would generate a maximum of 50 HGV movements per working day (25 in and 25 out).

#### **RELEVANT POLICIES:**

##### **National Planning Policy Statement (NPPF) (March 2012)**

Sustainable Development

Protecting Green Belts

Conserving and Enhancing the Natural Environment

##### **Planning Policy Statement (PPS) 10**

##### **Bedfordshire and Luton Minerals & Waste Local Plan adopted 2005 (MWLP)**

Policy W1 - key principles

Policy W9 - Waste Transfer and Materials Recovery Facilities

Policy GE1 - Matters to be addressed

Policy GE5 - Protection of Green Belt Land

Policy GE9 - Landscape protection and Landscaping

Policy GE11 - Protection of Sites of National nature conservation importance  
Policy GE17 - Pollution Control  
Policy GE18 - Disturbance  
Policy GE 21 - Public Right of Ways  
Policy GE23 - Transport: Suitability of Local Road Network

**Minerals and Waste Core Strategy Plan for Submission (with main Modifications and additional modification) May 2012 (MWCS)**

Policy WCP 8 Non- hazardous waste transfer and materials recovery  
Policy WCP 15: Hazardous Waste.

**Planning History**

Certificate of Lawfulness of Proposed Use or Development involving baling of tyres, plastics, metals, paper and card; sorting of dry recyclables. Totternhoe Lime Works	CB/10/00106/MWLP - Withdrawn 7 April 2010
Certificate of Lawfulness of Proposed Use or Development for B2 use. Land adjacent to Totternhoe Stone Quarry.	CB/10/00236/MWLP – Approved 25 June 2010
Change of use of part of site to a Waste Transfer Station. Totternhoe Lime Works.	BC/CM/2008/0031 - Refused 2008

**Representations:  
(Parish)**

**Totternhoe Parish Council** - Object to the proposal for the following reasons:

- The proposal is an unsuitable Industrial activity in the Green Belt.
- Disturbance to wildlife in the adjacent Site of Special Scientific Interest (SSSI)
- Problems with heavy traffic in Knolls View with its population of young children and a recreation ground. Knolls view is additionally used to access the Sewell Greenway and Green Lanes by walkers, cyclists and horse riders and such users should not be exposed to a stream of traffic from HGVs
- Pollution of the ground from lubricants, coolants and other liquids and other liquids that could be spilt and the likelihood that these could leach into the ground water. In addition adjacent to the site is Sewell spring (Shirrel Spring) which is a local petrifying spring believed to be used in ancient times. This spring is fed from the Totternhoe chalk escarpment.
- Smoke from the burning of unwanted materials during the breaking process such as upholstery, plastics and insulations adversely affecting the amenity of local residents.
- Possible non compliant waste being stored on site and the effects this would have on local residents. The applicant deemed necessary to put procedures in place for such waste, thus acknowledging that its uncontrolled arrival and export is a possibility.

- Noise and disturbance to local residents, visitors to the SSSI and users of the adjacent footpaths and bridleways from the operational machinery creating an unacceptable level of noise.
- The operational hours will involve the movement of Hives and are unacceptable to local residents who have already suffered uncontrolled access to the site. It exposes local children on their way to school to danger. Knolls View is a narrow road which has already proved that two large vehicles have insufficient space to pass each other. This is evident by damaged caused to the footpaths and road verges. Therefore the road is totally unsuitable for HGVs and the amenities of the local residents would be adversely affected.
- A scrap yard attracts the dumping of unwanted vehicles, especially at times when the yard is closed. It is unknown for vehicles to be abandoned at the entrance of scrap yards as evidenced in many other similar sites in the country. The operators are unable to control such dumping no matter what assurances they give in a planning application.
- Current activities on the site are poorly controlled by the management of established companies operating on site. This is evidenced by recent litter clearance project by Ground works who are working to improve the amenity of Greens Lane. Waste cleared included tyres, scrap metal and building waste.
- The adverse affect on the wider landscape. The site is overlooked from the Knolls and the view from Castle Mounds and the proposed development with the associated noise and dirt would be the final desecration of the landscape.
- The proposal offers no opportunities for local employment.
- The proposed building being typical prefabricated structures.

## **Consultations**

**Environment Agency-** Does not object.

**Wildlife Trust** – No comments have been received.

**Greensand Trust** – Do not object to the proposal

**Natural England** – Do not object to the proposal as it is considered that the development does not pose any likely or significant risk to those features of the natural environment and so does not wish to make specific comments.

**Central Bedfordshire Highways DC** –The authority's Highways Officer does not object to the proposal and states the TRICs data and category that was used confirmed that the data was correct. The only difference was the size of the vehicles especially articulated type and the width of Knolls View. The Highways officer points out that they are not abnormal loads and are permitted on the public highway and that the Lime Works itself would have previously attracted these types of vehicles and therefore there should not be a restriction in granting of planning permission.

**Central Bedfordshire Highway Safety Officer** – does not object to the proposal but comments that the following measures could help to assist with the safe running of the site:

- Various signage at distinct locations which warn pedestrians of HGVs using Knolls View and warning signs for drivers of HGV regarding horses, pedestrians and also the children's park
- Warning signage for HGVs turning.
- Installation of double yellow lines to protect the entrance to the site so HGVs will not come in to conflict with parked cars.
- Although not official legal signage covered by a traffic order, 20mph signs posted in the location of the site.
- Possible CCTV system so when vehicles leave the site they can see who and what is in front of them before they leave the site.
- Possible flashing amber light system warns pedestrians, horse riders, etc that vehicles are about to leave the site.

**Council for the Protection of Rural England (CPRE)** – Object to the proposal for the following reasons: Policy W9 of the MWLP states that proposals for waste transfer/materials recovery operations will be permitted within an area of land allocated for industrial (B2) use provided that they are intended to serve and identified need that cannot be met by existing facilities. CPRE comments that no needs-based evidence or justification has been put forward by the applicant in support of his proposals.

They further comment that the proposal fails the proximity principle and is not a sustainable development but would also have adverse impacts locally which are considered significant, particularly in terms of traffic.

There seem to be significant inadequacies in the transport assessment as to the issue of traffic generation and discrepancies between the TA and the EIA.

A further failure is the attempt to address the suitability of Knolls View for access by heavy articulated vehicles which would feature as a daily flow. This is a particular issue in reference to the narrowness of Knolls View at one point which, quite apart from the general unsuitability of this road, would preclude with HGVs from passing without mounting the kerb or verge.

