

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Development Management
Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 7 June 2016
Please ask for : Gerry Rufolo

Email: 01392 382299

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 15th June, 2016

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, Topsham Road, Exeter 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 16 March 2016 (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

COUNTY MATTER: WASTE DISPOSAL

4 East Devon District: Retrospective application for storage and processing of plasterboard as a waste stream additional to waste wood and UPVC at Unit 50, Road to Greendale Business Park, Greendale Business Park, Woodbury Salterton (Pages 1 - 14)

Report of the Head of Planning, Transportation and Environment (PTE/16/31), attached.

Electoral Divisions(s): Budleigh

- 5 Mid Devon District: Removal of Condition 8 (Hours of Use) and variation of Condition 9 (Limit on Storage) of planning permission 14/00172/FULL for construction of slurry pit at Old Tellam's Yard, Cheriton Bishop, Exeter (Pages 15 - 32)

Report of the Head of Planning, Transportation and Environment (PTE/16/32), attached.

Electoral Divisions(s): Crediton Rural

HIGHWAY CONSULTATION

- 6 North Devon District: Outline application for residential development of up to 43 dwellings, public open space and associated infrastructure all matters reserved, save for access off Westaway Plain at land off Westaway Plain (west of Youings Drive) Pilton, Barnstaple (Pages 33 - 42)

Report of the Head of Planning, Transportation and Environment (PTE/16/33), attached.

Electoral Divisions(s): Barnstaple North

OTHER MATTERS


- 7 Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule (Pages 43 - 44)

Report of the Head of Planning, Transportation and Environment (PTE/16/34), attached.

Electoral Divisions(s): All Divisions

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

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership
Councillors J Brook (Chairman), A Dewhirst, P Bowden (Vice-Chair), G Dezart, P Diviani, A Eastman, G Gribble, R Hannaford, J Hawkins, R Hosking, 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.
Webcasting, Recording or Reporting of Meetings and Proceedings
The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/
In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.
Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.
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.
Emergencies
In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.
Mobile Phones
Please switch off all mobile phones before entering the Committee Room or Council Chamber
If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.
 Induction loop system available

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PTE/16/31

Development Management Committee
15 June 2016

County Matter: Waste

East Devon District: Retrospective application for storage and processing of plasterboard as a waste stream additional to waste wood and UPVC at Unit 50, Road to Greendale Business Park, Greendale Business Park, Woodbury Salterton

Applicant: Wood Yew Waste (Exeter) Ltd

Application No: 16/0626/CM

Date application received by Devon County Council: 27 February 2016

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 in accordance with the planning conditions set out in Appendix II to this report (with any subsequent changes being agreed in consultation with the Chairman and Local Member).

1. Summary

- 1.1 This report relates to a retrospective planning application to store and process plasterboard as an additional waste stream to waste wood and UPVC at Greendale Barton, an industrial estate to the east of Exeter.
- 1.2 The main material considerations in the determination of the application are: the examination against relevant Development Plan policy; noise impact; impact on air quality; visual impact and issues arising from existing operations at the site.

2. The Proposal/Background

- 2.1 Greendale Barton Business Park is located approximately 6 kilometres to the east of Exeter, accessed directly off the A3052 Exeter to Sidmouth Road via a private road. The application site is located on a plot on the Western part of the Business Park about 500 metres from the boundary of the village of Woodbury Salterton.
- 2.2 The application site consists of a large concreted open yard area of about 8,000 square metres and a large shed of around 2,000 square metres. Access to the yard is from an internal haul road from the Business Park. The building consists of a large rectangular steel portal building, located in the north east corner of the site. It is enclosed with large opening doors on the southern and eastern elevations.
- 2.3 The southern and south-western boundary of the site consists of a 6 metre high acoustic fence made up of a 3 metre high timber fence on top of a 3 metre high concrete wall.
- 2.4 Planning permission for the use of the site as a waste wood processing facility was originally granted in December 2009, with a retrospective permission granted in December 2012 relating to the building and yard area that was constructed, which differed to the design approved in 2009.

