

County Matter: Waste

East Devon District: Retrospective application for the importation, processing and storage of waste electrical cables and carpets within existing agricultural barns and the retention of the existing access track, Whitwell Farm, Whitwell Lane, Colyford

Applicant: Mr David Williams

Application No: 17/1602/CM

Date application received by Devon County Council: 5 July 2017

Report of the Head of Planning, Transportation and Environment

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

Recommendation: It is recommended that subject to no new issues arising from the re-consultation that are not addressed in this report planning permission is granted subject to the conditions set out in Appendix I to this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This report relates to a retrospection application for the importation, processing and storage of waste electrical cables and carpet within two agricultural barns at Whitwell Farm, Colyton.
- 1.2 It is considered the main material planning considerations in determination of this application are a consideration against planning policy; impact on the amenity of nearby residents; impact on nature conservation interests; traffic and transport impacts; landscape impacts; and any impacts upon heritage assets.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4005/2017 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4005/2017>.

2. The Proposal/Background

- 2.1 Whitwell Farm is located within East Devon, approximately 1.3km south west of Colyton, 800m west of Colyford and 1.2km north west of Seaton. The application site is located within the main working complex of the farm, approximately 90m west of the Grade II Listed farm house and the holiday cottages associated with the farm.
- 2.2 The application seeks retrospective planning permission for the importation, processing and storage of waste electrical cables and carpet within two agricultural barns on Whitwell Farm. No alterations are proposed to the barns. The application site is accessed from Old Sidmouth Road via an existing farm track that partially follows the field boundaries into the barn complex. This is separate from the main farm/holiday cottage entrance which is located along Whitwell Lane, a narrow lane with residential properties adjacent to the road.

- 2.3 The waste is anticipated to arise from the local area from recycling and transfer stations, and is proposed to be imported at a rate of 2 deliveries per week (1x15 tonne lorry with scrap electrical cable and 1x10 tonne lorry with waste carpet). This totals approximately 1,300 tonnes of waste per annum. The processing comprises granulation and shredding for the electrical cable and shredding for the carpet, which would both take place within an open sided barn. The granulator is, however, located within an acoustic structure. Processed cable sheathing and shredded carpet would be recycled and used by the applicant who has a business involving the construction of equestrian arenas (approximately each arena would require minimum of 7 tonnes and shredded carpet and 8 tonnes of granulated cable). Once processed, the material is to be baled, stored within an adjacent barn and then transported to Chard to be used as a stabilizing agent mixed with sand to create all-weather riding arena surfaces. The copper is sold on separately for recycling. This would generate 3 outgoing vehicles per week (1x10 tonne lorry with granulated electrical wire sheathing; 1x10 tonne lorry with shredded carpet; and 1x5 tonne skip lorry per week with any material that is not recyclable). The proposed operating hours are from 08:00 to 17:00, Monday to Friday.
- 2.4 It is understood the granulator was installed in 2014 and has been ready for use since September 2016, with the shredder installed in February 2017. The machinery has been used intermittently since this date.

3. Consultation Responses

- 3.1 East Devon District Council – No comments received.
- 3.2 East Devon District Council (Environmental Health) - No objection – there are no issues from Environmental Health regarding the plant as it is not noisy and seems to be well run.
- 3.3 Colyton Parish Council – No objection.
- 3.4 East Devon AONB Partnership - The application is not within the AONB. The planning authority should ensure there are no environmental health issues or excessive vehicle movements that might affect the tranquillity of the adjacent protected landscape.
- 3.5 Environment Agency – No objection – provide information regarding the requirement for an Environmental Permit.
- 3.6 Natural England - No objection in relation to statutory nature conservation sites.
- 3.7 Local Member – Objects due to the noise generated from the operations and the proposed operating hours, and the impact this will have on the neighbouring properties, contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, and the peaceful rural setting on the edge of the East Devon Area of Outstanding Natural Beauty, contrary to Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the EDLP. Considers a further study of the noise should be undertaken before any development of this kind on the site is approved.