No acknowledgement is made in the noise assessment of the additional noise disturbance caused to residents by the increased volume of traffic which would be traversing this road. The applicant nevertheless suggests, in the concluding paragraph of S 5.3 that careful site management would seek to ensure that any potential for disturbance to the surrounding occupants would be minimised. CPRE cannot regard such a generalised aspiration as satisfactory and that in practise and for significant period of every day, nearby residents will be inflicted with noise that will be at intrusive levels.

The CPRE are not convinced that an element of dust will always be contained on site as stated in the non technical summary para 8.2. In their view some windblown escapement to nearby residents will be inevitable. This is clearly unacceptable.

Since this the applicant has submitted further information that CPRE were consulted on but hold their objection stating that the information did not address their concerns.

**Central Bedfordshire Public Protection** – Do not object to the proposal as the noise assessment submitted with the proposal assessed weekday background noise levels and there is no reason to dispute the figures of 50dBLAeq, 1hr. However, Public Protection asks that the measures put forward in the noise report to minimise noise impact are the subject of planning conditions. These include the use of the baler between 09:00 and 16:00, the use of white noise type signals instead of tonal reversing signals and for the baler to be positioned on site where noise could be further mitigated.

**Central Bedfordshire Rights of Way (RoW) Officer** – Object to the proposal and comments that there seems to be little reference to the fact that Knolls View is an access for all users such as walkers, cyclists and horse-riders as well as landowners with private rights of access to Byway 24 and the extensive network of byways, bridleways and footpaths beyond. The byway also connects to National Cycle Network route 6. The ROW team states that there seems to be no information in the Transport Technical note or additional information regarding the impact the increase of traffic along Knolls View would have on Rights of Way users. The RoW Officer has found no suggested mitigation for the increase in vehicle use of Knolls View to protect the high number and frequency of non-motorised users.

Therefore the RoW Officer would be concerned about the effect of any increase in vehicle traffic along Knolls View on members of the public using it to access our Rights of Way and cycling network.

In relation to noise, noise impact on users of the Public Rights of Way, particularly Byway Open to all Traffic no. 45 alongside the application site, does not appear to have been included in the provided noise assessment. The ROW Officer notes the reference to acceptable levels for public spaces but no specific reference is made to Public Rights of Way and the horse-riders who will be using the byway alongside the site in particular. There is a concern that any noise from the development may startle a passing horse and the fact that the noise may be sudden and the source invisible could make matters worse.

The RoW Officer received further information from the applicant but uphold their objection as this information did not address their concerns fully. The RoW Officer also supports the comments / concerns the Council's Landscape Officer regarding the area of the site parallel to the byway along the north-eastern site boundary and the proposed mitigation planting. The RoW Officer would not wish anything which could startle a passing horse to be visible above the fencing line and would not wish anything to be planted in mitigation directly along the byway itself. The further concern is for the long-term maintenance of any newly planted vegetation alongside the path to ensure it does not encroach or overhang the BOAT 45.

**British Horse Society** – Do not object to the application but have the following comments to make: There is already a lot of activity on this site with large vehicles & noise next to the BOAT. They are the increase in traffic and the noise. The British horse society also state that they have met with the company on site and it is understood the drivers would be told to take care when meeting horse riders and that the site speed limit would be 10 mph (and 20mph on Knolls View) and that all HGV drivers would be told not to turn left from Knolls View into Totternhoe Village. So far the lorry drivers have been very courteous to horse riders along Knolls View.

They also have concerns regarding the proposed black thorn hedge along the side of BOAT 24/45 is obviously been planted to keep out trespassers. Blackthorn spreads quickly and would soon start appearing on the BOAT it does not have to be very high to produce thorns which lodge in horse's legs & knees and cause a very bad poisonous infection.

**Cllr Mustoe** – has called the proposal in for the following reasons:

- Unsuitable industrial activity in the Green Belt
- Constant heavy traffic in Knolls View
- Noise and disturbance to local residents
- Disturbance to Wildlife in the adjacent site of SSSI

**Andrew Selous MP** – requests that the Parish Councils comments are taken into account and at the relevant planning committee.

**Publicity** – The planning application was publicised in accordance with Town and Country Planning (General Development Management Procedure) Order 2010, comprising a Site Notice, a press advert in the local newspaper and 33 neighbour notification letters. As a result of this publicity, there have been 7 letters of objection plus one petition with 40 signatures. The main concerns are:

- Unsuitable activity in the Green Belt
- Disturbance to wildlife in the adjacent National Nature Reserve
- Danger of increased heavy traffic in Knolls View, with its population of young children and a recreation ground for young people.
- Pollution from lubricants, coolants and other liquids if spilt and the threat of these leaching in to ground water. Further more there would be no security around these tanks and that anyone could walk onto the site.
- Smoke from the burning of materials such as upholstery, plastics and insulation.
- The development may attract the dumping of unwanted vehicles at times when the yard is closed or who would be responsible for collecting these vehicles?
- Noise and disturbance to local residents, visitors the NNR and users of the public Rights of way and bridleways from the operation of the machinery.
- Noise disturbance on the green belt as a whole.
- Further damage being caused as HGVs are mounting the kerbs and verges because by two HGVs cannot pass each other along section of Knolls View.
- Speed of lorries down Knolls View and Castle Hill Road makes the houses shake including a grade 2 listed building. The operator has not proposed any control methods or how other associated vehicles will be controlled.
- The junction of Knolls View with Castle Hill Road is unsuitable for this volume of HGVs

### **Determining Issues**

If the proposal will harm the openness of the Green Belt

If the proposal will harm the Sites of Special Scientific Interest (SSSI)

If the proposal will cause disturbance to nearby residents by way of noise and dust.

If the proposed increase of HGV vehicles will cause a hazard to pedestrians and horse riders.



## Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the saved policies of the Bedfordshire and Luton Minerals and Waste Local Plan 2005 (MWLP), the South Bedfordshire Local Plan Review 2004 (SBLP) and the Minerals and Waste Core Strategy Plan for Submission May 2012 (MWCS).

National guidance can be found within the National Planning Policy Framework (NPPF) and Planning Policy Statement 10 (PPS10) '*Planning for Sustainable Waste Management*'.