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- 2.5 A further planning permission was granted in April 2014 for a change of use of the facility to allow for the processing of waste UPVC as an additional waste stream.
- 2.6 In September 2014 the Waste Planning Authority served an enforcement notice on the operator relating to a breach of planning control involving a change of use from waste wood and UPVC processing to one including the processing and storage of plasterboard.
- 2.7 A planning application to remove condition 3 of the April 2014 permission to allow for waste processing outside of the building using a low speed shredder was refused in November 2014.
- 2.8 The operator lodged appeals against both the enforcement notice and the refusal of planning permission. The Planning Inspectorate linked the two appeals and both were to be subject of a single Informal Hearing. Due to a technical error the enforcement notice was withdrawn by the Council prior to the Hearing and the Hearing dealt only with the refusal of planning permission. The appeal was allowed and now the site operates on the basis of the April 2014 permission with the Planning Inspector's change to condition 3 to allow for the use of a single low speed shredder in the yard area and an additional condition requiring the Council's approval of the specification and location of the low speed shredder.
- 2.9 Conditions attached to the 2014 permission include limits on the storage of wood (including a height limit of 6m), time limit on the storage of processed wood, annual processing limit of 25,000 tonnes, hours of operation, provision of acoustic boundary fence, implementation of agreed Noise Management Plan, use of 'white noise' reversing alarms, implementation of Dust Management Plan, operation in accordance with the approved Travel Plan and details of external lighting.
- 2.10 The application subject of this Report seeks to regularise the use of the site for the storage and processing of plasterboard as an additional waste stream, which had been subject of the enforcement notice.
- 2.11 It is proposed to process all plasterboard inside the building. The proposed management of the material is as follows. Deliveries are checked for containments and if contaminants are found the load is rejected and reloaded. The imported broken plasterboard is to be stored outside under a tarpaulin weighted down by tyres, similar to a silage clamp, for no longer than 4 weeks. The material is periodically moved inside the building for processing. Should there be any dust arising, the mobile dust boss machine will be used and if wind speeds are greater than specified amounts operations are stopped. A front loader will be used to deliver material to the building. The material is sent through a number of screens and conveyors, once material has passed through the conveying system, it is stored in a clearly signed bay inside the re-processing building. Samples are to be taken from this bay in accordance with the specification for reprocessed gypsum PAS109 (2013).
- 2.12 The material is listed under schedule 2 of the environmental permit. Operations are subject to requirements of this permit and the permit issued and regulated on behalf of the Environment Agency.

3. Consultation Responses

- 3.1 East Devon District Council (Planning): No objection. Comment that planning conditions should ensure that unprocessed plasterboard is stored in concrete wall bays to a maximum height equivalent to that already consented; processed material to be stored in bags or other means inside the building; and hours of work restrictions on the existing consent to be included on any new approval.
- 3.2 East Devon District Council (Environmental Health): No objection. Comment that if this application is approved a condition is included requiring the unprocessed plasterboard to be stored in concrete wall bays to a maximum height equivalent to that already consented. In this way good management and monitoring of the piles is likely to be easier to achieve. Processed material must be stored in bags or other means inside the building before being loaded onto vehicles for removal.
- 3.3 Woodbury Parish Council: object to the application on the grounds that:
- The proposals for the storage and processing of 3 streams of product will prevent the safe storage and working conditions required at the site given the boundary and the height restrictions recommended by the Environment Agency and HSE regulations.
 - The positioning of storage of unprocessed and processed inflammable products close to a stack from a woodchip boiler is considered hazardous.
- 3.4 Environment Agency: No objection. Comment that that the site already has an Environmental Permit from the Environment Agency for the storage and treatment of waste, including plasterboard. The applicant should ensure that they continue to operate in accordance with the conditions of the Permit.

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 representations were from local residents.
- 4.2 Two representations were received which raised objection to the retrospective application. Objection was raised on the grounds of:
- Dust from the site had dramatically increased and had caused a direct impact on the residents' home. They commented that approving the application would increase air and noise pollution further.
 - There is a lack of capacity at the site to accommodate an additional waste stream.
 - Approving the application would increase noise impact to an unacceptable degree, of relevance given the Planning Inspectorates recent appeal decision.
 - History of increased fire risk from spontaneous combustion.
- 4.3 Two representations that did not raise objection to the proposal, however made comment that; the supporting documentation provided factual inaccuracies in that it incorrectly states that processing occurs inside the building, where it occurs outside the building; that gypsum breaks down to a fine powder and that represents a health concern to nearby local residents; concern relating to the recent termination of the liaison group.

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- 4.4 Copies of representations are available to view on the Council website under reference DCC/3835/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3835/2016>

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 the application are: the examination against relevant Development Plan policy; noise impact; impact on air quality; visual impact and issues arising from existing operations at the site.
- 6.2 In terms of the principle of the development, Members will note that planning permission for a waste wood facility at Greendale Barton was granted in 2009 with further consent for processing of UPVC given in 2014. It is noted that Greendale Barton is identified in the Devon Waste Plan and policy W05 supports this.

Increased Noise Impact

- 6.3 It is acknowledged that there is a substantiated history of complaints relating to noise from the site evidenced by the Environment Agency prosecution. Noise was also the main material consideration in the recent planning appeal which related to outside processing.
- 6.4 The Planning Inspectorate upheld the appeal and granted planning permission to allow outside processing of material and deemed that noise impact could be suitably mitigated through the imposition of a condition which requires that the shredding machinery be specified to a "low speed shredder" subject to the existing conditions remaining on site.
- 6.5 It is considered that the additional noise impact generated by approving this proposal would not create an unacceptable additional noise emission to warrant a reason for refusal given the imposition of these conditions on site. This includes resubmission of a Noise Management Plan which is to be updated on an annual basis and in the event planning permission is granted.
- 6.6 The updated Noise Management Plan would mitigate noise impact at the site by; ensuring that high speed processing activities take place within the building; ensuring the use of white noise alarms on vehicles; ensuring regular maintenance of machinery; requiring regular noise monitoring; imposing a noise complaints procedure; and, requiring an annual review of the plan.

