

Application Number

P/2013/0749

Site Address

Unit 1
Lummaton Quarry
Happaway Road
Torquay
Devon
TQ2 8ES

Case Officer

Mrs Ruth Robinson

Ward

Watcombe

Description

Change of use from (B8)(Storage & Distribution) SEC to a skip firm and waste transfer station (Sui Generis)

Executive Summary/Key Outcomes

This application concerns the change of use of a site within the Lummaton Quarry Industrial Estate from B8 (storage and distribution) to use for storage of skips and recycling of mostly inert material (sui generis).

There have been a substantial number of objections to the scheme but the impact of the proposal is likely to be less than feared by neighbours and no greater than the operation of the existing use on the site.

The day to day operation of the use will be subject to a Waste Management Licence (WML) enforced by the Environment Agency and is amenable to control through planning conditions to minimise impact.

Torbay Council is the landowner.

Recommendation

Approval delegated to the Executive Head of Spatial Planning in consultation with the EA, in order to resolve the detailed wording of conditions to control the nature, hours and operation of the use (see suggested condition headers at end of report).

Statutory Determination Period

8 weeks, which expired on the 24th September pending further information on the use and awaiting this subsequent committee meeting.

Site Details

The site is large and open and was formerly used by SEC Lighting. The site is located within the Lummaton Quarry Industrial Estate. There is an existing

building on the site which is to be retained but otherwise the site is open. The NE boundary of the site abuts the quarry face which is an SSSI due to the geological qualities of the limestone.

Vehicular access is from Happaway Road. Residential properties are located to the east of the site in Greenway Gardens, although these are located beyond the quarry face which offers some protection from activities within the quarry area and also to the north on Happaway Road.

Detailed Proposals

The application is for a change of use from B8 (storage and distribution) to use of the site for a skip business which is 'sui generis' (i.e. it does not fall within a broader use class category). The site will take mainly inert material and its aim is to recycle, rather than store this material to reduce the amount of waste that is disposed of in landfill.

Some household waste will be included, but this is a small part of the business as the aim is to derive profit from recycling builders waste. The operation is currently quite small involving one skip lorry, one driver and 43 skips. In terms of buildings, it is intended to retain and use an existing building on the site to provide a covered area for waste storage and sorting and to introduce a portacabin for office use.

Summary Of Consultation Responses

Natural England: Have no objection to this scheme and have confirmed to the EA Waste Compliance officer that they consider the permission would be compatible with furthering and enhancing the status of the SSSI providing the chain link fence to the base of the quarry face is maintained and the use does not encroach on the area between the existing fence and the cliff face.

In respect of the condition of the SSSI, the NE response refers to matters which require the action of Torbay Council. The SSSI is regarded as having unfavourable conservation status and requires the Council to keep the quarry face clear of vegetation and to maintain the kidney vetch clear of invasive vegetation which is important for the blue butterfly.

Environment Agency: Have no objections to the proposal and confirm that the site would need to be managed in line with the EA permit (Waste Management Licence WML), which would be granted if permission is allowed.

Highways: Have no objection to the proposal and confirm that Happaway Road is a designated route to an industrial estate.

Summary Of Representations

There have been a significant number of objections from neighbours to the site. The objections are in summary:

- Traffic/Access/impact on road surface/parking/damage to vehicles
- Pollution/noise/dust/disturbance
- Possibility of toxic waste
- Vermin/smell
- Impact on SSSI
- Impact on rare small blue butterfly

There are also letters of support. One from a neighbour to the site who considers the scale and nature of the use appropriate to an Industrial estate and 2 from businesses who will benefit from the facility. One a contractor who wants somewhere to recycle builders waste and one from Wood- Yew- Waste who recycle timber. These representations are available in PDF format for Members consideration.

Relevant Planning History

The site has an existing use for B8 (Storage and Distribution) purposes through a permission granted in 1998 (Ref: P/1998/1038). The only restriction on its use was the height of material to be stored on site and hours of operation, confined to 8-6 Monday to Saturday and not at all Sundays or Bank Holidays.

Key Issues/Material Considerations

The site is located in a designated Industrial Estate and similar proposals to this have been approved in the past and, indeed, operations that have an arguably greater impact on the surrounding area. Policy E1 of the saved Torbay Local Plan confirms its suitability for industrial use and indicates that General Business use may be appropriate subject to amenity and environmental considerations.

There are a number of issues to consider. Firstly, the impact of the proposed use on the amenities of the neighbourhood, to what extent this differs from the impact of the existing use, to what degree these impacts can be mitigated and the possible enhancement of the SSSI and the rare small blue butterfly.

Impact of the proposed use on the amenities of the area and surrounding residents

Firstly it is important to understand the scale and character of the proposed use. The business currently involves 1, 18 tonne skip lorry and will employ two people, one driver who also is the person who sorts the material, and a receptionist. The business anticipates approximately 4 trips a day and has confirmed that access to the site will always be via Barton Hill Road, which is a designated route to an Industrial Estate.

The focus of the business is on recycling mainly building material, which will be collected from sites, rather than being delivered by customers; no machinery or plant is proposed and the material collected will be sorted primarily under cover and by hand. Larger items will, however, be removed from the skips before being

taken into the covered area for recycling. The sorted material will then be passed, by the operator to firms which will reuse the product. Examples supplied by the applicant indicate that timber will go to Wood-Yew-waste in Exeter who has confirmed that they will be able to take all the timber and plasterboard arising from the operation, and a business in Bridgwater will take the aluminium windows. The aim is for 85% of the material to be sold on and re-used in order for the business to be profitable. This will reduce the amount of material going to landfill, which is beneficial and a highly sustainable outcome.