The policies contained within the MWLP continue to be saved pursuant to a Government Direction dated 14 September 2007 pending the adoption of the Minerals and Waste Development Framework. Therefore, the applicable policies in this case are Policy W1 - Key Principles, Policy W9 - Waste Transfer Stations and Material Recovery, GE1 – Matters to be addressed, which sets out the criteria for assessing applications and information requirements, Policy GE5 – protection of Green Belt Land, Policy GE9 Landscape protection and Landscaping, GE11- Protection of Sites of National and nature conservation, GE17 Pollution Control GE18 Disturbance, GE21 Public Right of Ways and GE23 Transport: Suitability of Local Road Network.

## Landscape

Policy GE9 of the MWLP requires waste development to be sympathetic to local landscape character and where a proposal is likely to have an adverse effect on the landscape character of the area, it will only be granted where any adverse effect is reduced as far as practicable and is outweighed by other planning benefits. The policy states that where appropriate, development proposals will be required to include a landscaping scheme. Where a landscaping scheme is required but is not submitted, or is inadequate, inappropriate or likely to prove ineffective, planning permission will be refused.

The applicant proposes to carry out planting on the north eastern boundary with BOAT 45, including gapping up of the existing hedge with Blackthorn and Hawthorn. The Landscape Officer is concerned regarding the impact on the local landscape character and amenity value of BOAT 24 running parallel to the north-eastern site boundary. The changes in levels on and off site result in the BOAT commencing below the site level to the northern corner of the site and rises to the south and is above site level at the southern site point. The area allocated for planting diminishes to approximately 0.5 m width between the site boundary and concrete slab base at the southern point. This restricts the amount of mitigation planting that can be undertaken towards this end of the site. The Landscape Officer's second concern is that the proposed planting includes not the most suitable species to plant along a Byway. The Council's Rights of Way Officer agrees with this concern. The Rights of Way Officer would not wish anything that could startle a passing horse to be visible above the fencing line. However, the British Horse Society has not raised this particular concern. However, the British Horse Society and the Rights of Way officer both have reservations about the proposed screening planting along the BOAT. There is potential for the newly planted trees and bushes to encroach upon the route if not maintained and thorns

produced from fast-growing Blackthorn plants can lodge in horses' legs & knees and cause a very bad poisonous infection. It is considered that conditions can overcome these concerns. A precise planting specification avoiding thorny species can be agreed as part of a detailed landscaping scheme and an obligation to keep the new planting in check so that it does not overhang the BOAT could be imposed as an ongoing requirement throughout the life of the development.

The Parish Council also has concerns regarding the effect of the development on the wider landscape. They comment that the proposed development can be overlooked from the Knolls and Castle mounds. The Landscape Officer however comments that the application site sits within a matrix of commercial uses located at the Lime Works. Other more elevated and exposed development within the Lime Works site is highly intrusive visually. However, the application site is located at the lower north eastern part of the works complex and is screened from the wider landscape to the east and north via local topography and hedgerow planting. Therefore it is considered that the proposed development will not have an impact on the wider landscape and that the main consideration is the screening along the Byway. Natural England comments that the proposal could provide opportunities for landscape enhancement.

However the Landscape Officer has requested schemes to be approved before development commences, including:

- A detailed landscape plan to include survey details of existing trees and planting on and adjoining the site.
- A detailed landscape management plan including 5 years of aftercare/ maintenance. (Access for maintenance of planting needs to be clarified).

The landscape officer also comments that the following conditions should also added

- Storage - bays, containers, bales and machinery / plant be located away from the north-eastern site boundary to minimise visual intrusion
- A limit on lighting is included with inclusion of shades to avoid light spill and timers to lighting sensors.

It is considered that if the above requirements are imposed with the addition of pre-development conditions that will mitigate the lighting and screening the proposal accords with MW policy GE9.

## **SSSI**

MWLP Policy GE11 states that planning permission for waste proposals that would result in harm to a designated or proposed Site of Special Scientific Interest (SSSI) or national Nature Reserves (NNR) will not be given permission unless the reason for the development clearly outweighs the nature conservation value of the site and national policy to safeguard such sites. Where such development is permitted, measures will be required to mitigate or compensate for the effects of the development.

The proposed application sites lies within 200 metres of three SSSIs. The applicant has stated that the de-pollution and scrap metal baling operations will be carried out inside the building. Further to this, the proposed site is at a lower elevation than all the SSSIs. Natural England does not object to the proposal and states that there is minimal risk to the SSSI's from operations. However, although Natural England do object or make specific comments, they state that it should not be interpreted that

there will not be any impacts on the natural environment. The agent has submitted a risk assessment of impacts from operations to nearby sensitive receptors (including the SSSIs). The report shows that there are two pathways that could potentially cause issues to the surrounding SSSIs. This is by air and water runoff. As the de-pollution of vehicles and baling of scrap metals will be carried out in a building on a impermeable surface with sealed drainage and oil interceptors, the risk of surface water run off and air contaminates will be low.

The applicant has not put forward any environmental enhancements other than landscaping along the north east boundary. A landscaping scheme would need to be submitted and approved before development commences. However the applicant has shown that there will be very limited impact on the SSSIs and therefore the proposed development accords with MWLP Policy GE11.

### **Pollution Control**

MWLP Policy GE17 states that permission will not be granted for waste development proposals if there is significant risk of contaminating land or discharging pollution into the atmosphere or polluting water courses or ground water at levels which would exceed statutory pollution and emissions controls.

Totternhoe Parish Council and a number of residents are concerned regarding pollution of the ground from lubricants, coolants and other liquids that could be spilt and the likelihood that these could leach into the ground water. In addition, adjacent to the site is Sewell spring (Shirrel Spring) which is a local petrifying spring believed to be used in ancient times. This spring is fed from the Totternhoe chalk escarpment.

The agent suggests that in order to prevent unlawful access secure fencing will be maintained around the proposed site. The entrance gates are of a heavy steel construction and are locked whenever the premises are closed. Further to this, the site will have CCTV surveillance with motion detectors and a central monitoring system connected directly to the local police station. This will be activated whenever the site is closed. The proposed application area does have a concrete surface and the tank farm will be sited on this concrete pad. The proposal also contains adequate drainage which includes a 1.2m wide open channels along the north-eastern/western and south western boundaries. All run off will pass through one of two oil interceptors before discharging via the existing connection to the foul sewer. Any oil spillages would be covered in absorbent granules and disposed of in accordance with best practice.

