

APPLICATION NO: CT.8457

**DATED 8th November
2004**

**AGENT: Mr J Jackson, Waste Management Unit, Environment
Department, Gloucestershire County Council, Shire Hall,
Gloucester, GL1 2TH**

**APPLICANT: Head of Service, Highways Maintenance, Integrated
Transport and Waste Management, Gloucestershire
County Council, Shire Hall, Gloucester, GL1 2TH**

**SITE: Fosse Cross Household Recycling Centre, Fosse Cross
Industrial Estate, Calmsden, Gloucestershire**

**PROPOSAL: Retrospective application for additional activities at, and
extension to, a Civic Amenity Site (otherwise known as
Household Recycling Centre) for the deposit, and
recycling of household waste only**

PARISH OF	North Cerney	SITE AREA:	0.43ha
		GRID	405541
		REF:	209016

1.0 LOCATION

1.1 Fosse Cross Civic Amenity and Recycling Centre is located on a local road just off the A429, the Roman road called Fosse Way. The site is situated approximately seven kilometres north of Cirencester and one kilometre to the east of the village of Calmsden. The site is situated in open countryside on the edge of a small industrial estate called Fosse Cross Industrial Estate. There is a former landfill site to the west of the recycling centre. The site is within the Cotswold Area of Outstanding Natural Beauty.

1.2 The application site is just under half a hectare in size. The southern part of the site, adjacent to the road, has a small building used as a site office and a concreted area with a variety of containers for depositing household waste, garden waste, cardboard and other recyclables. The remainder of the site, largely bare ground, comprises a turning area for lorries and an area where containers are stored.

2.0 THE PROPOSAL

2.1 The proposal is for the operation of a civic amenity centre with facilities to deposit and recycle a range of materials covering: mixed residual/household waste; green waste; recyclable paper, cardboard, glass, textiles; bulky household waste; white goods requiring degassing; white goods not requiring degassing; hazardous household wastes to include paint, acids and poisons, car batteries and oils, flow tubes, and dry cell batteries; ferrous and non

ferrous metal items; household vegetable oils; electrical/electronic goods; DIY rubble and soil; and waste electronic equipment. The waste is deposited into a variety of open and closed containers and skips of varying sizes. The application proposed an annual site throughput of 7,000 tonnes, with a daily rate of 20 tonnes per day. The applicant outlines the current annual site throughput as 5,030 tonnes, with an existing throughput of approximately 14 tonnes per day.

- 2.2 Hours of operations are stated as between 7:30am to 8pm (summertime) and 5pm (GMT) and for vehicles entering or leaving the site these are between 8am to 7:45pm (summertime) and 4:45pm (GMT). The site has an office and seeks to include on site an advertising billboard promoting recycling. The main machinery kept at the site is a 360 degree excavator. One to two operatives work at the site. The whole site is fenced with stock proof fencing.
- 2.3 The application states the existing vehicle movements to the site are estimated at an average 30 public cars per hour with some seasonal peak times e.g. deposit of green waste in the spring and/or weekends during the summer. In terms of vehicles servicing the site there are approximately 70 movements per month of 32 tonnes (MGW) rigid vehicle (12 metres long) and third party contractors movements of another 10 vehicles per week.
- 2.4 The application includes a copy of the working plan for the waste management licence which includes details of arrangements for the control of dust, odours, noise, vermin and litter. The working plan also provides details for the removal of “unauthorised wastes” deposited at the site.
- 2.5 The applicant states that Fosse Cross plays a vital role in the County’s overall strategy for recycling. The Fosse Cross site is part of a network of civic amenity sites, now known as household recycling centres, which fulfil the applicant’s responsibilities to provide the public with places to dispose of their household waste. At the time of the application 16% of Gloucestershire’s waste goes through its network of household recycling centres. Fosse Cross serves the Cotswold area. Currently 55% of the waste from Fosse Cross is recycled.
- 2.6 Following the comments from Cotswold District Council the applicant undertook a noise assessment, which included monitoring the site noise levels. The report concluded that the worse case scenario would be very likely to generate complaints from adjacent business users, although it did note the difficulties of the background noise level being unusually low and that during typical working hours additional noise is likely from the businesses themselves. The report considered some acoustic fencing or noise-attenuating barrier is justified. The applicant subsequently proposed 3 metre high acoustic fencing along the eastern boundary of the site.

3.0 PLANNING HISTORY

- 3.1 A Certificate of Lawfulness of Existing Use, reference CT.0042/2/C, was issued on 29th November 2004 for:

A site operating on a seven days a week basis between the hours of 8am to 8pm during British summertime and 8am to 5pm during winter time for members of the public to bring household waste onto, with the storage of that waste in containers and specifically storage of CFC gases, scrap metal and waste oil in separate containers with a single storey ancillary building identified on the Fosse Cross Refuse Tip Proposed Increase in Height (Revised Aug 1985) drawing no. WD 10/11/32 plan. The site to which this certificate refers to is for the site edged red and green on Fosse Cross Refuse Tip Proposed Increase in Height (Revised Aug 1985) drawing no. WD 10/11/32 plan.

