

PTE/17/58

Development Management Committee
25 October 2017

County Matter: Waste

South Hams District: Variation of conditions 18, 20, 21 and 25 of planning permission 39/1927/10/CM for provision of building for agricultural waste recycling together with yard, parking/turning and improvement of track for access with visibility improvement at Greenaway Agricultural Recycling Ltd, Channer Wood Plantation, Marley Head, South Brent

Applicant: Greenaway Agricultural Recycling Ltd

Application No: 1824/17/DCC

Date application received by Devon County Council: 12 April 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 planning permission be granted subject to the signing of a Section 106 Agreement relating to the protection and maintenance of the woodland around the site and access track and the imposition of a new set of operating conditions contained in Appendix I of this report (with any subsequent non-material changes to the conditions being agreed in consultation with the chair and local member).

1. Summary

- 1.1 This report relates to a planning application to regularise operations at the site in order to allow for the processing of an additional waste stream (tyres); processing and storage in the yard area; and, increased operating hours.
- 1.2 It is considered that the main material considerations in the determination of this application are the impacts of the new operations on the amenity of the area (particularly in terms of noise); visual impact arising from the external storage and processing; fire safety risks; traffic and transportation impacts due to increase in waste materials processed on site and a consideration of the proposal against planning policy.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/3979/2017 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3979/2017>

2. The Proposal/Background

- 2.1 The site lies close to the A38 Marley Head junction, and off the A385, approximately 2.5km east of South Brent. Vehicular access to the site is from the A385 (200m to the north) via Webland Lane a minor county highway. This site is located within a plantation of mixed coniferous woodland (Channer Head Plantation) which is the subject of a Tree Preservation Order.

- 2.2 There is a commercial sawmill located adjacent to this application site and a large PV solar farm to the south, both accessed from Webland Lane. Planning permission for a knacker's yard immediately to the north of the application site was granted by South Hams District Council in 2007 but this facility was not developed. The nearest noise sensitive properties are at the Edeswell Valley holiday complex which is located 200m to the east of the application site.
- 2.3 The planning permission for the provision of a building and yard area for agricultural waste plastic recycling was granted by the Development Management Committee at the meeting held on the 24 November 2010 (minute *86 refers) and a copy of the report can be viewed at:
<http://democracy.devon.gov.uk/Data/Development%20Management%20Committee/20101124/Agenda/pdf-EEC-10-224-HQ.pdf>
- 2.4 The site consists of an industrial style building with the dimensions of 24 metres by 21 metres, with a ridge height of 8.5 metres set within a surfaced yard served by a private access track off Webland Lane. The original consent allowed for the processing and storage of waste plastics arising from agricultural operations and is subject to a suite of planning conditions including the implementation and maintenance of a landscaping scheme; erection of fencing; maintenance of site access road; stockpiles to be held within the building; hours of operation; no audio equipment outside of the building; restriction of waste to agricultural farm plastic only; and, revocation of permitted development rights. The permission is also subject to a Section 106 agreement in requiring the maintenance and management of the woodland adjacent to the site where it is in the control of the operator. The site has been in operation for nearly 6 years and deals with around 2,500 tonnes of agricultural waste plastic a year. The proposed annual tonnage of waste tyres that would be dealt with at the site is 1,000 tonnes, giving the total annual waste capacity of the site 3,500 tonnes.
- 2.5 This application seeks to vary four of the planning conditions in order to allow for the inclusion of waste tyres as an additional agricultural waste stream; the baling of the tyres outside of the building; the storage of tyres, baled tyres and baled plastic outside of the building; and an earlier start for collections and deliveries.
- 2.6 The application includes a proposal to install a tyre baler to be located in front of the building and for baled tyres to be stored in discrete areas in the yard. The applicant says that there will be a maximum of 60 tonnes of tyres on the site at any one time, that all of these would be agricultural in origin, that these will be stored in a maximum of 10 tonne heaps and there will be a 10 metre gap between each heap. The application also proposes the outside storage of baled plastics waiting for collection and again these would be in separated areas. The application also seeks a 0600 start time for delivery vehicles to leave and enter the site.

3. Consultation Responses

- 3.1 South Brent Parish Council: Recommend Refusal in support of the views expressed by the South Hams Society (see summary of representations in Section 4 of this report).
- 3.2 Rattery Parish Council: No Objection.
- 3.3 South Hams District Council: No objection subject to a restriction on delivery hours not taking place before 08.00 on Saturdays.

