

County Matter: Waste

Establishment of a community composting scheme, Stone Cutters Barn, Butterlake, Marldon, Paignton

Applicant: Marldon Community Composting

Application No: 1990/23/DCC

Date application received by Devon County Council: 1 June 2023

Report of the Chief Planner

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

Recommendation: It is recommended that planning permission is granted subject to the conditions set out in Appendix 1 of the report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

2) Summary

- 2.1 This report relates to the establishment of a community compost scheme to which local residents can bring their organic garden waste in Marldon.
- 2.2 It is considered that the main material planning considerations in the determination of the proposed development are the principle and need of development, highways impact, impact on neighbours and sustainability.
- 2.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4348/2023 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4348/2023>.

3) The Proposal/Background

- 3.1 Stone Cutters Barn is located at the northern edge of Marldon Village, with the barn and surrounding land being owned by the National Trust, who lease them to a local farmer. Both parties have given written permission and support for the use of the land around the barn for a 12 months period. The application site is approximately 276m² in area and comprises scrubby grassland which is strimmed and mown occasionally in the summer months. Access to the site is by a five-bar gate from Love Lane.

- 3.2 The nearest residential properties are approximately 25 metres to the east of the site on the opposite side of Love Lane. The northern boundary of the site is adjacent to an agricultural field, while the western boundary is adjacent to Marlton community allotments. A public house and its car park are sited to the south of the site, separated by a small track serving the allotments.
- 3.3 The application proposes to establish a community composting scheme for the village of Marlton. It will provide a place where local residents can bring their organic garden waste (such as grass and hedge clippings, weeds and old plants) to be processed into soil improver and compost. It will involve the construction of four bays on the south-western boundary of the site. The bays will be constructed of timber, be 1.5 metres in height, sitting below an existing wall which is approximately 1.6 metres high. The scheme will be operated by Marlton Community Composting whose volunteers will collect materials from members of the public at the gate of the site, as the public will not be allowed to enter the site. Any unsuitable material will be refused and returned to the member of the public. Signage will be visible to instruct visitors on the operation of the site and inform what type of material is suitable. The site intends to operate twice a week, once on a Sunday afternoon 3-5pm and once on a weekday (to be decided) 3-5pm.
- 3.4 Only garden waste will be accepted on site with the materials stockpiled, sorted, and shredded in the bays then placed into a compost bay mixed 50/50 green/brown materials. The process of composting is anaerobic digestion which is dry. The compost material will then be chipped, sieved, and turned during the composting process. The final product will be returned to the public upon collection as the volunteers will record the postcode of the member of the public, in a record kept onsite, when the waste is initially dropped off. If litter or other materials are discovered as part of the process, these will be deposited into a grey waste or recycled if appropriate.
- 3.5 The application proposes that the pub car park, adjacent to the site, will be used by members of the public to park and walk their waste to the gate of the site. The current owners of the pub have given permission for the site to utilise the car park during its closed times. Alternatively, there is a public car park 34 metres south of the site.

4) Consultation Responses

- 4.1 South Hams District Council (Planning): No objection subject to the following:
- the gravelled area should be close to the entrance providing a dual function of vehicle manoeuvring and bagging area without disturbance of the grassed area within the site;
 - no details of the height of the composting bins are given, they should be less than the height of the wall;
 - no details are given for the use of the north-western section of the site. If open storage of garden waste, then height restriction is necessary;
 - not keen on grasscrete as suggested by the plan especially if the use is for a temporary period;
 - it would be better to store wheelbarrows in a screened section of the site;

- hours of operation need to be controlled; and
- the shed should not be the Root Protection Zone of any existing trees/shrubs.

4.2 Marldon Parish Council: Objection on the following grounds:

- unloading of vehicles may cause blockage or delay;
- fly tipping as site may fill up quickly due to its small size;
- possible odour from the site negatively impacting the neighbours;
- noise concerns from potential machinery used on site; and
- concerns over the site being used for trade waste rather than domestic.

Following further information from the applicant, the Parish Council felt that the objection should still stand, especially as concerns of Highways regarding the suitability of the site have not been resolved.

4.3 Environment Agency: No objection.

4.4 RSPB: The RSPB has no objection to the proposal. They recommend however that the hedge on site is not directly affected by the proposed bays and storage of materials for composting (so that the proposed activities do not directly impact on any birds that may nest in the hedge).

