

REGULATORY COMMITTEE
8th NOVEMBER 2006

CHERHILL: SECTION 73 APPLICATIONS - REVISED OPERATING HOURS FOR:

- (i) **LORRY PARKING ADJACENT TO MATERIALS RECYCLING FACILITY (N.06.07017)**
- (ii) **MATERIALS RECYCLING FACILITY (N.06.07018)**
- (iii) **COMPOSTING AND COMMERCIAL AND INDUSTRIAL WASTE FACILITY (N.06.07019)**
- (iv) **WEIGHBRIDGE AND PORTACABIN (N.06.07020)**
- (v) **SAND QUARRY AND LANDFILL (N.06.07021)**

AT HILLS RESOURCE RECOVERY CENTRE FOR HILLS MINERALS AND WASTE LTD.

Purpose of Report

1. To comment on the five applications (Application Nos. N.06.07017 - N.06.07021) and to recommend that planning permission be granted subject to conditions.

The Site

2. The five application sites are located within the Hills Resource Recovery Centre (HRRC) at Lower Compton, to the east of Calne, north of the A4 trunk road.
3. A location plan is attached at **Appendix 1** and a site plan at **Appendix 2**.

Site History

4. The site at Lower Compton has been used for sand extraction and landfilling for over thirty years. Hills Minerals and Waste Ltd. (the applicants) have been operating the site since 1996 when they were awarded the Wiltshire Waste Contract. Since this time permissions have been granted for a composting facility, lorry park, Materials Recycling Facility (MRF) and a range of ancillary developments such as gas to energy and concrete batching plants.

The Proposal

5. The applicants are seeking permission to extend the operating hours at a number of facilities at their HRRC in order to accommodate the waste from kerbside collections, Household Recycling Centres (HRCs) and other refuse collections. The five facilities for which the applicants are seeking extended operating hours are:
 - Lorry Park adjacent to the MRF (N.06.07017)
 - Materials Recycling Facility (N.06.07018)
 - Composting and Commercial and Industrial Waste Facility (N.06.07019)
 - Weighbridge and Portacabin (N.06.07020)
 - Sand Quarry and Landfill (N.06.07021)

6. Waste collections by District Councils can only take place when waste disposal facilities are open to accept the waste. Traditionally, waste is collected Monday to Friday and to compensate for Bank Holidays collections take place on the following Saturday, requiring waste disposal facilities to be open for a number of Saturday afternoons each year. In order to encourage recycling District Councils have begun a programme of fortnightly, rather than weekly collections (ie recyclable waste one week and household waste the next). All four District Councils should be converted to fortnightly collections by June 2010-11.
7. Encouraging recycling has also led to HRCs becoming increasingly busy, particularly at weekends and Bank Holidays. The applicants state that insufficient space is available to store the materials collected and that if full containers cannot be removed and replaced with empty containers the HRCs would have to close early, leading to a reduction in recycling rates and an increase in flytipping.
8. The lorry park, MRF, weighbridge and Portacabin currently reflect the traditional pattern of waste collection in their permitted operating hours of:

07.00 - 18.00 Monday to Friday
07.00 - 12.00 Saturday
No operations on Sunday, Bank or Public Holidays

The composting facility and the sand quarry/landfill have permission to operate until 13.00 on Saturday otherwise the hours are identical to those above.

9. To provide for the changes in waste collection patterns, the applicants are requesting that the operating hours at the various facilities (except for the sand quarry/landfill) be extended to:

06.00 - 20.00 Monday to Saturday
07.00 - 18.00 Sunday and Public Holidays

The operating hours requested for the sand quarry/landfill are:

06.00 - 20.00 Monday to Saturday and Bank Holidays
No working on Sunday

10. The applicants stress that these extended hours are sought to provide the flexibility to meet changing needs of the waste collection service and it is not proposed that the site would be operational as a rule on Sunday or before 07.00 and after 18.00 Monday to Saturday. Waste would be off-loaded but not processed on Sunday or Bank/Public Holidays.
11. Additional information to support the extended operational hours was submitted by the applicants in September 2006. All the original consultees were re-consulted and their comments are noted in the consultations section of this report.