- 3.4 Environment Agency: No objection. Advise that the activities will require an Environment Permit and advises that the operator contact its permitting service.
- 3.5 Devon Fire and Rescue: Advise that the development must comply with the requirements of the Building Regulations. This requires appropriate access for the Fire Service and provision of appropriate water supplies for fire-fighting.

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.
- 4.2 As a result of these procedures 9 representations were received. Of these four were in support of the application commenting that:
- The operation ensures that local farmers can dispose of agricultural waste appropriately.
 - The site is well located.
 - The site is well screened.
 - The operation provides for local employment.
- 4.3 The five objections included a 15 page letter from the South Hams Society and the objections are summarised thus:
- There has been a disregard of the original planning conditions.
 - The outside storage poses a fire risk and consequent problems with toxic fumes.
 - The tyres baled at the site are not all of agricultural origin.
 - The site is industrial in nature and should not be located in a rural area.
 - Adverse impact on tourism.
 - There has been no action by DCC on the reported breaches of condition including mud and debris on the highway and loud music from the site.
 - There is no need for the facility as there are sufficient sites elsewhere and the indication is that there will be a reduction in agricultural wastes.
 - There is no wider public benefit to the scheme.
 - Does not encourage farmers to use more suitable methods than tyres for holding down sheeting.
 - There would be an adverse visual impact due to outside storage.
 - There is a lack of public trust - Members of the committee who are farmers should not vote on such applications.
 - There are errors in the application, it is retrospective but reads like it is a future proposal.
 - The application will result intensification of development in the countryside contrary to the Devon Waste Plan.

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.

Devon Waste Plan 2011 – 2031

Policies W1 (Presumption in favour of Sustainable Development), W2 (Sustainable Waste Management), W3 (Spatial strategy), W5 (Reuse, Recycling and Material Recovery), W11 (Biodiversity), W12 (Landscape and Visual Impact), W17 (Transport and Access) and W18 (Quality of Life).

Plymouth and South West Devon Joint Local Plan 2014 - 2034

Policies DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light pollution) DEV14 (Maintaining a flexible mix of employment sites) DEV15 (Supporting the rural economy), DEV24 (landscape character), DEV28 (Protecting and enhancing biodiversity and geological conservation), DEV30 (Trees, woodlands and hedgerows) and DEV33 (Waste management).

National Planning Policy Framework National Planning Policy for Waste

6. Comments/Issues

- 6.1 In February 2017 the Council received a complaint concerning activities at the Channer Wood agricultural waste facility. The complaints related to the lack of concreting of the internal access road; damage to trees along the internal access road; storage of waste material outside of the building, deliveries taking place outside of the approved hours; radio broadcast heard from Webland Lane; and, tyres being delivered to and stored at the site and that these tyres were coming from a local garage. An officer of the council investigated the complaints and it was established that there were breaches of planning conditions in respect of the hours of delivery; storage outside of the building; and that the access road had not been concreted as required by the previous consent. It was agreed with the operator that the most appropriate way forward was the submission of this planning application which seeks to vary the planning conditions.

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

Waste Policy

- 6.3 The recycling facility is already established, and Policy W5 of the Devon Waste Plan supports development that enables increased levels of recycling, with planning permission to be granted unless material considerations indicate otherwise.
- 6.4 The merits of widening the range of materials to be recycled will therefore need to be balanced against and impacts on landscape and visual amenity (Policy W12), the quality of life of nearby residents (Policy W18) and, if there is any increase in vehicle movements, the capacity of the local road network (Policy W17).

Landscape and Visual Impact

- 6.5 The site is within 1km of Dartmoor National Park and 2km of the South Devon AONB. There is potential visibility of the site from elevated areas within Dartmoor NP for example from Beara Common 2.6km to the north-west. The storage of waste materials outside the building could potentially detract from the quality of views, but at this distance and considering the scale of the site and the screening benefits of

surrounding woodland, it is considered that the site is accommodated without affecting quality of views enjoyed from the National Park. The site would not be visible from the South Devon AONB due to intervening topography and vegetation.

