



## **Planning Committee South: 17 August 2021**

### **AGENDA ITEM 6 - DC/20/0854**

### **Copped Hall Farm, Okehurst Lane, Billinghamurst**

#### **Additional Representation**

Since the committee report was published, further representation has been received:-

- Ashurst LLP (on behalf of an objector) dated 10 August 2021, which details continued concern with how certain matters have been assessed (Previously Developed Land; Need and Location; Amenity; Trip Generation; Heritage)
- A further review by Stantec Acoustic (on behalf of an objector) dated 09 August of the applicant's EAS Ltd Response 27 July, which includes their own assessment based on the information contained the EAS Noise Impact Assessment May 2021.
- From the applicant, a response from EAS Ltd dated 12 August 2021 in reply to the Stantec Acoustic Review dated 09 August.

#### **Consultee comments on additional representation**

##### WSCC Minerals and Waste Authority:

Offer no further comments as our points have been addressed in the officer's report. When referring to previously developed land, the Waste Local Plan suggests it should be "suitable" for the intended use, taking into consideration the local planning constraints (including amenity etc.)

##### HDC Environmental Health:

The EAS assessment (on behalf of the applicant) was undertaken at an alternative site (Lane Farm, Milwich Lane, Sandon) and then used these measurements to inform their noise modelling from the proposed baling operation at Copped Hall Farm. This was considered as an acceptable approach as outlined in the report.

The Stantec report has undertaken a BS4142 assessment from the proposed baling operations at Copped Hall Farm using the EAS data. The Environmental Health Officer has commented that, as evident in the tables below, the results of the two approaches are not that dissimilar.

In summary:

	<b>EAS LAEQ</b>	<b>Stantec LAEQ</b>
Copped Hall Barn	48.3	35
Copped Hall	51	51
Okehurst House	44.4	31
Farm Cottages	47.4	47

The principal noise issues are:-

- Noise from deliveries of plastic waste
- Noise from the telehandler/forklift used to handle the waste
- Noise from the baling of waste undertaken on a limited number of days in each year.

It remains the view of the Environmental Health Officer that these matters can be adequately controlled by conditions.

### **Billinghamhurst Neighbourhood Plan ‘Made’ and Revised NPPF (July 2021)**

#### Billinghamhurst Neighbourhood Plan

The Billinghamhurst Neighbourhood Plan (2019-2031) was formally made at Full Council on 23 June 2021. Its policies now form part of the Development Plan. Policy Bill 1: Billinghamhurst Built-Up Area Boundary sets out that development proposals outside the proposed built-up area boundary will only be supported where it is in accordance with the development plan on appropriate uses in the countryside.

#### Revised NPPF (July 2021)

The revised National Planning Policy Framework (the ‘NPPF’) came into force on 20 July 2021. A new NPPF paragraph reference is noted on the item; at para 6.25, the March Committee report references para 193 of the NPPF. This is now para 199 of the NPPF July Revision.

#### **Officer comment:**

The policies of the ‘Made’ Billinghamhurst Neighbourhood Plan and Revised NPPF do not contain any material changes that alters the recommendation set out in this agenda item.

Further representations: Your Officers note the content of the additional representation received by both the applicants and the objectors.

The further Stantec Review 09 August continues to raise issue with EAS Ltd assessment methodology. The Stantec report has undertaken a BS4142 assessment from the proposed baling operations at Copped Hall Farm using the EAS Ltd data. This indicates that noise from the proposed baling operations may have a significant adverse impact on the noise sensitive receptors at Copped Hall and Farm Cottages, subject to context.

The Council’s Environmental Health Officer has compared the objector’s assessment (Stantec Acoustic) with that of the applicant’s (ESA Ltd). He does not dispute the Stantec report findings and the way their assessment was made. However, he also notes noise from the baling operations would be limited to 8 days a year and on days when baling operations are undertaken the noise levels at the identified receptors will remain below the WHO criteria for annoyance in outdoor amenity spaces. His view is that restrictions could be applied to meet Environmental Health standards.

As your planning Officers have set out in the Committee Report, certain restrictions proposed by the Council’s Environmental Health officer to meet Environmental Health Standards are not enforceable as planning conditions. This includes controlling vehicle movements off site. As demonstrated by the Stantec Review 09 August, baling operations may have a significant impact on the noise sensitive receptors at Copped Hall and Farm Cottages, although it is noted by the Council’s Environmental Health officer that noise levels would be below WHO criteria for annoyance. Nonetheless, this is evidence of a negative change in the rural ambience and harm to character, as identified by your planning officers.

The Minerals and Waste Authority has confirmed the Committee Report has addressed their points. That Authority notes the Waste Local Plan suggests the appropriateness of a location, whether previously developed land or not, is determinate by its “suitability” for the intended use, whereby

local planning constraints should be taken into consideration (including amenity etc.). Your officers have assessed the suitability of this site for the intended use, and do not consider it appropriate.

In regards to trip generation and heritage, your officers believe the Committee Report sets out an appropriate assessment to these matters.

**End**