4. Advertisement/Representations

4.1 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 9 representations have been received from 6 respondents, 7 of which raise the following objections:

- A change of use from agricultural to industrial is incompatible and detrimental to the area, contrary to Policy D8 (Re-use of Rural Buildings Outside of Settlements), as it does not enhance the rural setting;
- Considerable noise has been coming from the farm for some months, which is believed to be from the operation of this machinery, causing noise pollution to the tranquil area; permanent operations from 8am-5pm, including traffic, will be significantly detrimental to the quiet rural community;
- The impact on the access roads which are already overused with heavy traffic in narrow lanes, especially near the school and Holyford Woods Local Nature Reserve;
- The access track and its landscape impact, surface water implications and its functionality;
- The spreading of man-made polymers on open land will pollute soil, aquifers and marine environments;
- Possible odour and noxious fumes from burning;
- Concerns that the generation of one full time and one part time job is not small scale; and
- Concerns that the machinery and traffic will increase in size and volume.
- Concerns over the adequacy of the consultation process.

Detailed comments were also received on the methodology and conclusions of the Noise Impact Assessment. It raised concerns regarding the weather conditions on the day of monitoring; whether intervening structures would affect the results; the background noise level was considered to be too high; no regard has been had to the context of the site; and that no correction was added for tonality or impulsivity. Taking this into account, the objector considers the noise would give rise to a significant adverse impact. Comments were also received on the further noise measurements carried out questioning the surrounding conditions during the time of the noise monitoring and the subjective nature of the conclusions made and, therefore, the figures cannot be relied on.

The final representation, a comment from the Holyford Woodland Trust, requested that a Wildlife Report be provided given the proximity (400-500m) to the Holyford Woods Local Nature Reserve. The Trust also hopes that walkers would not be distracted from any noise.

Suggestions are made to reduce the hours of operation, reduce the noise levels, and restrict the volumes of material processed, the size of machinery and the lorry movements. Some representations also note the benefits of diversification and welcome the use of the access track and the screening proposed.

5. Planning Policy Considerations

5.1 In considering this application the County Council, as Waste 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 listed below and the most relevant are referred to in more detail in Section 6 below.

Devon Waste Plan 2011 - 2031

Policy W1 (Presumption in favour of Sustainable Development), Policy W2 (Sustainable Waste Management), Policy W3 (Spatial Strategy), Policy W5 (Reuse, Recycling and Material Recovery), Policy W11 (Biodiversity and Geodiversity), Policy W12 (Landscape and Visual Impact), Policy W13 (The Historic Environment), Policy W17 (Transportation and Access), Policy W18 (Quality of Life), Policy W19 (Flooding)

East Devon Local Plan 2013 -2031

Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs), Strategy 47 (Nature Conservation and Geology), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements), Policy D8 (Re-use of Rural Buildings Outside of Settlements), Policy EN5 (Wildlife Habitats and Features), Policy EN9 (Development Affecting a Designated Heritage Asset), Policy EN14 (Control of Pollution), Policy E4 (Rural Diversification), Policy TC7 (Adequacy of Road Network and Site Access)

National Planning Policy Framework National Planning Policy for Waste

6. Comments/Issues

- 6.1 The material considerations in the determination of this application are considered below.

