

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Development Management
Committee

County Hall
Topsham Road
Exeter
Devon
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(See below)

Your ref :
Our ref :

Date : 28 March 2017
Please ask for : Gerry Rufolo

Email: 01392 382299

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 5th April, 2017

A meeting of the Development Management Committee is to be held on the above date at 2.00 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART 1 - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the Meeting held on 1 March 2017(Previously circulated)

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

MATTERS FOR DECISION

4 County Matter: Waste: North Devon District: Waste Transfer Station including a waste transfer hall, single storey weighbridge office and welfare facilities building, hardstanding including staff parking and external weighbridge, internal access road, new access from the existing highway, drainage, lighting and landscaping land to the west of Brynsworthy Environment Centre, Brynsworthy, Roundswell, Barnstaple (Pages 1 - 18)

Report of the Head of Planning, Transportation and Environment (PTE/17/20) attached

*Electoral Divisions(s): Chulmleigh and Swimbridge;
Fremington Rural*

- 5 County Matter: Waste
Torrige District: Proposed extension to the lifetime of the existing non-hazardous and asbestos waste landfilling and associated facilities to be extended until 2025, land at Deep Moor Landfill Site, High Bullen, Torrington

(Pages 19 - 34)

Report of the Head of Planning, Transportation and Environment (PTE/17/21) attached

Electoral Divisions(s): Torrington Rural

- 6 County Matter: Waste
West Devon Borough: Prefabricated GRP building to house alkalinity dosing plant at Hill Barton Waste Water Treatment Works, Hill Barton, Sampford Courtenay, Okehampton
(Pages 35 - 42)

Report of the Head of Planning, Transportation and Environment (PTE/17/22) attached

Electoral Divisions(s): Hatherleigh & Chagford

- 7 Highway Consultation
North Devon District: Outline application for residential development of up to 149 residential units including vehicular access, landscaping, open space, drainage, infrastructure & all associated development (some matters reserved) at land at Westacott Grange, Landkey, Barnstaple.

(Pages 43 - 52)

Report of the Head of Planning, Transportation and Environment (PTE/17/23) attached


OTHER MATTERS

- 8 Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule (Pages 53 - 54)

Report of the Head of Planning, Transportation and Environment (PTE/17/24) attached

Electoral Divisions(s): All Divisions

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

Membership
Councillors J Brook (Chairman), P Bowden, A Dewhirst, P Diviani, A Eastman, G Gribble, R Hannaford, J Hawkins, R Hosking, R Julian, E Morse, P Sanders, R Vint, E Wragg and J Yabsley
Declaration of Interests
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
Access to Information
Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Gerry Rufolo. Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.
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Public Participation
Any member of the public resident in the administrative area of the County of Devon may make a presentation to the Committee on a planning application being considered by the Committee, or any consultation on a proposal by a Government Department (but not when the County Council is consulted on a proposal by a District Council) or a Review of Old Minerals Permissions applications. Any request to make a presentation must be given to the Office of the Chief Executive's Directorate by 12 noon on the third working day before the date of the meeting. For further information please contact Exeter 01392 382299.
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PTE/17/20

Development Management Committee
5 April 2017

County Matter: Waste

North Devon District: Waste Transfer Station including a waste transfer hall, single storey weighbridge office and welfare facilities building, hardstanding including staff parking and external weighbridge, internal access road, new access from the existing highway, drainage, lighting and landscaping land to the west of Brynsworthy Environment Centre, Brynsworthy, Roundswell, Barnstaple.

Applicant: Devon County Council

Application No: 62614

Date application received by Devon County Council: 9 February 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 is granted subject to the conditions set out in Appendix II 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 for the provision of a Waste Transfer Station (WTS) which will receive local authority collected waste from the North Devon and Torridge District Council areas.
- 1.2 It is considered that the main material considerations in the determination of this application are: an examination of the proposal against the policies of the development plan; the impacts of the development on the amenity of local residents; traffic and transportation impacts; and the visual impacts of the proposed development on the landscape.

2. The Proposal/Background

- 2.1 The application site is located approximately 1.5 km to the south west of Roundswell Business Park, which itself is located on the southern fringe of Barnstaple. Vehicular access to the site is via a new access from an unnamed minor road that joins onto the B3232 Barnstaple to Torrington road. From the roundabout junction at Roundswell to the application site there are 13 residential properties that front onto the highway. The application site is adjacent to the Brynsworthy Environment Centre which is operated by North Devon Council as a waste transfer station dealing with recyclable wastes and as office accommodation for the Council.
- 2.2 The application site is in an elevated position, sloping south to north and is currently in agricultural production, used in recent years for the grazing of livestock. The proposed development is within a large field with the eastern boundary adjacent to the Brynsworthy Environment Centre which takes the form of a tree lined hedge. The remainder of the field boundary consists of managed hedgerows which are maintained at a height of about 2 metres except for the occasional mature tree. However, other than the Brynsworthy Environment Centre shared boundary and the

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roadside hedge, the planning application boundary does not coincide with any of the existing boundary hedgerows.

- 2.3 The proposed development comprises an area of about 1.6 hectares, which includes the built development and the proposed landscape screening around the site. The built development consists of a new concrete yard area; erection of a waste transfer hall; office; weighbridge; water tank (for fire suppression purposes); new access onto the highway and provision of visibility splays at the site entrance/exit. The area slopes gently south to north and the application proposes that the yard and building areas would be set at a reduced level to minimise the visual impact by using a cut and fill technique.
- 2.4 The waste transfer hall is a large building measuring 44m long and 38m wide and would be set towards the rear of the site. It would have a very shallow pitched roof with its height being 10m to eaves and 12m to ridge. The external materials of the building would be grey concrete base course walls, sawn larch timber vertical cladding, large metal roller door coloured slate grey and slate grey metal security doors. The roof of the building would be a slate grey metal roof with polycarbonate roof lights. A small single storey office/welfare building would be attached to the front elevation of the waste transfer hall and the external materials used in the construction of this building are slate grey coloured metal panels (walls and roof) and slate grey metal doors and windows.
- 2.5 In front of the building would be a large concrete yard area (about 50m by 50m) upon which would be a weighbridge and a car parking area for staff and visitors. Drainage of the site would be provided by a grass lined swale and infiltration trench which will discharge into attenuation tanks of sufficient capacity to cover a 1 in 100 year storm event.
- 2.6 Lighting of the site would be provided in the form of three bulkhead lights attached to the building and a single 6m column mounted LED to illuminate the car park and weighbridge.
- 2.7 A new access would be provided into the site which would be close to the Brynsworthy Environment Centre boundary (constructed of concrete) and the associated visibility splay would result in the loss of three existing trees.
- 2.8 Woodland planting is proposed within the application site around the building and yard area which would connect to, and reinforce, the existing tree belt on the eastern boundary of the site. The woodland planting would be a mix of native planting and incorporate fast growing species such as willow and alder. In addition, small groups of stock grown oak trees would be planted.
- 2.9 The proposed waste transfer station would deal with up to 45,000 tonnes of waste per annum. This would mainly consist of local authority collected residual waste arising from the North Devon and Torridge areas which would be delivered to the site by refuse collection vehicles and then taken away by large articulated lorries for processing and treatment elsewhere. Smaller quantities of litter picking waste, street sweeping waste and residual waste from recycling centres would also be dealt with at the site. The site would form one of a network of facilities operated for the treatment of local authority collected waste in Devon. Presently waste from the Torridge and North Devon Areas is disposed of at Deep Moor landfill site. The proposed hours of operation of the waste transfer station are 07.30 to 18.00 on Mondays to Fridays and 09.00 to 17.00 hours on a Saturday. In terms of site

operations all waste unloading (from delivery vehicles) and loading (into articulated lorries) would take place within the building.

3. Consultation Responses

- 3.1 North Devon Council - Supportive of the scheme. North Devon Council comments that the site is within the countryside and needs to be considered against policy ENV1 of the adopted North Devon Plan which seeks to protect the countryside for its own sake. It notes that this policy allows for development in the countryside if a rural location is required or provides for economic and social benefits and protects the character of the countryside. It notes that its employment policies provide scope for new businesses to locate in the countryside, whilst preventing development that would harm the character and appearance of the countryside. The relationship between the proposal and the Council's waste unit on the neighbouring site is noted and North Devon Council considers that the development offers the opportunity to replace the existing landfill option and offers significant environmental benefits over landfill. It also notes that the proposal would result in an overall reduction of heavy lorry movements on the B3232 and a significant decrease in the miles travelled by its collection fleet and as a result of this the Council anticipates a significant reduction in public spending.

Whilst supportive of the scheme the Council advises the planning authority will need to satisfy itself that the benefits of the proposal outweighs the impacts of the development, particularly the landscape and visual impacts, design of the building, impacts on amenity and the additional impacts of the impact on the highway network of HGV's transferring the waste for treatment elsewhere.

North Devon Council makes comments on opportunities to reduce the impact of the building such as sensitive use of materials, digging the building into the site and minimisation of lighting. It notes that its landscape officer is content with the landscaping scheme but there may be an opportunity to provide planting over a larger area in order to integrate and connect with the surrounding field pattern. The Council also considers that the proposed Construction Management Plan could be stronger to ensure protection to residents during the construction period.

- 3.2 Fremington Parish Council – Resolved to approve subject to the only access point being from the main road to the site; the development being of a suitable design and the operations not having an adverse impact on the amenity of the neighbouring properties.
- 3.3 Tawstock Parish Council – Supportive of the proposal.
- 3.4 Natural England - No objection in relation to statutory nature conservation sites. In relation to protected species and biodiversity enhancements refer the authority to its Standing Advice.
- 3.5 Environment Agency - No objection. Recommend planning conditions relating to disposal of foul drainage and contaminated land remediation. The Agency also advises that the facility will require an Environmental Permit.
- 3.6 Ministry of Defence (Safeguarding) - No objection.

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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. As a result of these procedures 4 letters/emails objecting to the application have been received. One of the letters of objection comes from a planning consultant who is representing the occupiers of three properties close to the application site. The objections relate to the following:

- Application site is located in the open countryside and is contrary to local plan policy.
- There are alternative, more appropriate, sites which are allocated in the emerging local plan.
- The proposal is unsustainable from an environmental perspective.
- The increase in HGV traffic would lead to conditions of danger for pedestrians and cyclists.
- The development does nothing to assist more sustainable methods of transport to the area.
- There is no suitable public transport available for employees, given the hours of buses going past the site.
- There would be an adverse impact on properties close to the road in terms of noise and vibration due to the increase in HGV traffic.
- There would be a reduction on the saleability or rentability of properties.
- The proposal would result in increased staff parking outside of properties.
- Given the geometry, gradient and width of the B3232 the increased traffic would lead to conditions of increased danger.
- Future proposed developments will make existing problems on the B3232 and the A39 worse and this proposal will exacerbate the problem.
- Residents on the 'unnamed' road giving access to the site are already disturbed by the early start of the Brynsworthy Environment Centre and the new proposal would make this worse.
- The speeds of vehicles using the unnamed road are underestimated; there are occasions when vehicles have travelled in excess of 80mph.
- The development would set a precedent for future development.
- The impacts of the construction of the development are not fully considered in the application.
- The noise study is inadequate due to the fact that monitoring points are not close to affected properties; the methodology is not appropriate as it averages noise over a 12 hour period rather than looking at the peaks; and Saturday working should not be treated the same as weekday working.
- The applicant has not offered noise mitigation measures to affected residents.
- Given the site will be operated by a third party there are no guarantees that the site will be operated as set out in the application documents.
- Request that if permission granted hours be restricted to 0800 to 1700 and no working on Saturday days.
- Request a speed limit of 40mph limit be implemented for the unnamed road.

4.2 Copies of representations and consultation responses are available to view on the Council website under reference DCC/3951/2017 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3951/2017> .

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 planning considerations in the determination of the application are discussed below.

