

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 16th March 2006

Report Title Boundary Farm, Bulkington - Composting Facility

Summary This application seeks retrospective permission for the retention of a compost facility and site infrastructure at Boundary Farm, Withybrook Road, Bulkington, Nuneaton.

For further information please contact Matthew Williams
Planning Officer
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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Submitted application, received 2/12/2005.
Letter from Rugby Borough Council, dated 4/1/2006.
Letter from Defra, dated 4/1/2006.
Letter from County Museum, dated 26/1/2006.
Letter from Nuneaton and Bedworth Borough Council, dated 23/1/2006.
Letter from the Environment Agency, dated 13/2/2006.
Seven letters of representation from local residents.
49 signature petition against the proposal.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees
- Local Member(s) Councillor P Morris-Jones – no comments received.
(With brief comments, if appropriate) Councillor J Ross – no comments received.
- Other Elected Members Councillor M Heatley – supports the proposal.

- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive
- Legal I Marriott – comments incorporated
- Finance
- Other Chief Officers
- District Councils Nuneaton and Bedworth Borough Council – no objections but concerns about Waste being transported long distances.
Rugby Borough Council – no objection.
- Health Authority
- Police
- Other Bodies/Individuals Wolvey Parish Council, County Museum, Environment Agency, Defra

FINAL DECISION **YES/NO** (*If 'No' complete Suggested Next Steps*)

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee - 16th March 2006

Boundary Farm, Bulkington - Composting Facility

**Report of the Strategic Director of
Environment and Economy**

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the retention of a compost facility and site infrastructure at Boundary Farm, Withybrook Road, Nuneaton and subject to the conditions and for the reasons contained in **Appendix B** of the report of the Strategic Director of Environment and Economy.

APPLICATION : R1408/05CM040

RECEIVED BY COUNTY : 02/12/2005

ADVERTISED DATE : 15/12/2005

APPLICANT : Mr I Gibson, Boundary Farm, Withybrook Road,
Bulkington, Nuneaton, Warwickshire. CV12 9JW

AGENT : A L P Ambrose Minerals Planning, Highway House, Asfare
Business Park, Hinckley Road, Wolvey, Leicestershire.

THE PROPOSAL : Retention of compost facility and site infrastructure.

SITE & LOCATION : Boundary Farm, Withybrook Road, Nuneaton.
[Grid ref: 405.865].

See plan in **Appendix A**.

1. Application Details

- 1.1 The application seeks retrospective planning permission for the retention of a compost facility and site infrastructure on land at Boundary Farm, Withybrook Road, Bulkington.
- 1.2 The facility occupies a site of approximately a third of a hectare in size and adjoins/shares the farmyard. The facility consists of a concrete pad measuring approximately 30 metres by 30 metres which acts as a waste reception, storage and processing area. The pad is enclosed on two sides by 2.4 metre high concrete panel walls, which have earth embankments against their outer face. The pad is drained to a 95000 litre collection tank. A weigh bridge and small office also form part of the site infrastructure. Mobile plant in the form of a shredder and wheeled loading machine are in operation on site. An agricultural tractor and trailer are used for transporting shredded material off site. A hard surfaced area measuring approximately 35 metres by 20 metres is used for the storage of oversize wood that cannot be easily shredded.
- 1.3 Green waste collected via household collection schemes and park and garden maintenance is delivered to the site by contractors. Green waste entering the site is deposited on the concrete reception pad. Once sufficient material has been deposited on site it is be passed through the shredder on one or more occasions. Green waste is loaded into the shredder using a wheeled loader. Frequency of shredding is dependant on the quantities of material entering the site, which in itself is subject to seasonal variation. Shredded material remains on the pad in the form of a mulch prior to dispatch off site for use as a mulch or compost. Shredded material is either collected by contractors or transferred to agricultural land by tractor and trailer. Larger branches and stumps are stored within the oversize storage area. Once sufficient oversize material has been collected a specialist shredder that can cope with larger items is hired in.
- 1.4 No more than 240 tonnes of green waste and 100 tonnes of oversized wood are deposited on site at anyone time.
- 1.5 The site has two accesses onto Withybrook Road. One is used for incoming traffic and one for outgoing traffic. It is proposed to improve and hard surface these accesses.
- 1.6 The facility generates an average of 20 loads (40 vehicle movements) per day and a maximum of 40 loads (80 vehicle movements) per day. Deliveries of waste to the site is made by a variety of vehicles ranging from vans with trailers to 20 tonne local authority refuse collection vehicles.
- 1.7 The site operating hours would be 0700 hours to 1800 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays. No operations would take place on Sundays or Christmas Day. Operation of the shredder would be restricted to 1230 hours to 1600 hours Monday to Friday and 0830 to 1200 Saturday.

