

REGULATORY COMMITTEE
10th MAY 2006

**BISHOPS CANNINGS/ROUNDWAY: SECTION 73 APPLICATION TO OPERATE
HOUSEHOLD RECYCLING CENTRE AT HOPTON PARK, LONDON ROAD, DEVIZES,
WITHOUT COMPLYING WITH CONDITIONS 3 AND 4 OF PLANNING PERMISSION K.46368
(AMENDMENT TO OPENING HOURS) FOR HILLS MINERALS AND WASTE LTD.
(Application No K.53833)**

Purpose of Report

1. To comment on the application and to recommend that permission is granted to operate Devizes Household Recycling Centre (HRC) without complying with conditions 3 and 4 of planning permission K.46368. Condition 3 restricts operating hours to those set out in paragraph 6 of this report and condition 4 limits public access to the HRC to seven hours a day within those operating hours.

The Site

2. The application site is located on the eastern edge of Devizes, on the south side of the Hopton Road on the Hopton Park Industrial Estate.
3. A location plan is attached at **Appendix 1** and a site plan at **Appendix 2**.

Planning History

4. In brief the history of the site is as follows:

<u>K.37116</u>	Change of Use to Household Recycling Centre and Ancillary Development. Permission granted 24 th November 1999.
<u>K.46368</u>	Change of use to Household Recycling Centre and Ancillary Development without complying with Conditions 1, 5, 7, 10 and 11 of K.37116. Permission granted 18 th December 2003.

Proposals

5. In 2005, Hills Minerals and Waste Ltd (the applicants) and the County Council carried out a feasibility study into extending the working hours at Wiltshire's HRCs. The study concluded that the extension in opening hours would give the public more opportunities to recycle at times that suited them. As a result, the applicants are seeking permission to extend the operating hours at all their Wiltshire HRCs, including Devizes.
6. Condition 3 of planning permission K.46368 states:

No operations or activities authorised or required by this permission shall be carried out and no vehicle shall enter or leave the site other than during the following times:

***07.00-19.00 Mondays to Saturdays
10.00-17.00 Sundays and Public Holidays
10.00-19.00 Sundays which are followed by a Public Holiday***

7. The applicants propose that the condition be amended to read:

Except in the case of emergency or unless otherwise agreed in writing by the Waste Planning Authority, no operation or activities authorised or required by this permission shall be carried out and no vehicle shall enter or leave the site other than during the following hours:

07.00-20.00 Mondays to Saturdays

08.00-17.00 Sundays and Public Holidays

08.00-19.00 Sundays which are followed by a Public Holiday

8. Condition 4 states:

The site shall be open to the public for not longer than seven hours in any one day within the operational times specified in Condition 3.

The proposal to remove this condition would provide more opportunity for the public to make greater use of the facility.

9. It is proposed that the site would be closed to the public from 19.00 hours on Mondays to Saturdays, to allow an additional hour for inspection, cleaning and closing of the site. The extended opening hours would initially be limited to Wednesdays and Thursdays and would only be extended to the rest of the week if there was a demand.

Planning Policy

10. The following policies are considered relevant to this application:

- Policy W1 of the Adopted Wiltshire Structure Plan 2011
- Policies 1 and 6 of the Adopted Wiltshire and Swindon Waste Local Plan 2011

11. The above policies are set out in the attached **Appendix 3**.

Consultations

12. **Kennet District Council** - no objection.
13. **Kennet District Council Environmental Health Officer** - longer hours may cause noise nuisance to surrounding residential properties as a result of materials handling operations such as the use of compactors and the movement and emptying of skips. Recommends a condition be imposed to restrict these operations to the existing permitted hours.
14. **Bishops Cannings Parish Council** - no objection.
15. **Roundway Parish Council** - no objection.
16. **Environment Agency** - no objection.
17. **Highways Development Control** - no highway observations.
18. **Countryside Section** - no objection.

Publicity

19. The application was advertised in the local press and by site notices. Eleven neighbours were notified by letter. One letter of representation was received.

Planning Considerations

20. The planning application must be determined in accordance with the Development Plan, unless material considerations exist which justify departure from the Plan. The issues raised with regard to this application are:

- Sustainable Waste Management
- Environmental Protection

Sustainable Waste Management

21. Policy W1 of the Adopted Wiltshire Structure Plan and Policy 1 of the Adopted Wiltshire and Swindon Waste Local Plan seek to promote sustainable waste management by encouraging initiatives to maximise the recycling of household waste. Extending the opening hours of HRCs may encourage more people to use them, thus increasing the amount of waste coming into the sites. Maximising the recycling of household waste is in accordance with the Development Plan.