Provision of a new Waste Transfer Station in the context of the Devon Waste Plan

- 6.2 The proposal is for the reception of around 45,000 tonnes per annum of residual local authority-collected waste from North Devon and Torridge, and its bulking up for onward transportation for energy recovery at a location that is not defined but will be outside of the two districts. It is envisaged that this will enable the residual waste to be diverted from its present destination of disposal at Deep Moor landfill site.
- 6.3 The Devon Waste Plan, through Policy W6, seeks to divert waste that cannot be reused or recycled from landfill through provision of additional energy recovery capacity. Policy W6 proposes that this capacity is delivered at existing facilities, through implementation of existing planning permissions, and development of new capacity at one or more of five strategic locations.
- 6.4 One of these locations is Brynsworthy Environment Centre, directly adjoining the site of the proposed waste transfer station (WTS). The applicant's planning statement suggests that development of an energy recovery facility at Brynsworthy is not currently economically viable due to the small waste volumes available, and the proposed WTS is therefore a means of achieving diversion of waste from landfill by utilising recovery capacity outside the area. Development of the WTS does not preclude provision of energy recovery capacity at Brynsworthy or elsewhere in northern Devon in the longer term.
- 6.5 With an anticipated annual capacity of 45,000 tonnes, the proposed WTS amounts to a strategic facility for the purposes of Policy W3 of the Devon Waste Plan. Policy W3 requires that strategic facilities are located within or close to Exeter, Barnstaple and Newton Abbot, and it is considered that the site at Brynsworthy can be regarded as being close to Barnstaple and therefore consistent with the policy. Being the largest settlement within the two districts forming the catchment for the proposed facility, its location at Barnstaple minimises potential transportation distances.
- 6.6 Policy W3 also includes two other criteria that apply to all waste facilities, including favouring the use of previously-developed land or redundant buildings. While the application site is greenfield, the applicant has provided details of the alternative sites that were investigated, including previously-developed land, but concludes that these were unsuitable and/or unavailable.

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- 6.7 The alternative site selection criteria used was – sites close to the sources of waste; good road access; suitable size; potential to screen facility; proximity to sensitive receptors; existing or allocated sites; no significant environmental constraints; and deliverability. In all 14 sites were examined in the application and the findings of the study are accepted and it is considered that this is an appropriate site in terms of Policy W3.
- 6.8 A second consideration in Policy W3 is co-location with other waste management facilities, which would be achieved with the proposed WTS which would adjoin North Devon Council's WTS for recyclable waste and its waste vehicle depot. Given the limited availability of alternative locations, it is considered that the green field nature of the application site is outweighed by the merits of co-location with the existing WTS that accommodates the vehicles that would serve the proposed facility.
- 6.9 One issue that has been raised by local residents relates to whether this proposal sets a precedent for further development in the area. In this case the proposal is for a specific need and the site selected after a search and consideration of alternative sites. In this case a condition would be imposed limiting the site to local authority collected waste from the North Devon and Torridge areas and as such would not create a precedent for future development. It is also noted that in this case North Devon Council has not raised an objection to the development.

Visual Impact of the Proposal

- 6.10 The application site is located in open countryside in the upper farmed and wooded valley slopes of the High Culm Ridges and is currently used for animal grazing. Whilst the site is not within a designated landscape protection area, far reaching panoramic views are obtained from the upper part of the site and the site can be viewed on the skyline from a number of places, including residents of Ashford and people using countryside rights of way. The greatest impacts would be during the early years, particularly when viewed from close range from the unnamed road that provides access to the site. However, from close range views the proposed new facility would be seen in the context of adjacent Brynsworthy Environment Centre. The building will be noticeable on the skyline from more distant views and the proposed planting is likely to take around 15 years to soften the visual impact of the building.
- 6.11 The proposal will result in the loss of some mature trees (including an oak tree) as a result of the provision of the site access. This would be mitigated by translocation of the existing hedge bank, with replanting if this is not possible.
- 6.12 Given the scale and mass of the building the application seeks to minimise the impact by making use of external materials typical of large agricultural buildings; minimizing external lighting; and provision of extensive landscape screening. The landscape proposals, including the proposed woodland planting mix, are considered to be well designed and appropriate to the site, the character of the area and the intended screening function. However, given the prevailing coastal winds and the exposed location of the planting means that the growth may be slower than that predicted. As the site is on sloping ground, the preparation of the site involves cut and fill and this reduces the visual impact of the development when viewed from the access road.

- 6.13 In terms of landscape policy considerations this proposal needs to be considered against ENV1 (Development in the Countryside) of the adopted North Devon Plan and policy W12 (Landscape and Visual Impact) of the Devon Waste Plan. In terms of Policy ENV1 Members attention is drawn to the consultation response from North Devon Council who considers that the proposal is consistent with Policy ENV1 on the grounds that the development will provide economic and social benefits and, in its view, the planting scheme provides for appropriate landscaping. Similarly Waste Plan policy W12 seeks to minimise the impact of developments in areas of open countryside and requires appropriate design and landscaping to avoid harm to the landscape.
- 6.14 It is accepted that in the short term the waste transfer station building will be visible and is likely to have detrimental visual impact. However, the mitigation proposed in terms of the design of the building will reduce visual harm, and in the short term the planting would help break up the outlines of the building and in the medium term the landscaping would screen the building from distant views.
- 6.15 In order to secure the necessary landscape mitigation it is considered that it would be appropriate to impose planning conditions relating to protection of existing landscaping; details of the method of the translocation of the hedge the entrance to the site; in locations to be agreed woodland planting to be completed in advance of construction; lighting in accordance with submitted details and provision of a Landscape and Ecology Management Plan to ensure ongoing site management.

Ecological Impacts

- 6.16 The built development will result in the loss of about 1.6 hectares of improved/marshy grassland comprising of common and widespread species which have limited ecological value. The provision of the new access will result in the loss of three mature trees and the removal of 7 metres of species-rich hedge. In terms of protected species there is low risk of harm to reptiles and badgers are not present at the site. Nine species of bats were recorded at the site and impact will be limited loss of foraging habitat.
- 6.17 In terms of mitigation measures the application proposes the fixing of bat boxes to create a variety of roosting opportunities; bird boxes; reptile hibernacula; the translocation of the hedgerow at the site entrance; new woodland planting consisting of native species; and the design of external lighting and a curfew on lighting times. In the event that planning permission is granted these mitigation measures would be secured by suitably worded conditions. The establishment and management of proposed new and retained habitats would be secured under the proposed Landscape and Ecology Management Plan which will also be required by planning condition.

Traffic and Transportation Impacts

- 6.18 The proposed Waste Transfer Station will deal with 45,000 tonnes of local authority collected waste, from North Devon and Torridge areas, which mainly involves the delivery to the site of waste in refuse collection vehicles (RCV) operated by the two Districts. Smaller quantities of non-recyclable waste will be delivered from civic amenity centres. The proposed hours are Monday to Friday 07.30 to 18.00 and 09.00 to 17.00 hours on Saturdays, with occasional deliveries on Bank Holidays (no more than 5 a day between 09.00 to 17.00 hours).

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- 6.19 The RCVs used in the collection of North Devon's waste are housed at the Brynsworthy Environment Centre and would continue to operate out of this facility, with no change in the current number of traffic movements so far as this aspect is concerned. The additional traffic movements are RCVs associated with waste collected by Torrridge District Council and other waste movements and these are calculated as an additional 42 new vehicle movements (21 in and 21 out) of which 36 would be HGV (which includes RCVs, recycling centre rollonoff lorries and articulated lorries removing waste) movements.
- 6.20 The traffic route to the application site uses the B3232 and the unnamed road from the B3232 to the site entrance. For the unnamed road it is considered that the additional increase as a result of the proposal can be accommodated on this section of the highway network.
- 6.21 So far as the access to the site from the unnamed road is concerned its capacity to accommodate this growth in traffic is considered to be adequate at all times of the day.
- 6.22 Traffic speeds on this road have been measured and the average speed is 39mph and the 85th percentile is 46mph but a small number of vehicles were recorded as travelling in excess of 80mph. The speeds of traffic have given rise to concerns relating to the potential increase in accidents and a request that a speed limit of 40mph be imposed on the section of this road (which is subject to the national speed limit) leading to the application site. However, it is considered that HGVs accessing the site would be unable to obtain speeds in excess of 40mph and it is therefore not considered that a speed restriction is required as a result of the traffic generated by this proposal. In coming to this conclusion it is also noted that there have been no reported accidents on this road.
- 6.23 Concerns have been raised about the capacity of the B3232 to accommodate the increase in traffic between the unnamed road and the Roundswell Roundabout. This stretch of road would be used by the majority of HGVs going to and leaving the site and the development would result in an increase of 32 HGVs a day with a peak of 16 movements (8 two way movements) between 14.00 and 15.00 hours. Given that this is an existing B class road with an annual average daily traffic flow of approximately 7,000 comprising of 10% HGV's the increase as a result of this proposal can be accommodated on this road. The predicted growth in traffic in and around Barnstaple has been taken into account, as has the recently constructed Roundswell/St Johns access roundabout scheme (which is designed to cope with traffic flows to 2,031 based on the proposed levels of development set out in the draft joint North Devon and Torrridge Plan) and in this context the increase in traffic as a result of this proposal can easily be accommodated on the existing road network.
- 6.24 The accident record for this stretch of the B3232 has been provided in the Transport Statement. During the 5 year period 1 January 2011 to 31 December 2015 two collisions were reported of which all were classed as resulting in slight injuries and did not involve HGV's.
- 6.25 The new access into the application site from the unnamed road involves the widening of part of the unnamed road at the access point and includes the provision of visibility splays. In the event that planning permission is granted it is recommended that planning conditions be imposed including the submission of details of the new access and its construction before the building works commence.

- 6.26 Representations have been received about the lack of opportunities for use of sustainable travel modes, particularly for pedestrians and cyclists. Whilst these comments are noted it is recognised that the nature of the operations means that there is no sustainable alternative for business traffic and there are very few staff on site (two at any time).

Impact on the Amenity of nearby residential properties

- 6.27 The potential for impact on the amenity of residential properties arises from three aspects namely; impact of noise and odour from the operations at the building, impacts of noise from the increase in HGV traffic and impacts of noise during the construction period.
- 6.28 In terms of operations at the transfer station it is noted that all of the waste transfer operations (deposit of waste from delivery vehicles and loading into articulated vehicles for transfer) would take place within the building. The application is accompanied by a Noise Impact Assessment which examines the existing noise environment and the likely operational impacts. It concludes that so far as the waste transfer station operations are concerned the predicted changes in daytime noise levels will not materially change the existing acoustic environment. The assessment has been carried out in accordance with the appropriate criteria and the conclusion of the noise report for this aspect of the development is accepted.
- 6.29 In terms of odour management the operations would take place within the building and fast operating roller doors would be used and would remain closed at all times apart from when vehicles are entering or leaving the building. Waste would not remain within the building for extended periods of time and the building would be fitted with an odour control system.
- 6.30 In terms of operational noise and odour the site would be subject of an Environmental Permit issued and administered by the Environment Agency which would relate specifically the control of noise and odour.
- 6.31 In terms of traffic noise the issues of concern raised by occupiers of properties on the unnamed road relate to the general increase in HGV traffic; the peak times at which traffic will pass houses the proposed operations on Saturdays. One of the objectors is particularly concerned that the methodology employed in the noise assessment averages out the noise rather than considering the actual noise level of an individual vehicle as it passes a property.
- 6.32 The methodology used in the noise assessment is based on the existing noise environment as measured and takes into account the operation of adjacent Brynsworthy Environment Centre and noise from the B3232 and the unnamed road. Increase in noise is then calculated on the basis of the increase in traffic resulting from the development for the year the facility opens. Noise levels are then calculated in the form of Basic Noise Level change over an 18 hour period. This methodology is a recognised way of assessing change and in this case gives an average daily traffic noise increase of 0.5dB along the unnamed road and 0.1dB on the B3232. Using this methodology the properties fronting onto the roads would experience only a negligible impact.
- 6.33 Given the concerns of the residents along the unnamed road the applicant recalculated the noise assessment for the peak hour period and this shows a worst case scenario of an increase of between 0.5 and 1.6 dB for the hour period. At the worst case this would be a minor impact and in reality the level of traffic modelled for

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the purposes of the Transport Statement would not be reached due to the nature of waste collection operations across the two Districts. Whilst the instantaneous level of a passing HGV is not taken into account it should be noted that the methodology used in the application is best practice as set out in the DfT's 'Calculation of Road Traffic Noise' and the Highway Agency advice in 'Design Manual for Roads and Bridges' and the development is considered to not to have an adverse impact using the results calculated using the established guidance. However, it does remain the case that the number of HGVs passing the properties will increase, but in terms of the overall noise environment the changes will not be significant.