2. Consultations

- 2.1 **Rugby Borough Council** – have not received any complaints regarding odour and noise for the facility. Having regard to this raise no objection to the proposal.
- 2.2 **Nuneaton and Bedworth Borough Council** – no objection to the principle of the proposed development. However, have concerns that the facility would serve a number of areas outside Warwickshire leading to waste being transported long distances which would not accord with the policies of the development plan or principles of sustainable development.
- 2.3 **Councillor P Morris-Jones** – no comments received as of 2/3/06.
- 2.4 **Councillor J Ross** – no comments received as of 2/3/06.
- 2.5 **Wolvey Parish Council** – no comments received.
- 2.6 **Environment Agency** – no objection
- 2.7 **County Museum** – no objection.
- 2.8 **Defra** – no objection.

3. Representations

- 3.1 Seven letters of representation, a 49 signature petition against the proposal and observations from Councillor M Heatley have been received.
- 3.2 Six letters of representation received from residents, raise objection to the proposal whilst one supports the proposed development.

Residents of:-

340 Nuneaton Road, Bulkington
1 Withybrook Road, Bulkington
4 Withybrook Road, Bulkington
20 Withybrook Road, Bulkington
39 Withybrook Road, Bulkington
45 Withybrook Road, Bulkington

Concerns/objections include:-

- (i) Odour.
- (ii) Vehicle movements/numbers.
- (iii) Hours of operation.
- (iv) Noise.
- (v) Proximity to residential properties.
- (vi) Transport of waste through residential area.
- (vii) Deposit of material on highway.
- (viii) Damage to highway.
- (ix) Poor Access.

- (x) Contamination/runoff – impact on adjacent drainage ditch.
- (xi) Is the waste toxic.

- 3.3 One letter of support, received from the resident of Arbury Bungalow Farm, states that residents should recognise that agricultural activities, including the spreading of sewage sludge, can be odorous. Compost has slight earthy smell when close to but is not odorous over distance. The operation has never caused them a problem, there is no smell and isn't it recycling.
- 3.4 Councillor Heatley supports the proposal.

4. Observations

History

- 4.1 This application seeks to regularise an unauthorised development that has been operational for approximately two years. Prior to the submission of the application the County Council and Environmental Health Officer had not received any objection to or complaint regarding the development.

Site and Surroundings

- 4.2 Boundary Farm is located on the northern side of Withybrook Road a short distance to the east of Bulkington. The site is situated on the boundary of the boroughs of Nuneaton and Bedworth and Rugby in open countryside. The western boundary of the site adjoins an unauthorised gypsy site that has been the subject of enforcement action. The nearest dwelling is at Arbury Bungalow Farm on the opposite side of Withybrook Road. The next nearest dwelling is located 180 metres to the west of the application site beyond which lie dwellings on the approach to Bulkington.
- 4.3 The frontage of the site is delineated by a hedgerow of around 3.5 metres in height. The other boundaries are partially hedged but this is sparse. The northern boundary in particular is exposed to views from off site.
- 4.4 The application site adjoins/shares the farmyard area which comprises of two barns, a small office and hardstandings that are in agricultural use.

Planning Policy

- 4.5 The Landfill Directive and the National Waste Strategy 2000 place obligations on Local Authorities to reduce the amount of biodegradable municipal waste going to landfill and sets strict targets to be met. Waste recycling is supported by Central Government through the publication 'Making Waste Work' and PPS10 – Planning for Sustainable Waste Management. The Regional Spatial Strategy sets targets for waste management within the Region which includes to recycle or compost at least 25% of household waste by 2005; 30% by 2010; and 33% by 2015.
- 4.6 The Warwickshire Structure Plan Policy ER9 continues this theme supporting a reduction in waste going to landfill. The policy states that materials recycling

facilities should be sited as close as possible to the source of waste. Policy ER1 also seeks to protect the environmental assets of the county and the character and quality of the countryside.

