

**County Matter: Waste Development**

**East Devon District: Variation of planning condition 8 of planning permission 09/0824/CM, relating to on-site operational hours at the Kerbside Waste Recycling and Storage Facility at Unit 42, Greendale Business Park, Woodbury Salterton**

**Applicant: Suez Recycling and Recovery UK Ltd**

**Application No: 16/2327/CM**

**Date application received by Devon County Council: 5 September 2016**

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 planning permission be granted subject to the conditions set out in Appendix II to this report (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local Member).**

**1. Summary**

- 1.1 This Report relates to a planning application to vary planning condition 8 of planning permission reference 09/0824/CM relating to hours of operation for a kerbside waste recycling processing and storage facility at Greendale Barton Business Park.
- 1.2 The main material considerations in the determination of this application is an examination of the proposal against Development Plan policies and whether the proposed additional hours of operation (1.5 hours in the morning and 1 hour in the evening) would have an unacceptable impact on nearby residential properties in terms of noise.

**2. Background/Proposal**

- 2.1 Greendale Business Park is located approximately 8km to the east of Exeter, and approximately 1km to the north of Woodbury Salterton. The Business Park has a number of established uses including storage, distribution, general industrial and waste recycling. Vehicular access to the site is available via a private haul road leading from the A3052 County Highway linking Exeter to Sidmouth.
- 2.2 Conditional planning permission for the facility was granted in 2009 on appeal following the refusal of planning permission by Devon County Council. The decision on the application was made by the Development Management Committee at its meeting on 16 July 2008. Report EEC/08/175/HQ refers. The reason for refusal related to the fact that the application site was, at the time, outside of the Devon County Waste Local Plan defined boundary for waste management facilities at Greendale Barton.
- 2.3 In April 2009 an application was submitted seeking to vary Conditions 7 and 8 of the permission in order to allow for working at the site on those Saturdays following a public holiday. This was approved at the meeting on 15 July 2009 (Report EEC/09/149/HQ refers). In October 2009 an application was submitted to further

vary Condition 7 to allow collection vehicles to exit the site from 0630 hours. This was approved at the meeting on 2 December 2009 (Report EEC/09/269/HQ refers).

- 2.4 The applicant has the contract with East Devon District Council for kerbside collection of recyclables and this site deals solely with this waste stream. Upon arrival at the site the recyclables are unloaded from the collection vehicles inside the building and placed in individual bays before being bulked up for transfer to recycling facilities.
- 2.5 Recent changes to the contract have seen a widening in the range of materials that can now be collected for recycling and these now include glass; paper; metals; plastics; household batteries; and textiles. The applicant is seeking changes to the hours of operating condition in order to deal with the increase in recyclable materials delivered to the site.
- 2.6 The condition subject to this Application (Condition 8) states:

*“Without the prior written agreement of the waste planning authority, no waste transfer operations shall take place on the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:*

*0730-1800 hours on Monday to Friday; and  
0730-1600 hours on a Saturday during a week in which there is a bank holiday or any other public holiday.*

*For the purposes of this condition, waste transfer operations shall include the loading and unloading of materials from vehicles and the sorting and processing of waste.”*

- 2.7 The applicant’s suggested new condition is:

*“Without the prior written agreement of the waste planning authority, no waste transfer operations shall take place on the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:*

*0600-1900 hours on Monday to Friday; and  
0700-1700 hours on a Saturday during a week in which there is a bank holiday or any other public holiday.*

*For the purposes of this condition, waste transfer operations shall include the loading and unloading of materials from vehicles and the sorting and processing of waste.”*

### **3. Consultation Responses**

- 3.1 East Devon District Council (Planning): No objection.
- 3.2 East Devon District Council (Environmental Health): No comments received (consulted on 22/09/16).
- 3.3 Woodbury Parish Council: Do not support the application on the grounds that the standard operating hours for Greendale Business Park should apply and that the current consent approved in 2009 should be maintained.
- 3.4 Environment Agency: No objection.
- 3.5 Woodbury Salterton Residents Association: Object to the proposal on the grounds that the strict conditions that were attached following the appeal decision where

deemed appropriate in terms of neighbour amenity and that these should be maintained.

#### **4. Advertisement/Representations**

- 4.1 The application has been advertised in accordance with the statutory publicity requirements and as a result of these procedures a total of 3 letters of objection were received.
- 4.2 The objections are impacts of any additional noise created from the proposal; development it is already unacceptable for a rural location; there has been no change in circumstances to make the change in hours any more acceptable; the application would set a precedent to increasing operating hours within the business park; all previous requests for an extension to the working hours have failed when companies have applied to either the East Devon District Authority or on an appeal.
- 4.3 Copies of representations and consultation responses are available to view on the Council website under reference DCC/3903/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3903/2016>.

