

 Nottinghamshire County Council	Report to Planning and Licensing Committee
	10th January 2012
	Agenda Item:9
REPORT OF GROUP MANAGER PLANNING	
GEDLING DISTRICT REF. NO.: 7/2011/1167NCC	
PROPOSAL:	CHANGE OF USE TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A ROADSWEeper WASTE RECEPTION BAY.
LOCATION:	R C TUXFORD EXPORTS, HOLLINWOOD LANE, CALVERTON
APPLICANT:	RICHARD TUXFORD EXPORTS LIMITED

Purpose of Report

1. To consider a planning application for the construction and operation of a roadsweeper waste reception bay. The planning application has been reported to Planning and Licensing Committee because of an objection from Calverton Parish Council relating to additional traffic generation and additional demands on the local drainage system. The recommendation is to grant planning permission, subject to the imposition of planning conditions.

The Site and Surroundings

2. The former Calverton Colliery pit head area lies to the west of Calverton village and extends to some 9 hectares in area. Since the closure of Calverton Colliery the pit head has been fully redeveloped for a variety of industrial purposes including a lorry sales & dismantling business, the Calverton Household Waste Recycling Centre, a scaffolding contractor's business, a patio stone dressing and storage company and a mine gas extraction facility. The colliery pit head area however remains within land designated as Green Belt.
3. The application site comprises a small parcel of land located towards the eastern boundary of the applicant's main operational lorry dismantling/sales yard area. The site has an irregular rectangle shape and is drawn to include a vehicle access connection to Hollinwood Lane which utilises the established private industrial access roads through the applicant's land.
4. The application site is adjoined by the applicant's lorry dismantling/sales business on three sides. To the east of the application site is a landscaped area, beyond which is a public footpath and agricultural land. The nearest residential properties are located on North Green approximately 260m to the south and Hollinwood Lane approximately 500m to the south. Hollinwood Lane also serves the Calverton Top Club (social club and sports facility) and the headquarters of St John's Ambulance Brigade which are situated approximately 350m to the south. Planning permission has recently been refused by Gedling

Proposed Development

5. Planning permission is sought for a road sweeper waste reception facility. The development would enable a third party road sweeping contractor to empty their collected loads within an appropriately licensed collection, separation and storage facility.
6. The operational facility comprises a catchpit (or wedge-pit) which is enclosed by a three sided steel framed building. The application is partially retrospective since the catchpit has been constructed. The enclosure building is new development.
7. The catchpit is designed to enable road sweeper vehicles to reverse up to it and deposit their road sweeping waste into a dedicated containment facility. The pit is of a lined impermeable concrete construction and measures 2m in depth. The enclosure building would measure 10.2m by 6.9m and is constructed with a pitched gabled roof measuring 4.1m in height at the eaves and 7.5m in height at the ridge. The primary purpose of the building is to stop water ingress into the catchpit. The facility is orientated so that the rear of the building faces towards residential properties at North Green.
8. The main function of the catchpit is to separate liquid and solid waste from the incoming waste stream through a settlement process. The solid fraction of incoming wastes would fall to the base of the pit, this waste would be periodically removed by mechanical plant when sufficient quantity has been accumulated, the applicant has indicated that this would probably be every four days. The material would be transported off site for disposal to an appropriate permitted waste management facility.
9. The liquid fraction of the waste would rise to the surface and flow under gravity via a drainage pipe into the existing surface water treatment facility which serves the vehicular dismantling yard. Since these treatment facilities are existing development planning permission is not sought for these facilities as part of this application. The treatment plant comprises a funnel shaped sludge separator, from here the liquid would be pumped via an intermediate screen into a bio digester which provides bio-degradation of all organic waste (oil, grease, shampoos etc). This treated liquid waste would be collected in a 27,500 litre above ground tank and intermittently pumped to a mains foul sewage connection.
10. Vehicles would enter the site from Hollinwood Lane via the existing industrial access road. It is anticipated that the facility would service approximately 400 road sweeper vehicles per year and therefore generate a maximum 800 two way lorry movements along Hollinwood Lane. The solid waste would be removed by lorry on average every 4 days thereby generating approximately 90 further vehicle movements (180 two way movements).