4.0 PLANNING POLICY

- 4.1 **Gloucestershire Structure Plan Second Review Adopted November 1999.**

- Policy WM.2 outlines considerations for the provision of primary and secondary waste management facilities.
- Policy NHE.4 aims to conserve and enhance the Cotswold AONB

- 4.2 **Gloucestershire Structure Plan Third Alteration Deposit Draft (November 2002) & Second Proposed Modifications (July 2004 and January 2005)**

The Third Alteration has had an Examination in Public in November/December 2003. Two sets of Proposed Modifications have been produced. In April 2005 a Secretary of State Direction was issued on the Plan. Due to this Direction, the Plan remains held in abeyance and will not be forwarded to adoption. The following policies are relevant to the proposed development.

- Policy SD.20 outlines considerations for the provision of primary and secondary waste management facilities.
- Policy MR.7 aims to conserve and enhance the Cotswold AONB

- 4.3 **Gloucestershire Waste Local Plan (October 2004)**

- Policy 7 relates to the safeguarding of existing facilities
- Policy 10 promotes a network of household waste recycling centres accessible to the communities of Gloucestershire.
- Policy 33 relates to consideration of water pollution control.
- Policy 37 seeks to ensure proposals take into account the impact on any neighbouring land uses and consider appropriate amelioration.
- Policy 38 seeks to control the hours of operation of waste management facilities in the interests of local amenity
- Policy 40 considers that proposals should not have an unacceptable impact on highway safety.

- 4.4 **Cotswold Local Plan 2001 – 2011 (Adopted April 2006)**
- Policy 5 seeks to prevent any pollution or safety hazards arising from developments
 - Policy 7 seeks to conserve and enhance the Cotswolds AONB

5.0 REPRESENTATIONS

- 5.1 The application was advertised by a notice displayed on site and by a notice placed in the local newspaper. One representation has been received. The representation is from an occupier of the industrial estate who has concerns regarding the development of the site and the resultant increase in traffic, raising highway safety issues due to the size of vehicles and poor conditions in winter. He raises additional concerns about fly tipping on the verge outside the site and also whether a condition be imposed relating to the operator cleaning this up.

6.0 CONSULTATIONS

- 6.1 **Cotswold District Council** has no objection in principle but raises a number of issues it considers should be addressed before the application is determined. These relate to the requirement for a noise assessment, the monitoring of odour, a prediction of traffic with the introduction of the green waste wheel bin collection and external lighting should only be for health and safety reasons and designed to avoid light pollution.
- 6.2 **North Cerney Parish Council** no comments have been received
- 6.3 **The County Highways representative** comments *I am satisfied that space is available within the application site to accommodate all necessary vehicle movements and movements that might arise as a result of limited expansion of non-commercial activities in the future.*

The site access is of a satisfactory standard in terms of its layout and location to accommodate the existing activities of the Recycling Centre and any likely level of increased activity associated with expanding household waste recycling.

The site takes its access predominantly from the A429 in the east. The route to the A429 from the site is generally of an adequate standard to accommodate existing activities and could accommodate additional traffic movements generated by extended activities for the household recycling function. Any material increase in the volume of heavy goods vehicles would however be a cause for some concern on safety grounds unless localised improvements were undertaken. There is a weight restriction in place preventing larger vehicles from turning right out of the site in the direction of Calmsden.

The junction of the access route onto the A429 is also of a standard appropriate for the existing use of the site and for a limited amount of additional car traffic arising from expanded activities on the site.

On this basis, I have no reason to object to the application proposals.

- 6.4.1 **Environment Agency** comments *the waste types are in accordance with the existing Environment Agency Waste Licence and working plan; accordingly the Agency has no objections to the proposed changes.*

The site is inspected monthly by the Agency. It is maintained to a high standard and already has an established drainage system. We have no objections to the changes on the site and list the recommendations of information. The waste management licence for this site permits 20 tonnes of waste per day, and the waste types listed are in accordance with the licence and working plan.

The site lies within the inner source protection zone (Zone 1) for the public water supply borehole at Baunton. In view of this the provisions for the secure storage of potentially polluting materials, containment and safe disposal for spillages and the drainage of the concrete hardstanding to a sealed tank, set out in the working plan. (s.2.1) are welcomed. There should also be no open storage of substances included in List 1 of the Ground water Regulations 1998, and the concrete hardstanding area referred to in 2.1.2 of the working plan for handling potentially polluting wastes, should be surrounded by a suitable liquid tight bund.