Impact on Air Quality

- 6.7 Dust arising from processing activities at the site has been raised as a concern in the past. As part of the 2012 and the 2014 permission the operator was required to implement a Dust Management Plan which includes the requirement to carry out the shredding within the building and use of water sprays to damp down sawdust.
- 6.8 The current planning application seeks an additional use to process waste plasterboard using the same equipment that is used to process the waste wood and UPVC. It has been commented that that the processing of plasterboard could give rise to additional dust emissions. Sufficient mitigation can however be achieved with the imposition of condition requiring that processed gypsum be stored in bags or other means inside the building and for the operator to update the Dust Management Plan in order to address the change in operations. Impact on air quality could not justify a reason for refusal. It is noted that Environment Agency has not provided an objection to this application.

Visual Impact

- 6.9 Views into the site are available from sensitive receptors in the village of Woodbury Salterton, located approximately 500 metres to the south west of the application site.
- 6.10 As part of the previous planning permission at the site a 6 metre high acoustic fence was provided at the western and southern boundaries of the site. A condition attached to the permission also requires that heights of stockpiles of waste wood and processed wood shall not exceed 6 metres in height (which is the height of the boundary fence and the height of the eaves of the building, both of which provide a good visual reference). Whilst waste plasterboard would differ in appearance to waste and UPVC wood it is considered that the site is sufficiently well screened to minimise impact.
- 6.11 In order that the effectiveness of the screening is maintained it is considered appropriate to impose planning conditions to limit the height of stockpiles/processed waste to 6m and to ensure the maintenance of the 6m high boundary wall. The maintenance of the boundary planting at the business park is a requirement of a separate planning permission.

Operational Concerns

- 6.12 Many of the concerns raised in respect of this planning application relate the operations already taking place at the site and how any change in the nature of the operations can be adequately controlled.
- 6.13 The production capacity at the site is restricted, by planning condition, to 25,000 tonnes per annum. The application does not seek to increase levels of processing and may result in a reduction in the quantity of waste wood or waste UPVC processed at the site to accommodate plasterboard.
- 6.14 The Fire Authority previously reported that there have been three large fires in the processed wood piles at the premises and this has led to concerns that any future fires could spread to any processed or unprocessed plasterboard at the site. These concerns are recognised and it is considered important that adequate separation for the different waste streams needs to be provided.

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- 6.15 The waste operations at the site are controlled by the Environmental Permit issued by the Environment Agency. The National Planning Policy Framework (NPPF) advises:

“local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively” (paragraph 122).

- 6.16 The Government’s policy on the use of planning conditions in planning permissions is set out in the published Planning Practice Guidance and one of the key principles in the use of planning conditions is to enable development to proceed where it would otherwise have been necessary to refuse planning permission.
- 6.17 The evidenced operational issues on site are considered to be properly controlled through the Environmental Permit. Notwithstanding this there are potential impacts that are required to be controlled by planning conditions. It is considered that appropriate planning conditions were imposed on the previous consents and that these conditions shall remain, in addition to a condition requiring shredded waste plasterboard to be stored only within the processing building, stored separately from the processed wood and UPVC.

Sustainability Considerations

- 6.18 The application meets local and national policy aims in relation to reuse, recycling and materials recovery.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It was the view of the Authority that at the time of issuing the Enforcement Notice that the site was not capable of offering the scale required for the necessary environmental controls in the storage and processing of gypsum. This was evidenced by the breaches of planning control observed at the time. The site is now considered to be in compliance and separate action pursued by the Environment Agency has been resolved. The application site is an existing waste processing facility and the application seeks to add an additional waste stream without increasing the quantity of material processed at the site. The principle for waste processing is established and the processing of waste plasterboard would be carried out by existing machinery with a requirement that high speed shredding takes place within the building. This approach is considered consistent with a recent decision made by the Planning Inspectorate and other regulators of the site.
- 7.3 The proposed conditions, as set out in Appendix II to this Report, are largely a reiteration of those attached to the original consent, but tailored to take into account the proposed additional use. The planning conditions together with the Environmental Permit conditions will give the appropriate level of control at the site.
- 7.4 Taking all material considerations into account, it is considered that planning permission is granted in accordance with the recommendation of this report.

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Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Budleigh