Planning Policy

12. The following policies are considered relevant to this application:
 - Policies W1, W3 and W4 of the Adopted Wiltshire and Swindon Structure Plan 2016 (the Structure Plan)
 - Policies 1 and 6 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 (the Waste Local Plan)

Consultations

13. **North Wiltshire District Council (Planning)** - no objection.
14. **North Wiltshire District Council (Environmental Health Officer)** - objects.
Considers the proposal would have a significant impact on the amenity of nearby residents by reason of noise. In response to additional information makes no further comments. Still recommends refusal.
15. **Calne Town Council** - no objection
16. **Calne Without Parish Council** - no comment received.
17. **Cherhill Parish Council** - objects. Early hours of opening are too much for local residents to accept. Hours are anti-social. Existing hours are not respected. In response to additional information states that all members of the Parish Council object to the proposed extended operating hours. It was felt the site should only be used outside hours for emergencies.
18. **Compton Bassett Parish Council** - objects to any extension of times as permitted as these will have an adverse impact on residential amenity. Council is concerned about the amount of traffic leaving the site before the permitted hours of operation.
19. **Environment Agency** - no objection in principle.
20. **Highways Development Control** - no objection.
21. **Countryside Section** - no objection.

Publicity

22. The applications were advertised in the local press and by site notice. Four letters of representation have been received.
23. Friends of Compton and Surrounds (FOCAS) argued that the applications had not been based on a proven need for increased working hours and therefore should be refused as the site would effectively operate in excess of that which could be considered normal for any industrial business. Specific hours requested also in excess of what would be required to accommodate the plans of local Councils for more flexible waste collections. The County Council has not specifically requested extended hours or Sunday working. FOCAS recommended a full analysis of the specific needs of each Council before any variation of hours is determined.
24. The Campaign to Protect Rural England (CPRE) believes the argument for extended hours to be flawed and states that extensions to operating hours would be contrary to Policy 6 of the Waste Local Plan as the amenities of local residents would be increasingly affected. In response to the additional information, CPRE was pleased to note that applications were made to increase recycling but remains concerned about the detrimental impact on neighbouring houses.

Planning Considerations

25. The planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

26. The applicants state that extended operational hours are required for the treatment and disposal of:
- Waste and recyclables from kerbside collections of black/grey bins, green waste bins and recycling boxes and
 - Waste and recyclables from HRCs
27. The issues that need to be considered with regard to this application are:
- Justification for extended operational hours
 - Impacts on amenity

Justification for extended operational hours

28. FOCAS and the CPRE objected to the applications partly on the basis that the applications had not been based on a proven need for increased working hours. The applicants were asked to review whether organisational changes at their sites could negate the need to take full skips from the HRCs to the HRRC on Sundays. The response from the applicants was that alternatives to collecting the HRC containers on Sundays have been considered but no workable solution had been achieved.
29. The County Council, as Waste Disposal Authority, has a responsibility to provide adequate waste management facilities in the county and the Development Plan supports initiatives to maximise the recycling of waste. The extended operating hours have the potential to increase waste recycling as the applicants state that at present HRCs are occasionally having to close early at weekends as skips are full and cannot accept any more waste. The alternative when, for example, green waste or cardboard bins at HRCs become full, is for both green and cardboard waste to be diverted to the general waste bin to be landfilled rather than recycled. Clearly this is not acceptable. If the operational hours are not extended this could prejudice the movement of waste up the waste hierarchy, contrary to Policy 1 of the Waste Local Plan and Policies W1 and W3 of the Structure Plan which seek to provide adequate facilities for increasing recycling rates.