#### **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 summarised in Appendix I to this report and the most relevant are referred to in more detail in Section 6 below.

#### **6. Comments/Issues**

- 6.1 The main material considerations in the determination of this application is an examination of the proposal against Development Plan policies and whether the proposed additional hours of operation (1.5 hours in the morning and 1 hour in the evening) would have an unacceptable impact on nearby residential properties in terms of noise, air quality and lighting.

##### Planning Policy Considerations

- 6.2 The adopted Devon Waste Plan allocated Greendale Business Park for specific waste uses; including Energy Recovery and associated facilities. The business park is now an established industrial estate undertaking a range of industrial activities some of which are waste related.
- 6.3 The operator at the application site deals with East Devon's kerbside collected recyclable waste and Policy W5 (Reuse, Recycling and Materials Recovery) is relevant to the determination of the application. W5 states:
  - 1. *Sustainable waste management in Devon will aim to achieve and maintain sufficient capacity to enable the reuse, recycling or composting of waste in accordance with the following targets:*

|      | 2016 | 2021 | 2026 | 2031 |
|------|------|------|------|------|
| LACW | 57%  | 61%  | 64%  | 64%  |
| CIW  | 58%  | 60%  | 62%  | 64%  |
| CDEW | 88%  | 89%  | 89%  | 90%  |

*Minimum % of waste to be recycled by key plan period dates*

*LACW – Local Authority Collected Waste*

*CIW – Commercial and Industrial Waste*

*CDEW – Construction, Demolition and Excavation Waste*

2. *To achieve this capacity, planning permission will be granted for additional facilities enabling preparation for reuse, sorting, transfer, materials recovery, composting and/or recycling of waste, unless material considerations indicate otherwise, where they:*
- a) are located at or close to the source of the waste or opportunities for its beneficial use; and/or*
  - b) achieve the segregation of reusable, recyclable or compostable materials prior to energy recovery or disposal of the residual waste; and/or*
  - c) are co-located with a complementary waste management operation; and/or*
  - d) achieve the recycling of incinerator bottom ash and/or other non-hazardous thermal treatment residues arising within Greater Devon.*

- 6.4 The proposal is an established facility responsible for the sorting and transfer of recyclable waste and is in accordance with policy W5.

#### Residential Amenity

- 6.5 The objection from a number of residents concerned the potential for disturbance from noise from the proposed earlier start of operations, both from site operations and associated traffic. Concerns were also raised that the extended operating hours would set a precedent for earlier starts at other units in the business park. Concern was also raised with regard to extended operating hours and the associated increase in vehicle movements relating to additional impacts relating to increased vehicle movements.
- 6.6 The application site is approximately 1km from the village of Woodbury Salterton. The nearest residential receptors are located approximately 400 metres to the east of the application site and 500 metres to the south west of the site. There have been in the past a history of complaints regarding the noise from Greendale Business Park.
- 6.7 With regard to the noise impacts it is noted that neither East Devon District Council nor their Environmental Health Department has offered objection to the proposal. The Environment Agency permit on the site already regulates noise and odour emissions at the site.
- 6.8 Paragraph 122 of the National Planning Policy Framework states that: “...local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.” This is further supported by the National Planning Policy for Waste (October 2014) which requires when determining waste planning application, waste

planning authorities should: “.... concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”

- 6.9 With this in mind it is considered the most appropriate regulatory regime to be maintained for noise and odour is through the existing permit issued by the Environment Agency.
- 6.10 In conclusion; there is no objection for a regulatory body with statutory interest in the site; there are no documented complaints that relate to the site; the existing regime appears to be operating well and; it may only be assumed that this will continue to do so.
- 6.11 It will however be necessary to condition that all waste processing at the proposed extended times occurs only within the building, including the loading and unloading of vehicles, to ensure there will be no negative impact to the amenity of local residential property in the early hours.

#### Transport Impacts

- 6.12 Representation was received which raised concerns regarding increased transport in regard to this application. This proposal does not however propose amendment to hours that collection vehicles are permitted to enter or leave the site. This will continue to be controlled by the existing condition 7 attached to permission 09/2049/CM which states the following, and on would remain unchanged:

*“Without the prior written agreement of the waste planning authority, no waste collection vehicles used in the waste transfer operations shall enter or leave the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:*

*0630-1800 hours on Monday to Friday; and  
0630-1600 hours on a Saturday during a week in which there is a bank holiday or any other public holiday.”*

- 6.13 It is accepted that there would be a small number of staff vehicles arriving earlier and departing later than is presently permitted, however, this is considered to have a negligible impact in the context of the business park traffic.