4.5 DCC Road Safety: No objection.

4.6 DCC Highways: No objection subject to the following conditions:

- a temporary permission of three years to allow for any traffic to be monitored and reviewed; and
- the facility shall not operate unless parking at the Church House Inn is available for use by the public.

DCC Highways had originally recommended refusal as the proposed development does not make adequate provision for the parking of vehicles within the site and would therefore be likely to encourage parking on the highway, with consequent additional danger to all users of the road.

4.7 DCC Ecology: No objection.

5) **Advertisement/Representations**

5.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures one objection was received from a neighbouring property in relation to:

- opening times of the composting site conflicting with other events in the village that use the pub and village car parks;
- possible fly-tipping; and
- noise levels, especially if the shredder is used for long periods at a time.

6) Planning Policy Considerations

- 6.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 7.

6.2 Devon Waste Plan 2011-2031 (adopted December 2014)

Policies W3 (Spatial Strategy); W5 (Reuse, Recycling and Materials Recovery); W17 (Transportation and Access) and W18 (Quality of Life).

6.3 Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted March 2019)

Policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); TTV2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light) and DEV20 (Place shaping and the quality of the built environment).

Other material planning considerations include:

- National Planning Policy Framework
- National Planning Policy for Waste
- Planning Practice Guidance
- Plymouth and South West Devon Supplementary Planning Document.

7) Comments/Issues

- 7.1 It is considered that the main material planning considerations in the determination of the proposed development are the principle and need of development, highways impact, impact on neighbours and sustainability.

Need and Principle of Development

- 7.2 The application seeks to create a small community composting site to serve the village of Marldon. While South Hams District Council charges £49 per year per household for the optional collection of green waste, the alternative at present is for residents to travel to a green waste recycling centre in Paignton. The proposed scheme will therefore provide an opportunity for the residents to dispose of their green waste locally with no fee. Additionally, the compost produced by the scheme will be distributed to the local community. As the composting facility will serve and be located within Marldon, it is supported by Policies W3 (Spatial Strategy) and W5 (Reuse, Recycling and Materials Recovery) of the Devon Waste Plan.

- 7.3 Additionally, the composting scheme will provide a service and community facility for Marldon, a rural community. This is in line with Plymouth and South West Devon Joint Local Plan Policies SPT 1 (Delivering sustainable development), SPT 2 (Sustainable linked neighbourhoods and sustainable rural communities) and TTV2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area).

Car Parking/Traffic Issues

- 7.4 The application site does not contain parking and visitors are expected to use the adjacent pub's car park to park and unload their waste. The current owners of the pub have given the applicants permission to use the car park when the pub is closed and, therefore, the proposed site's opening hours will be twice a week on Sundays from 3-5pm and a single weekday from 3-5pm as not to conflict with the pub's opening times. It is possible that the ownership of the pub may change, with new owners potentially not giving permission for the use of the car park; however, a public car park is located 34 metres south of the site, meaning that members of the public would have to cross the road, which is a single lane, to drop off their waste.
- 7.5 It is considered that the village car park is an appropriate size and distance from the site for members of the public to utilise the site. Additionally, due to the small size of the scheme, it is considered that there will be few users accessing the site at the same time. In addition to this, Marldon Community Composting and the landlord of the Church House Inn have signed a memorandum of agreement. The agreement is for a period of 12 months on a trial basis, renewable annually thereafter. The agreement states that Marldon Community Composting can only use the car park outside the pub's opening times. The car park will be supervised at all times during the composting group's usage.
- 7.6 A condition is proposed to ensure that the composting site will only operate whilst they have permission to use the pub car park. This is to limit the impact on the capacity of Love Lane as supported by Policy W17 (Transportation and Access) of the Devon Waste Plan.
- 7.7 As highlighted by DCC Highways, there is a risk of members of the public pulling up to the gate to drop their waste off, subsequently blocking the road. However, the applicant has confirmed that volunteers on site will be present at the entrance gate to tell the public to park prior to dropping off waste. It is considered that the site will be sufficiently monitored to direct users to the use of the car park to prevent traffic issues. DCC Highways are satisfied that appropriate conditions will address their concerns.
- 7.8 Additionally, DCC Highways suggested creating a tarmacked parking/turning area within the site to allow for cars to access the site. However, it is considered that there will be a visual impact of a tarmac parking/turning area on the setting of the barn within the site. Additionally, as the applicant currently has permission to use the site for 12 months, creating a tarmacked area is seen as unnecessary.