Local Government Act 1972: List of Background Papers

Contact for enquiries: Charlotte Pope

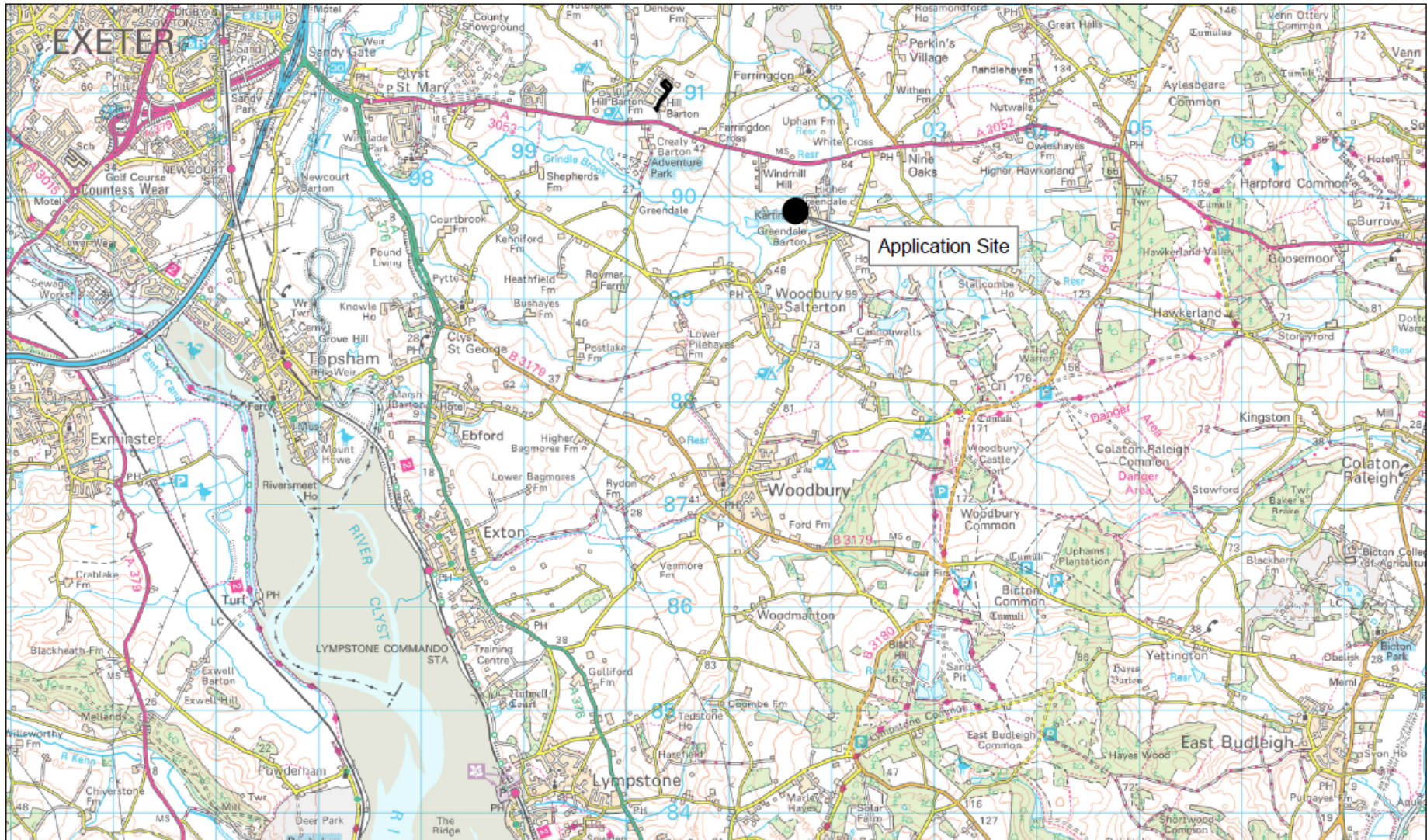
Room No: AB2, Lucombe House, County Hall


Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File	Current	DCC/3835/2016

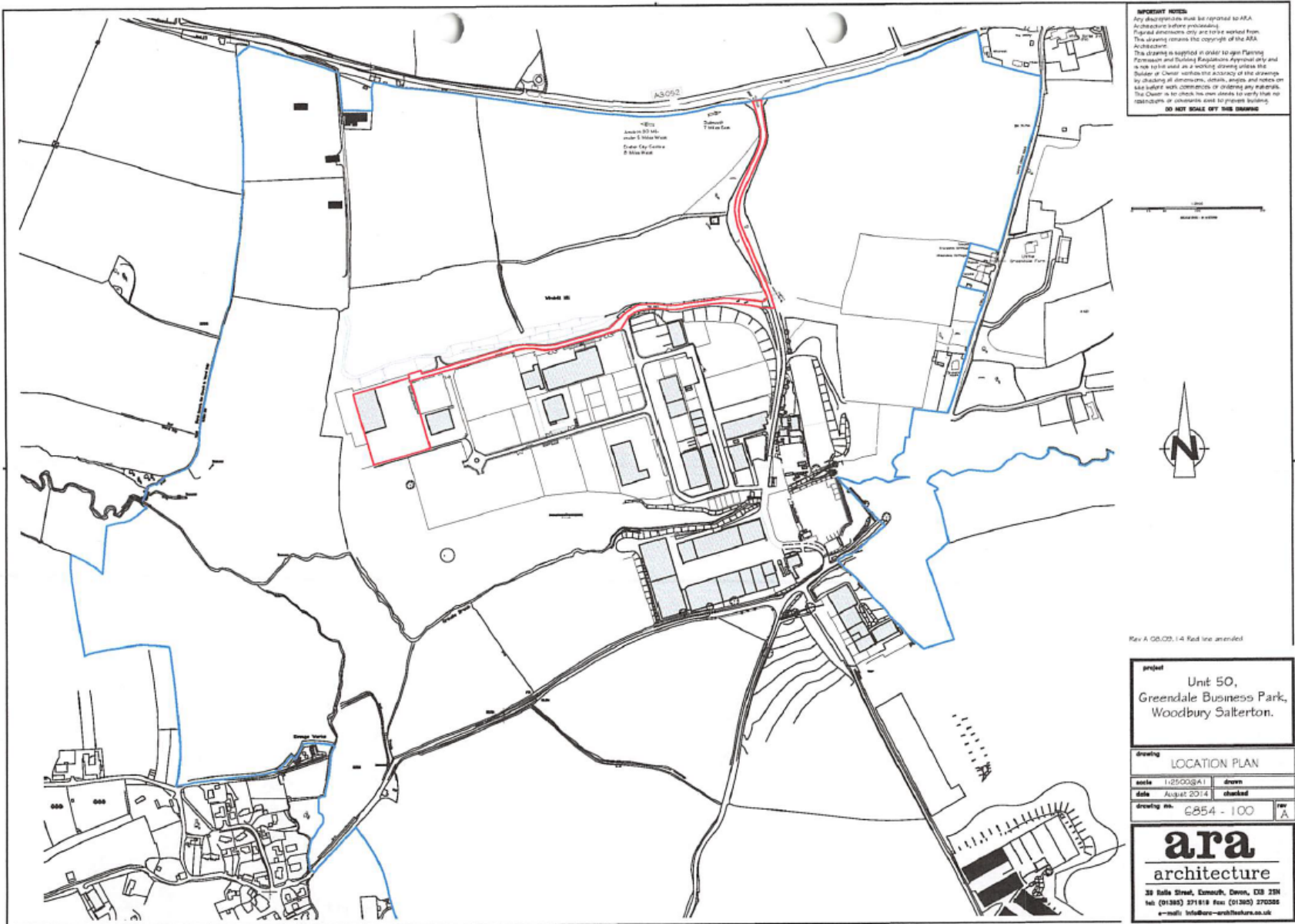
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sc/cr/processing plasterboard Greendale business park
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Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee County Matter: Waste Development: East Devon District Council: Retrospective application for storage and processing of plasterboard as a waste stream additional to waste wood and UPVC at Unit 50, road to Greendale Business Park, Greendale Business Park, Woodbury Salterton, EX5 1EW	date June 2016	scale 1:47,992
			Application No: 16/0626/CM	