- 4.7 The adopted Waste Local Plan for Warwickshire also encourages recycling and seeks a reduction in the amount of waste taken to landfill sites. The environmental considerations which should be taken into account when considering waste applications are set out in policy 1. Policy 9 of the plan refers to large scale composting facilities and supports facilities in rural locations which are remote from residential properties.
- 4.8 The application site is located within the Green Belt as defined within the Rugby Borough Local Plan. Policy R/E10 of the Local Plan states that within the Green Belt the rural character of the area will be retained, protected and whenever possible enhanced by safeguarding areas of mainly open countryside. Policy E2 of the Local Plan Review affirms this theme.
- 4.9 Planning Policy Guidance Note (PPG) 2 (Green Belts) sets out the purposes of the Green Belt that include preventing urban sprawl and safeguarding the countryside from encroachment and maintaining openness.
- 4.10 The composting facility adjoins an established farmyard and buildings. The nature of the operations and minimal infrastructure associated with it are considered to have no greater impact on the openness of the locality than the farm itself. Accordingly the development does not prejudice the general purpose of the Green Belt. In the circumstances, the proposed development is therefore considered to accord with Green Belt policy.

Environment and Amenity

Visual Amenity

- 4.11 The frontage of the site is demarcated by a mature hedgerow which effectively screens views into the site from the highway, apart from at the entrance. The remaining boundaries are not so well screened allowing views of the site, particularly from the Wolvey Road to the North. The application proposes the provision of additional planting along these boundaries in order to provide additional screening. This could be secured by condition and suitable wording is suggested.

Noise

- 4.12 Operations undertaken on site, including movement of plant and vehicles, loading and unloading of green waste and shredded material and operation of shredding machine which can all be inherently noisy. However, the plant and machinery used on site is similar in nature to agricultural equipment and in this case is also used on the farm. The shredding machine, which is potentially greatest source of noise, is only operated when sufficient waste is on site to be shredded. The applicant proposes limiting the operation of the shredder to between 1230 hours and 1600 hours Monday to Friday and 0830 hours and 1200 hours on Saturdays. This could be controlled by condition. A suitably

worded condition is proposed. The Environmental Health Officer at Rugby Borough Council has raised no objection on noise grounds.

Odour

- 4.13 Odour has been raised as an existing problem in the vicinity, particularly last summer, by local residents. Residents link the odour problem to the composting operation at Boundary Farm. Having discussed this with the Environmental Health Officer it has not been possible to substantiate the link between the odour problem and operations at Boundary Farm. However, it has been suggested that the odour problems of last summer in the area were attributable to the spreading of either sewage sludge or pig slurry on local agricultural land.
- 4.14 Composting of green waste can have an odour if not adequately managed. However, experience from other composting facilities in the County suggests that whilst the composting of green waste can generate an odour when close at hand it does not in general generate the intensity of odour complained of. This would tend to back up the view that the odour problem experienced last Summer arose from another source.
- 4.15 Good management of composting operations prevent odours from becoming a problem. The Environmental Health Officer at Rugby Borough Council has raised no objection on odour grounds. Notwithstanding this, it is suggested that a condition is imposed requiring the submission of an odour management plan should odour become a cause for complaint.

Access and Traffic

- 4.16 Concerns have been raised by residents in respect of vehicle numbers and movements in the vicinity related to the development. Concerns relate to the intensity and frequency of traffic, transport of waste through residential areas and damage caused to the highway. The level of vehicle movements generated by the development raise no concern to the Highway Authority. Vehicles accessing the site from the direction of Nuneaton, Bedworth or Coventry would travel through the centre of Bulkington. However, these are classified B roads which are trafficked by the type vehicles generated by the development. There is no evidence that vehicles related to the development are causing any particular highway damage.
- 4.17 Concern has also been raised regarding the deposit of material, particularly shredded material being transferred off site by tractor and trailer, on the highway. This has not been picked up as a particular problem by the Highway Authority. However, a suitable worded condition is suggested to ensure that vehicles leaving the site are suitably sheeted.
- 4.18 The application site currently has two access points onto Withybrook Road which are currently not hard surfaced. The application proposes hardsurfacing these accesses in connection with the proposal. A suitably worded condition is proposed to secure this.