### **7. Reasons for Recommendation/Alternatives Options Considered**

- 7.1 The Waste Transfer Station has full current planning permission. It is considered that the variation in the operation hours is so that the Waste Collection Authority may continue to operate effectively and meet supported recycling targets and; that there is no evidence to suggest that the existing noise mitigation measures are not working effectively and cannot continue to do so. It is considered that planning permission to vary condition 8 of the current consent and extend operating hours should be granted in accordance with the recommendation of this Report.

Dave Black  
Head of Planning, Transportation and Environment

**Electoral Division: Budleigh**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Charlotte Pope

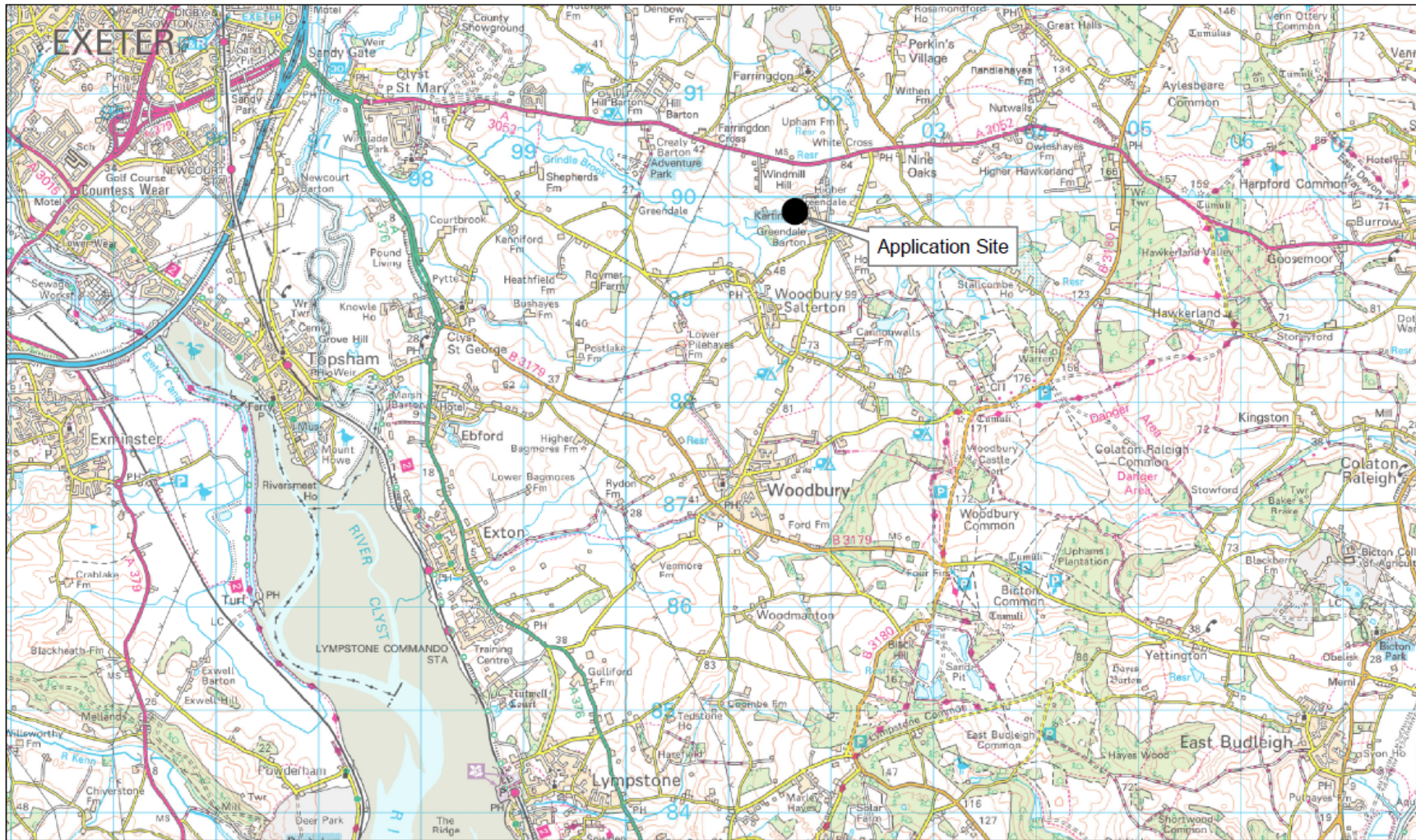
Room No: AB2, Lucombe House, County Hall