Site Plan



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**Appendix I
To PTE/16/31**

Planning Policy Considerations

Government Guidance:

NPPF National Planning Policy Framework (March 2012).
NPPG National Planning Practice Guidance.

Devon Waste Plan (Adopted 11 December 2014): Policies W01 (Presumption in Favour of Sustainable Development); W03 (Spatial Strategy); W17 (Transportation and Access); and W18 (Quality of Life).

East Devon Local Plan - 2013-2031 (Adopted January 2016): Policy EN14 (Control of Pollution).

Appendix II To PTE/16/31

Planning Conditions

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered Planning Statement January 2016; location plan 6854-100 rev A; Site Plan 001 except as varied by the conditions below.

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

2. Stockpiles of waste materials and processed materials shall only be stored within either the building or the yard area. Where stored outside of the building the stockpiles shall not exceed a height of 6 metres (measured from the finished level of the yard area) and shall be stored in such a way as not to interfere with the movement of traffic within the site.

REASON: To ensure the protection of visual amenity of the site and in accordance with the Development Plan specifically policy W12 of the adopted Devon Waste Plan.

3. All shredding, size reduction treatment and mechanical sorting, other than that done by a single Low Speed Shredder, shall take place within the building.

REASON: To protect the living conditions of nearby residents from noise and dust and in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

4. In the outside storage areas individual stockpiles of waste wood, processed wood, unprocessed waste UPVC and unprocessed gypsum shall be kept in discrete areas within the site, with sufficient distance between stockpiles to prevent cross contamination and reduce the risk of fire spreading.

REASON: To protect the living conditions of nearby residents in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

5. No processed wood shall be stored at the site for longer than 4 weeks and no pre-crushed feedstock material or unprocessed wood (which has not been subjected to any mechanical processing to reduce its size) shall be stored at the site for longer than 3 months.

REASON: To minimise the risk of spontaneous combustion in the interests of protecting the air quality and amenity of local residents and nearby occupiers of the site in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

6. Processed UPVC and processed gypsum shall be stored only within the processing building within discrete areas in order to avoid cross contamination. The processed UPVC and gypsum shall be removed within 7 days of processing.

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REASON: To ensure satisfactory operation at the site in the interests of the amenity of the area and in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

7. Combined waste imports and processing at the site shall not exceed 25,000 tonnes per annum.

REASON: To ensure satisfactory operation at the site in the interests of the amenity of the area in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

8. The operator shall keep detailed records demonstrating the weekly importation of waste materials, the quantity of waste processed and the weekly exportation of processed material. The records shall identify specific waste streams and shall be made available to the Waste Planning Authority within 14 days of any such request being made.

REASON: To enable the Waste Planning Authority to adequately monitor operations at the site in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

9. Unless otherwise agreed in writing by the Waste Planning Authority no waste processing operations shall take place on a Sunday, bank holiday, other public holiday or outside of the following hours:

0800 and 1730 hours Monday to Friday; and
0800 to 1300 on Saturdays.

REASON: To protect the amenity of the area in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

10. The acoustic fence erected in accordance with details required by planning permission reference 12/0844/CM shall be retained and maintained to a level appropriate to providing noise attenuation for the life of operations at the site.

REASON: To protect the amenity of the area in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

11. The approved Noise Management Plan shall be updated to reflect the additional use for waste gypsum within one month of the date of this permission and any additional measures required to control noise shall be implemented as soon as is practically possible. Following this review of the Noise Management Plan, the Plan shall be reviewed on an annual basis, or following any significant confirmed noise incident (whichever is the sooner), and any new measures required to control noise identified in the update to the Plan shall be implemented as soon as is practically possible to do so.