Impacts on amenity

30. Whilst it is recognised that changing patterns of waste collection would impact on the waste disposal facilities, the changes would also have an impact on the amenity of local people in terms of disturbance from site operations. When considering applications at the HRRC, the Waste Local Plan states that the proximity of any waste development to housing at Spreckley Road, Lower Compton, and to populations of Calne, Compton Bassett and the surrounding area are material considerations. The applicants have stated that, excluding cars and the public using the HRC, an average of 150 vehicles enter the HRRC on a weekday.
31. Structure Plan Policy W4 states that proposals for waste management facilities should have regard to effects on local amenities and Policy 6 of the Waste Local Plan seeks to control the impacts of waste management facilities on the environment, human health and amenity.

32. The District Environmental Health Officer, Cherhill Parish Council, Compton Bassett Parish Council, two local residents and interest groups have objected to the application on the basis that opening and operating the site seven days a week and Bank/Public Holidays would be detrimental to the amenity of local residents. It is argued that Saturday afternoon, Sunday and Bank Holidays are the only times that local residents have relief from the stream of refuse and recycling lorries on local roads and noise and odour from landfill operations. Officers concur with this view and advise that restrictions on operating hours provide a good standard of control to protect residential amenity. Whilst the applicants stress that the site would not operate as a rule on Sunday, if the extended operational hours were granted this occasional use of the site would not be enforceable.

33. In order to enable the HRCs to function efficiently on their busiest days, whilst providing adequate protection to the residents of Lower Compton and those living along the access routes to the HRRC, officers have suggested the following condition:

Except in emergencies to maintain safe working (which shall be notified to the Planning Authority as soon as practicable), no operations permitted by this permission shall be carried out except between the following hours:

07.00 - 20.00 Monday to Friday
07.00 - 13.00 Saturday

Operations shall not take place on Sunday or Public or Bank Holidays other than as indicated below.

The site may in addition be open between the hours of 07.00 - 20.00 on Saturday immediately preceding and following a Bank or Public Holiday.

The site may in addition be open solely for the receipt of waste from HRCs between the following hours:

07.00 - 18.00 Sunday and Bank or Public Holidays

Notwithstanding the above, no vehicle shall enter or leave the site on 25th or 26th December. These hours of working shall not apply to the operation of essential plant or machinery.

(The condition would be customised to each individual application but the operating hours would be standard for all five applications).

34. It was considered that these hours would give flexibility to the applicants in allowing full skips to be brought to the HRRC on Sundays and Bank/Public Holidays when the HRCs are particularly busy. More importantly, restricting Sunday, Bank and Public Holiday opening for HRC waste only would offer protection to local residents as it is anticipated that around 10 vehicles would enter the site rather than a potential 150 vehicles. The condition would not enable general waste lorries to enter the site on Sunday, Bank or Public Holidays. However, Saturday afternoon immediately preceding or following a Bank/Public Holiday would be available for the disposal of general waste. The applicants have stated that they could work within the time constraints of the proposed condition. Therefore the applications should be considered on the basis of the hours set out in this condition.

Conclusion

35. In terms of recovering and recycling waste, the extended hours proposed by the applicants are supported by a number of policies in the Development Plan. However, in terms of the effect on local amenities, it is considered that the extended operating hours are over and above those required to operate effectively. Whilst the application stresses that the extended hours are to allow for flexibility and not for normal business as usual seven days a week, the potential for the latter could not be controlled if permission were granted as originally requested by the applicants. In addition, granting permission as requested would allow waste to come in from a range of other sites, not just Wiltshire HRCs. Therefore the number of vehicles entering the HRRC could be significant.
36. The Structure Plan 2016 states that a balance needs to be struck between the need for waste management facilities and the protection of the environment. The condition proposed by the County Council would allow waste to be brought to the HRRC from HRCs on Sunday and Bank/Public Holidays whilst protecting local residents from excessive traffic movements.