- 6.34 The majority of the early HGV traffic will be RCVs leaving the Brynsworthy Environment Centre and this would not change as a result of this development. Similarly, this is the same in the evening peak. Currently working is limited to weekdays at the Brynsworthy Environment Centre and this application proposed Saturday working. Saturday working is required to enable the efficient use of the northern Devon recycling centres and to ensure waste delivered on Fridays can be removed rather than sitting in the building for the weekend. It is recognised that there is the potential that there would be an adverse impact due to working on Saturdays but the applicant has now confirmed that the total traffic movements on a Saturday would be 12 HGVs and that the hours of operation can be reduced to between 0900 and 1300 hours. Given this it is considered that limited Saturday morning working can occur without undue additional impacts and the hours of operation can be secured by an appropriately worded planning condition.
- 6.35 In order that the impacts of the development are confined to those examined in the application it is recommended that a planning condition is imposed limiting the annual capacity of the transfer station to be no more than 45,000 tonnes per annum.
- 6.36 Noise during the construction period can be a cause of concern and in the view of North Devon Council the proposed Construction Management Plan could be strengthened to protect residential amenity. In this case the provision of a revised Construction Management Plan would be secured by condition in the event that planning permission is granted.

Other Matters

- 6.37 Whilst not a planning document the Devon Waste and Resource Management Strategy indicates that there will be a reduction in Local Authority Collected Waste (LACW) being directly disposed of to landfill, with an objective that no LACW will be landfilled but is diverted to other facilities such as energy from waste or for further processing elsewhere. The nearest available energy from waste facilities are currently situated in Plymouth and Avonmouth (the Exeter facility having an area restriction for the sources of waste that does not include northern Devon), so there is a need for a waste transfer building within the northern Devon area to allow for the consolidation of LACW prior to onwards transportation for treatment. It is considered that this proposal would assist in the delivery of the Strategy and given the distance that transferred waste would travel for final disposal (i.e. Plymouth or out of County) the location of the facility is appropriate.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.

- 7.2 With regard to the planning balance the main issue is considered to be the impact of the development on the countryside in terms of the landscape and visual impact. It is recognised that the development will have an adverse visual impact, particularly until such time as the landscaping establishes, but in terms of its location the site is appropriate as it is close to Barnstaple, which is the largest source of waste, and relatively close (and having good transport links) to Bideford. It is recognised that there will be some additional impacts on the residential properties close to the unnamed road, but in the context of the existing levels of traffic the additional impact will be limited and appropriately mitigated by planning condition. It is also recognised that there are appropriate synergies between the operations at the adjacent Brynsworthy Environment Centre and the proposed new facility. The use of the site would be limited to local authority collected waste and there would be a restriction on the quantity of waste dealt with at the site ensuring that the development is acceptable in terms of the policies of the Devon Waste Plan and the development in the countryside policy of the adopted North Devon Local Plan.
- 7.3 Taking all material considerations into account it is considered that planning permission be granted in accordance with the recommendation of this Report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: Chulmleigh & Swimbridge, and Fremington

Local Government Act 1972: List of Background Papers

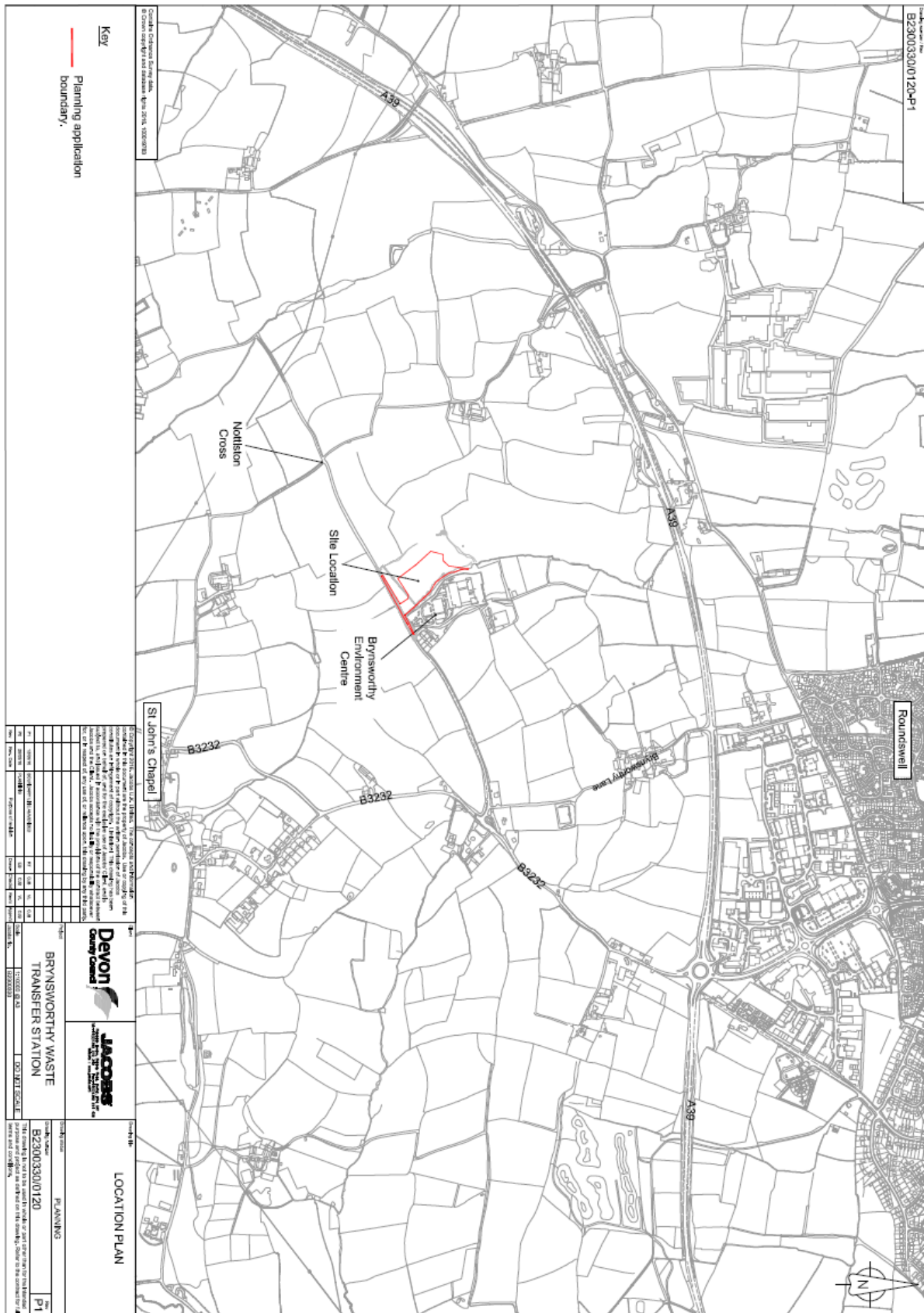
Contact for enquiries: Mike Deaton

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 38 3000

Background Paper	Date	File Ref.
Casework File	Current	62614

md230317dma
sc/cr/waste transfer station Brynsworthy Roundswell Barnstaple
03 270317



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Appendix I
To PTE/17/20

Planning Policy Considerations

National Planning Policy Framework (March 2012) including:

Paragraph 32: take account of whether safe and suitable access can be achieved, and only prevent or refuse development on transport grounds where the residual cumulative impacts are 'severe'.

National Planning Policy for Waste (October 2014) including:

Paragraph 7: consider the likely impact on the local environment and on amenity against the locational criteria in Appendix B.

Devon Waste Plan (Adopted December 2014): Policies: W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W3 (Spatial Strategy); W4 (Waste Prevention); W5 (Reuse, Recycling and Materials Recovery W11 (Biodiversity and Geodiversity); W12 (Landscape and Visual Impact); W13 (The Historic Environment); W14 (Sustainable and Quality Design); W15 (Infrastructure and Community Services); W16 (Natural Resources); W17 (Transportation and Access); W18 (Quality of Life); and W19 (Flooding).

North Devon Local Plan (2006) Saved Policies DVS2 (Landscaping) ENV1 (Development in the Countryside); ENV7 (Agricultural Land); and ENV8 (Biodiversity).

North Devon and Torridge Local Plan (Submitted June 2016): Policies: ST10 (Transport Strategy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); and DM05 (Highways).

Appendix II To PTE/17/20

Planning Conditions

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered B2300330/0105 Rev P5; B2300330/0201 Rev P3; B2300330/0202 Rev P3; B2300330/0301 Rev P2; B2300330/0302 Rev P1; B2300330/0103 Rev P3; B2300330/0601 Rev P01; B2300330/0602 Rev P01; B2300330/0603 Rev P01; CT_4186_TPP Rev 3; Landscape and Ecology Management Strategy (B2300330/LEMS/0); Arboricultural Impact Assessment (CT_4186); Flood Risk Assessment (B2300330/L1-FRA Rev 01); Brynsworthy WTS Lighting Report (B2300330/0751); Construction Traffic Management Plan (B2300330/TRA/CTMP/001 B) unless as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

3. The Waste Transfer Station shall only deal with local authority collected wastes from within the administrative areas of North Devon District Council and Torridge District Council.

REASON: To ensure that the proposal meets the objectives of the Devon waste Plan and accords with the requirements of Policy W2 and Policy W3 of the Devon Waste Plan.

4. The Waste Transfer Station shall deal with a maximum of 45,000 tonnes of waste per annum. Records of the quantity of material accepted at the site shall be kept by the operator and such records shall be made available to the Waste Planning Authority within two weeks of any request being made.

REASON: To limit the impacts of the development on the highway network and in order to protect residential amenity in accordance with Policy W17 and W18 of the Devon Waste Plan.

5. Waste deliveries and waste exports shall only take place between 07.30 to 18.00 hours on Mondays to Fridays and 09.00 to 13.00 hours on Saturdays and Public Holidays.

REASON: To protect the living conditions of residents living close to the highways leading to the site in accordance with Policy W18 of the Devon Waste Plan.

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Waste Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk (Report Ref. B2300330/L1-FRA, Rev. 0, dated February 2017).

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REASON: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

7. The carriageway widening shall be constructed and laid out in accordance with details to be approved by the Waste Planning Authority in writing before its construction begins. For this purpose, plans and sections, indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Waste Planning Authority for approval.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

8. No other part of the development hereby approved shall be commenced until the access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway with the ironwork set to base course level, the visibility splays and carriageway widening required by this permission have been laid out and a site compound and car park have been constructed in accordance with details previously submitted for approval.

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period and in the interest of the safety of users of the adjoining public highway.

9. No development approved by this permission shall be occupied or brought into use until a scheme for future responsibility for, and maintenance of, the cesspool has been submitted to and approved by the Waste Planning Authority.

REASON: To prevent pollution of the water environment.

10. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1.) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2.) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3.) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Waste Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure the protection of controlled waters.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Waste Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Waste Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the protection of controlled waters.

12. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The Plan shall provide details of:

- a) Timetable/programme of works
- b) Measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles]
- c) Days and hours of building operations and deliveries
- d) Location of loading, unloading and storage of plant and materials
- e) Location of contractor compound and facilities
- f) Provision of boundary fencing/hoarding
- g) Parking of vehicles of site personnel, operatives and visitors.
- h) Wheel washing
- i) Dust control

The development shall be implemented in accordance with the approved Plan.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents in accordance with Policy W18 of the Devon Waste Plan

13. No development shall take place until a Landscape and Ecological Management and Monitoring Plan (LEMMP) has been provided and approved in writing by the Waste Planning Authority. The LEMMP shall be informed by the aims and objectives of Landscape and Ecological Management Strategy (ref B2300330/LEMS/01 dated 13/12/2016) submitted in support of the planning application and shall also include the following aspects:-

- The methods of protection of trees and hedgerows identified as remaining within the application site, which should be in accordance with the Aborigicultural Impact Assessment and Tree Protection Plan submitted with the application.
- Details of the method of the hedgebank translocation, subsequent management and replanting in the event of any tree in the translocated hedge dying.
- Details of areas of woodland planting to be implemented in advance of construction works taking place
- The implementation of the landscaping measures in accordance with the Landscape Masterplan and Planting Schedule.
- Full details of the management and all new planting and proposed and retained habitats.