Any above ground oil storage tanks(s) should be sited on an impervious base and surrounded by a suitable liquid tight bunded compound. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipe should be directed downwards into the bund. Guidelines are available from the Environment Agency.

7.0 OBSERVATIONS OF THE HEAD OF PLANNING

- 7.1 The comments from the County Council's landscape architect and ecologist do not raise any objections and request a condition on tree and limestone grassland planting on the perimeter face of the bunds.

7.2 Planning

The application is retrospective covering all the activities undertaken at the site as the Certificate of Lawfulness of Existing Use, issued in November 2004, does not cover all the current site operations. This primarily relates to additional recycling activities for a wider range of materials with an extra half hour on the operating hours. The additional half hour represents a slightly earlier start to operations on site from 8am to 7:30pm during the summertime. The hours for traffic and the acceptance of waste remain the same as on the Certificate of Lawfulness of Existing Use. The site is in the Cotswold AONB although it is situated on an existing site on the edge of a small industrial estate and it does not involve any additional built development. Noting this and the comments of the Landscape Architect requesting conditions for tree

and grass planting on the perimeter bund it is considered that the proposal does not conflict with planning policies aims to conserve and enhance the AONB, policies NHE.4 of the Second Structure Plan and Policy 7 of the Cotswold Local Plan.

- 7.3 The site is relatively remote from any residential properties however there are adjacent business users. Following the comments of Cotswold District Council a noise assessment was undertaken which recognised the potential for noise disturbance to adjacent businesses. The report recommended noise fencing and Cotswold District Council Environmental Health have indicated that they are satisfied with this. Planning conditions can cover the fencing and, noting the existing waste management licence controlling the waste operations, it is not considered that the application conflicts with Policy 37 of the Waste Local Plan.
- 7.4 The existing site is a well-established household recycling centre which is the only such facility serving the Cotswolds. The facility is important to help meet household recycling targets and assist with the provision of a system of sustainable waste management system for the County, complying with policies 7 and 10 of the Waste Local Plan and policy WM.2 of the Second Structure Plan. There have been no objections raised by any statutory consultees.
- 7.5 Traffic has been raised as a concern by Cotswold District Council and by the letter of representation. Cotswold are requesting additional traffic information due to the introduction of the green waste bin collection, however I do not consider that there is a need to provide a traffic assessment in respect of this green waste collection as this is not part of this proposal. The green waste collection will not see additional movements as the collected material is taken to a different site, if anything the new kerbside collection of green waste may see a reduction in the amount of green waste brought to the site by members of the public. The concerns of the local business relate to highway safety issues, however it is noted that the Highways Representative does not object to the proposed level of traffic. It is considered that the proposal accords with Policy 40 of the Waste Local Plan.
- 7.6 From 2nd October 2000 the Human Rights Act 1998 has the effect of enshrining much of the European Convention on Human Rights in UK law. Article 8 of the Human Rights Act 1998 guarantees a right to respect for private and family life, and Article 1 of the First Protocol guarantees the right to peaceful enjoyment of possessions. However this proposal has been widely consulted upon and one letter of representation has been received. Having considered the representation and the proposal, I am of the opinion that the proposal does not represent undue interference with such rights and in any case since these rights are qualified, and have to be set against other considerations, any interference that there may be, is considered to be justified.

7.7 Conclusions and summary reasons for grant of planning permission and relevant development plan policies and proposals.

The proposal extends the range of recycling available at the site over that permitted by the Certificate of Lawfulness of Existing Use. Noting the location of the proposal, in an industrial estate, and together with the imposition of suitable conditions it is not considered the development conflicts with the planning policy aims for the Cotswold AONB. The site is already well established as a civic amenity site serving the local householders and assists in the provision of a network of household recycling sites accessible to local communities which contributes to the provision of a system of sustainable waste management in the County.

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant circulars, together with the relevant Development Plan policies, including the following:

Gloucestershire Structure Plan Second Review Adopted November 1999 – policies WM.2 and NHE.4

Gloucestershire Structure Plan Third Alteration Deposit Proposed Second Modifications January 2005 - policies SD.20 and MR.7

Gloucestershire Waste Local Plan October 2004 – policies 7,10, 33, 37, 38 and 40

Cotswold Local Plan April 2006 policies 5 and 7

The summary of reasons for granting approval are as follows:

The Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise.

8.0 RECOMMENDATION

- 8.1 In accordance with Regulation 3 of the Town and Country Planning Regulations (1992) I recommend that planning permission be **GRANTED** for the reasons set out in this report and summarised at paragraph 7.7 subject to the following conditions.