Consultations

11. **Gedling Borough Council:** *Raise no objections to the development.*

12. **Calverton Parish Council:** *Raise objections to the development on the grounds of excess traffic through the village and at the access to the site. Foul water would put excess strain on existing sewers. All planning applications in Calverton should include Sustainable Urban Drainage Systems (SUDS).*
13. **Environment Agency (EA):** *The EA raise no objections in principle on the basis that the excavated pit has been lined with an impermeable membrane to ensure no leakage of wastes to the underlying aquifer and that only road sweepings waste (classed as non hazardous) would be accepted at the facility thereby ensuring that sensitive ground waters within the aquifer are protected. The EA note that site decontamination works have been undertaken as part of the original redevelopment of the colliery.*
14. **Severn Trent Water Limited:** *Raise no objection to the development and the company therefore has no comments to make.*
15. **Western Power Distribution:** *Raise no objections to the development.*
16. **NCC (Highways) Development Control:** *The development would generate 8 vehicle deliveries (16 movements) per week and approximately 90 collection vehicles a year (180 movements). These movements would not cause any concerns to the highway network and is appropriate on Hollinwood Lane which has been constructed to a standard suitable to serve industrial traffic.*
17. **National Grid (Gas):** *Have not provided a response to their planning consultation.*

Publicity

18. The application has been publicised by means of site notice and the publication of a press notice within the Nottingham Evening post in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
19. Councillor Mark Spencer has been notified of the planning application.

Observations

Planning Policy Assessment

20. The development would assist with the management of waste by providing an environmentally acceptable facility so that road sweepings are appropriately separated and pre-treated prior to the waste entering the public sewage system for final treatment and release to the wider environment. The development clearly satisfies a market need for this type of waste treatment facility and, whilst there are no specific policies relating to the development of road sweeping collection facilities within the Nottinghamshire and Nottingham Waste Local Plan (WLP), the development is provided general support by Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) which encourages the development of sustainable waste management facilities that diverts waste from landfill, as this facility would do.

21. The Gedling Replacement Local Plan (GLP) identifies a conflicting policy position for the former Calverton Colliery insofar that the application site is designated for employment purposes under GLP Policy E1 but is also identified as Green Belt and therefore Policy ENV26 provides a presumption against inappropriate development which would include the current development. Balance clearly needs to be given as to which policy takes precedent for considering the development against.
22. It is a matter of record that the former Calverton Colliery pit head area has been developed for industrial purposes over the last five to ten years despite the site being designated as Green Belt throughout this period. The policy justification for allowing previous industrial development largely came from a non-saved GLP Policy E8 which enabled such development to come forward subject to it not prejudicing the generally open character of the surrounding Green Belt. This was achieved by limiting the floor space and height of redeveloped buildings so that they did not exceed the size and height of the original colliery buildings. Since the objective of GLP Policy E8 was to facilitate the redevelopment of the former colliery pit head area and this objective has now largely been fulfilled Gedling Borough Council have resolved to no longer save this policy within the GLP.
23. Notwithstanding the fact that Policy E8 is no longer saved, Policy E1 remains and this policy supports industrial uses on Calverton Colliery and thus supports the principle of the current development. On balance it is considered inappropriate to apply the strict controls imposed by Green Belt Policy since this would prohibit almost any further industrial development on what is a designated employment site. However, to strike a balance between the competing employment and Green Belt controls imposed on the site it is appropriate to consider the effect the development would have on the open character of the Green Belt in reaching a decision in terms of the acceptability of the development.
24. In this respect, the proposed building has a small floor area and a comparatively low height, it is located within a group of industrial buildings and open storage areas which visually integrates it into the existing industrial uses on the site and the building would be screened by the extensive landscape planting which exists on the boundaries of the former colliery pit head. As a result it is concluded that the development would not result in any harmful impacts to the openness of the Green Belt in this location, which PPG 2 (Green Belts) seeks to protect, and the principle of the development should therefore be supported under the terms of GLP Policy E1.

Assessment of Environmental Impacts

Visual Impacts

25. As outlined above, the location of the facility within R C Tuxford's operational yard ensures that visual impacts are minimised. The yard benefits from extensive screening on its boundaries. The change in ground level on the site also ensures that the building is not significantly visible from nearby residential properties or other land surrounding the former colliery pit head area. The submitted plans detail the wedgepit enclosure building as being constructed with profiled sheet steel finished a goosewing grey colour. These materials are considered visually appropriate in this location. In accordance with WLP Policy

W3.3 a planning condition can be imposed ensuring these materials are used within the building's construction.