Tel No: 01392 383000

| <b>Background Paper</b> | <b>Date</b> | <b>File Ref.</b> |
|-------------------------|-------------|------------------|
| Casework File           | Current     | 16/2327/CM       |

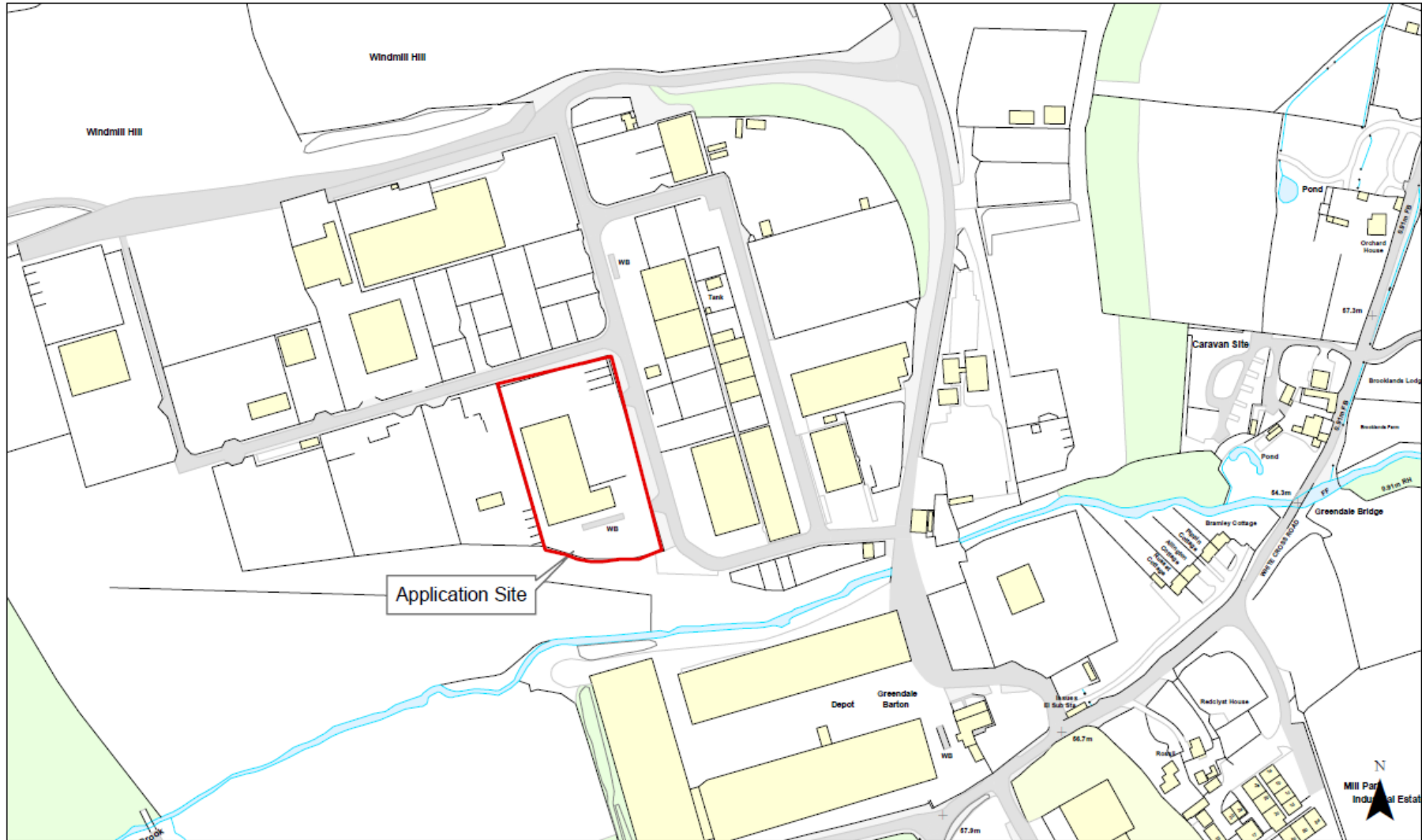
cp211216dma  
sc/cr/kerbside waste facility Greendale woodbury Salterton  
03 170117