Environmental Protection

22. Policy 6 of the Adopted Wiltshire and Swindon Waste Local Plan seeks to control the impacts of waste management facilities on the environment, human health and amenity.
23. The letter of objection from residents of properties to the rear of the HRC refers to existing problems with litter, noise and light pollution from the site and their belief that the existing situation would be exacerbated by increased opening hours. The residents were also concerned about thefts from the HRC and the possibility that thieves would turn their attention to properties close to the site. The issue of landscaping was also a concern as the residents had seen no evidence of the trees and shrubs that were meant to be planted on the bund between their properties and the HRC.
24. A Planning Officer met the applicants on site to discuss the issues raised by the objector and to see how they could be resolved. In terms of noise, the applicants agreed to look into relocating the glass recycling bank further from properties and also agreed to the imposition of a condition to restrict the moving and emptying of skips to the existing operating hours i.e. 07.00-19.00 Mondays to Saturdays, 10.00-17.00 Sundays and Public Holidays and 10.00-19.00 Sundays which are followed by a Public Holiday. This condition would also meet the requirements of Kennet District Council's Environmental Health Officer.
25. The floodlights have been turned off for the Summer and have also been lowered to prevent light spilling out of the site when they are switched back on. In addition CCTV would be installed on site to deter thieves. As the infra-red CCTV system would detect intruders by their body heat, there would be no need for floodlights to be left on overnight to deter intruders.
26. The landscaping has been carried out as required by condition on the existing permission but the planting is at an early stage and does not reduce noise and visual impact at present. However, the applicants have employed a contractor to manage the landscaping on site so the planting has the best chance of becoming effective.
27. A meeting between the Planning Officer and the residents was offered but not taken up by the residents. However, the contact details of the Site Manager have been sent to the residents so that any issues can be investigated and dealt with quickly. The issue of litter is a matter for the Environment Agency but if litter became a problem for local residents they could contact the applicants directly to arrange for its removal.

Conclusion

28. The principle of the Devizes HRC is already established. This application seeks to extend the operating hours and remove the restriction to a seven hour day for public access.
29. The main potential additional impact on the local environment would be increased traffic (as the extended opening hours may result in more people using the HRC) and noise earlier in the morning and later in the evening. Because there are properties close to the site and a letter of objection has been received, a condition would be imposed on any permission to restrict some of the noisier operations such as moving and emptying of skips to the current permitted hours, in line with the recommendation of Kennet District Council's Environmental Health Officer.
30. The extension of opening hours would provide an opportunity to increase waste recycling and is unlikely to have any significant environmental or land use impacts.
31. It is considered that the application is in accordance with Policy 1 of the Adopted Wiltshire Structure Plan 2011 and Policies 1 and 6 of the Adopted Wiltshire and Swindon Waste Local Plan 2011. There are no overriding material planning objections which would justify refusal. The extension of opening hours would provide an opportunity to increase recycling without significant environmental or land use impacts.

Recommendation

32. That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the plans and particulars submitted in accordance with planning permission K.46368.

Reason For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted details.

Hours of Operation

2. Except in the case of emergency, (which shall be notified to the Waste Planning Authority as soon as practicable) no operation or activities authorised or required by this permission shall be carried out and no vehicle shall enter or leave the site other than during the following hours:

07.00-20.00 Mondays to Saturdays
08.00-17.00 Sundays and Public Holidays
08.00-19.00 Sundays which are followed by a Public Holiday

Reason To safeguard the amenity of the area and local residents.

3. No movement or emptying of skips shall take place other than during the following hours:

07.00-19.00 Mondays to Saturdays
10.00-17.00 Sundays and Public Holidays
10.00-19.00 Sundays which are followed by a Public Holiday

Reason To safeguard the amenity of the area and local residents.

Noise

4. During the permitted working hours the noise levels attributable to the operation of the Household Recycling Centre shall not exceed 55 dB LAeq 1 hour freefield at the nearest inhabited residential property.

Reason To safeguard the amenity of the area and local residents.

5. No plant, machinery or vehicles shall be used on the site unless fitted with silencers maintained in accordance with the manufacturer's recommendation and specification.

Reason To safeguard the amenity of the area and local residents.

Visual Impact

6. There shall be no open stockpiling of waste or reclaimed materials within the site.

Reason To safeguard the amenity of the area and local residents.

Dust

7. The site access and hard surfaced areas used by vehicles shall be watered or treated with approved dust-laying agent at times as may be necessary to prevent dust nuisance arising from the site.

Reason To safeguard the amenity of the area and local residents.

Floodlighting

8. No additional exterior floodlighting or other illumination shall be installed at the site until full details of such lighting have been submitted to and approved in writing by the Waste Planning Authority. These details shall include the height of the lighting posts, intensity of the lights (specified in lux levels), spread of light, any measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding) and the times when such lights will be illuminated. Development shall be carried out in accordance with the approved details.

Reason To safeguard the amenity of the area and local residents.

Pollution Prevention

9. Any above ground oil storage tank(s) or chemical storage tank(s) should be built on an impervious base and surrounded by a suitable liquid tight compound. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the largest tank. All fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipe should be directed downwards into the bund.

Reason To minimise the risk of pollution of watercourses.

Permission granted for the following reasons

The decision to grant planning permission has been taken having regard to Policies 1 and 6 of the Adopted Wiltshire and Swindon Waste Local Plan 2011, Policy W1 of the Adopted Wiltshire Structure Plan 2011 and to all relevant material considerations. The development is acceptable and subject to compliance with the conditions attached to this permission would increase the potential for household waste recycling without causing significant detriment to local people or the local environment.

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The following unpublished documents have been relied on in the preparation of this Report:

Consultation replies and correspondence