Traffic

26. WLP Policy W3.14 requires the planning authority to be satisfied that new waste developments do not generate significant vehicle movements which cannot be accommodated safely on the public highway or cause nuisance to local communities. Calverton Parish Council has raised objections to the development on the grounds that it would generate additional traffic through the village and the site access.
27. The Parish Council's concerns have been considered by the NCC Highways (Development Control) Officer who notes that the development generates a comparatively small number of 400 vehicle deliveries a year and 90 waste collections a year. These vehicles would access via Hollinwood Lane, a road that has been re-engineered to a suitable standard to accept industrial traffic as part of a highway improvement scheme required under a Section 106 agreement imposed on the applicant when the former colliery land was developed for industrial purposes approximately 8 years ago. The Highways (Development Control) Team therefore raise no objections to the development and consequently Calverton Parish Council's concerns regarding dangers caused by vehicle movements associated with this development cannot be supported.
28. Planning conditions are suggested to restrict the weekly number of vehicles delivering and collecting waste associated with the operation of the facility to the levels set out above, this equates to nine deliveries of waste a week and two collections of settled solids a week. This control would ensure that vehicle numbers do not incrementally increase over time. A control is also suggested to limit the time that vehicle movements are undertaken to ensure such deliveries are restricted to the normal working day (07:00 – 18:00 Monday to Fridays, 08:00 – 14:00 Saturdays and not at all on Sundays, Bank or Public Holidays. In terms of vehicle routeing it is acknowledged that some of the delivery vehicles may access through the village centre, however, since the development generates a comparatively small number of vehicle movements and the delivery vehicles (roadsweepers) are comparatively small lorries which are designed to work within residential areas it is not considered appropriate in this instance to require a lorry routeing agreement. To ensure that potentially larger solid waste collection vehicles do not traffic through the village centre a planning condition is suggested requiring the erection of signage and the issuing of instructions to drivers to require them to access from Oxton Road thereby ensuring they do not traffic through the village centre.

Odour

29. The development has a comparatively low potential to generate odour nuisance due to the constitution of road sweepings which are generally muddy/gritty liquid based materials and therefore not significantly odorous. Nevertheless road sweepings can incorporate materials which have potential to release odour and the open vented catchpit facility would allow the release of any odours directly to the atmosphere.

30. WLP Policy W3.7 encourages stand-off distances between potentially odorous activities and sensitive uses and the use of planning conditions to minimise potential nuisances from odour. In terms of the siting of the facility, the development is sited remotely from odour sensitive residential properties. In accordance with WLP Policy W3.7 planning conditions are suggested to require the emptying of the catchpit on a weekly basis so as to limit the duration road sweepings are stored at the site thus limiting the potential for waters to go stagnant. In the unlikely event that odour emissions do occur, a planning condition requiring the importation of waste to cease and the implementation of supplementary odour control measures is recommended to ensure that amenity is adequately protected. Subject to these controls it is concluded that odour nuisance would not result from the development.

Drainage

31. The road sweeping bay would utilise existing plant within the R C Tuxford site to pre-treat incoming waste prior to its disposal into the public sewage system for final disposal. The facility utilises an appropriate sealed system to ensure that potentially contaminated waters are contained within the catchpit and not released to the environment thus ensuring the protection of the underlying aquifer thereby satisfying the requirements of WLP Policy W3.5. Severn Trent Water Limited have reviewed the development and are satisfied that the existing sewage system can adequately manage the liquid output from this waste process. The facility would deal with comparatively small volumes of water and would therefore not result in any addition to flood risk. The use of a SUDS for the disposal of foul drainage, as suggested by the Parish Council, is not appropriate due to potential pollution risks.

Other Issues

32. Noise emissions from the operation of the facility would not be audible at surrounding residential properties. The suggested restrictions to delivery hours and vehicle numbers would ensure that vehicular activity is restricted to the daytime working hours thereby ensuring noise from traffic disturbance is minimised.
33. With regard to ground contamination, the sampling that was undertaken at the time the colliery yard was originally redeveloped by the applicant confirmed that hydrocarbon contamination had not penetrated the underlying ground which is free from contamination. The development utilises a sealed drainage system therefore ensuring that no pollution pathways are created as a result of the development.

Other Options Considered

34. The report relates to the determination of a planning application. The County council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Human Rights Act Implications

35. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under

Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Statutory and Policy Implications

36. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

37. The development is centrally located within the R C Tuxford operating yard and would benefit from the existing site fencing, CCTV surveillance system and the security facilities provided within this site.

Statement of reasons for the decision

38. The development would assist with the management of waste by providing an environmentally acceptable facility which ensures that road sweepings are appropriately separated and pre-treated prior to the waste entering the public sewage system for final treatment and release to the wider environment. The development is therefore supported by Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) which encourages the development of sustainable waste management facilities that divert waste from landfill.
39. Whilst the site is located within an area designated as Green Belt it is also designated as an employment development site under Gedling Local Plan Policy E1. The development would not result in harmful impacts to the open character of the Green Belt in accordance with the requirements of Planning Policy Guidance Note 2: Green Belts and in this instance the support provided by Policy E1 weighs in favour of the development.
40. Environmental impacts resulting from the development are limited and can be controlled through planning conditions. In particular vehicle movements are low and would not cause adverse impact to residential amenity thereby complying with Nottinghamshire and Nottingham Waste Local Plan Policy W3.14. Odour emissions would be limited and unlikely to generate nuisance thereby ensuring compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.7, and the facility would have appropriate drainage facilities thereby ensuring compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.5.
41. The County Council is of the opinion there are no other material considerations that indicate that the development should not be granted planning permission. The County Council considers that any potential harm as a result of the

proposed development would reasonably be mitigated by the imposition of the attached conditions.