- 4.19 Concern has been raised regarding the impact the accesses may have on the drainage capacity of the ditch fronting the site. Protection of the drainage ditch may be secured by condition and suitable wording is suggested.

Hours of Operation

- 4.20 Local residents raise concern that the existing operations on site have been undertaken over longer periods than now proposed. Reference is particularly made to the movement of tractors and trailers off site in the early morning and late evening seven days a week. Existing operations have been subject to no control upon hours to date. The hours of operation now proposed are acceptable and could be the subject of a condition. Suitable wording is suggested. Notwithstanding this the site remains an operational farm which is subject to no controls upon vehicle movements. Therefore, vehicles related to the agricultural activities will continue to enter and leave the site outside of any hours of operation applied to the composting facility.

Residential Amenity

- 4.21 Concern has been raised regarding the proximity of the facility to residential properties. Whilst the site is in rural surroundings it is only a short distance from the outskirts of Bulkington. However, the Environment Agency and Environmental Health Officers have raised no concern with the site's proximity to residential properties. It is considered that with good management of composting operations the development should not adversely affect residential amenity.

Other Issues

- 4.22 Residents have raised concern that the waste treated on site is toxic. The composting facility handles green waste only collected via household collection schemes and parks and gardens maintenance. The Environment Agency and Environmental Health Officers have raised no concern in respect of the health implications of handling and treating this waste.
- 4.23 Whilst Nuneaton Borough Council have made no objection in principle to the development they have raised concerns with the facility serving areas outside Warwickshire resulting in waste being transported to the site over long distances. They consider that this would not accord with the principles of sustainable development. The application site is located in close proximity to the County boundaries with areas of Coventry and Warwickshire. Therefore, in proximity terms the site is well located to serve these areas and is considered to accord with the principles of the 'proximity principle'. In addition transport costs are such that it is unlikely that green waste would be transported over distances greater than this. Furthermore, the site is reasonably small in scale and is therefore there is only a finite quantity of material the site could handle.

Conclusion

- 4.24 The proposed development would be an acceptable use for this site which is close to a number of urban centres for collecting green waste yet is rural in nature and generally separate from residential properties. Therefore, with good

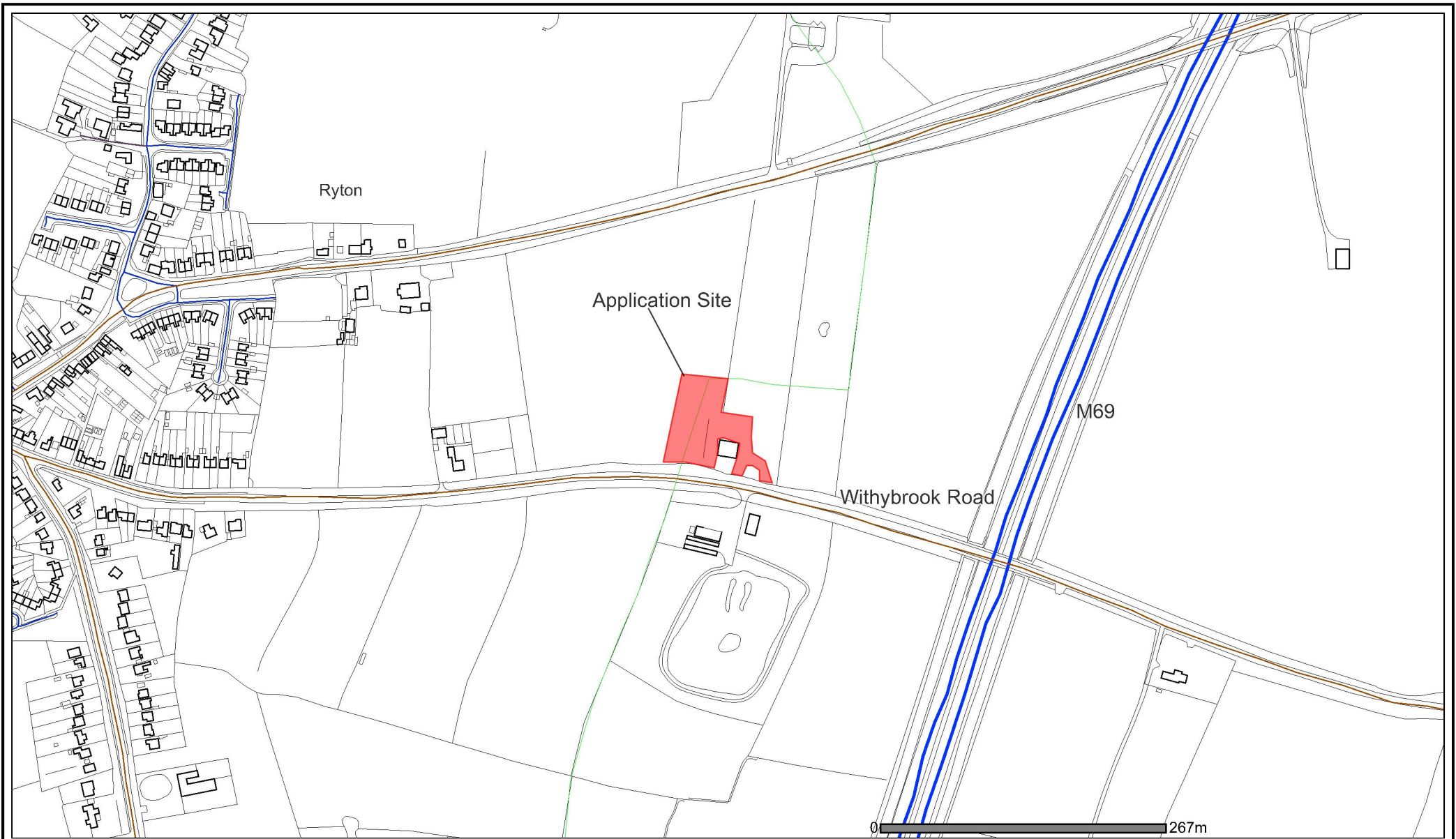
management of the operation and strict compliance with conditions residential amenity should not be disturbed.