Conditions

Approved Plans

1. The proposal development shall only be carried out in accordance with the submitted application and Drawing no. FCCA004 dated 24/1/03 and titled Fosse Cross Household Recycling Centre Site Drainage Plan unless otherwise agreed in writing by the Waste Planning Authority.

Reason: In order to define the scope of this consent and in the interest of amenity to accord with Policy 37 of the Gloucestershire Waste Local Plan October 2004.

Highways

2. All lorries and HGVs leaving the site must be in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway and all loaded vehicles leaving the site with materials which measure under 500mm in any dimension shall be sheeted.

Reason: In the interests of highway safety and in accordance with Policy 40 of the Gloucestershire Waste Local Plan October 2004.

Environmental Protection

3. From the date of this permission to the cessation of the use hereby permitted, a copy of the terms of this planning permission including all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed at the office on the site and shall be made known to any person(s) given responsibility for the management or control of the waste operations on site.

Reason: To ensure operations on site take place in accordance with the planning permission in the interests of the amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan October 2004.

4. No waste other than domestic household waste brought onto the site by private individuals in light goods vehicles shall enter the site.

Reason: In the interests of the amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan October 2004.

5. From the date of this permission the operators shall maintain records of their monthly throughput of waste which shall not exceed a maximum of 7,000 tonnes per year, taken over the preceding twelve month period, unless otherwise agreed in writing by the Waste Planning Authority. The records should detail the types and quantities of materials taken into the site and copies of these records shall be made available to the Waste Planning Authority within seven days of such a request and all records shall be kept for at least 24 months.

Reason: In the interests of the amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan October 2004.

6. No materials shall be burnt on site.

Reason: In the interests of the amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan October 2004.

7. No vehicles shall be stored or maintained on the site other than those involved in the transfer, waste processing and recycling.

Reason: In the interests of the amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan October 2004.

8. No additional processes for the treatment of waste, other than those specified in the submitted application and plans, shall be carried out at any time on the site unless otherwise agreed in writing with the Waste Planning Authority.

Reason: In the interests of the amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan October 2004.

Permitted Development

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modifications), no buildings or fixed or mobile plant shall be erected on any part of the site without the prior written approval of the Waste Planning Authority.

Reason: There is a need to secure control over additional plant and machinery in the interests of the amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan October 2004.

Hours of Operation

10. No operations shall be carried out at the site except between 7:30am to 8pm during British Summertime and between 7:30am to 5pm during wintertime.

Reason: In the interests of the amenity of the area and in accordance with Policy 38 of the Gloucestershire Waste Local Plan October 2004.

11. No vehicles shall enter at the site or waste shall be accepted on the site shall enter at the site except between 8am to 8pm during British Summertime and between 8am to 5pm during wintertime.

Reason: In the interests of the amenity of the area and in accordance with Policy 38 of the Gloucestershire Waste Local Plan October 2004.

Water Protection

12. 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 equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least

equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent water pollution and in accordance with Policy 33 of the Gloucestershire Waste Local Plan October 2004.

13. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent water pollution and in accordance with Policy 33 of the Gloucestershire Waste Local Plan October 2004.

Landscaping

14. Within six months of the date of this permission a scheme for tree planting and grass seeding on the perimeter bund shall be submitted for the written approval of the Waste Planning Authority. The scheme shall include provision for maintenance and weed control. The approved scheme shall be implemented in full within 18 months from the date of this permission. Any failed planting shall be replaced unless otherwise agreed in writing with the Waste Planning Authority.

Reason: In the interests of the visual amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan October 2004 and Policy 7 of the Cotswold Local Plan and Policy NHE.7 of the Second Structure Plan.

15. Acoustic fencing shall be erected along the length of the eastern boundary of the site, to a height of 3 metres and constructed of 10kgm² density double skinned treated timber reflective acoustic boards. The fencing shall be maintained in a sound condition for the duration of the development and shall not be altered without the written agreement of the Waste Planning Authority.

Reason: To protect the amenities of adjacent business and in accordance with Policy 37 of the Gloucestershire Waste Local Plan October 2004.

BACKGROUND PAPERS:

Planning Application Forms and accompanying plans

Consultation Responses

Noise Assessment Fosse Cross Household Recycling Centre by Cory Environmental (Gloucestershire) Ltd dated June 05

Letter of Representation
Certificate of Lawfulness Reference CT.0042/2/C dated 29th November 2004

CONTACT OFFICER:

Lucy Binnie, Principal Planning Officer.
Gloucester 425617

Application History	
Consultee	Time taken
Cotswold District Council	7 Weeks *
North Cerney Parish Council	No comments received
Environment Agency	2 Weeks 3 Days
County Highways	1 Week
Landscape	4 Days
Time taken	1 Year 7 Months 3 Weeks

* on initial consultation, further consultations were undertaken on receipt of additional information.