The Environment Agency has not objected to the proposal as the site will require a permit and therefore it can be considered that pathways for contamination to groundwater have been mitigated as far as practicable and the proposal accords with MWLP Policy GE17.

### **Disturbance**

Waste operations can be intrusive activities and can cause disturbance to nearby residents or other land users. MWLP Policy GE18 (Disturbance) states that permission for waste sites which are likely to generate disturbance from noise, vibration, dust, mud on the highway, fumes, gases, odour, illumination, litter birds and peats where the impact of any anticipated disturbance is reduced as far as practicable

and is outweighed by other planning benefits. The NPPF Technical Guidance states that unavoidable dust and noise emissions must be controlled, mitigated or removed at source.

The Parish Council has highlighted the issue of smoke emissions from the burning of unwanted materials during the breaking process such as upholstery, plastics and insulations which could adversely affect the amenity of local residents. In addition, residents are concerned that there would be noise and disturbance to local residents, visitors to the NNR and users of the public rights of way and bridleways from the operation of the machinery.

### Noise

The applicant has submitted a Noise Assessment that included carrying out the assessment under the British Standard BS4142 and Environment Agency Guidance. The agent also points out that there would be an increase of noise when the baler is in use and has therefore suggested mitigation measures to be implemented, these included:

- Plant and machinery to be kept well maintained
- Baler is to be located adjacent to the existing retaining wall to ensure that the acoustic benefit from the wall is maximised.
- All plant to be switched off when not in use.
- Ensure access roads are maintained in good condition to ensure that noise associated with the vehicles travelling into the facility are minimised.
- To adopt either white noise type signals or radar systems in vehicles and on mobile plant.
- Restrict the use of the baler between the hours of 09:00 – 16:00 weekdays with no operation on Saturdays.

The CPRE comment that no acknowledgement was made in the applicant's Noise Assessment regarding the additional noise disturbance to residents from the increased volume of traffic which would be traversing this road. The CPRE consider that failure to assess and address this aspect is a major deficiency in the applicant's proposal.

In the Noise Assessment, the applicant states that noise levels at the nearest properties (Mapesedge and 26 Knolls View) would be between 41 and 43dB LAeq one hour, against a proposed noise limit of 50dB. Noise levels would therefore be at least 7dB(A) below the proposed limit. It is also stated in the Noise Assessment that noise generated by general operations on site would be at least 10dB (a) below the ambient noise level in the area, which are principally influenced by traffic on the A505. The CPRE are sceptical of this statement.

The main potential noise impact is that generated when a mobile materials handling machine and crusher/baler unit is in use, a process that would require both these items to be in operation simultaneously. Further to this in relation to noise, the ROW team are concerned regarding noise impact on users of the Public Rights of Way, particularly Byway Open to all Traffic no. 45, and that this aspect has not been covered in the submitted Noise Assessment. There is a concern that any noise from the development may startle a passing horse and the fact that the noise may be sudden and if the source is invisible this could make matters worse. However, it is not considered that noise impact from the proposed development would be significantly

different in character to noise generated by typical activities on the existing lawful industrial activities on the site which are not subject to any detailed controls. The British Horse Society has not objected to the application on grounds of noise.

The Council's Public Protection team has not objected to the application. They have no reason to dispute the applicant's assessment of weekday background noise levels as being approximately 50dBLA90. They note that the Noise Assessment suggests a limit of 50dBLAeq, 1 hour and whilst this is 5dB less than the level recommended in guidance (Minerals Planning Statement 2), there is no objection to such a limit. The Public Protection Team has recommended that the measures put forward in the applicant's 'Site Management' section of the Noise Assessment also be included in any condition. This would include restricting the use of the baler to the hours of 09:00 and 16:00 Monday to Friday.

The CPRE are concerned about noise from vehicles using Knolls View when accessing the site. However, the Lime Works as a whole has a B2 use with no restriction on vehicle numbers and size and hours of operations. Large vehicles have been known to travel down Knolls View very late into the evening. If this applicant is granted, this would allow restrictions or controls to be placed on operational hours and numbers of HGV's using Knolls View for this development. It can therefore be argued that the overall noise impact would be less than what is currently being experienced on the application area and within acceptable working hours. Nevertheless, conditions would need to be attached to any permission to impose the above-mentioned controls and a further condition would need to be added requiring a noise scheme to be submitted and approved before operations commence.

#### Dust

Another concern is that the operation will cause dust emissions. Other than car baling and storage, all operations would be located within the proposed building. The applicant has suggested that the proposed development will create very little dust but will nonetheless sweep the yard on a regular basis to ensure that dust cannot be picked up by strong winds. A pre-development condition will be added requiring a scheme to be submitted and approved for the suppression and control of dust.

There are concerns that burning may take place on site; the agent suggests that no burning will take place as operations will not warrant any burning. A condition would need to be imposed on any consent which prohibits burning.

Therefore, it is considered that with the mitigation measure proposed by the applicant, together with the imposition of pre-development conditions requesting schemes for the mitigation of noise and dust, the proposal accords with MWLP Policy GE18.

#### **Public Rights of Way**

MWLP Policy GE21 states that where public rights of way are disrupted by waste developments, planning permission will only be granted where suitable alternative arrangements are made to maintain or enhance public access opportunities or where no suitable alternative arrangements can be made, the disruption to the rights of way network is reduced as far as practicable and is clearly outweighed by other planning benefits of the proposal.

The ROW Officer object to the proposal as Knolls View is one of the main public access roads to the bridleway and footpath network. In light of the ROW Officer's concerns, the applicant proposes to provide signage to inform pedestrians and horse riders of HGVs (and visa versa). However, there are other concerns regarding noise impact on equestrian users and the potential for proposed landscaping measures along the boundary with BOAT 45 to have a detrimental effect on access if new planting is allowed to grow unchecked and if thorny shrub species are included in the planting mix. It is not considered that noise impact from the proposed development would be so significantly different in character to noise generated by typical activities on the existing lawful industrial activities on the site which are not subject to any detailed controls. Notably, the British Horse Society has not cited noise as a concern. In respect of planting, a condition could be framed to ensure the selection of appropriate trees and shrubs that do not produce thorns which may be picked up by passing horses and as part of the planting maintenance requirements an obligation could be placed on the applicant / owner to trim the planting as required to prevent it from overhanging the BOAT.

In terms of views from the BOAT, which is the only section where the site can be seen at close quarters, the applicant has agreed to provide a reinforced planted strip which in time will help to screen views of the site for users of the route.