- 6.6 The original planning permission required the submission and implementation of a landscaping plan which was carried out by the operator. Maintenance of the landscape planting is required for a 10 year period and the Section 106 agreement requires the maintenance of the woodland around the site in perpetuity. In the event that planning permission is granted it is considered that it would be appropriate to require a fresh S106 agreement relating to the maintenance of the woodland under the operators control around the site and the site access. This would ensure that any gaps or weaknesses in the tree screen would be rectified.

Impacts on Amenity

- 6.7 Currently the permitted waste processing operations are required to be carried out within the building and external operations have the potential to impact on the amenity of the area particularly in terms of noise. Sources of noise from the site include the baling operations, the use of a telehandler, delivery vehicles and the use of a radio.
- 6.8 The existing noise climate at the nearest noise sensitive properties is dominated by noise from the A38 and A358 and the noise impact assessment submitted in support of the planning application confirms that operations taking place are inaudible at the nearest noise sensitive properties. The tyre baler would be located and operated outside of the building the noise impacts of this was modelled and it would not be heard at any noise sensitive property. The concerns about the use of a radio at the site were noted but at full volume this was not audible on Webland Lane.
- 6.9 The request to vary the condition in respect of times for deliveries and collections is considered in the noise impact assessment as the earlier start has the potential to cause disturbance. In this case the assessment indicated that a 0600 start would not impact on any noise sensitive property except on a Saturday morning before 0800. In the event that planning permission is granted it is recommended that a new planning condition would be imposed relating to hours of delivery/collection for 0600 to 1800 Monday to Friday, 0800 to 1300 on Saturdays. Site operations would be restricted to the existing operating hours of 0800 to 1800 Mondays to Fridays, 0800 to 1300 hours on Saturdays and no working on Sundays and public holidays.

Traffic and Transportation

- 6.10 There is good access to the site, it being close to the A38/A358 with only a short distance to be travelled on Webland Lane. It is understood that the operations at the site result in around ten lorry deliveries a week and this number is easily accommodated on the road network.
- 6.11 Following investigation into the complaints about the access into the site the track has been concreted at the entrance which will reduce the likelihood of any debris being carried onto the highway. In the event that planning permission is granted it is considered appropriate to impose a planning condition requiring the appropriate maintenance of the private access.

Fire Safety Risks

- 6.12 Objections were received concerning the potential for fires should open storage be permitted. The Fire and Rescue Service were consulted and recommended that appropriate water supply be provided. The applicant has submitted revised details showing the provision of a 45,000 gallon water tank. This is satisfactory and in the event planning permission is granted its installation would be required by planning condition.

Other Matters

- 6.13 Concerns have been raised about tyres being stored at the site which do not arise from farm use. The application seeks to deal with wastes (both plastics and tyres) that arise from farms and if granted the permission would be restricted to dealing with these waste streams. Notwithstanding this it is considered appropriate in terms of monitoring the consent that the operator be required to keep records of the origin of wastes dealt with at the site and this can be required by planning condition.

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 introduce an additional waste stream to an existing facility and given that this will not result in any additional impacts it is considered that it is in accordance with the Devon Waste Plan. Taking all material considerations into account it is considered that it is appropriate to grant planning permission in accordance with the recommendation to this report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: South Brent & Yealmpton