The development shall be carried out in accordance with the approved LEMMP.

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REASON: To ensure that species, habitats and the local landscape are conserved and enhanced in accordance with policy W11 and W12 of the Devon Waste Plan.

14. The external lighting shall be designed, located, installed and operated in such a way that the lateral and upwards light overspill is minimised in accordance with the submitted Lighting Report (ref B2300330/0751 dated 09/09/16)

REASON: To minimise the visual impact of the site in accordance with Policy W18 of the Devon Waste Plan.

15. No vegetation clearance shall take place during the bird nesting season (01 March - 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a written record of this is kept.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with Policy W11 of the Devon Waste Plan.

PTE/17/21

Development Management Committee
5 April 2017

County Matter: Waste

Torrige District: Proposed extension to the lifetime of the existing non-hazardous and asbestos waste landfilling and associated facilities to be extended until 2025, land at Deep Moor Landfill Site, High Bullen, Torrington

Applicant: Devon Waste Management

Application No: 1/0188/2017/CPO

Date application received by Devon County Council: 17 February 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 Planning permission is granted in accordance with 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 extend the life of an existing non-hazardous and asbestos waste landfill site until 2025.
- 1.2 It is considered that the main material considerations in the determination of this application are an examination of the proposal against the policies of the development plan; the impact on the continued operations on the amenity of the nearby residents; and the impact of the proposal on the landscape should the landfill operations cease before reaching currently approved levels.

2. The Proposal/Background

- 2.1 The Deep Moor waste management site is situated between Barnstaple and Great Torrington and currently serves the Northern Devon area for the disposal of household waste together with commercial and industrial waste.
- 2.2 Access to the Deep Moor site is from a minor road via the B3232 which is the main link road between Great Torrington and Barnstaple. No changes are proposed to the existing access arrangements.
- 2.3 The Deep Moor waste management site extends to 41 hectares, and the landfill site has been operation for over 40 years with the first planning permission being granted in 1974 to cater for primarily household waste. Subsequent permissions were granted in 1977, 1981 and 1984 to extend the site to its currently approved area. Further permissions granted in 1995, 2002 and 2008 did not extend the site laterally but varied the proposed restoration contours and imposed a time period for completing operations. The last major planning permission granted in 2008 required the site to be closed in December 2017 with all structures and buildings to be removed and the site restored by 30 December 2018. The current landfill inputs are in the region of 80,000tpa (tonnes per annum) (broken down into 60,000 tpa household and 20,000 tpa industrial and commercial).

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- 2.4 The current application seeks to extend the period for the landfilling of waste at the Deep Moor Landfill site until 2025. The completion year is based on predicted inputs and would allow for the completion of the landfill in accordance with the approved levels. The remaining capacity at the site has come about due to the decline in waste imported for disposal largely due to the success of increased recycling rates.
- 2.5 There are a number of facilities directly associated with the landfill and these include two 1MW gas engines (which are used to generate electricity) and leachate lagoons which treat the leachate to a primary standard, before it is pumped along a pipeline to the public sewer at Torrington. Notwithstanding the result of this planning application the leachate lagoons and gas control measures will be required to be retained for pollution control purposes.
- 2.6 The current operating hours for the landfill site are Mondays to Saturdays 06.30 to 18.30 and 09.00 to 15.30 on Sundays and Bank Holidays for the receipt and disposal of waste from the operation of the civic amenity and recycling centre at Deep Moor. This application does not seek to vary the existing hours.
- 2.7 At the Development Management Committee meeting on 25 January 2017 Members considered Report PTE/17/8 concerning the proposed development of a Resource Recovery Centre at Deep Moor which included the major elements of the provision of a new Waste Transfer Station, and extension to the life of the landfill and provision of a Solar Farm. Members resolved:
- (a) *that planning permission for the solar farm be granted subject to the relevant conditions as set out in Appendix II to Report PTE/17/8 (with any subsequent changes to the conditions being agreed in consultation with the Chairman and the Local County Councillor).*
 - (b) *that Planning permission for the proposed Waste Transfer Station and associated extension to the life of the landfill, recycling facility and green waste composting facility on a temporary basis until 31 December 2030 be refused for the following reasons:*
 - (i) *the location of the proposed Waste Transfer Station in relation to the main sources of waste in Northern Devon would result in increased vehicle mileage in comparison with sites close to those sources, contrary to the aim of the Devon Waste Plan to minimise waste transportation distances, as expressed through Objective 6 and Policies W3 and W17;*
 - (ii) *the development and operation of the proposed Waste Transfer Station would have an unacceptable impact on the quality of life and amenity of the residents of Three Oaks, in terms of visual intrusion; noise and vibration and odours contrary to the Devon Waste Plan Policy W18;*
 - (iii) *the operation of the proposed Waste Transfer Station would result in an increase in heavy goods vehicles which would have an adverse effect on the functionality of the transportation network, contrary to Devon Waste Plan Policy W17.*
- 2.8 The current planning application is limited to obtaining the extension of time estimated to complete the approved landfill restoration contours through continued use of the current landfill and associated facility up to 2025.

3. Consultation Responses

- 3.1 Torrige District Council - No objection.
- 3.2 Great Torrington Town Council - Object on the grounds of continued high volumes of traffic on the B3232 which in many areas is unsuitable for the level of traffic generated; continued impact on the residential property Three Oaks; and it will result in importation of waste from elsewhere and thereby increase traffic.
- 3.3 St Giles in the Wood Parish Council - no views received.
- 3.4 Huntshaw and Alverdiscott Parish Council - no views received.
- 3.5 Environment Agency: No objection. The Environment Agency advises that an Environmental Permit issued by them authorises the disposal of waste in a landfill and various other associated activities.
- 3.6 Natural England: No objection.

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. As a result of these procedures seven objections have been received together with a letter of support from Devon County Council as Waste Disposal Authority.
- 4.2 The objections to the applications are concerned with:
- No new evidence submitted with the application that would suggest a reversing of the January decision.
 - The continuation of the landfill will not assist in moving waste disposal up the waste hierarchy and the proposal is contrary to National Waste Policy.
 - The continued importation of waste into the site would have an extended impact on the amenity of nearby residents contrary to policies W11 and W12 of the Devon Waste Plan and policies DM1 and DM2 of the emerging North Devon and Torrige Local Plan.
 - Prolonging the life of the site would be contrary to the sequential approach set out in the Waste Strategy and therefore contrary to the aims of sustainability.
 - The proposal will not fulfil the Devon Waste and Resource Management Strategy objective that no Local Authority Collected Waste will be landfilled.
 - The proposal is contrary to objective 1 of the Devon Waste Plan relating to the waste hierarchy.
 - The site is not close to sources of waste contrary to policies W2 and W5 of the Devon Waste Plan.
 - The environmental record of the landfill is poor in terms of noise, odour, windblown material, operating contrary to planning conditions and given this the continued use is contrary to the Waste Local Plan.
 - Errors in the application documents using the baseline as though the scrap yard is operating, which is not the case.
 - The application provides no demonstrable need that the extension of time is required.

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- There are existing impacts on residents health and it is unacceptable that these continue.
- Problems with scavenging animals such as rats and birds.
- The highway network is considered to be inappropriate to be used by HGV's.
- Ongoing detrimental visual impacts on the landscape.

4.3 The letter of support from DCC as Waste Disposal Authority comments that the authority has a statutory duty to arrange for the treatment or disposal of Local Authority Collected Waste. It notes that following the closure of Broadpath landfill in 2020 the Deep Moor site will be the only site in Devon that will be able to landfill municipal waste. It considers that there will always be a need for some landfill capacity in Devon for wastes that cannot be recovered and at times of recovery facility breakdown. Also the site provides a disposal point for local commercial firms who may not be able to access the regional facilities and the site is the only asbestos disposal facility in Devon and Cornwall.

4.4 Copies of consultation responses and representations are available to view on the Council website under reference DCC/3956/2017 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3956/2017> .

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 It is considered that the main material planning considerations in the determination of the proposed development are indicated below:

Waste Planning Policy

Context

6.2 Disposal including Landfill is at the bottom of the waste hierarchy and management of waste higher up the hierarchy should be promoted. This however does not mean that there is no longer a role for landfill and a need to retain some capacity for it.

6.3 Forecasts developed for the Devon Waste Plan indicated that the proportion of non-hazardous waste being landfilled would reduce from around 40% in 2013 to around 5% at the end of the Waste Plan period in 2031. This would still, however, equate to around 90,000 tonnes each year being landfilled in 2031 and would comprise waste that was unsuitable for management by more sustainable methods. The forecasts predicted that the permitted non-hazardous capacity available in 2013 would be sufficient to enable disposal to continue to around 2022/23, although different scenarios resulted in earlier or later dates. While the Waste Plan does not allocate any sites for new landfill capacity beyond then, Policy W7 does allow for delivery of new capacity (and also presumes in favour of further permissions being granted for existing capacity that is subject to a temporary planning permission).

National Planning Policy for Waste (NPPW)

- 6.4 The National Planning Policy for Waste (NPPW), while seeking to “drive waste management up the waste hierarchy”, recognises “*the need for a mix of types and scale of facilities... [and] adequate provision must be made for waste disposal*” (paragraph 3, second bullet point, emphasis added). The final bullet point of paragraph 3 requires us to “*consider the extent to which the capacity of existing operational facilities would satisfy any identified need*”, implying a preference for utilising existing consented capacity prior to development of new capacity.
- 6.5 Paragraph 4 of the NPPW requires waste planning authorities to “*plan for the disposal of waste...in line with the proximity principle*” – this recognises an ongoing need to plan for landfill (disposal), as well as limiting transportation distances.

The Waste and Resource Management Strategy for Devon Review (March 2013)

- 6.6 The Strategy is seeking the diversion of residual waste from landfilling to energy recovery, however it recognises an ongoing role for landfill in assuming that 5% of Local Authority Collected Waste (LACW) will be landfilled at 2017/18 (bearing in mind that the Strategy had assumed diversion of North Devon/Torridge residual LACW to energy recovery through a new contract by now, which has not been realised).
- 6.7 Strategy Policy WSP4 seeks to recover value from waste (i.e. recycling, composting and other recovery) at a level of 95% by 2020 – leaving a residual 5% for landfill. Policy WSP15 states “*Landfill will continue to be a method of managing a small percentage of Devon’s waste from 2014. In some parts of the County...extensions to existing landfill sites or new capacity will be required to meet that need. In the long term landfill will be used only for those wastes which cannot be recycled, composted or recovered and the residues/rejects from these processes.*”

Devon Waste Plan

- 6.8 While the waste hierarchy is a key feature of the Waste Plan through Objective 1 and Policy W2, it recognises an ongoing need for capacity for disposal, with Policy W7 seeking to limit disposal of LACW and CIW to 5% from 2021 onwards.
- 6.9 Policy W7 specifically provides for permission to be granted for “*the use of remaining capacity for landfilling of non-hazardous waste where a temporary permission will expire prior to the permitted capacity being utilised*” – the circumstances now facing Deep Moor.
- 6.10 The Waste Plan inspector was concerned that the Plan recognised a potential shortfall in landfill capacity during the period to 2031 but did not allocate any sites for new capacity. He therefore required us to commit to an early review of the Plan if monitoring (i.e. Indicator 2.3) shows landfill capacity being used at a faster rate than predicted – we are effectively now in this position due to Heathfield having closed, Broadpath soon closing prematurely and, potentially, Deep Moor closing in 2018, which would leave us with no non-hazardous (or hazardous) capacity after next year.
- 6.11 As pointed out by an objector, Policy W3 requires that strategic facilities are located so as to minimise transportation distances. However, Policy W3 refers specifically to new waste management facilities, for which there will be a clear choice to be made in location, and not to continuation of existing facilities. It is also the case that, if we

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have no landfill capacity after 2018, then any waste from Devon requiring landfilling will need to travel out of county.