5. Environmental Implications

- 5.1 Composting is an important form of recycling and should be encouraged where possible. The proposal is sustainable as it would enable green waste which would otherwise be sent to landfill to be re-used in line with Government Policy. It would also encourage farm diversification in line with Government Policy.

JOHN DEEGAN
Strategic Director of Environment and Economy
Shire Hall
Warwick

2nd March 2006



Scale 1: 4935

Ref No. R1408/05CM040

Drawn Matthew Williams

Regulatory Committee 16/03/2006

Subject

Boundary Farm, Bulkington - Composting Facility



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 Director of Planning, Transport
 and Economic Strategy
 Shire Hall, Warwick, CV34 4SX

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Regulatory Committee 16th March 2006

Boundary Farm, Bulkington – Composting Facility

**Report of the Strategic Director of
Environment and Economy**

Application No : R1408/05CM040

General Operations

1. The development hereby approved shall not be carried out other than in accordance with the submitted application and the accompanying plans. Ref: P/IG/BF/GW/1 and P/IG/BF/GW/2 and any details or samples approved in accordance with these conditions.

Reason: To ensure a satisfactory standard of development.

2. Within three months of the date of this permission details of plant sizes, densities, spacings and numbers to be planted in the areas of new planting identified in plan ref. P/IG/BF/GW/2 shall be submitted to the County Planning Authority for approval in writing. Following approval the scheme shall be implemented in the first available planting season.

Reason: In the interests of visual amenity.

3. Unless otherwise agreed in writing the operations and uses hereby permitted shall not be carried out except between the following hours:

Monday – Friday 07.00 – 18.00 hours
Saturdays 07.00 – 13.00 hours

No operations shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

4. Notwithstanding the provisions of condition 3 the shredding operations shall not be undertaken except between the following hours:

Monday – Friday 12.30 – 16.00 hours
Saturdays 08.30 – 12.00 hours

No shredding operations shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

5. No waste other than green waste (vegetation) shall be deposited, stored or processed at the site.

Reason: To ensure a satisfactory standard of development.

6. No waste shall be delivered to, or accepted from members of the public.

Reason: To ensure a satisfactory standard of development.

7. There shall be no retail sale of compost from the site.

Reason: To ensure a satisfactory standard of development.

8. No material shall be stockpiled, deposited or windowed to a height exceeding 3 metres.

Reason: To ensure a satisfactory standard of development.