Recommendation

37. That planning permission be granted for each application subject to the following conditions:

Application No. N.06.07017 (Lorry park next to the Materials Recycling Facility)

No vehicle shall enter or leave the lorry park except between the following hours:

07.00 - 20.00 Monday to Friday
07.00 - 13.00 Saturday

No vehicle shall enter or leave the lorry park on Saturday afternoon, Sunday or Public or Bank Holidays other than as indicated below:

07.00 - 20.00 on Saturday immediately preceding and following a Bank or Public Holiday

The lorry park may in addition be open solely to vehicles servicing the Household Recycling Centres between the following hours:

07.00 - 20.00 Saturday
07.00 - 18.00 Sunday and Bank or Public Holidays

Notwithstanding the above, no vehicle shall enter or leave the lorry park on 25th or 26th December. These hours of working shall not apply to the operation of essential plant or machinery.

Reason: In the interests of local amenity.

Application No. N.06.07018 (Materials Recycling Facility)

Except in emergencies to maintain safe working (which shall be notified to the Waste Planning Authority as soon as practicable), no operations permitted by this permission shall be carried out and no vehicles shall enter or leave the Materials Recycling Facility other than during the following hours:

07.00 - 20.00 Monday to Friday
07.00 - 13.00 Saturday

Operations shall not take place on Saturday afternoon, Sunday or Public or Bank Holidays other than as indicated below:

07.00 - 20.00 on Saturday immediately preceding and following a Bank or Public Holiday

The Materials Recycling Facility may in addition be open solely for the receipt of waste from Household Recycling Centres between the following hours:

07.00 - 20.00 Saturday
07.00 - 18.00 Sunday and Bank or Public Holidays

Notwithstanding the above, no vehicle shall enter or leave the Materials Recycling Facility on 25th or 26th December. These hours of working shall not apply to the operation of essential plant or machinery.

Reason: In the interests of local amenity.

Application No. N.06.07019 (Recycling and Composting)

Except in emergencies to maintain safe working (which shall be notified to the Waste Planning Authority as soon as practicable), no operations permitted by this permission shall be carried out and no vehicles shall enter or leave the recycling and composting area other than during the following hours:

07.00 - 20.00 Monday to Friday
07.00 - 13.00 Saturday

Operations shall not take place on Saturday afternoon, Sunday or Public or Bank Holidays other than as indicated below:

07.00 - 20.00 on Saturday immediately preceding and following a Bank or Public Holiday

The composting and recycling facility may in addition be open solely for the receipt of waste from Household Recycling Centres between the following hours:

07.00 - 20.00 Saturday
07.00 - 18.00 Sunday and Bank or Public Holidays

Notwithstanding the above, no vehicle shall enter or leave the composting and recycling facility on 25th or 26th December. These hours of working shall not apply to the operation of essential plant or machinery.

Reason: In the interests of local amenity.

Application No. N.06.07020 (Weighbridge and portacabin)

The use of the weighbridge and portacabin shall take place only during the following hours:

07.00 - 20.00 Monday to Friday
07.00 - 13.00 Saturday

Operations shall not take place on Saturday afternoon, Sunday or Public or Bank Holidays other than as indicated below:

07.00 - 20.00 on Saturday immediately preceding and following a Bank or Public Holiday

The weighbridge and portacabin may in addition be open solely for the receipt of waste from Household Recycling Centres between the following hours:

07.00 - 20.00 Saturday
07.00 - 18.00 Sunday and Bank or Public Holidays

Notwithstanding the above, no vehicle shall use the weighbridge on 25th or 26th December. These hours of working shall not apply to the operation of essential plant or machinery.

Reason: In the interests of local amenity.

Application No. N.06.07021 (Old Camp Farm extension)

Except in emergencies to maintain safe working (which shall be notified to the Local Planning Authority in writing within seven days), no operations shall be carried out and no plant shall be operated other than during the following hours:

07.00 - 20.00 Monday to Friday
07.00 - 13.00 Saturday

Operations shall not take place on Sunday or Public or Bank Holidays.

Reason: In the interests of local amenity.

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

Consultation replies and correspondence