REASON: To protect the living conditions of nearby residents in regard to noise in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

12. All plant and machinery at the site shall be silenced in accordance with manufacturers' specifications and all plant and machinery shall be maintained in accordance with the manufacturers' specifications.

REASON: To protect the living conditions of nearby residents in regard to noise in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

13. All site vehicles shall be fitted with the 'white noise' reversing alarms and these alarms shall be operated for the duration of waste operations at the site unless an alternative system is approved in writing by the Waste Planning Authority.

REASON: To protect the living conditions of nearby residents in regard to noise in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

14. The approved Dust Management Plan shall be updated to reflect the additional use for waste gypsum within one month of the date of this permission and any additional measures required to control dust shall be implemented as soon as is practically possible. Following this review of the Dust Management Plan, the Plan shall be reviewed on an annual basis, or following any significant confirmed dust incident (whichever is the sooner), and any new measures required to control dust identified in the update to the Plan shall be implemented as soon as is practically possible to do so.

REASON: To protect the living conditions of nearby residents in regard to dust in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

15. The development shall be operated in accordance with the approved Travel Plan prepared by Atkins dated June 2009 which has been as required by condition 2 of planning permission 08/0893/CM.

REASON: To maintain the transport arrangements during the operation of the facility in accordance with the Development Plan specifically policy W17 of the adopted Devon Waste Plan.

16. Unless prior written agreement to an alternative arrangement has been obtained from the Waste Planning Authority, access to and egress from the site shall be via the private road leading from the A3052 for all vehicles.

REASON: To maintain the transport arrangements during the operation of the facility in accordance with the Development Plan specifically policy W17 of the adopted Devon Waste Plan.

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17. Details of any external lighting to be used in the development hereby permitted shall be submitted to and approved in writing by the waste planning authority before the building is occupied. Development shall be carried out in accordance with the approved details.

REASON: To protect the amenity of the area in terms of light pollution in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

PTE/16/32

Development Management Committee
15 June 2016

County Matter: Waste Disposal
Mid Devon District: Removal of Condition 8 (Hours of Use) and variation of Condition 9 (Limit on Storage) of planning permission 14/00172/FULL for construction of slurry pit at Old Tellam's Yard, Cheriton Bishop, Exeter
Applicant: BG Pearce Ltd
Application No: 16/00639/DCC
Date Application received by County Council: 20 April 2016

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that planning permission be granted 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 for the removal of Condition 8 (Hours of Use) and variation of Condition 9 (Limit on Storage) of planning permission 14/00172/FULL for construction of slurry/septic tank sludge pit at Old Tellam's Yard, Cheriton Bishop.
- 1.2. The main material considerations in the determination of this application are considered to be the impact on amenity of nearby residents and impact on the local road network in terms of highway safety and capacity.

2. The Proposal/Background

- 2.1 Old Tellam's Yard is located approximately 20km West of Exeter, and 4 km to the North West of Cheriton Bishop. After leaving the A30, access to the site is via the minor rural road network. The setting of Tellam's Yard is within a rural location. The application site itself consists of a former pond contained by an earth embankment.
- 2.2 The total site area for Old Tellam's Yard is 2.8 hectares, and comprises of a number of industrial type buildings. In respect of waste uses at the site, there are two existing animal carcass incinerators that are housed within buildings at the site. In addition to this there is an extant planning permission (09/01764/DCC) for a new building and clinical waste incinerator which has not yet been constructed.
- 2.3 At the Development Management Committee on 15 July 2014 Members considered report PTE/14/53 relating to the installation of a storage pit for septic tank waste and resolved to grant conditional planning permission (minute *64 refers). Report PTE/14/53 is attached as Appendix III to this Report. Since the determination of the application a non-material amendment application was approved relating to the method of storage of the septic tank sludge. The facility now utilises a fully enclosed liner to provide a closed system rather than the spreading of polymer clay beads on the surface which was originally approved.

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- 2.4 The application seeks to remove Condition 8 which controls the hours of use of any operations associated with the slurry/septic tank sludge pit, and to vary Condition 9 to increase the total amount of waste to be stored in the pit from 1,500 tonnes per annum to 5,000 tonnes per annum.

Condition 8 of the planning permission states:

Any operations associated with the proposed sludge pit shall only take place between 0800 and 1700 on Mondays to Fridays and, unless otherwise agreed in writing by the Waste Planning Authority, deliveries shall be limited to no more than 10 per year on Saturdays and Sundays between 0800 and 1500. There shall be no operations associated with the sludge pit on Public Holidays.

In the supporting information submitted with the application the applicant considers that condition 8 on operations provided with condition 8 is unduly restrictive and by referring to 'any operations' attempts to control matters outside of planning control.

Condition 9 of the planning permission states:

No more than 1,500 tonnes of septic tank waste shall be imported onto and processed at the site in any calendar year. The operator shall maintain records of waste importation and make these available for inspection by the Waste Planning Authority within 3 weeks of any request to do so.