Planning policy considerations

- 6.2 Policy W3 (Spatial Strategy) of the Devon Waste Plan looks for new waste management facilities to accord with the spatial approach outlined within the plan. The proposed operation looks to process 1,300 tonnes of waste per annum, this does not constitute a strategic facility and, therefore, in accordance with Policy W3 (Spatial Strategy) of the Devon Waste Plan, non-strategic recycling facilities should be located close to Devon's towns. Policy W5 (Reuse, Recycling and Materials Recovery) of the Devon Waste Plan adds that planning permission will be granted for facilities enabling preparation for reuse, sorting and the recycling of waste, where they are located at or close to the source of the waste or opportunities for its beneficial use. In policy terms, the proposal is considered to be close to Seaton, as well as relatively close to Sidmouth and Axminster; and provides capacity for the recycling of materials that may otherwise be directed to landfill, with the recycled materials being used for a beneficial purpose in the applicant's equestrian business to provide riding arenas.
- 6.3 Despite this, Strategy 7 (Development in the Countryside) of the East Devon Local Plan notes that development within the countryside, not subject to a specific allocation, will only be permitted where it is in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. Representations have raised that a waste use in the rural area is unacceptable. Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the East Devon Local Plan allows for the re-use of rural buildings for purposes which benefit the local economy, local community or that form part of an agricultural diversification scheme.

As the proposal does not involve the alteration to the existing buildings, proposals should be permitted where; the new use is sympathetic to, and will enhance the rural setting and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality; the proposed use would not harm the countryside by way of traffic, parking, storage or pollution; and the proposal will not undermine the viability of an existing agricultural enterprise. The proposed operation would be of a very small scale, handling 1,300 tonnes of waste per annum and the use does not impact on the rural setting. The operation would also diversify and benefit the rural economy, creating 1 full-time and 1 part-time job, while diverting materials from landfill.

- 6.4 In order to limit the operations and ensure the proposal remains small scale and does not adversely impact on the rural setting, it is proposed that the amount of material processed per annum is subject to a planning condition, at 1,300 tonnes. It is also proposed that records of deliveries are kept.
- 6.5 Overall, it is considered that the development in this location is consistent with the provisions and policies of the development plan, particularly in relation to transport, landscape, amenity and environmental qualities.

Impact on Neighbouring Properties

- 6.6 Policy W18 (Quality of Life) of the Devon Waste Plan states that peoples' quality of life and amenity will be protected from the adverse effects of waste management and associated transportation. Development should demonstrate that the adverse impacts will be strictly controlled to avoid any significant nuisance being caused to sensitive properties. Policy EN14 (Control of Pollution) of the East Devon Local Plan also looks to ensure unacceptable levels of pollution are not permitted, with Policy D1 (Design and Local Distinctiveness) stating proposals should not adversely affect the amenity of adjoining residents and they should mitigate any potential adverse impacts. Of particular relevance to this development is the impact of noise, which has been raised as a concern by nearby residents.
- 6.7 The closest residential properties include those along Holyford Lane (approx. 200m to the south) and along Whitwell Lane (approximately 300m to the north east). Noise has been raised as a concern by residents approximately 500m to the south east of the site towards Colyford, and those along Holyford Lane. The applicant commissioned noise consultants to measure the noise levels with and without the processing equipment in operation, in two locations; Holyford and Whitehayes. The results show that the noise from the processing of carpet and cable was inaudible, however, these measurements were not undertaken over the recommended time period of one hour set out in the British Standard 4142:2014 (Methods for rating and assessing industrial and commercial sound). Given the information submitted and following the British Standard, it is considered reasonable to ensure that the noise level emitted from the machinery does not exceed 5dB at any boundaries of nearby sensitive properties. This will be subject to a planning condition, which will also require a further assessment of noise levels, in accordance with the British Standard, prior to any further use of the equipment. This would then provide a thorough assessment and the opportunity for any mitigation measures required. Subject to the proposed planning condition, it is considered that the operations will be consistent with Policy W18 (Quality of Life) of the Devon Waste Plan and Policy EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

Nature Conservation/Habitats

- 6.8 Representations have requested the provision of a wildlife report, however, it is considered that there will be no impacts upon protected species or priority habitats. This is because the proposal does not impact on any existing roof space, there is no vegetation removal and no increase in current lighting.
- 6.9 Concerns have been raised due to the possible impacts from the operations, namely noise, upon Holyford Woods Local Nature Reserve. Given the distance from the proposal, approximately 360m, and the conclusions from the existing Noise Impact Assessment and the requirement for further assessment, it is considered the noise impacts from this proposal will be negligible.
- 6.10 Overall, it is considered the information provided is sufficient and the proposal does not conflict with Policy W11 (Biodiversity and Geodiversity) of the Devon Waste Plan.