RECOMMENDATIONS

42. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

SALLY GILL

Group Manager (Planning)

Constitutional Comments

Committee have power to decide the Recommendation. [SHB 16.12 11]

Comments of the Service Director - Finance

The contents of this report are duly noted; there are no financial implications. [DJK 19.12.11])

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Calverton Division: Cllr Mark Spencer.

Mike Hankin

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For any enquiries about this report, please contact the report author.

W000882 – DLGS REFERENCE
PSP.MH/RH/EP5326

RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. The development hereby approved is for the retention of the existing roadsweeper catchpit and for the future construction of a canopy structure over the catchpit and the operation of the facility as a roadsweeper waste reception bay.

Reason: To define the scope of the planning permission.

Commencement

2. The construction of the canopy structure over the catchpit hereby permitted shall be begun within 3 years from the date of this permission.

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

3. The Waste Planning Authority (WPA) shall be notified in writing at least 7 days, but no more than 14 days, prior to the commencement of the development.

Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

Approved Plans

4. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to the other conditions below:
 - a. Planning application forms received by the WPA on 27th September 2011.
 - b. Supporting Statement received by the WPA on the 27th September 2011.
 - c. Drawing No. 2011-22-001 Revision A: Proposed Site Location Plan – R C Tuxford's Road Sweeper Application received by the WPA on 27th September 2011.
 - d. Drawing No. 2011-22-002 Revision A: Overall Site Plan – R C Tuxford's Road Sweeper Application received by the WPA on 27th September 2011.
 - e. Drawing No. 2011-22-004: Wedge Pit Construction Details – R C Tuxford's Road Sweeper Application received by the WPA on 27th September 2011.

Reason: For the avoidance of doubt.

Construction Materials

5. The catchpit enclosure shall be constructed in accordance with the materials detailed on Drawing No. 2011-22-004: Wedge Pit Construction Details. The exterior of the building shall be constructed using profiled steel sheeting finished a goosewing grey colour.

Reason: In the interest of visual amenity and to ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.3.

Odour Control

6. The facility shall only be used for the treatment of non-hazardous waste arising from road sweeping vehicles. No other waste shall be disposed/treated within the catchpit facility.

Reason: To ensure materials within the catchpit do not generate significant odour emissions in accordance with the requirements of Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

7. No material shall be retained within the catchpit for a period exceeding seven days. A written record shall be maintained outlining when the catchpit is emptied and these written records shall be made available to the WPA in writing within seven days of a written request.

Reason: To ensure materials within the catchpit are regularly removed and therefore do not become stagnant/odorous in accordance with the requirements of Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

8. In the event that the operation of the roadweeper bay generates odour emissions which the WPA consider may have potential to adversely affect amenity or cause nuisance to occupiers/users of adjoining land then upon the written request of the WPA the operator shall cease importing materials into the roadsweeper bay and empty the facility of all stored materials. The operator shall thereafter prepare and submit a supplementary mitigation strategy for approval in writing a scheme to the WPA setting out supplementary odour controls to reduce odour emissions to an acceptable level. Waste imports shall only recommence following the receipt of the WPA's written approval of the odour mitigation scheme and the site shall thereafter be operated in accordance with the odour mitigation scheme as approved at all times during the operational life of the development.

Reason: To ensure materials within the catchpit do not generate significant odour emissions in accordance with the requirements of Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

Vehicle Movements

9. The maximum number of vehicles delivering road sweeping waste into the site or collecting solid settled waste for disposal shall not exceed 10 vehicles each operational week (20 two way movements). The operator shall keep records of

all visits to the site and these written records shall be made available to the WPA in writing within seven days of a written request.

Reason: In the interest of highway safety and to protect local residents from disturbance caused by vehicular traffic, in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

10. No movement of waste materials shall take place outside the hours of 07:00 – 18:00 Monday to Fridays, 08:00 – 14:00 Saturdays and not at all on Sundays, Bank or Public Holidays, except in the case of emergency. The WPA shall be informed in writing within 48 hours of any emergency that occurs such as to cause working outside these hours.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

11. The operator shall provide signage at the exit of the site and issue instructions to all drivers associated with the movement of solid waste from the road sweeper waste collection facility obtain vehicular access from Oxton Road via Main Street and Hollinwood Lane thereby ensuring that these vehicles do not traffic through Calverton Village Centre.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.