In the supporting information submitted with the application to vary the condition to allow for 5,000 tonnes of waste per annum the applicant considers that this would not result in a significant increase in traffic on the highway network and would assist the operator with the practical functioning of the storage and spreading of slurry.

3. Consultations

- 3.1 Mid Devon District Council – No objections.
- 3.2 Mid Devon District Council Environmental Health – No objections.
- 3.3 Cheriton Bishop Parish Council – The application was considered at the Parish Council meeting on 9 May. Due to declarations of interest the council was inquorate for this item and therefore were unable to make any comment on this application.
- 3.4 Drewsteignton Parish Council – Object to the proposal on the grounds that it will impact further on the living conditions of local people. The route to the site, along Hask Lane, is unsuitable for large vehicles and the road is in a state of disrepair with many potholes and failing edges. Large vehicles create hazardous conditions for pedestrians and horse riders and unrestricted hours of delivery would be wholly unacceptable.
- 3.5 Dartmoor National Park Authority – Consulted on 25 April 2016, no response received.
- 3.6 Environment Agency – No objections.

4. Advert/Representations

- 4.1 The application has been advertised in accordance with the statutory publicity requirements, and as a result of these procedures, 19 letters/emails of objection have been received.
- 4.2 Copies of representations are available to view on the Council website under reference DCC/3840/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3863/2016>.
- 4.3 The issues raised in the letters of objection relate to:
- Inadequacy/unsuitability of the road network to cater for existing level of traffic and any additional traffic and type of vehicles being used.
 - Risk to other road users/road safety concerns.
 - Impacts on Public Rights of Way in the vicinity.
 - Poor condition of existing road network and potential increased deterioration due to additional traffic.
 - Impact of traffic on the nature of country life.
 - Unsuitable location for increased volume processing.
 - Impacts on tourism (Fingle Bridge, Castle Drogo, Two Moors Way).
 - Recent improvements to local road network have been insignificant and have not increased the capacity of the road.
 - Inappropriate development in an agricultural locality.
 - Loss of privacy with HGVs being high enough to view into bedrooms.
 - Noise and smell from lorries.
 - The odour impact of increased spreading on local fields.
 - Increase in scale of operations out of proportion with the rural setting.
 - Reduction in quality of life for the local community.
 - Disposal of materials not been carried out using injection methods.

The local member Councillor Way has provided the following comment:

As the local member I cannot support the proposed removal of condition 8. This condition was put in place for good reason to protect the living conditions and quality of life of nearby residents and must continue to be enforced. I also cannot support the removal of condition 9. I do not agree that changes to the total annual tonnage of septic tank waste from 1,500 tonnes pa to 5,000 tonnes is a small matter. I believe this represents a significant change to the current operation and will cause a further negative, residual and cumulative impact on the local road network, now in a very poor condition.

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.

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6. Comments/Issues

- 6.1 It is considered that the main material considerations in the determination of this application are considered to be the impact on amenity of nearby residents and impact on the local road network in terms of highway safety and capacity.

Highways and Transportation Issues

- 6.2 The planning permission for the storage facility currently restricts the importation to 1,500 tonnes per annum and assuming deliveries taking place in 10 tonne carrying capacity vehicles this results in 150 movements (300 two way trips) per annum. The proposed increase in the restriction to 5,000 tonnes would result in an increase in vehicle movements of up to 500 movements (1,000 two way trips).
- 6.3 The nature of the current operations involve the delivery and storage of slurry which is spread to land during appropriate periods (as governed by Agricultural Waste Regulations) and the applicant says that deliveries at the moment do not exceed 4 loads (8 two way trips) on any day. Due to the nature of the operations the proposed increase in the annual tonnage to the site will not result in more than the existing delivery of 4 loads per day, rather the deliveries will take place on a greater number of days.
- 6.4 It is also noted that recent road improvements have been carried out in the vicinity of Tellam's Yard. Taking the above into account it is considered that there is no highway objection in terms of vehicles travelling on the local road network.
- 6.5 Comments received concerning the condition of the highway network are noted but it is considered that the increase in traffic resulting from this application would not be significant, the vehicle sizes are legal for the road network, and the authority has the duty to maintain the carriageway to an appropriate standard.

Impact on Amenity of nearby residents

- 6.6 The Agricultural Waste Regulations allow for a maximum of 1,250 tonnes of slurry stored at the site at any one time and this can only be spread when weather and ground conditions allow. There is no restriction on how many times the store can be emptied and re-filled and the increase to 5,000 tonnes would allow this to take place four times a year. It is understood that the slurry carried in enclosed trailers and is injected into the ground which minimises any odour impacts relating to the operations. In any case these operations are controlled by the permit rather than being under planning control.
- 6.7 There is potential for odour emanating from the site and from vehicles carrying slurry to the site. It is understood that delivery vehicles are enclosed tankers and the slurry pit is an enclosed system so there are unlikely to be odour emissions from either the delivery or storage of slurry. It is understood that Mid Devon's Environmental Health team have not received any complaints relating to the site in the last 2 years.
- 6.8 It is accepted that there is a potential impact from vehicles travelling close to residential properties in terms of noise and vibration. The current condition 8 seeks to control the times of all operations associated with the slurry pit and this relates to operations in addition to deliveries. The applicant points out that the spreading operation is controlled by Agricultural Waste Regulations and provides this as the reason for the justification for the removal of the condition.