Highways/Car Parking/Traffic Issues

- 6.11 The waste is anticipated to arise from the local area, within East Devon, and is proposed to be imported at a rate of 2 deliveries per week (1x15 tonne lorry with scrap electrical cable and 1x10 tonne lorry with waste carpet). This would generate 3 outgoing vehicles per week (1x10 tonne lorry with granulated electrical wire sheathing; 1x10 tonne lorry with shredded carpet; and 1x5 tonne skip lorry per week with any material that is not recyclable). However, the lorry for the non-recyclable material is not anticipated to be required every week.
- 6.12 Concerns have been raised regarding the use of rural roads. The application states that any traffic associated with the operations will use the existing farm track and join the public highway at Old Sidmouth Road, rather than using the main farm entrance and Whitwell Lane. The visibility of where the access track joins the public highway is considered sufficient. The applicant has clarified that any deliveries will be organised, rather than anyone freely coming to drop off any materials. This arrangement will provide the applicant the opportunity to provide details about the delivery route. However, to further reinforce this, it is considered reasonable for access and egress to the site via the access road to be subject to a planning condition.

Landscape

- 6.13 The East Devon Area of Outstanding Natural Beauty (AONB) is approximately 80m north of the agricultural barns. Waste deliveries will be routed along Old Sidmouth Road and are likely to travel through the AONB. However, given the small scale of traffic to be generated, approximately 5 vehicles per week, the proposal is not considered to harm the special qualities of the AONB. Regarding the waste processing operations, as the topography of the land rises towards Old Sidmouth Road and the barns are not visible from the AONB, it is considered that the operations will not impact upon the AONB.
- 6.14 Concerns have been raised regarding the visual impact of the farm track that has been constructed. Part of this track benefits from a previous permission granted by East Devon District Council and its impact was considered under this permission. However, the section that cuts across a field and does not follow the field boundaries is of a different alignment and therefore, the impact needs to be considered in this application. As the track does not follow the historic field patterns, planting has been

proposed either side of the track, and within the eastern field corner, to screen the track and create native broadleaved woodland. The planting in the eastern area of the field and to the south of the access track is welcomed, however, it is considered adding further vegetation to the north of the track may accentuate the track further, and instead of this, more planting should be included in the eastern area of the field. Therefore, it is proposed a planning condition should be included if permission were to be granted to agree amended landscape proposals, the planting specification, establish and the on-going management. Overtime, this will screen the track and compensate the loss of any vegetation lost during the construction of the track.

- 6.15 Given the limited close views of the track from the surrounding area, this is considered appropriate and details of planting and its subsequent management are required by condition.

Historic Environment

- 6.16 The agricultural barns are approximately 90m west of the Grade II Listed farm house. Due to the distance of the operations taking place, and the fact they are taking place within the barn, it is not considered there are any impacts upon the setting of the designated heritage asset.

Other matters

- 6.17 A number of matters have been raised during the consultation process which are considered to be outside of the scope of this application. The applicant is also shredding wood for the use within a biomass boiler on the farm, this is not waste wood, and therefore, it not a matter for consideration in this report. Should the applicant look to utilise waste wood, this will be a matter for a separate application and any impacts shall be considered. Concerns have also been raised for the use of polymers on land; for the purposes of this application the plastics are stored within a container and look to be recycled as part of the applicant's equestrian business. The use on land would be considered as part of any planning application for an arena. The applicant has, however, clarified that the riding arena surfaces are all weather arenas contained within a building and this is a common base for equestrian arenas. Concerns have been raised regarding odours and the smell of burning arising from the operations. The operations do not involve burning.
- 6.18 With regards to surface water implications, the track is not covered with an impermeable surface, but is constructed with hard-core and crushed aggregate. This is not considered to have any impact on surface water flows or drainage.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 The proposal looks to manage waste higher up the waste hierarchy, by diverting waste from landfill for its beneficial after use. This is a small scale operation, which can be controlled by planning conditions. Any impacts upon the rural setting, local environment and neighbouring residents are negligible and have been adequately mitigated. It is therefore considered that it is appropriate to grant planning permission in accordance with the recommendation of this report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Seaton & Colyton