- 6.12 Taken together, these policy documents endorse the waste hierarchy as a sustainable approach, but recognise that landfill remains a legitimate means of managing waste that is unsuitable for management further up the hierarchy. The NPPW requires that we make adequate provision for waste disposal, and Policy W7 of the Waste Plan specifically endorses renewal of temporary permissions where landfill capacity remains.

Need

- 6.13 In recent years, Devon has relied on three landfill sites (Deep Moor, Heathfield and Broadpath) within the county for the disposal of its non-hazardous household, commercial and industrial waste. The availability of adequate capacity at these sites enabled Devon to be largely self-sufficient in meeting its need for non-hazardous waste disposal. However, the increasing diversion of residual waste from landfill to energy recovery that has occurred with the opening of Energy to Waste facilities at Exeter (2014) and Plymouth (2015) has resulted in much lower inputs to the landfill facilities. The position with the three landfill sites is:

- Heathfield closed in January 2016 and is undergoing restoration;
- although it has remaining landfill capacity, Broadpath is due to close at the end of 2020 and undergo subsequent restoration; and
- Deep Moor's planning permission expires at the end of 2017, although the site has remaining capacity that would enable it to continue landfilling beyond that date if the planning permission were to be extended.

- 6.14 The implication is that, without further planning permissions being granted, Devon will no longer have any permitted non-hazardous landfill capacity after the end of 2018, and will therefore have to rely on remaining capacity outside the county. Discussions with waste operators suggest that the opening of a new non-hazardous landfill site in Devon, or creation of new capacity at an existing facility, is very unlikely to be economic given the reduced inputs of waste being experienced.

- 6.15 Deep Moor also has Devon's only landfill capacity for hazardous waste, specifically stable non-reactive hazardous waste (i.e. asbestos), which also serves Cornwall which has no Stable Non-Reactive Hazardous Waste capacity. The nearest alternative facility is Walpole at Bridgwater, with other hazardous waste sites available in Wiltshire and Gloucestershire.

Waste Policy Conclusion

- 6.16 The proposal seeks an extension of the life of the landfill facility from 2017 to 2025 to enable the existing non-hazardous and asbestos disposal capacity to be utilised, with no additional capacity created. This proposal accords with Policy W7 of the Devon Waste Plan which states that *"planning permission will normally be granted for the use of remaining capacity for landfilling of non-hazardous and inert waste where a temporary permission will expire prior to the permitted capacity being utilised"*.
- 6.17 The desirability for approving this proposal is underlined by the impending closure of Broadpath landfill by the end of 2020, following which Devon will have no non-hazardous landfill capacity unless this application is approved. In the absence of any capacity in Devon, increased transportation costs would be incurred by waste managers and producers in carrying waste to landfill facilities outside the county, with

consequent increases in vehicle emissions. This would be contrary to Devon Waste Policy W17 – “Waste management development should seek to minimise the distance waste is transported

- 6.18 The extension of the life of the asbestos cell is also supported by Policy W9 of the Waste Plan, which states that “development for the management of special types of waste will be permitted where it will predominantly serve a need arising from within the functional waste management catchment area of Devon”. Available evidence indicates that, in 2015, 66% of the asbestos deposited at Deep Moor originated within Devon with 33% from Cornwall and only 1% being from outside those two counties.

Impact on Amenity of Residential Properties

- 6.19 The closest property to the site ‘Three Oaks’ is situated 315m from the boundary of the previously approved active landfill site and is separated from it by an existing tree screen. The other nearest residential properties are located at Peagham Barton 500m to the south of the landfill. Concerns have been raised on behalf of the occupiers of Three Oaks and by the residents at Peagham Barton in respect of the effect of the continued operation on the residents in respect of the impact on their amenities.
- 6.20 The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to [National planning policy for waste](#).
- 6.21 There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.
- 6.22 The day to day operation of the site is controlled by the environmental permit issued by the Environment Agency; this covers issues such as odour, noise and general site operations.
- 6.23 The role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.
- 6.24 The objectors highlight a perceived lack of compliance with the Waste Plan’s development management policies (W11 to W21). Whilst it is recognised that landfill operations do give rise to impacts that can affect the amenity of local residents (particularly in terms of odour from landfill gas during specific weather conditions) the landfill is monitored by DCC Planning Officers and Officers of the Environment Agency and it is considered that this provides the appropriate level of control for the site operations. It is also noted that it is the intention of Devon County Council as Waste Disposal Authority that the disposal of LACW from North Devon and Torridge

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to landfill at Deep Moor is likely to cease (subject to contractual changes) and this will likely change both the quantity and the nature of the waste material disposed of at the site.

Traffic and Transportation Implications

- 6.25 Deep Moor is located close to Great Torrington accessed from the B3232 via a minor road leading directly to the site. HGV traffic are an average of 62 trips a day, the majority of which are Refuse Collection Vehicles delivering municipal waste from Torridge and North Devon.
- 6.26 The past five year accident data provided with the previous application showed that there were a total of 34 accidents on the B3232, with two involving HGV's (but not caused by HGV) with the majority been the result of driver error.
- 6.27 The extension of the life of the landfill will not result in an increase in traffic going to and leaving the site and would not result in any additional impacts on the B3232 and therefore there is no objection to the proposal on traffic and transportation grounds.

Landscape

- 6.28 Concerns have been raised about the visual impact of the landfill, but it is considered that the existing landscape screening effectively screens the landfill from both near view points. The final profiles of the landfill have been designed to help assimilate the finished site into the wider rural landscape and if permission is refused the unfinished landform is likely to have a detrimental impact on the wider landscape.

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 application to extend the life of the landfill is considered to be in accordance with the policies of the Devon Waste Plan and the proposal will not result in additional or new impacts on the area. The objectors' concerns regarding the negative impacts of the landfill operations are noted as are the concerns that if planning permission is granted such impacts may continue longer than currently allowed for. However, the landfill is subject of an Environmental Permit which controls pollution emissions such as odour and noise and the necessary regulatory powers are available to the Environment Agency. National guidance advises that in determining planning applications waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 7.3 Taking all material considerations into account it is considered appropriate that planning permission is granted in accordance with the recommendation to this Report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Torrington Rural

Agenda Item 5

Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Bowman

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

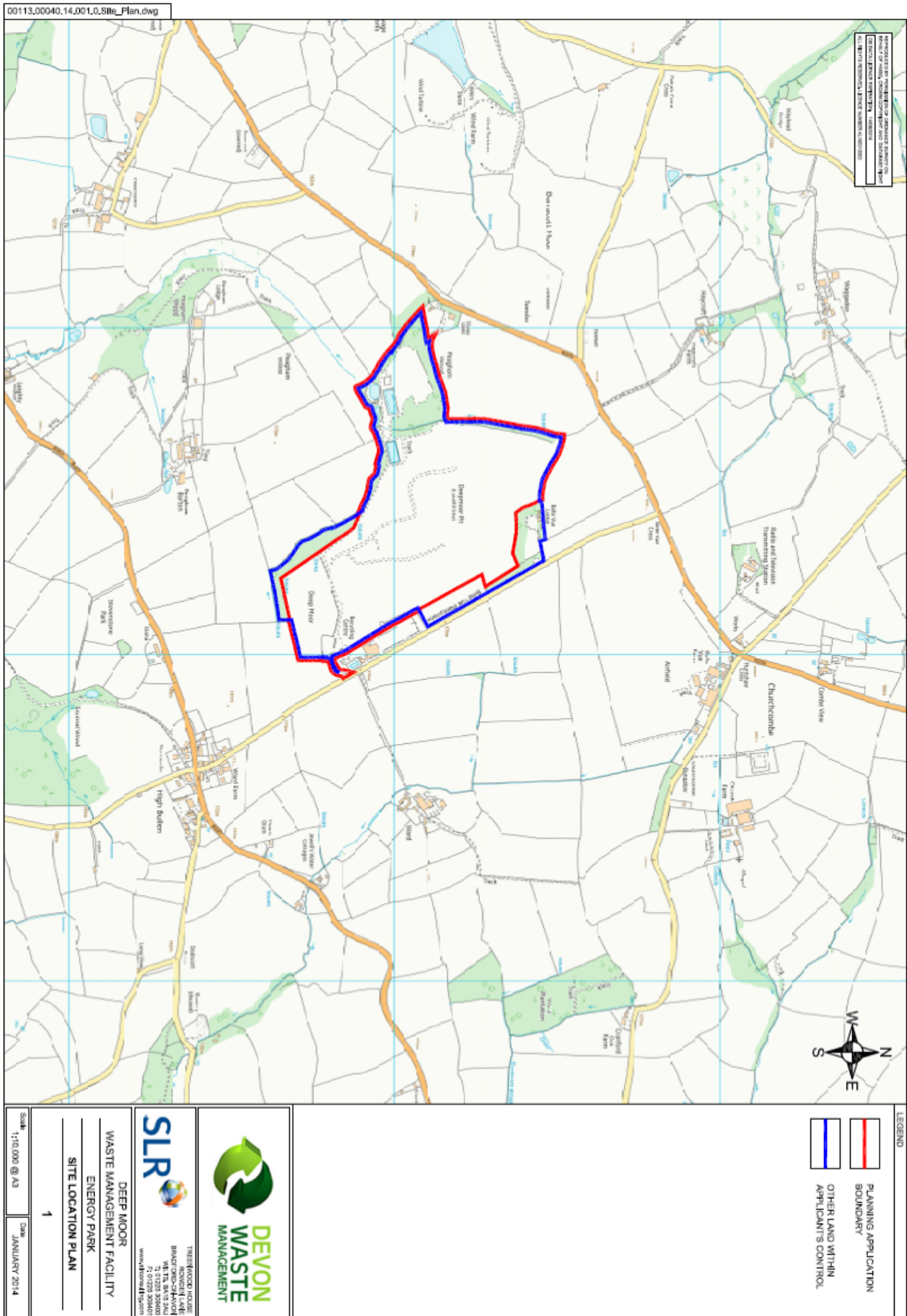
Background Paper	Date	File Ref.
Casework File	Current	1/0188/2017/CPO

ab220317dma

sc/cr/lifetime of existing facility extended to 2025 Deep Moor Landfill site high bullen torrington
04 280317

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Location Plan



Planning Policy Considerations

Devon Waste Plan (Adopted December 2014): Policies W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W3 (Spatial Strategy); W7 (Waste Management Capacity); W12 (Landscape and Visual Impact); W17 (Transportation and Access); W18 (Quality of Life) and W20 (Restoration and Aftercare).

Torrige Local Plan (September 2004): Policies DVT2C (Development in the Countryside); DVT8 (Landscaping); and DVT18 (Restoration and Aftercare).

North Devon and Torrige Local Plan 2011 - 2031 (Submitted for examination June 2016): Policies ST10 (Transport); DM1 (Amenity Considerations); and DM2 (Environmental Protection).

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Appendix II To PTE/17/21

Planning Conditions

1. No waste shall be imported onto the site after 31st December 2024 and the site shall be restored by 31st December 2025 in accordance with the conditions below unless otherwise approved by the Waste Planning Authority.

REASON: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local amenity and residents.

2. Unless otherwise agreed in writing by the Waste Planning Authority, the development to which this permission relates shall proceed in accordance with the phasing programme indicated on drawing no. DM3/2/1 and the final restored levels shall not exceed 200m shown on that drawing and on drawing no DM3/3/0 and DM3/4. The restoration of the site shall be undertaken in accordance with the details shown on drawing no. DM3/3/1 and contained in the supplementary information and Environmental Impact statement submitted with application No: 01/0399/2007 and application No: 01/0400/2007

REASON: To ensure that the amended scheme for the operation and restoration of the site is complied with in the interests of the amenity of the area.