9. The landscaping scheme implemented under the provisions of Condition 2 shall be implemented accordingly in the first planting season. If within a period of five years from the date of the implementation of the landscaping any plant or tree is removed, uprooted or destroyed or dies, it shall be replaced with another of the same species and size as that originally planted and shall be planted in the same place, unless the County Planning Authority gives its written consent to a variation.

Reason: In the interests of visual amenity.

Highway

10. Within three months of the date of this permission the existing accesses shall be reconstructed in accordance with details that have been submitted to and approved in writing by the County Planning Authority. Such details shall include; surfacing of the access with a bound material for a distance of 10 metres as measured from the near edge of the public highway carriageway and provided with not less than 10 metre kerbed radius turnouts on each side.

Reason: In the interests of highway safety.

11. The access shall not be reconstructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

Reason: To prevent pollution of the water environment.

12. Gates erected at the entrance to the site shall not be hung so as to open to within 10 metres of the near edge of the public highway carriageway.

Reason: In the interests of highway safety.

13. There shall be no deposit of mud or other deleterious material on the public highway resulting from operations on site.

Reason: In the interests of highway safety.

14. No loaded lorries shall enter or leave the site unless the loads are sheeted, netted or otherwise adequately secured.

Reason: In the interests of highway safety.

Pollution Control

15. No external lighting shall be provided at the composting site except in accordance with a scheme of lighting which has been previously submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of residential amenity.

16. There shall be no unauthorised discharge of foul or contaminated drainage from the site in to either ground water or any surface water whether direct or via soakaways. If necessary excess water or run off from the composting site shall be taken off site for disposal at a suitably licensed facility.

Reason: To prevent pollution of the water environment.

17. Composting shall be carried out in accordance with best practice in order to prevent the creation of unpleasant odours. In particular material shall be shredded and stored material turned at an appropriate frequency to avoid anaerobic conditions from developing within the waste.

Reason: In the interests of residential amenity.

18. Notwithstanding the provisions of condition 17 should odour become a cause for substantiated complaint an odour management plan shall be submitted to the County Planning Authority for approval in writing. Following approval the odour management plan shall be implemented accordingly throughout the development.

Reason: In the interests of residential amenity.

19. All vehicles, plant and machinery used on site shall at all times be fitted with silencers in accordance with the manufacturers recommendations and shall be operated in a manner to minimise noise emissions

Reason: In the interests of residential amenity.

20. The best practicable measures shall be adopted to prevent waste or litter being blown outside the boundaries of the site.

Reason: In the interests of residential amenity.

21. In order to minimise the raising of the dust the following steps shall be taken:
- a) All roadways and operational areas within the site shall be laid out and maintained in good condition. They shall be damped down as necessary using a water bowser or other suitable plant.
 - b) All stockpiles shall be maintained in a moist condition by spraying with water as necessary and in particular before turning or shredding of material.
 - c) All operations, shall be carried out only when the prevailing conditions are such that dust will not be carried beyond the boundaries of the site.

Reason: In the interests of residential amenity.

Restoration

22. Unless otherwise agreed in writing by the County Planning Authority, should the site cease to operate as a composting facility for a period longer than twelve months then all of the plant, machinery and structures erected under this permission shall be removed from the site, including the concrete base. The site shall be restored in accordance with a scheme previously submitted to and agreed in writing by the County Planning Authority no later than the expiration of 6 months from the removal of the concrete base.

Reason: To ensure the restoration of the site in the Green Belt should the operations cease.

Development Plan Policies Relevant to this decision

Regional Spatial Strategy June 2004 – **Policies WD1, WD2 and WD3.**

Warwickshire Structure Plan 1996 – 2011 – **Policies GD1, GD2, GD3, GD6, ER4 and ER9.**

Waste Local Plan of Warwickshire – **Policies 1, 2 and 9.**

Rugby Borough Local Plan – **Policies R/E9, R/E10, R/E15 and R/E19.**

Rugby Borough Council Local Plan – First Deposit - May 2004 – **Policy E1, E2, and GP1.**

Reasons for the Decision to Grant Permission

The development hereby permitted is in accordance with the relevant provisions of the development plan and there are no contrary material considerations sufficient to require refusal.

Note: The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the application report and minutes of the Regulatory Committee.