Local Government Act 1972: List of Background Papers

Contact for enquiries: Emily Harper

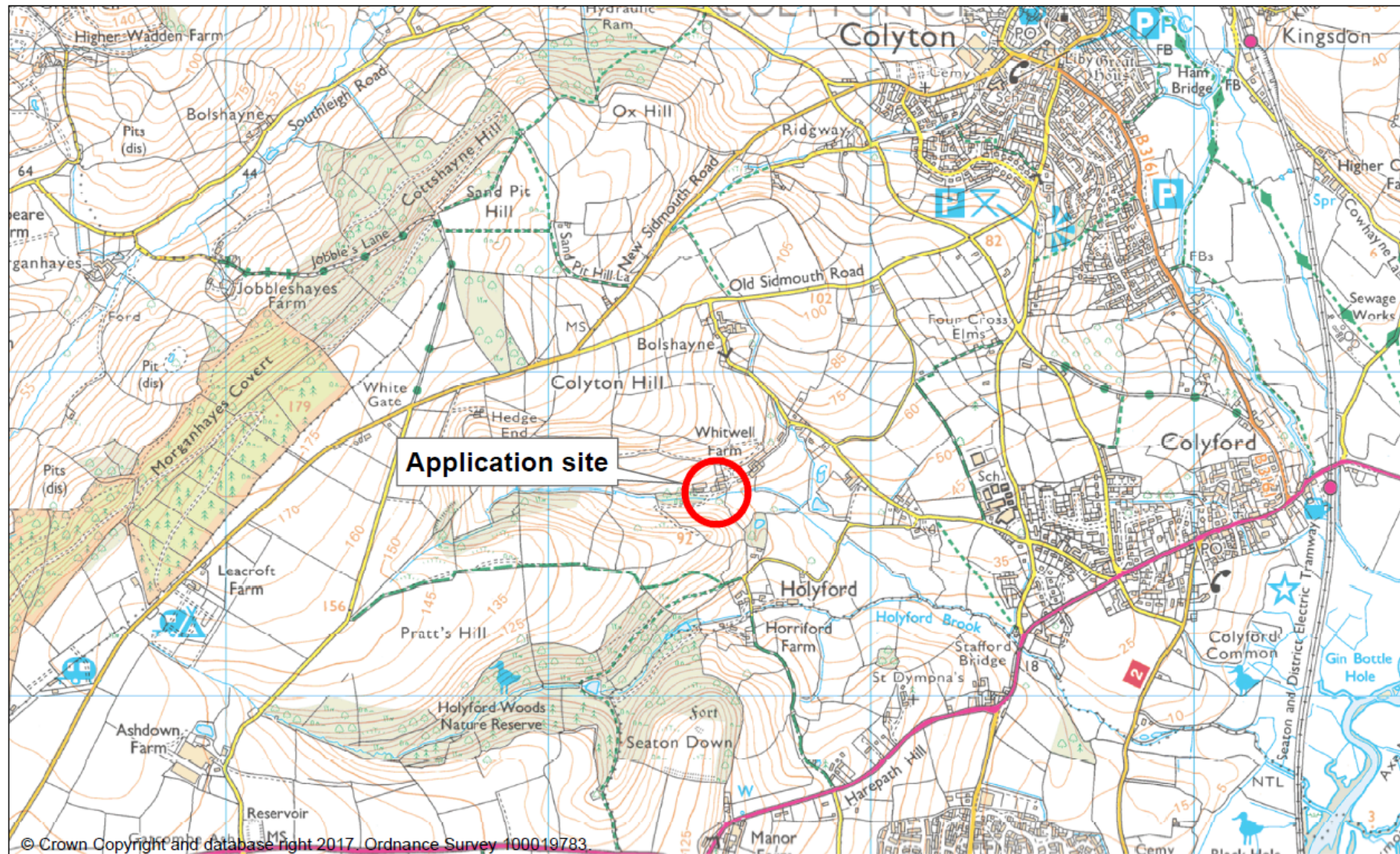
Room No: AB2, Lucombe House, County Hall


Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File		DCC/4005/2017

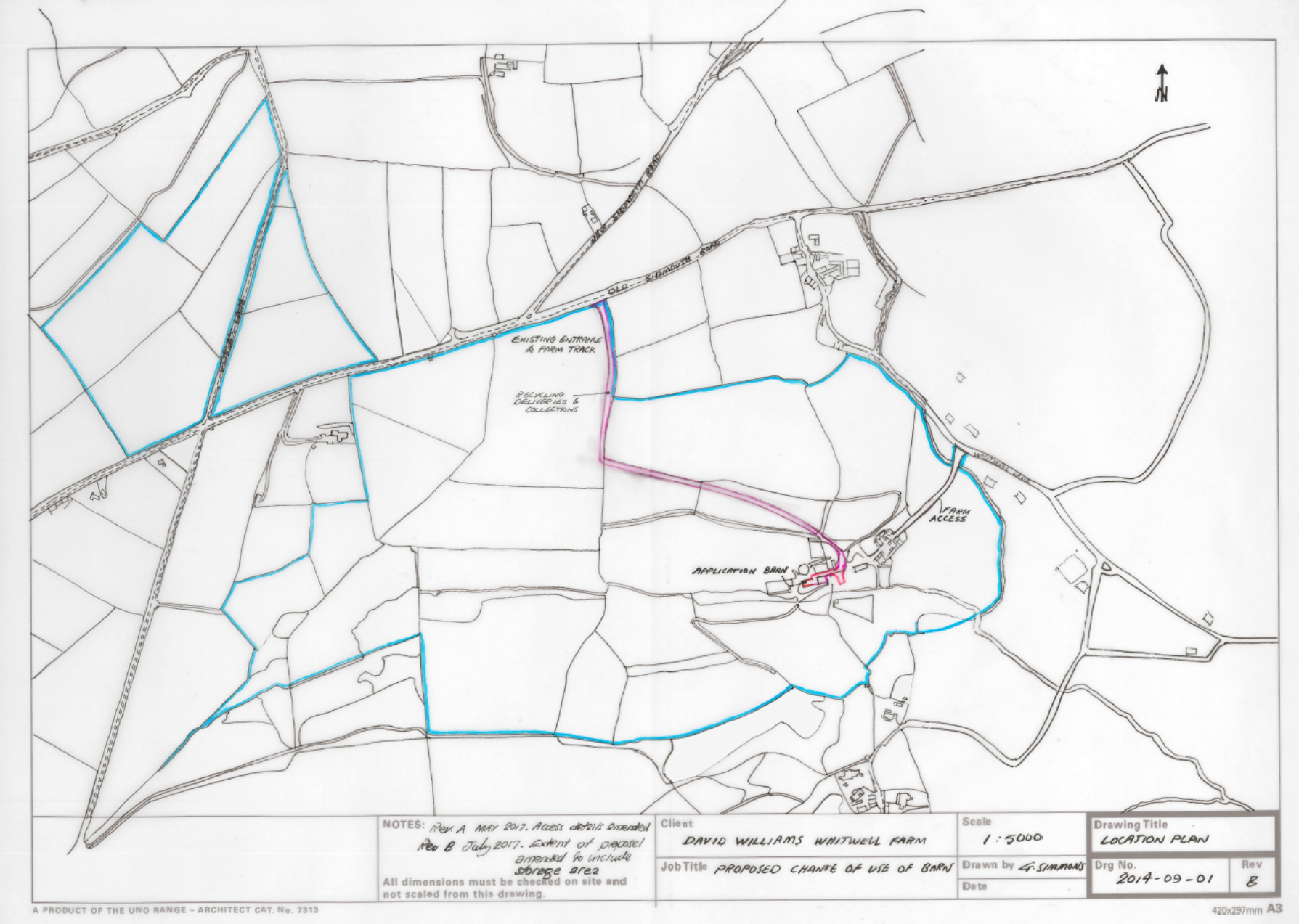
eh051017dma
sc/cr/retrospective application storage waste electric cables whitwell farm colyford
03 171017

Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee County Matter: Waste Retrospective application for the importation, processing and storage of waste electrical cables and carpets within existing agricultural barns and the retention of the existing access track	date October 2017	scale 1:15,000
			Application No: 17/1602/CM	

Site Plan



Planning Conditions

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered and entitled 2014-09-01 Rev B, 2014-09-03 Rev A, 2014-09-04, 2014-09-05, 2014-09-05 and 'Planning Statement' (dated September 2017) except as varied by the conditions below.

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

2. Prior to the first use of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed +5dB above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Waste Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development is not detrimental to the amenity of the surrounding area by reason of undue noise emission in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan and, as there is insufficient information within the submitted application.

3. With 3 months of the date of this permission, a Landscaping Scheme and Management Plan shall be submitted to the Waste Planning Authority for approval. This shall include:
 - (a) A plan detailing the proposed planting;
 - (b) Planting specifications including soil preparation, planting method, spacing, plant species, stock size and means of protection and support;
 - (c) Timings of planting and implementation;
 - (d) Details of ongoing management of the planting, including timings and frequencies of maintenance/management interventions, replacement of plant failures and the period of aftercare; and
 - (e) The intended purpose and structure/composition at end of the maintenance period of each vegetation type and intended ultimate size once mature. Clear composition targets should be stated.

The Landscaping Scheme and Management Plan shall be implemented in accordance with the approved programme.

REASON: To protect the character and appearance of the local landscape in accordance with Policy W12 (Landscape and Visual Impact) of the Devon Waste Plan.

4. Stockpiles of waste materials and processed materials shall only be stored within Barn 1 and 2 as identified on drawing 2014-09-04.

REASON: To protect the character and appearance of the local landscape and the setting of the Listed Building in accordance with Policy W12 (Landscape and Visual Impact) and Policy W13 (The Historic Environment) of the Devon Waste Plan.

5. All shredding and granulating shall only take place within Barn 1 as identified on drawing 2014-09-03 Rev A.

REASON: To protect the living conditions of nearby residents and in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

6. Combined waste imports and processing at the site shall not exceed 1,300 tonnes per annum.

REASON: To protect the living conditions of nearby residents and in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

7. The operator shall keep detailed records demonstrating the weekly importation of waste materials, the quantity of waste processed and the weekly exportation of processed material. The records shall identify specific waste streams and shall be made available to the Waste Planning Authority within 14 days of any such request being made.

REASON: To enable the Waste Planning Authority to adequately monitor operations at the site in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

8. No waste processing operations, deliveries or collections shall take place on a Saturday, Sunday, bank holiday, other public holiday or outside of the following hours:
0800 and 1700 hours Monday to Friday

REASON: To protect the living conditions of nearby residents and in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

9. Access to and egress from the site shall be via the access road leading from the Old Sidmouth Road for all vehicles.

REASON: To protect the living conditions of nearby residents and in accordance with Policy W18 (Quality of Life) and Policy W17 (Transportation and Access) of the Devon Waste Plan.

10. Members of the public shall not be allowed to deliver waste material directly to the development hereby permitted.

REASON: To protect the living conditions of nearby residents and in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.