3. All existing trees, shrubs and Hedgerows within or on the boundaries of the application site shall be retained and protected during the course of operations such that they are not damaged, destroyed, uprooted, lopped or topped during the life of the site without the previous written approval of the Waste Planning Authority.
 - Protection shall consist of a 1.2m minimum height Chestnut paling mounted on 1.2m minimum height wooden posts driven firmly into the ground, situated 2m from the edge of the tree canopy.
 - Any such trees removed without permission or dying or being seriously damaged or diseased during the life of the site shall be replaced in the following planting season with trees of such size and species as may be approved by the Waste Planning Authority

REASON: To protect the visual amenities of the area.

4. A full topographical survey of the site including levels based upon Ordnance Datum together with cross sections shall be submitted to the Waste Planning Authority on the 1st April 2008 and each subsequent year until 1st April 2018 indicating the levels reached in that annual period.

REASON: To ensure that the approved amended scheme for the restoration of the site is complied with in the interests of the amenity of the area.

5. Subsidence monitoring reports including compaction isopacights shall be submitted to the Waste Planning Authority on the 1st April 2008 and on each subsequent six month period until 1st April 2014.

REASON: To ensure that the approved amended scheme for the operation and restoration of the site is completed with, in the interests of the amenity of the area.

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6. Any security fencing shall not exceed 1.8 metres in height and, in the case of peripheral fencing, shall be placed on the inward side of any peripheral banks marking the boundary of the land.

REASON: To protect the visual amenities of the local area and to control the development.

7. No buildings or structures shall be erected on the site without the express permission of the Waste Planning Authority.

REASON: To protect the visual amenities of the local area and to control the development.

8. On completion of the importation of waste materials, all access roads, buildings and any other site facilities not essential for restoration or aftercare or for continued landfill gas/leachate monitoring or treatment shall be removed or demolished. Any hard standings or foundations where these interfere with the restoration of the site shall be removed from the site prior to the final reseeded and cultivation of the land.

REASON: To ensure proper reclamation of the site.

HOURS OF OPERATION

9. The waste disposal and landfill site shall only open as set out below:

- between the hours of 0630 to 1830 hours Mondays to Saturdays; and
- between 0900 to 1530 hours on Sundays and Bank Holidays solely for the receipt and disposal of waste arising from the operation of civic amenity and recycling centre and for the receipt and disposal of street litter.

REASON: In the interests of local residents.

10. All plant, machinery and vehicles used in connection with the waste operations at the site shall be fitted with and use effective silencers (or such other effective methods of sound proofing). These shall be used and maintained in accordance with the manufacturers specifications at all times.

REASON: In the interest of local residents.

11. For the purpose of this development no access shall be made or used other than the existing access to the site. All vehicles carrying waste leaving the site shall use the wheel wash prior to leaving the bounds of the site.

Reason: To prevent mud and dust being brought onto the highway and in the interest of Highway Safety.

12. Within three months of the date of this permission a scheme for keeping the site free of scavenging birds will be submitted to the Waste Planning Authority for its approval. The approved scheme shall be implemented during the hours of daylight throughout the life of the site.

REASON: To protect public health, air safety and residential amenity.

13. Unless otherwise agreed in writing by the Waste Planning Authority, within three months of the completion of the restoration of any part of the site in accordance with

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the programme referred in Condition 2, that area shall be securely fenced with a stock proof fence in accordance with details that shall first have been agreed in writing by the Authority.

REASON: To ensure that the restored areas of the site are capable of agricultural after-use.

14. The existing temporary stockpiles of excavated material shown on Drawing No: DM3/2 shall be wholly removed and used in the restoration of the site.

- Stockpiles D, J, H and part of Band C will be used in the restoration of cells 4, 6 and part of 7, commencing in 2007.
- Stockpile A, the remainder of B and parts of C and E will be used to restore cells 7 and 13 from 2012 onwards.

The remaining balance in stockpiles C and E will be used to restore cells 8, 9, 10, 11 and 12 from 2014.

Prior to their removal, no additional material shall be placed on the stockpiles. No new stockpiles shall be created without the express permission of the Waste Planning Authority.

REASON: The stockpiles are not acceptable as permanent features due to their harm to the visual character of this rural area.

15. Any storage of skips or containers stored on the land shall be incidental to the land filling of the site and shall be confined to an area which shall have been previously approved in writing by the Waste Planning Authority within three months of the date of this permission.

REASON: To control the appearance of the site in the interest of visual amenity of the local area.

16. Within three months of the date of this permission a scheme to minimise the emission of dust from the development hereby authorised (including measures to monitor emissions) has been submitted to and approved in writing by the Waste Planning Authority. Such scheme shall include the water spraying of access and haul roads to suppress dust in periods of prolonged dry weather, and shall be implemented in full, and the suppression equipment thereafter maintained in accordance with the manufacturer's instructions for the duration of the permission. Following approval the development shall be carried out in strict accordance with the submitted details, or other such alternative details as may subsequently be agreed.

REASON: In the interests of local amenity.

17. For a period of five years following its restoration, the site shall be managed to provide agricultural grassland, hedges and woodland in accordance with the restoration scheme shown on Drawing No: DM 3/3/1.

REASON: To ensure that the amended scheme for the operation and restoration of the site is complied with in the interests of the amenity of the area.

18. In the event of a cessation in tipping of waste prior to achievement of the completion of the approved scheme ref DM3/3/1 which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of

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Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare shall be submitted in writing for approval of the Waste Planning Authority, within six months of the cessation of tipping. The approved revised scheme shall be fully implemented within one year of the written approval unless otherwise agreed in writing with the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use.

PTE/17/22

Development Management Committee
5 April 2017

County Matter: Waste

West Devon Borough: Prefabricated GRP building to house alkalinity dosing plant at Hill Barton Waste Water Treatment Works, Hill Barton, Sampford Courtenay, Okehampton

Applicant: South West Water Ltd

Application No: 0985/17/DCC

Date application received by Devon County Council: 9 February 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 is granted subject to the conditions set out in Appendix II 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 for a prefabricated Glass Reinforced Plastic (GRP) building at the Hill Barton Waste Water Treatment Works (WWTW) near Okehampton.
- 1.2 It is considered that the main material considerations in the determination of this application is the visual impact of the proposal, traffic and transportation impacts and impacts on flood risk (the site being within flood zone 2).

2. The Proposal/Background

- 2.1 Hill Barton WWTW is located about 3km to the north of Okehampton in an area of open countryside. The WWTW serves the population of Okehampton and provides secondary biological treatment by the activated sludge process. The WWTW and associated sludge treatment facility also treats industrial wastes and sewage and sewage sludge which is transported to the site. Vehicular access to the site is from the C835 from Okehampton via a narrow unclassified country road.
- 2.2 The area of the WWTW is around 2.4Ha, with the site being essentially square in shape with planting around the site boundary. The treatment process consists of inlet screening, grit removal, primary, secondary biological treatment and final settlement. The sludge treatment centre handles both indigenous and imported sewage sludge and the process involves the thickening of liquid sludge which is then digested as dewatered to form cake for agricultural use. There are a number of above ground structures including silos, control buildings and a large sludge cake storage barn.
- 2.3 The application proposes the erection of a GRP building with dimensions of 6m x 5m and 6m high to eaves. The building is to house alkalinity dosing plant and equipment consisting of a hopper unit fed by a large bag containing sodium carbonate powder.

Agenda Item 6

The calcium carbonate is fed into the treatment process to ensure stable nitrification and pH control for treated water entering the river Okement.

- 2.4 The Division Member for the application site has requested that this application be determined by committee.

3. Consultation Responses

- 3.1 West Devon Borough Council – No response received (consulted on 14 February 2017).

- 3.2 Environment Agency – No objection based on standing advice.

- 3.3 Inwardleigh Parish Council - Object to the application on the grounds that the existing operations cause significant problems for local residents due to odour emissions. They consider that the problems would be exacerbated by the addition of another building. They are also concerned about the impact of lorries on the minor road network and consider that further development should not be permitted until these issues have been resolved.

- 3.4 Okehampton Hamlet Parish Council – Object to the application on the grounds of existing odours emanating from the works and the impact of lorries on the minor road network. The Council considers that further development of the site is not appropriate and the existing issues should be resolved.

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. As a result of these procedures one letter of representation has been received objecting to the application. The objections are on the grounds of:

- Odour – the objector refers to existing issues at the treatment works, considering that this impacts on the enjoyment of his and others properties and considers that the odours constitute a statutory nuisance and a health hazard. The new building will not reduce adverse impacts.
- Noise pollution – the objector says that there are issues with noise from deliveries, machinery and breakdown alarms.
- Highways Safety/Traffic generation – the objector says that the narrow roads leading to the site are unsuitable for the sewage delivered to the site for treatment by tankers and there is a conflict between these vehicles and other road users especially equestrians, cyclists and walkers. The objector is concerned that the proposal will result in the treatment of additional effluent thereby increasing the number of vehicles going to the site. He notes that the roads leading to the site carry a 7.5 ton weight restriction and the vehicles accessing the site are much larger than this.
- Pollution of water courses – the objector says that the water in the river Okement is polluted and children have become ill after being exposed to it.

- 4.2 Copies of consultations and representations are available to view on the Council website under reference DCC/3949/2017 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3949/2017> .

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 are discussed below.

Visual Impact

- 6.2 The WWTW is located in an area of open countryside in the valley floor and although well screened by boundary planting, public views into the site are available from higher ground. The site itself contains a collective group of tanks, buildings and structures covering a lot of the site area. At 6 metres in height the building is high, but the building would be located close to the large sludge cake barn and be of a similar height. The building would essentially be a large GRP kiosk on a concrete base and would be dark green in colour which is considered to be appropriate in this location. Given the existing boundary landscaping and the proliferation of buildings, equipment and plant at the site it is considered that the new building is easily assimilated and there would be no additional impact on the local landscape. Accordingly it is considered that the application is consistent with Policy W12 (Landscape and Visual Impact) of the Devon Waste Plan.

Traffic and Transportation

- 6.3 Whilst the comments of the objector concerning the level of existing traffic are noted, the operation of the plant housed in the new building will not result in a large increase in traffic. Following the installation of the equipment chemicals will be delivered on a flatbed type small lorry once every two weeks. Construction traffic will be minimal and limited to the construction of the base slab, and the delivery and erection of the building and equipment.
- 6.4 The levels of traffic generation both during construction and when the plant is operational is not considered severe and there are no highway concerns and the development is considered to be consistent with Policy W17 (Transportation and Access) of the Devon Waste Plan.

Flood Risk

- 6.5 The site is within Flood Zone 2 an area at medium risk of flooding from the River Okement and as such the application is accompanied by a Flood Risk Assessment. In order to reduce the flood risk the finished floor level would be raised and given this and that proposal represents a small increase in impermeable area there would only be a negligible impact. It is therefore considered that the development is consistent with Policy W19 (Flooding) of the Devon Waste Plan.

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Other Matters

6.6 The objections to the application raised by the local resident and the Parish Councils relate primarily to existing issues at the WWTW particularly in relation to sludge management and this application has nothing to do with this aspect of the treatment works. The proposed development simply involves the metered introduction of Sodium Carbonate in response to pH fluctuations in the water treatment process. The development will not give rise to additional odour or noise and the material planning considerations (visual impact, traffic and flood risk) are considered above. The determination of the application should be made in accordance with the planning issues relevant to the application rather on the basis of existing issues.