It is concluded that the development accords with MWLP Policy GE 21.

## **Highways**

MWLP Policy GE23 states that where access to a proposed development site can only be achieved by road, permission will only be granted if the material is capable of being transported to and from the site via the strategic highway. The suitability and capacity of available access routes must also be taken into account. Proposals which use significant lengths of unsuitable roads to gain access to the strategic network will not be permitted, unless suitable improvements can be agreed with the developer.

There are two issues that need to be considered. These are whether Knolls View is a suitable road to allow access to the proposed development and whether there will be a detrimental impact on highway safety from the proposal. The ROW Officer is also concerned about the effect of any increase in vehicle traffic along Knolls View on members of the public using it to access our rights of way and cycling network. The ROW team is particularly concerned about any increase in the number and frequency of heavy goods vehicles and articulated vehicles. The Parish Council and local residents are concerned that the Knolls View is not wide enough to accommodate two vehicles passing each other at certain sections of the road. They are also concerns that there will be an increase in HGVs on Castle Hill Road affecting the safety of children using the recreation area.

The Lime Works as a whole site does not have any restriction on number, size and type of vehicles that can enter the site over any given period. The applicant states that there will be no more than 50 HGV Movements per day (25 in and 25 out). The applicant suggests that this represents a marginal increase. The applicant has stated that no HGV traffic would go through the village, and that the site's code of practice would be to direct vehicles towards the A505. The Highways Officer does not object to the proposal. The Highways Officer notes that through TRICs the category for Vehicle Repair Garages has been used by the applicant. The Highways Officer

confirms that the predicted flow is about 55 HGV movements per day. He also comments that existing scrap metal sites were used to predict the flow of traffic from the proposed development by using the TRICS system. The TRICS system shows that from existing metal sites HGV movements would be about 70 per day, which would be 15 trips greater than proposed in the application. However the Highways Officer also advises that overall the proposed size of the vehicles would tend to be greater in size than historically used by the Lime Works but which are not abnormal loads and are permitted on the public highway. The Lime Works would have attracted these type of vehicles. Therefore, the Highway Officer's advice is that there should not be a restriction in granting of planning permission on grounds of type and level of traffic. During a planning appeal in 2006 for closure and redevelopment of the Lime Works for erection of 40 dwellings, the Inspector commented that the highway was sufficient in width and that the dwellings were sufficiently set back from the road to conclude that she could see no objection to the continued commercial use for access purposes of Knolls View.

All neighbour objections received are concerned with the safety of children using the recreation field and those wishing to access the ROW network. The Highways Safety Officer is concerned that there may be some safety issues and suggested that the following mitigation measures could help resolve the matter, namely:

- Various signage at distinct locations which warn pedestrians of the HGVs which will use the route and warning signs for the HGVs of horses pedestrians and also the children's park
- Warning signage for HGVs turning.
- Installation of double yellow lines to protect the entrance to the site so HGVs will not come in to conflict with parked cars.
- Although not official legal signage covered by a traffic order, a 20mph signs posted in the location of the site.
- Possible CCTV system so when vehicles leave the site they can see who and what is in front of them before they leave the site.
- Possible flashing amber light system warns pedestrians, horse riders, etc that vehicles are about to leave the site.

The agent has responded to these concerns and has agreed to the provisions of additional signage to warn pedestrians of HGVs and to warn HGV drivers of the presence of pedestrians, horses and the children's park. The applicant agrees to the installation of double yellow lines to protect the entrance to the overall site and to erect a sign at the access gates advising HGVs to go 20mph. Further to this the applicant has agreed to a mirror at the access to the whole site to enable HGV drivers to obtain an improved vision of Knolls View before they exit the site. The agent also comments that these measures would be sufficient and that amber lights and CCTV would not be needed. To ensure that the work is carried out schemes will be required to be submitted and approved before development commences.

In conclusion, it is considered that the proposal accords with MWLP policy GE23 as there is unlikely to be significant adverse impact on the road network from the proposal and the safety concerns highlighted by local residents can be mitigated through the imposition of appropriate conditions.

## Green Belt

The Government continues to attach great importance to Green Belts and the well established presumption against development in such areas, other than for specific purposes. The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In accordance with the advice in the NPPF, when determining planning applications the determining authority should ensure that substantial weight is given to any harm to the Green Belt. As with previous green belt policy in Planning Policy Guidance 2 (PPG2), inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering an application, the NPPF advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

A Local Planning Authority should regard the construction of new buildings as inappropriate development in the Green Belt. There are a certain forms of development that are exceptions to this rule, as set out paragraph 89 of the NPPF. This includes (final bullet point, paragraph 89) *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it that the existing development'*.

Therefore, the application proposal could qualify as appropriate development under the above exception provided that there is no greater impact on openness of the Green Belt and no conflict with the purposes of including land within it.

There would be permanent changes to the application site that would cause a small reduction in openness. A new building is proposed on an area of land that is currently open, albeit enclosed in part by a steel retaining wall to reinforce changes in levels. Whilst the application land is already used for storage of plant and equipment and forms part of a wider permitted industrial brownfield site with larger and more prominent buildings on higher ground, this does not prevent the proposed building from having an impact on openness. The site and proposed building would be visible from the neighbouring BOAT 45 as there is only a patchy strip of existing vegetation on the boundary. However, there is a distinction to be made between the impact on visual amenity and openness and even if the site was well-screened, the openness of the Green Belt would still be harmed. It is concluded that the development would have a slight negative impact on openness and the development is therefore inappropriate in Green Belt terms, as defined by the NPPF.



In terms of the purposes of including land within the Green Belt, it is considered that these would not be compromised by the proposed development. The site is in a rural location so would not be contributing to any unrestricted sprawl of a large built-up area. Although in the countryside, the land affected would be confined to an area of existing brownfield land and authorised for B2 use so there would be no further encroachment. The other purposes are not deemed to be relevant to this case and are therefore not breached.

At a local level, MWLP Policy GE5 conforms broadly to the NPPF. The appropriate test in respect of waste development is whether the proposal would preserve the openness the Green Belt and minimise conflict with the purposes of its designation and, irrespective of this, whether very special circumstances can be demonstrated to justify the proposal. This is because waste development is not listed as an appropriate use in the Green Belt. The proposal does not accord with Policy GE5 unless very special circumstances can be shown.