Local Government Act 1972: List of Background Papers

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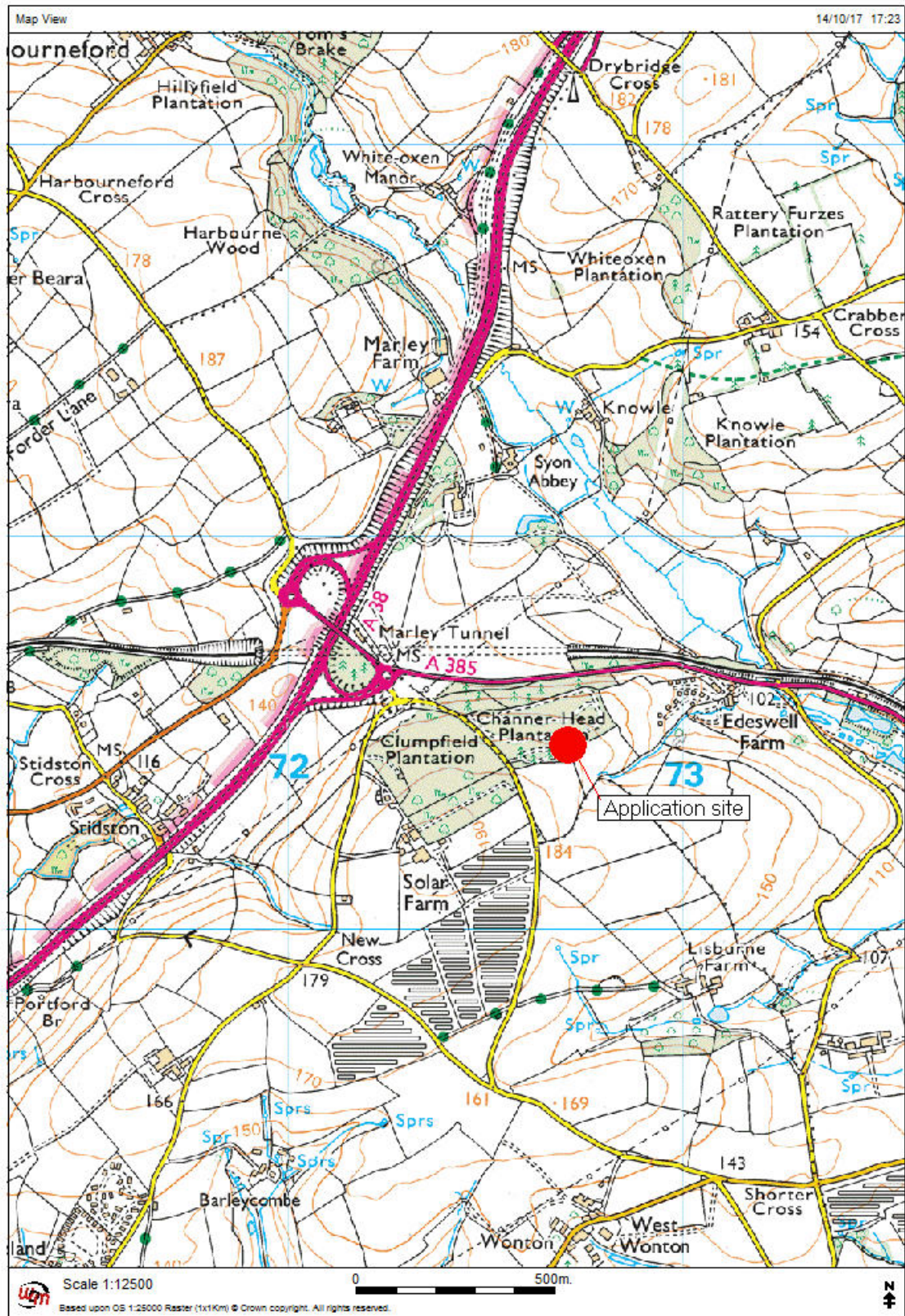
Background Paper
Casework File