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 application is made on the basis of improving the treatment of waste water at the works in order that the alkalinity levels meet the requirement of the discharge consent. The proposed building will contain electrical control and chemical dosing equipment which will not have the potential for odour generation, will not increase noise levels nor create significant traffic generation. Taking all material considerations into account it is considered that planning permission is granted in accordance with the recommendation to this Report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Hatherleigh & Chagford

Local Government Act 1972: List of Background Papers

Contact for enquiries: Mike Deaton

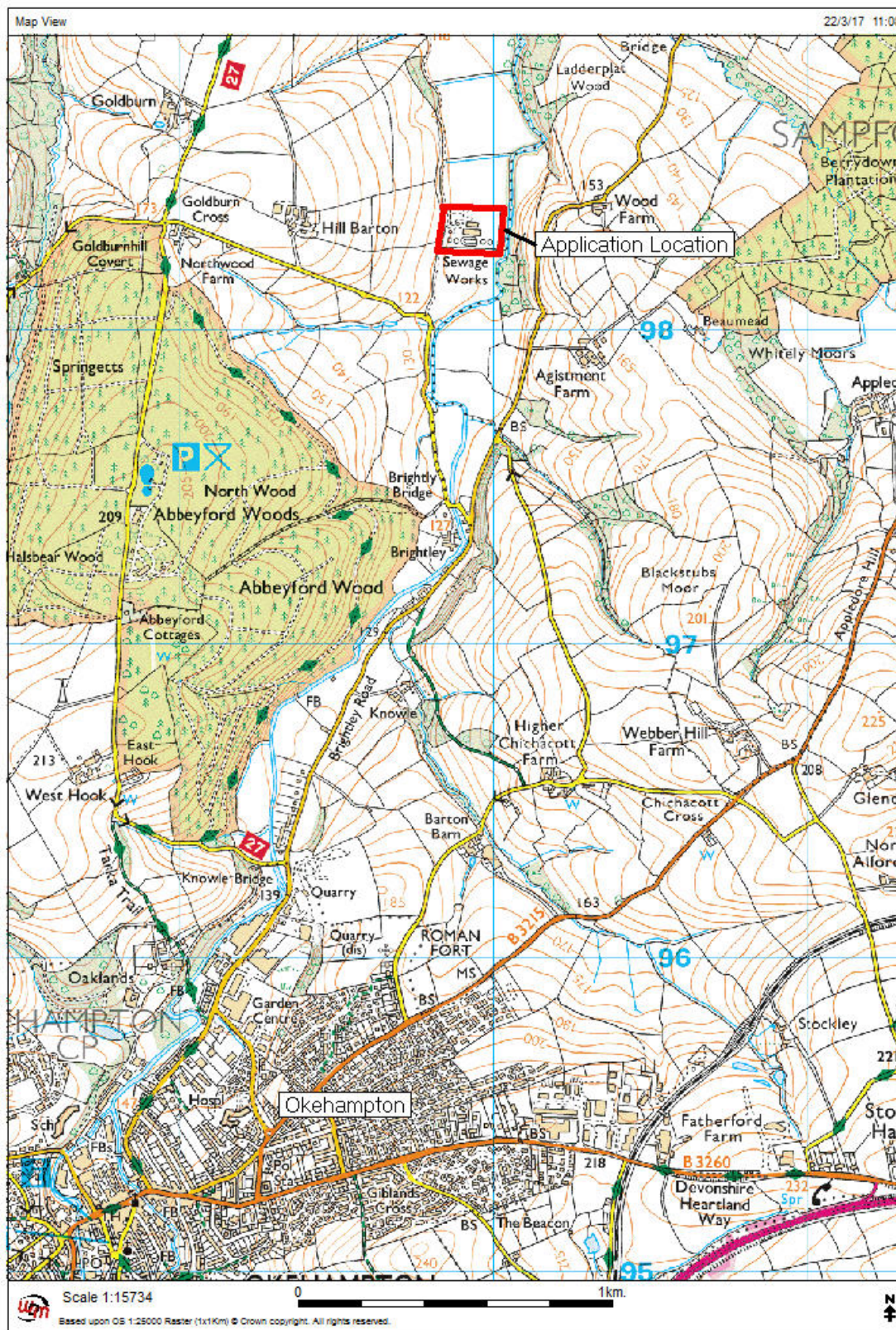
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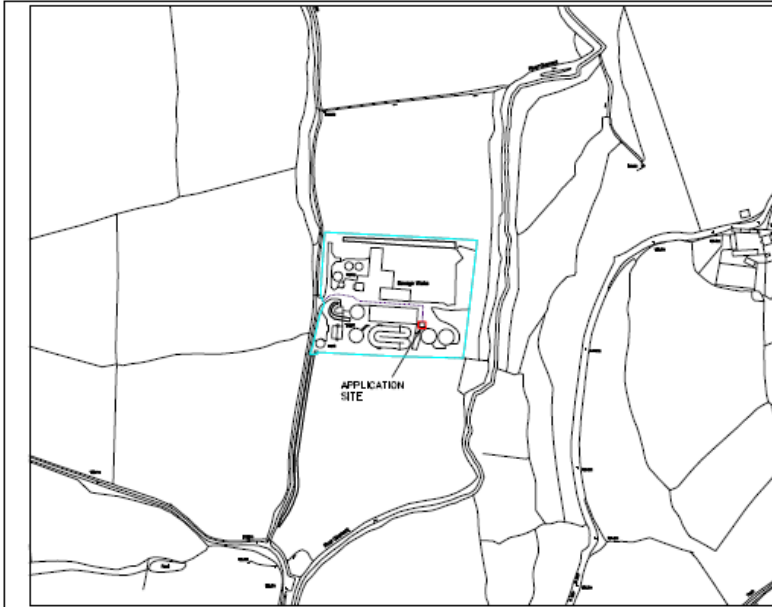
Background Paper	Date	File Ref.
Casework File	Current	0985/17/DCC

md230317dma
sc/cr/prefabricated GRP building hill barton sampford courtenay okehampton
02 280317

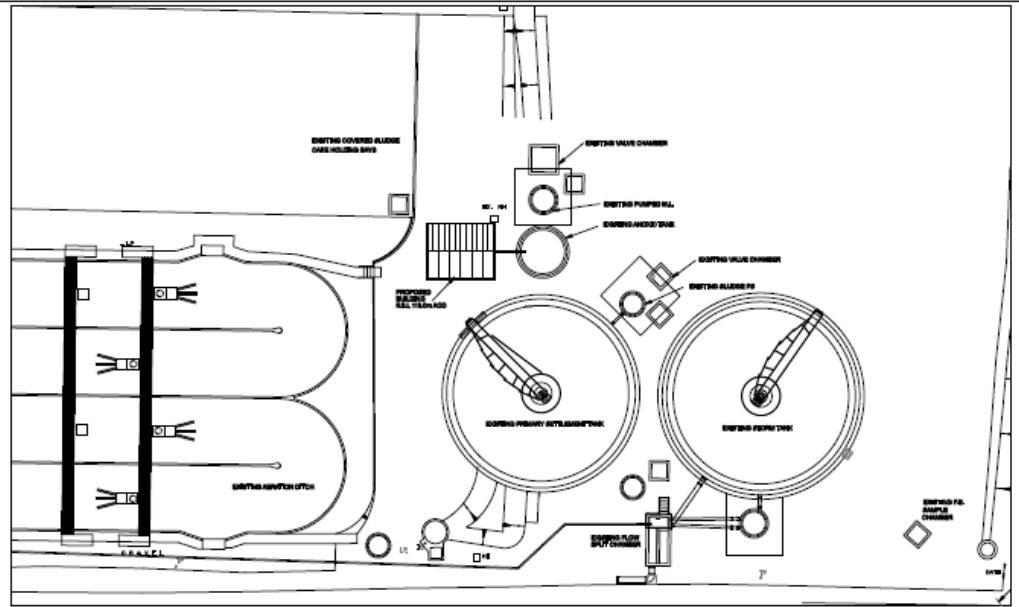
Location Plan



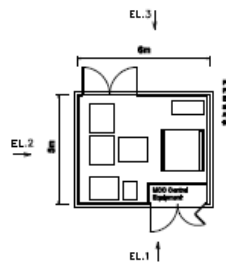
Site Plan



LOCATION PLAN - SCALE 1/2500
 Dashed Red Line: Denotes Application Site
 Cyan Line: Denotes SWW Ownership
 Dashed Purple Line: Denotes Access to application site with Treatment Works

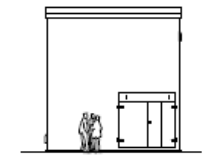


SITE PLAN - SCALE 1/200
 Labels include: EXISTING COVERED ALLIAGE DRAIN HOLDING TANK, EXISTING VALVE CHAMBER, EXISTING PUMPER HALL, EXISTING ACCESS TANK, EXISTING VALVE CHAMBER, EXISTING BLUDDER TANK, EXISTING HEAVY METALS TANK, EXISTING FIBRE TANK, EXISTING APPLICATION OFFICE, EXISTING FIBRE STORAGE CHAMBER, EXISTING FIBRE STORAGE CHAMBER

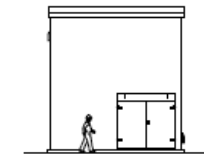


BUILDING PLAN - SCALE 1/100

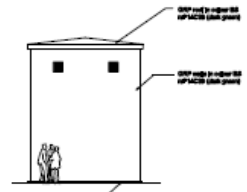
PLEASE NOTE: ALL WORKS MUST BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. ANY DELAYS WILL BE AT THE CLIENT'S RISK. APPROVED MEASURES TO BE TAKEN TO MINIMIZE THE IMPACT OF DISRUPTION.



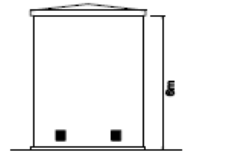
BUILDING ELEVATION 1 - South
SCALE 1/100



BUILDING ELEVATION 3 - North
SCALE 1/100



BUILDING ELEVATION 4 - East
SCALE 1/100



BUILDING ELEVATION 4 - West
SCALE 1/100

Notes
 This drawing is intended to be used for Local Authority Planning & Control Planning purposes only. Reference should be made to the respective consultants design and drawings for detailed construction details. Reproduced from the Reference Survey Plan with the kind permission of the controller of the Mapbox's Ordnance Survey Licence no. G030000000. Crown Copyright Reserved. OS Map Reference: SO 8820 8820

P2 20/01/17 Planning Application
 P1 20/01/17 Peak Note



Drawn: Location Plan, Site Plan, Chemical Dosing Building Plan & Elevations
 Date: 10/53-DR-02
 Scale: A3 Sheet: 8
 Date: 20/01/17
 Author: [Name]

Appendix I To PTE/17/22

Planning Policy Considerations

Devon Waste Plan (Adopted December 2014) Policies: W01 (Presumption in Favour of Sustainable Development); W02 (Sustainable Waste Management); W08 (Waste Water Treatment); W12 (Landscape and Visual Impact); W17 (Transportation and Access); W18 (Quality of Life); and W19 (Flooding).

Agenda Item 6

Appendix II To PTE/17/22

Planning Conditions

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in strict accordance with the details shown on the approved drawing numbered 1053:DR:01 and the Planning Application Support Statement ref 1053/DOC/01/B.

REASON: To ensure that the development is carried out in accordance with the approved details.

PTE/17/23

Development Management Committee
5 April 2017

Highway Consultation

North Devon District: Outline application for residential development of up to 149 residential units including vehicular access, landscaping, open space, drainage, infrastructure & all associated development (some matters reserved) at land at Westacott Grange, Landkey, Barnstaple

Applicant: Mr Graham Fincham

Application No. ND/62187/2017

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 North Devon Council be advised that Devon County Council, as Highway Authority recommend no objection to the application subject to planning conditions and the signing of a section 106 agreement securing contributions as set out in Appendix I and II to this report including £641,557.89 towards the upgrade of the A361 Landkey Junction.

1. Summary

- 1.1 This Report relates to the Highway Authority response on an outline planning application for the erection of 149 dwellings on land adjacent to Westacott Grange on the edge of Barnstaple in the parish of Landkey. Access to the site is proposed through a park currently owned by North Devon Council onto Westacott Road which is in Barnstaple parish.
- 1.2 This application has been brought to this committee by Councillor Mathews (Barnstaple South) under Standing Order 25 (2).
- 1.3 The key highway considerations are:
 - The impact of additional traffic on the junction of the A39 Eastern Avenue with Westacott Road and Rose Lane (locally known as the Tesco roundabout).
 - The point of access to the site in regards to the proposed allocated housing site BAR01 within the Draft Torridge and North Devon Local Plan.

2. Background

- 2.1 The Torridge and North Devon Local Plan is currently in draft, unadopted and considered to have little weight. This draft contains an allocation called BAR01 for approximately 950 dwellings at Westacott north of the A361 and east of housing along Westacott Road. Access to this allocated site is proposed to be primarily from the A361 with a secondary access off Westacott Road. Either a secondary access through the park onto Westacott Road or a route via Castle Park Road are considered in the draft plan proposals.