### **Very Special Circumstances**

Having determined that the development is inappropriate development in the Green Belt it is necessary to consider whether any special circumstances exist that are sufficient to outweigh the normal presumption against such development. Those put forward in this case are essentially related to the urgent need for additional facilities and the lack of suitable non-Green Belt sites.

#### Need for the development

Although there is no specific policy for ELV and scrap metal facilities, the operations are considered to fall within the category of a waste transfer and materials recovery facility. Policy W9 of the MWLP therefore applies. This policy identifies preferred locations for waste transfer / recovery stations, including permitted industrial land with B2 use.

This policy approach is also reflected by new policy WCP 8 in the upcoming MWCS. The proposed application also falls into the criteria as a development that will manage hazardous waste. Policy WCP15 of the MWCS is therefore also relevant. It states that proposals for the transfer/bulking up of hazardous wastes will only be permitted on land at existing waste management sites and /or on employment and where not in close proximity to sensitive occupiers.

The CPRE comment that whilst the NPPF sets out a general presumption in favour of development on brownfield sites, it makes clear that the presumption applies only if the proposal can be seen as sustainable - defined as development which would not compromise the quality of life of future generations. The CPRE are of the view that the former Lime Works is not a sustainable site for the activity proposed.

Currently, the applicant collects ELVs from Central Bedfordshire and transports these to his facility in Aylesbury, Buckinghamshire. If this application is permitted, ELVs collected in Luton and Central Bedfordshire would instead be taken to Totternhoe, which is a much shorter distance. The applicant suggests the application site is well placed to make a contribution to meeting the national need due to its proximity to the growing urban populations of Leighton Buzzard, Dunstable, Houghton Regis and

Luton. The proposed site also has a good primary freight route access via the A505 to the whole of Central Bedfordshire.

The applicant has suggested that there is a local need for this type of development within the Central Bedfordshire area. By using the Census of 2011, the applicant has shown that Central Bedfordshire has a higher than national average of cars and vans per household, and that the number of household with two or more cars in Central Bedfordshire was 44% while the national average in England was 30%. Therefore, it is argued that there should be a larger than average network of facilities in Central Bedfordshire to cope with rising number of ELVs which are not presently provided.

The applicant has carried out an assessment to identify existing facilities. The applicant has used technical papers produced for the Minerals & Waste Core Strategy (MWCS) and the Environment Agency's sites database as part of this exercise. Eleven locations in the Central Bedfordshire and Luton area were identified and visited by the applicant. The applicant concludes that there are only two ELV / scrap metal facilities within Central Bedfordshire which are located at Station Road Industrial Estate, Ampthill (some 13.3 miles from the Lime Works using the shortest route) and at Frenchs Avenue, Dunstable which is less than 2 miles from the Lime Works (by the shortest route). The applicant contends that the Ampthill site falls outside their selected area of search or catchment area. However, the site as Frenchs Avenue, operated by Dunstable Car Disposal, covers the same catchment area that has been identified by the applicant in order to seek to justify the Totternhoe site – i.e. Leighton Linlade / Dunstable / Houghton Regis and surrounding rural areas. However, a key difference is that whereas the Frenchs Avenue site is only licensed by the Environment Agency to accept ELVs, the proposed operation at Totternhoe would handle both ELVs and general scrap metals. Furthermore, the Frenchs Avenue premises are small in comparison to the proposed scale of operation at the application site. According to the last 12 months of waste tonnage returns submitted by Dunstable Car Disposal to the Environment Agency, there has been a quarterly throughput of between 70 and 90 tonnes, which equates to an approximate annual throughput of less than 360 tonnes (or around 200 cars per year). This is in contrast to the anticipated maximum yearly throughput of 50,000 tonnes for the application site. It appears to be the case that the Frenchs Avenue facility does not itself provide sufficient operational capacity to deal fully with ELV waste arisings in the urban areas of Leighton Buzzard, Dunstable, Houghton Regis and Luton.

The applicant has visited and analysed all of the sites on the Environment Agency's database within the area of search. Apart from the Frenchs Avenue site at Dunstable, other sites on the list were occupied and in different use or they had closed and were not vacant. One site at Progress Way, Luton is available but deemed to be far too small. It was concluded there were no suitable sites on the Agency's list of licensed sites.

The applicant argues that an ELV and metal recycling site is most suitably located on an existing industrial site, with significant open space, in proximity to the primary road network, relatively remote and well screened and particularly relatively remote from residential areas and/or other sensitive receptors. The application site satisfies all of these criteria. Although the applicant claims that he has kept an eye out in the past for suitable sites, no other suitable premises have come forward in this area before and therefore the applicant has acquired the application site. The development will serve the Leighton Buzzard/Dunstable/Houghton Regis and surrounding rural areas. All of this land (outside the urban areas) is designated as Green Belt. The Council itself recognises the lack of available sites locally (even in the urban areas) for waste

management uses generally and that has been the applicant's experience too. By contrast, the application site is well located to serve the catchment area and is not remote from the principal road network as well as meeting the criteria for sites as noted above. The former Lime works is a brownfield site with established industrial usage and contains two other operational waste recycling facilities.

The applicant has provided some justification for the selected area of search but has not attempted to assess the *detailed* need for additional operational capacity which is specific to their area of search which would have been a more robust approach, although it is accepted that this would be a more difficult exercise. The applicant has demonstrated however that there is a shortage of sites (and hence operational capacity) within their identified area of search. It is likely to be the case that the majority of ELVS and scrap metals will be sourced from within the Central Bedfordshire and Luton area and this is more sustainable than waste from the Central Bedfordshire area being taken further afield to the applicant's facility in Aylesbury.

The Parish Council and some residents are concerned that vehicles could be left outside the site. The applicant suggests that the reason for abandoned cars is that there is such a shortage of facilities, although this has not been substantiated. The applicant has pointed out that when ELV are received on site the disposer is currently paid £90.00 to £150.00 per car and as such there is no incentive for owners to abandon cars at the site gates.

It is concluded that there is shortage of sites in the search area assessed by the applicant and there appears to be some justification for limiting their search to a particular part of the Plan Area. On the assumption that the application site would mainly handle ELV and scrap metal from Central Bedfordshire and Luton, it can be seen to fit with the proximity principle. The proposed site lies within a larger site that has a permitted industrial B2 use and therefore the proposal accords with MWLP Policy W9.