# Location Plan



|   |  |  |                      |                               |
|---|--|--|----------------------|-------------------------------|
|  | Head of Planning,<br>Transportation<br>and Environment | Development Management Committee   | date<br>January 2017 | scale<br>1:47,992             |
|   |  | County Matter: Waste Development:<br>East Devon District Council: Variation of planning condition 8 of planning permission<br>09/0824/CM, relating to on-site operational hours at Unit 42, Greendale Business<br>Park, Woodbury Salterton, EX5 1EW<br><small>© Crown Copyright and database right 2017. Ordnance Survey 100019783</small> |                      | Application No:<br>16/2327/CM |

# Site Plan



|   |  |  |                      |                               |
|---|--|--|----------------------|-------------------------------|
|  | Head of Planning,<br>Transportation<br>and Environment | Development Management Committee   | date<br>January 2017 | scale<br>1:3,000              |
|   |  | County Matter: Waste Development:<br>East Devon District Council: Variation of planning condition 8 of planning permission<br>09/0824/CM, relating to on-site operational hours at Unit 42, Greendale Business<br>Park, Woodbury Salterton, EX5 1EW<br><small>© Crown Copyright and database right 2017. Ordnance Survey 100019783</small> |                      | Application No:<br>16/2327/CM |



**Planning Policy Considerations**

**National Planning Policy Framework (2012):** NPPF National Planning Policy Framework (March 2012).

**National Planning Policy for Waste (2014):** NPPW7 Determining Planning Applications – Waste Development.

**Devon Waste Plan (Adopted December 2014):** Policies W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W3 (Spatial Strategy) W5 (Reuse, Recycling and Materials Recovery); W6D (Greendale Barton); and W18 (Quality of Life).

**East Devon Local Plan - 2013-2031 (Adopted January 2016):** Policies EN14 (Control of Pollution); EN16 (Contaminated Land); TC2 (Accessibility of New Development); TC7 (Adequacy of Road Network and Site Access); E7 (Extensions to Existing Employment Sites); and Strategy 7 (Development in the Countryside).

**Planning Conditions**

**Schedule of Conditions - East Devon District Council Application No. 16/2327/CM  
Devon County Council Ref. DCC/3903/2016**

1. The development hereby permitted shall begin not later than three years from the date of this decision notice.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be operated in accordance with approved Travel Plan prepared by Atkins dated June 2009 which has been as required by condition 2 of planning permission 08/0893/CM.

REASON: To ensure adequate access and minimise the impact of construction on nearby residents/local highway network in accordance with the Development Plan specifically policy TC7 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).

3. Access to and egress from the site shall be via the private road leading from the A3052 for all vehicles, except for waste collection vehicles that are travelling to or from Woodbury or Woodbury Salterton for the purposes of collecting waste from those settlements.

REASON: In order to minimise the impact of traffic on the local minor road network in the interests of traffic safety and the amenity of the area in accordance with the Development Plan specifically policy TC7 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).

4. The materials to be used in the external surfaces of the building shall match the existing building on the site, these being blue steel profiled sheet with light grey flashings and light grey profiled steel roof.

REASON: In the interests of the visual amenity of the area in accordance with the Development Plan specifically W18 of the Devon Waste Plan (Adopted December 2014).

5. No collection vehicles used in the waste transfer operations shall enter or leave the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:

0630-1800 hours on Monday to Friday; and  
0630-1800 hours on a Saturday during a week in which there is a bank holiday or other public holiday.

REASON: In order to minimise the impact of traffic on the local minor road network in the interests of traffic safety and the amenity of the area in accordance with the Development Plan specifically policy EN14 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).

6. No waste transfer operations shall take place on the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:

0600-1900 hours on Monday to Friday; and  
0700-1700 hours on a Saturday during a week in which there is a bank holiday or any other public holiday.

During the period 0600 to 0730 hours on Mondays to Fridays and 0700 to 0730 on applicable Saturdays, all work at the site shall be restricted to within the waste transfer building and during this time all doors to the building shall be closed.

For the purposes of this condition, waste transfer operations shall include the loading and unloading of materials from vehicles and the sorting and processing of waste.

REASON: In order to minimise the impact to the amenity of the area in accordance with the Development Plan specifically policy EN14 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).

7. Members of the general public shall not be allowed to dispose of waste directly to the development hereby permitted.

REASON: In the interests of safe site operation and in the interests of traffic safety in accordance with the Development Plan specifically policy TC7 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).