Agenda Item 7

- 2.2 This planning application for 149 dwellings is on land within the wider BAR01 allocation within the draft plan and seeks access onto Westacott Road through a park owned by North Devon Council. This is within the red line of the application. The ownership of the land is not a matter of concern for the Highway Authority.

3. Traffic Impact

- 3.1 A transport assessment (TA) has been provided and following comments from the Highway Development Management Officer a TA addendum has been provided including further information.
- 3.2 The development is predicted to generate 58 vehicle movements leaving the site in the AM peak hour and 24 movements entering the site. In the PM peak hour there are predicted to be 55 movements entering the site and 27 leaving.
- 3.3 Developer traffic counts showed that on Westacott Road north of the site entrance there are 429 vehicles in the AM peak hour and 465 in the PM peak hour. Further south of the entrance, west of Castle Park Road, the traffic volume is larger, being 953 vehicles in the AM peak and 816 in the PM peak.
- 3.4 The increase in traffic on Westacott Road south of the site entrance is therefore predicted to be in the region of 10% in the AM and PM peak hours. North of the site entrance is not predicted to see an increase in traffic due to this being a cul-de-sac serving the primary school and residential properties.
- 3.5 Westacott Road is typically 7m wide for the majority of its length. This road serves a considerable level of residential properties, a primary school and various businesses including one of North Devon's busiest – Actavis, an international pharmaceutical company. There are traffic calming features on Westacott Road and in the vicinity of the park, either side of the proposed site access are 'build out' traffic calming features.
- 3.6 Westacott Road feeds into the A39 via a roundabout junction which also joins Rose Lane, a road serving retail sites such as Homebase and Tesco.
- 3.7 The TA shows that the Westacott Road arm of the Tesco roundabout is currently operating at 63% in the AM peak hour and 60% in the PM peak hour. This is across the entire one hour period.
- 3.8 Due to nearby developments that have been permitted already such as Mount Sandford Green, the Westacott Road arm of this junction modelled to operate at 74% capacity in the AM peak hour and 73% in the PM peak hour.
- 3.9 With the proposed development traffic from these 149 dwellings on top of the current traffic levels and committed development traffic, the Westacott Road arm of the roundabout is predicted to operate at 81% capacity in the AM peak hour and 77% in the PM peak hour. This is over the entire peak hour.

- 3.10 The TA work identifies that at the Tesco Roundabout on the Westaway Road arm there are currently queues of an average of 20 vehicles at the worst time within the peak hour. The maximum queuing time observed was 53 seconds for one vehicle at the give way line, although this is not considered to be a normal queuing time for vehicles using this junction.
- 3.11 Queuing of this nature is short lived and these delays occur in only part of the morning and evening peak hours as well as at the end of the school day and when employment sites on Westacott Road change shifts. These queues and delays do not last the entire hour and dissipate in a reasonable time. This junction, and others assessed nearby, operate in this manner just like many others in any urban area.
- 3.12 As indicated by planning inspectors at other sites, such as Pinn Court in Pinhoe, the issue of one junction in an urban area operating at or above capacity is not considered as a severe highway impact.
- 3.13 It is therefore acknowledged that the queues and delays will get slightly longer with the proposed additional 82 vehicle movements through the junction in the peak hour. However this impact is not considered to be 'severe' as is the test set out in paragraph 32 of the National Planning Policy Framework.
- 3.14 This is an urban area with non-car modes of travel available and much spare capacity outside of the peak hours, which themselves do not last for the entire peak hour.
- 3.15 The developer has proposed a 5.5m access road off Westacott Road with 2m wide footway on one side and shared 3m wide foot and cycle way on the other. An additional 1m strip is proposed to be left as verge to allow for future widening of the road to the required 6.5m to serve the wider allocated site BAR01.
- 3.16 Whether or not changes to the traffic calming features need to be made, and exactly what those changes would be, along with the detailed design of the road, can be left until a later date when the developer is progressing their detailed designs and section 278/38 agreements. It is considered acceptable for the traffic calming to either stay where it is or be altered to a different type of calming by the developer.
- 3.17 The application puts a great emphasis on walking links that use Westacott Lane (a lane running north-south on the eastern side of the park). This lane is currently unsuitable for use, and the developer must improve this lane to a suitable standard for all people to use in order to achieve safe and suitable access to and from the site.
- 3.18 Regarding the safety of people using the park adjacent to the proposed road, this would be no different to the current situation whereby people use the park which is adjacent to Westacott Road. Safe accesses, crossings and boundaries can be provided by the developer.

Agenda Item 7

4. Wider Context

- 4.1 The proposed development is on land within part of the BAR01 allocation within the draft local plan. This allocated site requires a primary access from the A361 at Landkey Junction and a secondary access to Westacott Road. As part of this allocated site there are a number of infrastructure requirements to make the development acceptable in transport terms and mitigate the cumulative impact of development. While this application alone cannot deliver the primary access as that land is not within the red line boundary, a financial contribution towards improvement to the A361 Landkey Junction must be made in order not to prejudice the financial viability of the remainder of the allocated site.
- 4.2 Similarly, contributions are required towards the park and change site and bus services to serve the BAR01 allocation. These must be related in scale to the size of the development in proportion to the size of the allocated site (950 dwellings).
- 4.3 It is acknowledged that a 5.5m road is acceptable to serve the proposed level of development, however there is a requirement for the whole BAR01 allocation to provide a wider road through the site.
- 4.4 The developer must build a 6.5m wide road from the outset to avoid future disruption from roadworks if the road were to be widened and provide an adequate design and construction of the road (including drainage) from the outset.
- 4.5 As acknowledged above, a 5.5m wide road is acceptable for this site alone. Therefore the difference in cost between the 6.5m road and 5.5m road will be deducted from the financial contributions towards transport measures on the rest of the site.
- 4.6 The A361 Landkey Junction scheme is to be estimated at £1,600,000 for the purposes of the allocated site.
- 4.7 Bus service contributions are £720,000 to provide new bus services serving the site for three years.
- 4.8 A park and change site is estimated at £2,000,000.
- 4.9 With 950 dwellings on the allocated site and 149 on this site this calculates as a total transport contribution of £677,557.89
- 4.10 The estimated difference in cost of the 240m long 5.5m wide and 6.5m wide roads is £36,000.
- 4.11 Therefore, the following items are required to be included within a section 106 agreement to make this site acceptable in transport terms. Without the following items being secured, the Highway Authority should recommend refusal of the application.

- £641,557.89 towards the upgrade of the A361 Landkey Junction.
- Resurfacing of Westacott Road to a standard and on an area to be agreed with the County Council.
- A minimum 6.5m wide access road from Westacott Lane to the eastern boundary of the application site and minimum 3m wide cycleway alongside.

4.12 The trigger for payment of the contribution would not need to be until late on in the phasing of the development and this exact trigger should be left for negotiation by the Local Planning Authority subject to the viability of the site.

4.13 The applicant has confirmed that they are willing to pay these contributions subject to the viability of the site. These contributions and others for the site including education and affordable homes will be subject to a viability assessment and it is ultimately for North Devon Council to decide what contributions are required to mitigate the impact of the development if it is to be approved.

5. Recommendation

5.1 It is recommended that North Devon Council be advised that Devon County Council, as Highway Authority, recommends no objection to the application subject to the imposition of planning conditions and obligations set out in set out in Appendices I and II of this report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: Barnstaple South, Chulmleigh & Swimbridge

Local Government Act 1972: List of Background Papers

Contact for enquiries: Brian Hensley

Room No. AB2 Lucombe House, County Hall, Exeter, EX2 4QD

Tel No: (01392) 383440

Background Papers	Date	File Reference
District Council planning application	Current	62187

mc090317dma
sc/cr/residential development Westacott 149 units
04 280317

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**Appendix I
To PTE/17/23**

Section 106 contributions

£641,557.89 towards the upgrade of the A361 Landkey Junction.

Resurfacing of Westacott Lane to a standard and on an area to be agreed with the County Council.

Construction of a minimum 6.5m wide access road from Westacott Road to the eastern boundary of the application site with a minimum 3m wide cycleway alongside.

Conditions

HIGHWAYS CONDITIONS

1. No part of the development otherwise permitted shall be commenced until a drainage strategy is submitted and approved in writing by the Local Planning Authority.

REASON: To ensure that the site is suitable drained to avoid flood damage to on site and/or neighbouring properties and/or the public highway.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Traffic Management Plan (CTMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 9:00am and 5pm Mondays to Saturday inc. and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (i) details of wheel washing facilities and obligations
- (j) the proposed route of all construction traffic exceeding 7.5 tonnes.
- (k) details of the amount and location of construction worker parking.

REASON: To ensure that the site is developed in a considerate manner and in the interest of public safety.

3. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with plans that shall be submitted for approval by the Local Planning Authority where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be a minimum of 43 metres in both directions.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

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4. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

5. Any proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

6. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway.
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out.
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level.
 - D) A site compound and car park have been constructed.

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

7. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the satisfaction of the Local Planning Authority:
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

8. When once constructed and provided in accordance with conditions 5 & 7 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

REASON: To ensure that these highway provisions remain available.

Delegated Schedule – 5 April 2017 - Summary

<u>District/Location/Application Number</u>	<u>Proposal</u>	<u>Electoral Division</u>	<u>Action Taken</u>
<p>Mid Devon District Council</p> <p>Land at 304445 114510, Ayshford, Sampford Peverell</p> <p>DCC/3894/2016</p>	<p>Recycling & soil screening/storage facility</p>	<p>Willand & Uffculme</p>	<p>Refusal</p>
<p>South Hams District Council</p> <p>Land at Harvey's Field, at the end of Beechwood Park Road, adjacent to the new housing estate, Loddiswell,</p> <p>DCC/3920/2016</p>	<p>Construction of a new 150 place, 5 classroom primary school with associated facilities and landscaping works</p>	<p>Thurlestone, Salcombe & Allington</p>	<p>Conditional Approval</p>
<p>Teignbridge District Council</p> <p>Newton Abbot Library, Passmore Edwards Centre, Market Street, Newton Abbot, TQ12 2RJ</p> <p>DCC/3932/2016</p>	<p>Works to repair/restore the roof of the Grade II Listed Building, including the repair and replacement of existing slate roof finish, timber battens, ridge tiles and lead work</p>	<p>Newton Abbot North</p>	<p>Conditional Approval</p>
<p>East Devon District Council</p> <p>Green Lodge, Stoney Lane, Axminster, EX13 5BU</p> <p>DCC/3940/2016</p>	<p>Demolition of a two storey dwelling, to facilitate the eventual implementation of a road widening scheme along Stoney Lane.</p>	<p>Axminster</p>	<p>Conditional Approval</p>
<p>Torrington District Council</p> <p>High Bickington Community Centre, Little Bickington Lane, High Bickington, EX37 9HG</p> <p>DCC/3941/2016</p>	<p>Construction of a single classroom and ancillary accommodation attached to the existing Community Centre</p>	<p>Torrington Rural</p>	<p>Conditional Approval</p>
<p>Teignbridge District Council</p> <p>Land off Hall Lane, Hall Lane, Dawlish, EX7 0JP</p> <p>DCC/3947/2017</p>	<p>Improvement of agricultural land using inert fill arising from construction of the Holcombe section of the Teign Estuary Trail</p>	<p>Dawlish</p>	<p>Conditional Approval</p>

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Delegated Schedule - 23rd March 2017 - Summary

<u>District/Location/Application Number</u>	<u>Proposal</u>	<u>Electoral Division</u>	<u>Action Taken</u>
Torrige District Council Langtree CP School, Fore Street, Langtree, EX38 8NF DCC/3952/2017	Retention of Temporary Classroom Block 03 for a Further 10 Years	Torrington Rural	Conditional Approval
North Devon District Council Seven Brethren Industrial Estate, Barnstaple, EX31 3HT DCC/3960/2017	Erection of metallic multi-span shared pedestrian and cycle foot bridge over an existing road and railway line. Access to the finished bridge will be from Lake Lane and the existing cycle network within Seven Brethren, via new footpaths.	Barnstaple South	Withdrawn Before Validation