- 7.9 A condition is suggested to grant the site temporary planning permission for three years to assess how the site operates and if any traffic issues are generated. This in turn will impact any decisions to extend planning permission in the future if the applicant was to apply. Consideration of movement and ensuring equal access to the site and village is in line with Policy DEV20 (Place shaping and the quality of the built environment) of the Plymouth and South West Devon Joint Local Plan and Policy W17 (Transportation and Access) of the Devon Waste Plan.

Proximity to Residential Properties

- 7.10 The parish council and a representation raised concerns over the use of the machinery on site and the subsequent impact on the neighbours. The proposal plans to use a shredder but this would be limited to twice a month during peak times of the year. To reduce the impact of the noise, the shredder will be located to the north of the site, allowing the barn to limit noise disruptions to the neighbouring houses on Love Lane.
- 7.11 Whilst shredding operations may impact on neighbours' amenity this would be limited as it would be only an occasional activity and would be further mitigated by the imposition of a planning condition limiting the use of the shredder to appropriate hours. With this mitigation it is considered that the development is in accordance with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan as well as Policy W18 (Quality of Life) of the Devon Waste Plan.

Other Environmental Considerations (Including Climate Change)

- 7.12 Paragraph 152 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 7.13 The proposal will create compost from the local community's green waste. Therefore, it will reduce the amount of green waste going to landfill as well as give back to the community in the form of compost. The proposal aims to encourage the local community to use the compost to grow produce in their gardens to reduce journeys to supermarkets. The delivery of compost to a local site would also reduce the number of trips to the nearest Household Waste Recycling Centre.

8) Strategic Plan

- 8.1 The development will result in the effective use of resources by re-using green waste to create compost that will be given back to the community, which aligns with the themes of the Strategic Plan of 'making Devon greener' and 'supporting people and communities'.

9) Financial Considerations

- 9.1 The proposal raises no financial implications for the Council.

10) Legal Considerations

- 10.1 This proposal has been managed in accordance with statutory requirements and there are no specific legal considerations.

11) Equality Considerations

- 11.1 Regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty. Given the nature of the proposal (including the applicant's intention to provide assistance to members of the public) and the measures within the recommended conditions, it is considered that no adverse impacts on persons with protected characteristics would occur.

12) Risk Management Considerations

- 12.1 This proposal has been managed in accordance with statutory requirements and no risks to the Council are considered likely to arise.

13) Reasons for Recommendation/Alternative Options Considered

- 13.1 The Committee has the option of approving, deferring or refusing this planning application.
- 13.2 In conclusion it is considered that, with the proposed conditions, traffic and noise impacts would not cause undue harm. The development will provide a composting facility to serve the local community of Marldon which is in accordance with the policies of the development plan for the area and it is therefore considered that conditional planning permission be granted.

Mike Deaton
Chief Planner

Electoral Division: Dartmouth & Marldon

Local Government Act 1972: List of background papers

Background Paper Casework File:

Date: June 2023

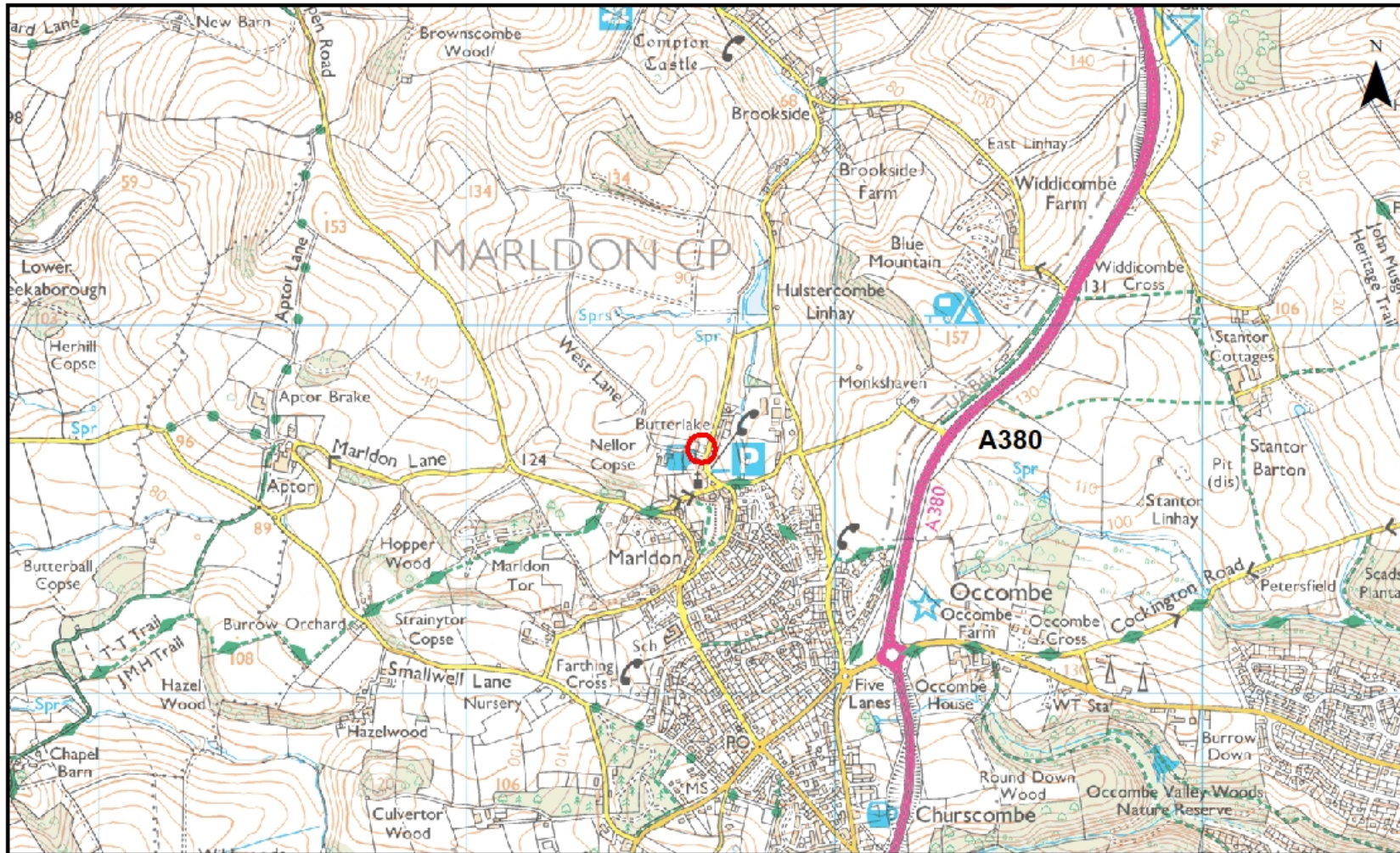
File Reference DCC/4348/2023

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sc/cr/community composting scheme Stone Cutters Barn Butterlake Marldon
Paignton