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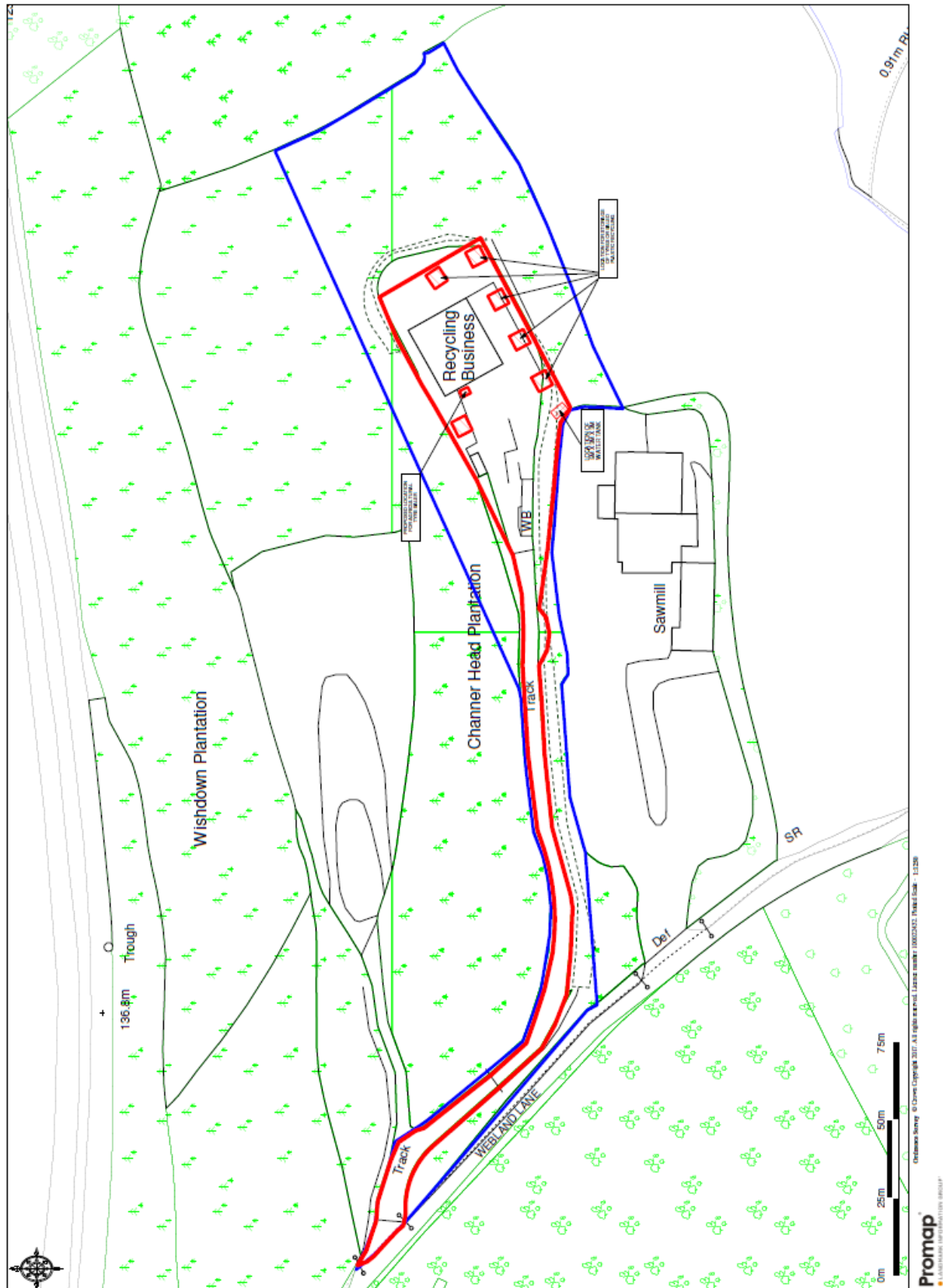
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sc/cr/Greenaway Agricultural Recycling Channer Wood Plantation Marley Head South Brent
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Location Plan



Site Plan



Section 106 Agreement Heads of Terms

1. Maintenance of woodland surrounding the site.
2. Provision and maintenance of fencing to delineate a Protection Zone to protect the surrounding woodland.
3. Provision and implementation of a Biodiversity Enhancement 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 – untitled application plan received September 2017 and the details contained in the Planning Statement dated April 2017 except as may be varied by the conditions below.
2. The agricultural wastes stored and processed at the site shall be restricted to waste plastic and waste tyres arising solely from farm holdings. The operator shall keep records of the locations of where these waste materials are collected from and such records shall be made available to the Waste Planning Authority's inspection within two weeks of a request being made.
3. The external storage of waste materials at the site shall be restricted those areas identified on the approved application plan and shall be no higher than 3 metres in height. No unbaled waste plastic shall be stored outside of the building.
4. The only waste processing permitted to take place outside of the building shall be the baling of waste tyres. Only one tyre baling machine shall be operated at the site and this shall be of the type specified in the planning statement unless the use of an alternative machine is agreed by the Waste Planning Authority.
5. The waste materials (plastics and tyres) delivered to the site shall not exceed 3,500 tonnes per annum.
6. The private access road shall be appropriately maintained to ensure that no mud, debris or surface water is discharged onto the county highway.
7. Deliveries of waste to the site and export of baled waste from the site shall only take place during the following hours:
Monday to Friday 0600 to 1800 hours and 0800 to 1300 hours on Saturdays. No deliveries or export of baled waste shall take place on Sundays or public holidays.
8. Waste processing operations shall only take place during the following hours:
Monday to Friday 0800 to 1800 hours and 0800 to 1300 hours on Saturdays. No waste processing operations shall take place on Sundays or public holidays. For avoidance of doubt waste processing does not include the loading or unloading of vehicles.