#### Lack of Suitable Non-Green Belt sites:

The applicant has provided evidence of having carried out a recent search for alternative sites in non-Green Belt locations which subject to certain criteria could accommodate their business within the Southern Central Bedfordshire and Luton Borough area (i.e. Dunstable, Houghton Regis, Leighton Buzzard and Luton area). The area of search has not been extended to other areas (e.g. Ampthill, Flitwick, Shefford, Biggleswade) as the applicant contends that a facility further away would not meet a pressing local need.

The applicant has provided evidence to show that leading commercial agents (Lambert Smith Hampton) were instructed to carry out the site search, which resulted in the identification of three non-Green Belt sites within the area of search. The applicant provides a reasonable explanation as to why all three sites are deemed to be unsuitable (based on clear criteria) and therefore a sequential assessment is not appropriate.

Therefore, considering all the facts put forward, the applicant has provided some justification for the selected area of search or catchment area where a single relatively small operational site at Dunstable has been identified which is only licensed to handle ELVs and where no suitable alternative sites outside the Green Belt have been found. The area of search includes the growth area of Leighton Buzzard and Dunstable / Houghton Regis where population will increase. The applicant has also shown from

the alternative site search that other premises are unsuitable for the proposed operation.

The applicant refers to an available site on Stanbridge Road, near Leighton Buzzard, which is within the Green Belt but it is not clear whether there is potential to make use on any existing building on site. However, based on the submitted information, there is evidence to suggest that the operator has experienced difficulty in identifying suitable alternative sites within the catchment area and that there is an overall need for this type of facility. Therefore it can be concluded that very special circumstances exist.

### **Economic Impact**

The proposal would create 11 new jobs which will consist of 2 managers/supervisors, 4 machine operators and 5 yard operatives/de-pollution staff. The applicant suggests that all employees will receive the training required to carry out their roles.

### **Planning Benefits**

Currently the proposed area for development is part of a wider site that has a B2 industrial use with no restrictions on hours of work or vehicle numbers, the proposal will therefore bring the following gains.

- Restriction on the number of HGV movements into the site from un restricted to 55 movements per days
- Restriction on the hours of work from un-restricted to 0700 hours to 18:00 hours Monday to Friday and 0700 hours to 16:00 hours on Saturday with no operation on Sundays and Bank Holidays.
- The proposal will enhance the patchy landscaping along the BOAT 45.

### **Fall Back Position**

The fallback position in the event that planning permission is refused is that general industrial activities continue on the application land, which could include certain types of waste use. The whole of the former lime works including the application area has a B2 lawful use with no specific restrictions and permitted development rights for limited built development under Part 8 of the General Permitted Development Order.

### **Conclusion**

It is considered that proposed development accords with the NPPF and MWLP Policy GE 5 as the proposed building will only have a slight negative impact on the openness of the Green Belt. It is also considered that there is a local need for this type of development and that very special circumstances exist to justify permitting the proposal.

The applicant has agreed to submit a landscaping scheme and conditions for lighting and plant and storage to be located away from the Northeastern corner of the site and therefore it is considered that with the addition of the pre-development conditions that will mitigate the lighting and screening the proposal accords with MW policy GE9.

The applicant has shown that there will be very limited impact on the SSSI's and therefore the proposed development accords with MWLP Policy GE11.

The Environment Agency has not objected to the proposal and therefore it can be considered that all pathways for contamination to groundwater have been mitigated as far as practicable and the proposal accords with MWLP Policy GE17.

Provided that the mitigation measure proposed by the applicant are implemented and subject to the imposition of conditions requiring detailed schemes in relation to noise and dust to be submitted and approved prior to the commencement of development, it is judged that the proposal accords with MWLP Policy GE18 (Disturbance).

It is considered that the development will have limited impact on the surrounding ROW and that any visual disturbance will be mitigated by planting. As such, the proposal accords with MWLP Policy GE 21.

It is considered that the proposal accords with MWLP Policy GE23 as there will be little additional impact on the road network from the proposal and the safety issues identified can be mitigated.

It is considered that since the proposed site would mainly be accepting ELV and scrap metals from the Central Bedfordshire and Luton areas, the proposal fits with the proximity principle. The proposed site lies within a larger complex that has a permitted industrial B2 use and therefore the proposal accords with MWLP Policy W9 and PPS10.

## **RECOMMENDATION**

That planning permission is granted subject to the condition laid out below.

- 1 Planning permission shall extend to the area delineated by a thick black line on the attached plan no. CB/12/00193/MW-1 and development shall be carried out in accordance with the planning application dated 19<sup>th</sup> January 2012 (as validated on 9<sup>th</sup> May 2012) and all accompanying supporting information dated 26<sup>th</sup> July 2012, 11<sup>th</sup> September 2012 and 19<sup>th</sup> October 2012, except for any minor amendments which may be approved in writing by the Local Planning Authority.

Reason: To define the permission and allow for minor amendments.

- 2 The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act.

### 3 **Access**

No development shall commence unless and until a scheme for the erection of warning signs and the mirrors to be located by the access of the former Lime works has been submitted to and approved by the Local Planning Authority. Such as scheme shall include provision for:

- Sign(s) stating the speed of HGVs to be no more than 20mph
- Sign(s) warning HGV drivers of pedestrians and horses;
- Sign(s) warning pedestrians of HGVs.

The scheme as may be approved shall be implemented prior to the importation of waste and thereafter maintained in accordance with the scheme at all times.

Reason: In the interest of Highways Safety (MWLP Policy GE23).

### 4 The access road from the public highway to the operational site shall be kept clear of mud and dust at all times.

Reason: To minimise any nuisance to nearby residents by reason of dust and to protect the surrounding SSSI (Policies GE18 and GE11 of the MWLP).

### 5 **Hours of Operation**

No operations authorised or required under this permission shall take place on site except between the hours of:

- 07:00 to 17:00 hours Mondays to Fridays
- 07:00 to 16:00 hours Saturdays

And no operations authorised or required under this permission shall take place on Sundays and Public / Bank Holidays.

Reason: To minimise any nuisance to nearby residents by reason of Noise (Policy GE18 of the MWLP).

### 6 **Site Operations**

A record of daily HGV movements generated by the operations hereby permitted shall be maintained at all times and submitted to the Local Planning Authority within 7 days of any written request covering the period specified in the request.

Reason: In the interest of highway safety and for monitoring compliance with other conditions of this permission (Policy GE23 of the MWLP).