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Location Plan



Head of
Climate Change,
Environment and
Transportation

Development Management Committee

Location Plan

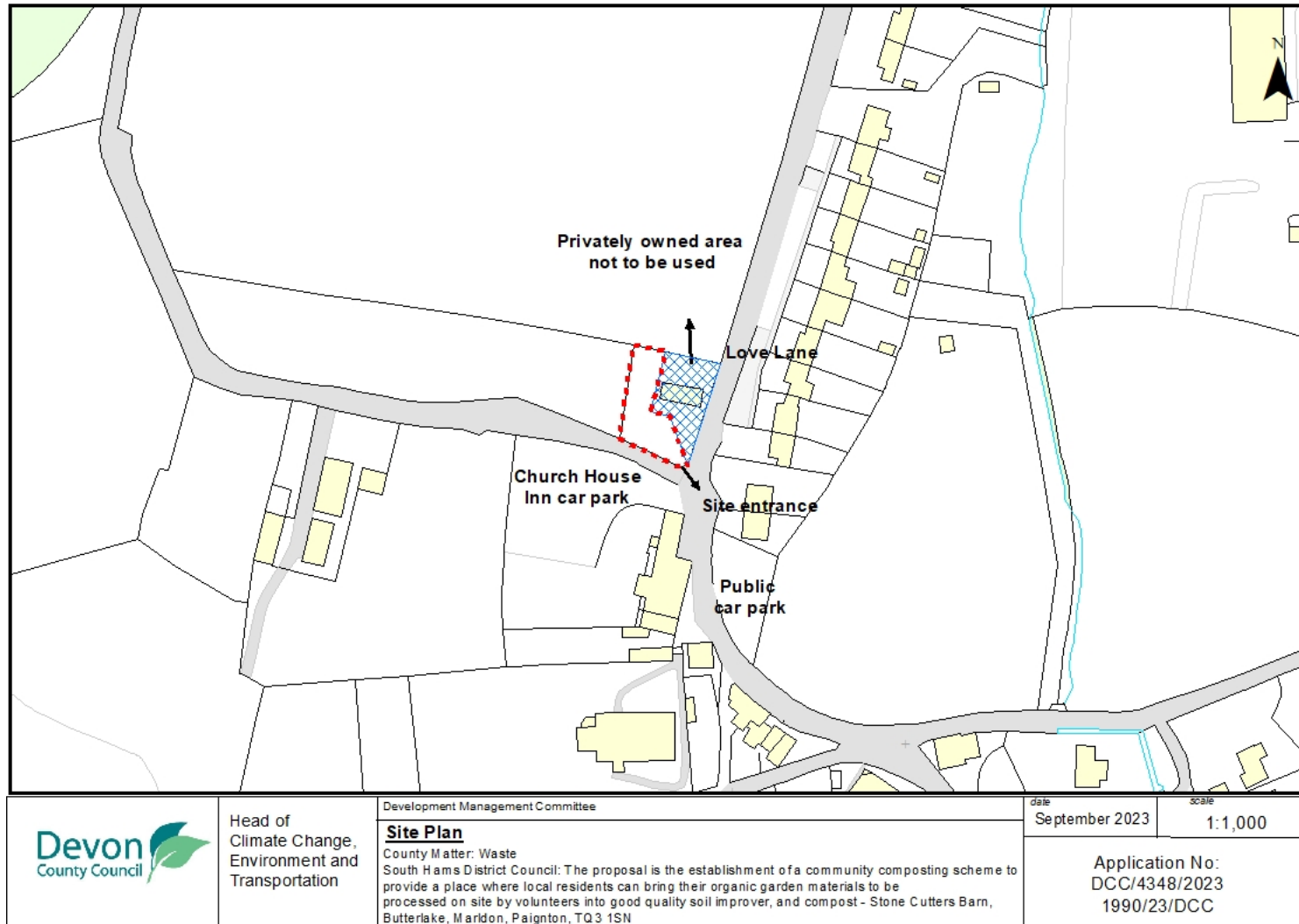
County Matter: Waste
South Hams District Council: The proposal is the establishment of a community composting scheme to provide a place where local residents can bring their organic garden materials to be processed on site by volunteers into good quality soil improver, and compost - Stone Cutters Barn, Butterlake, Marlton, Paignton, TQ3 1SN