The terms of the EA operating permit forbid food waste, paints, chemical waste or hazardous waste. Any received will be returned within 24 hours or the EA will revoke the licence. In response to local concern about impact from noise and activity the applicants have agreed to reduce their operating hours from 8.00-5.00 weekdays, until 13.00 hours Saturday with no working on Sundays or Bank Holidays. This is less than that currently permitted at the site.

In terms of the specific amenity concerns expressed, it is traffic, smell, vermin, noise and pollution which figured most prominently.

In terms of traffic, the operator currently has only 1 vehicle and there is only one driver who is also the 'sorter'. The applicant hopes that this will increase to 2 vehicles but this is to ensure that a standby vehicle is available rather than to operate more intensively. The EA operating permit contains an upper limit of 4 vehicles. There are currently 2 people employed by the business and the business is designed around collecting and distributing materials for recycling and it is not anticipated that there will be much customer traffic attracted to the site. It is also the case that the designated route for the estate, which is via Barton Hill Road will be adhered to, avoiding impact on residents to the south of the site.

The impact of smell and vermin has emerged as a clear concern. However there will be no food waste brought into the site or stored on the site, and this is controlled through the terms of the EA permit. This will ensure that mainly inert materials are dealt with on site. Those listed in the documentation include paper, cardboard, UPVC windows, glass, wood, plasterboard, non ferrous metal, ferrous metals, electrical and electronic equipment, plastic, soil and stone, and green waste.

Noise and pollution from dust plumes again figured strongly in local concerns. The use of the site for recycling will generate some noise and dust but the activities are to be carried out largely under cover, by hand, and not using any machinery. Therefore the impact will be relatively localised.

How does this differ from the operation of the existing use?

The site was previously occupied by SEC Lighting and light columns/fittings were stored on site. It is thought that this often operated beyond the permitted hours

due to the demands of the business and generated a significant number of vehicular trips. Given the scale and character of the proposed skip operation, it is likely that the impact will be no greater, and possibly less than that generated by the previous use on the site, in terms of traffic, noise and disturbance.

Other uses in the quarry include scaffolding storage, car repairs and scrap metal. The proposed use will differ from the other potentially 'bad neighbour' firms in the Quarry in that it will be regularly inspected by a statutory body (EA) to ensure that it does not cause environmental problems in the area. The applicant has agreed to reduce the hours of operation by an hour a day and 5 hours on a Saturday, which will further mitigate impact.

Impact on SSSI and rare small blue butterfly

NE have confirmed that they do not object to the proposed use providing the existing chain link fence is maintained in place and the area between the fence and the cliff face is not encroached upon. The quarry is home to the small blue butterfly and kidney vetch, which was once abundant on the site. This has largely been cleared and it is important that some is reinstated to support the blue butterfly. There would be opportunities on the site to do this and the applicant has been requested to seek some specialist advice about how kidney vetch might be retained/introduced to assist in retention of butterfly populations.

How can the impact of the proposed use be mitigated?

The day to day management of the site will be controlled through the operating permit by the EA who will inspect regularly to ensure compliance. From the LPA's point of view it is important to ensure that the level of activity does not impact on local amenity and that the use is carried out as described. This can be done through appropriate conditions that dovetail with the requirement of the WML. There is no benefit in duplicating the WML, so it needs careful assessment to determine the matters that should be subject to planning conditions. It is likely that conditions in relation to the following matters should be considered.

1. Hours of operation.
2. Personal permission.
3. Access/Egress via designated route.
4. No machinery to be used in sorting and sorting only to be carried out undercover.
5. Delineation of areas to be devoted to open storage.
6. Landscape scheme to encourage blue butterfly populations.
7. Retention of chain link fence and no encroachment beyond this boundary.

However, it is requested that the exact wording of the conditions be delegated to the Head of Spatial Planning to resolve following consultation with the EA and the wording of the WML.

S106/CIL -

It is not considered necessary to derive S106 contributions in relation to this application, given the mitigation that is applicable in relation to traffic generation for the previous use.

Conclusions

It is possible that the strength of local concern has been generated by the documentation submitted with the application. The Management System and Management Plan describe the upper limit of operation under the terms of the operating permit and imply a far larger operation than is currently proposed. It also mentions food waste in part of the text although it is clarified that no food waste will be involved in the process on site and this is specified in the WML.

The big issue for residents after the possibility of smells and vermin is traffic.

It is the case that the use as currently presented involves only one 18 tonne truck. An additional 'standby' truck is anticipated but the WML describes a maximum number of vehicles as 4. At this scale of operation it is very difficult to argue that the impact of the use on the site on the highway network will be greater than the unrestricted operation of the existing B8 use.

Conditions, as specified above, can act to safeguard the remaining possible impacts in planning terms arising from use of the site.

A personal permission is recommended because it is the particular operation of the site in terms of an emphasis on low key manual recycling of materials that makes the use acceptable and given the level of objection, if the business does not recycle enough material to remain viable then it would be useful to be able to review an alternative user to ensure that the site was used in a way that did not generate harm.

Relevant Policies

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