### 7 Unless otherwise approved in writing by the Local Planning Authority, there shall not be more than 50 HGV movements (1 in and 1 out equals 2 movements) in any one working day (pro-rata for Saturdays) associated with the development hereby permitted.

Reason: In the interest of highway safety (Policy GE23 of the MWLP).

- 8 No fixed plant, machinery or buildings other than those authorised by this permission shall be erected on site.

Reason: To protect the Green Belt and in the interests of visual amenity. (Policies GE 5 and GE9 of the MWLP).

- 9 No storage of wastes, materials, plant or other site associated equipment including skips shall take place on site at a height in excess of 3 metres from ground level.

Reason: To protect the Green Belt and in the interests of visual amenity. (Policies GE 5 and GE9 of the MWLP).

- 10 No car de-pollution activities or treatment and baling of scrap metals (excluding ELVs) shall take place outside the building hereby permitted.

Reason: To restrict development to that applied for and to minimise disturbance in the interests of local amenity (Policy GE18 of the MWLP).

- 11 No development shall commence unless and until a detailed site layout / working plan (drawn to scale) has been submitted and approved by the Local Planning Authority. The plan shall include the following information:

- Positioning and colour of all buildings.
- Positioning and colour of the tanks.
- Positioning of the storage bays, containers, plant and machinery and circulation space.
- Specification and colour of boundary fencing.

The details shall thereafter be implemented as approved and complied with at all times.

Reason: To main control over the development, to protect the Green Belt and in the interests of visual amenity (Policies GE5 and GE9 of the MWLP).

- 12 **Environment:**

No operations authorised by this permission shall take place unless and until a CCTV camera has been installed in accordance with a scheme which has first been submitted to and approved in writing by the local planning Authority. The scheme shall include details of and provide for:

- The columns and cameras to be used;
- The area to be covered by the cameras;
- The capability for remote access viewing of live footage and recordings.

The CCTV system shall thereafter be implemented only in accordance with the approved scheme and complied with at all times.

Reason: To allow the monitoring of traffic movements and operating hours (MWLP Policies GE18 and GE23).

- 13 No floodlighting or security lighting shall be used on site except in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover and include provision for:
- Details of number, location and specification of floodlights or security lights;
  - Minimising potential for light spill or glare.
  - Lighting timers and sensors.

The scheme as may be approved shall be complied with at all times.

Reason: To minimise disturbance to residential and rural amenity and to protect the nearby SSSIs. (MWLP Policies GE11 and GE18) .

- 14 No development shall take place unless and until a scheme for the suppression, control and monitoring of dust has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include measures to be undertaken in the event of any complaints about dust. Thereafter, the scheme as may be approved shall be carried out in full and complied with at all times

Reason: To minimise disturbance to residential properties and local amenity. (Policy GE 18 of the MWLP).

- 15 Except for temporary operations, the free-field Equivalent Continuous Noise Level, LAeq,1hr, due to operations on the site, shall not exceed 50dB LAeq,1hr, when measured at the boundary of any residential dwelling. For temporary operations, such as site preparation, construction, soil and overburden stripping, the free-field noised level due to work at the nearest point to each dwelling shall not exceed 70dBb LAeq, 1hr, when measured at the boundary of any residential dwelling. Temporary operations shall not exceed a total of 8 weeks in any calendar year.

Reason: To minimise nuisance to nearby residents by reason of noise (Policy GE18 of the MWLP).

- 16 In addition to and notwithstanding the operational hours prescribed in condition 5 of this permission, the car baler shall only be used between the hours of 0900 to 1600 hours on weekdays and not at all on Saturdays.

Reason: To minimise nuisance to nearby residents by reason of noise (Policy GE18 of the MWLP).

- 17 Except as may otherwise be agreed in writing by the Local Planning Authority, no tonal reversing alarms shall be used on mobile plant on the site.

Reason: To minimise nuisance to nearby residents by reason of noise (Policy GE18 of the MWLP).



- 18 No plant or machinery equipment shall be used on site unless fitted and operated with noise suppression equipment in accordance with the equipment manufacturer's specification.

Reason: To minimise nuisance by way of noise (MWLP Policy GE18).

- 19 No development shall place unless and until a scheme for the control and monitoring of noise has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include procedures to be followed and measures to be undertaken in the event of any complaints about noise and shall also include details of:

- a) Monitoring location(s)
- b) Monitoring frequency and duration and the equipment to be used;
- c) The logging of all weather conditions and on site and off site events occurring during measurements including 'phased out' extraneous noise events;
- d) Timetable for the reporting of results to the Local Planning Authority and;
- e) Protocol to be followed if any breaches of the prescribed noise limits are found, including provisions for noise mitigation measures to be introduced.

Thereafter the scheme as may be approved shall be implemented in full and complied with at all times.

Reason: To enable compliance with prescribed noise levels for on-site operations to be adequately monitored and assessed (MWLP Policy GE 18).

- 20 No burning of any wastes or materials shall take place on site.

Reason: To minimise disturbance to nearby residential properties by reason of smoke and odour (Policy GE 18 of the MWLP).

- 21 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least the equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses shall 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 shall be located above ground and protected from accidental damage. All filling points and tank overflow pip outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent water pollution (Policies GE17 and GE20 of the MWLP).

- 22 Prior to being discharged into any watercourse, surface water sewer or soak-a-way, all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained.

Reason: To ensure satisfactory drainage of the site and to prevent increased risk of pollution to the water environment (Policies GE17 and GE20 of the MWLP).

23 **Landscaping**

No development shall take place unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:

- A survey to identify existing trees and vegetation to be safeguarded and retained.
- A specification detailed the species, size, number and location of all trees, shrubs and hedgerow to be planted.
- Planting techniques.
- Measures to be undertaken for protection of planting against weeds and vermin;
- Measures to be undertaken to ensure that the planting does not encroach upon the Byway Open to All Traffic (BOAT) throughout the life of the development.

The approved planting shall be carried out in full in the first planting season following approval of the scheme. Thereafter, all plants shall be maintained for a period of 5 years from the date of planting and any failed, damaged or missing plants during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established.

Reason: To provide for the satisfactory landscaping of the site (Policies GE9 and GE10 of the MWLP).

*[N.B. Where conditions include the phrase "Except as may be/unless otherwise approved in writing by the County Planning Authority.." this is to allow for exemptions to be approved for temporary periods for special circumstances or minor amendments to be made.]*

**DECISION**

.....  
.....