date
September 2023

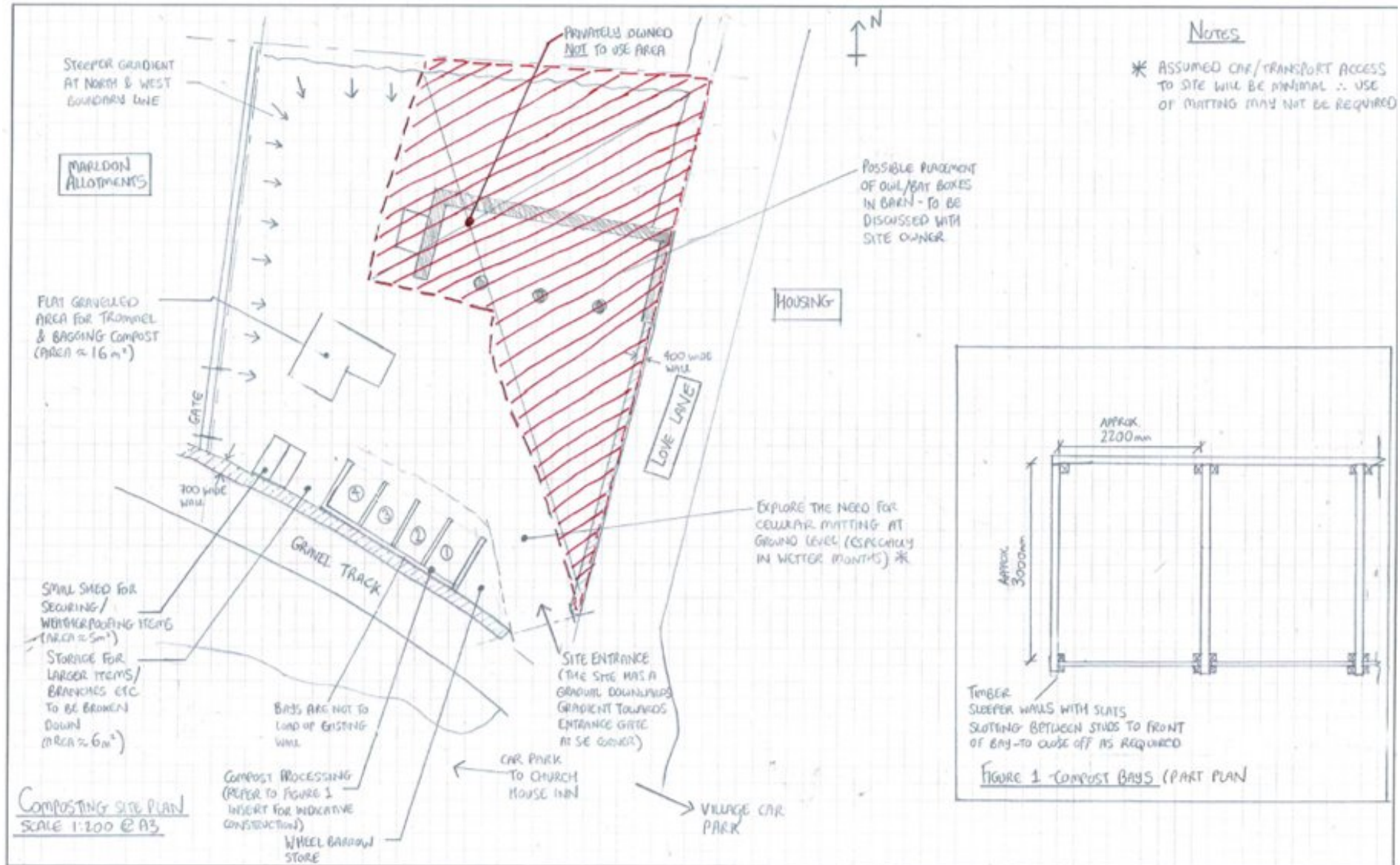
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Site Plan 1 To CET/23/62



Site Plan 2



Appendix 1

To CET/23/62

Planning Conditions

STANDARD COMMENCEMENT

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

TEMPORARY PERMISSION

2. The deposit of waste shall cease no later than 6th September 2026, and the site shall be restored in accordance with Condition 7 by 31st December 2026.

REASON: To enable the waste planning authority to assess the impacts of the development in accordance with Policy W17 (Transportation and Access) of the Devon Waste Plan.

STRICT ACCORDANCE WITH PLANS

3. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered, except as varied by the conditions below:
 - Location Plan
 - Site Plan – SK01
 - Planning and Waste Statement

REASON: To ensure that the development is carried out in accordance with the approved details.

CAR PARKING

4. The facility shall not operate unless parking at the Church House Inn is available for use by the public.

REASON: To minimise the impact of the development on the local road network in accordance with policy W17 (Transportation and Access) of the Devon Waste Plan.

HOURS OF OPERATION

5. Delivery of green waste and export of finished compost shall only take place between the hours of 15:00 to 17:00 on Mondays to Sundays.

REASON: To minimise the impact of the development on the local residents in accordance with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan and W18 (Quality of Life) of the Devon Waste Plan.

MACHINERY HOURS OF OPERATION

6. The use of the shredder shall not take place other than between the hours of:
 - a) 09:00 to 17:00 on Mondays to Fridays; and
 - b) 09:00 to 12:00 on Saturdays,

for a maximum of two times in any single calendar month.

REASON: To minimise the impact of the development on the local residents in accordance with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan and W18 (Quality of Life) of the Devon Waste Plan.

GREEN WASTE ONLY

7. The development shall only be for the composting of green waste*.

REASON: To protect the local environment and living conditions of local residents, in accordance with policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan as well as W18 (Quality of Life) of the Devon Waste Plan.

* Note: 'Green Waste' shall refer to any plant waste which has not previously been altered in any form except by being shredded. It does not include vegetable-based kitchen waste.

RESTORATION

8. The development hereby approved shall be wholly removed from the site and the land shall be restored to its former condition in accordance with the timescale in Condition 2.

REASON: To ensure effective restoration of the site to minimise the impact on Marldon in accordance with policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan and policy W18 (Quality of Life) of the Devon Waste Plan.