6.9 Whilst this is accepted it is considered that there remains a need to control the timing of deliveries of sludge to the site in order to protect residential amenity. It is therefore recommended that in the event planning permission is granted a condition be imposed allowing for deliveries taking place between 0800 and 1800 hours Mondays to Fridays and 0800 and 1500 hours on Saturdays and Sundays.

7. Reasons for Recommendation/Alternatives Considered

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

7.2 It is considered that the proposal is in accordance with the policies of the Waste Local Plan and taking all material considerations into account, it is recommended that conditional planning permission should be granted in accordance with the recommendation to this report. The conditions outlined in Appendix II to this report will ensure that any adverse impacts will be appropriately mitigated against and the requirements of the Agricultural Waste Licence will provide for adequate pollution control measures.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Crediton Rural

Local Government Act 1972: List of Background Papers

Contact for enquiries: B Grubb

Room No: AB2, Lucombe House

Tel No: (01392) 38300

Background Paper	Date	File Ref.
Casework File	April 2016	DCC/3863/2016

bg190516dma
sc/cr/old tellams yard slurry pit cheriton bishop
04 060616

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	date June 2016	scale 1:12,500
	Head of Planning, Transportation and Environment	Development Management Committee County Matter: Variation of Condition Mid Devon District: Removal of Condition 8 (Hours of Use) and variation of Condition 9 (Limit on Storage) of planning permission 14/00172/FULL for construction of slurry pit at Old Teliam's Yard, Cheriton Bishop, Exeter.
		Application No: 16/00639/DCC

Relevant Planning Policy Considerations

The Devon Waste Plan (2011-2031) (Adopted December 2014): Policies W17 (Transportation & Access) and W18 (Quality of Life).

Mid Devon Local Development Framework Core Strategy 2026 (Adopted July 2007): Policies COR2 (Local Distinctiveness) and COR18 (Countryside).

Mid Devon Local Plan Part 3 (Adopted October 2013): Policies DM4 (Waste Management) and DM22 (Agricultural Development).

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Appendix II To PTE/16/32

Proposed 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 A3-2010-15-02-1 REV D, A3-2010-15-02-2 REV D, A3-2010-15-02-3 REV B, and BGP/PLPN/001, unless varied by the conditions below.

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

Conditions during operation

3. The measures outlined by the Non Material Amendment application, dated 01/04/2015, to amend the method of odour management measures from polymer clay beads set out in condition 7 of consent DCC/3660/2014, to the installation of an impermeable liner and cover to the Slurry/septic tank sludge pit, shall be utilised at all times until such alternative measures for odour control are submitted to, and agreed in writing, by the Waste Planning Authority.

REASON: To protect the amenity of nearby residents with respect to odour management of the slurry/septic tank sludge pit in accordance with policy W18 (Quality of Life) of the Devon Waste Plan (2011-2031) (Adopted December 2014).

4. Unless in the case where emergency collections are required, deliveries of septic tank sludge shall only take place between 0800 and 1800 on Mondays to Fridays and between 0800 and 1500 on Saturdays and Sundays and no deliveries on Public Holidays.

REASON: To protect the amenity of nearby residents with respect to deliveries of septic tank sludge to the approved slurry/septic tank sludge pit in accordance with policy W17 (Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan (2011-2031) (Adopted December 2014).

5. No more than 5,000 tonnes of septic tank sludge shall be imported onto and processed at the site in any calendar year. The operator shall maintain records of waste importation and make these available for inspection by the Waste Planning Authority within 3 weeks of any request to do so.

REASON: To protect the amenity of nearby residents with respect to deliveries of septic tank sludge to the approved slurry/septic tank sludge pit in accordance with policy W18 (Quality of Life) of the Devon Waste Plan (2011-2031) (Adopted December 2014).

6. The Landscaping Scheme approved under condition 4 of permission 14/00172/FULL shall be maintained for a period of five years. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the

Agenda Item 5

date of planting or seeding shall be replaced with the same or similar species in the same location.

REASON: To protect the character and appearance of the local landscape in accordance with policy WPC2, WPP11 and WPP24 of the Devon County Waste Local Plan (Adopted June 2006), W12 of the Devon County Waste Local Plan: Pre-Submission Consultation (December 2013), and COR 2 and COR18 of the Mid Devon Local Development Framework Core Strategy 2026 (Adopted July 2007).

7. The visibility splays provided pursuant to condition 6 of permission 14/00172/FULL shall be maintained at the site access to provide intervisibility between any points taken from a point 2.4m back along the centre line of the access and extending to a point on the near side carriageway edge 33m either side of the access with no obstruction greater than 0.90m above the carriageway edge.

REASON: To provide adequate visibility from and of emerging vehicles.

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Appendix III
To PTE/16/32

PTE/14/53

Development Management Committee
15 July 2014

County Matter: Waste Disposal
Mid Devon District: Proposed Installation of a storage pit for septic tank waste at Old Tellam's Yard, Cheriton Bishop, Exeter
Applicant: BG Pearce Ltd
Application No: 14/00172/FULL
Date Application received by County Council: 29 April 2014

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that planning permission be granted in accordance with the conditions set out in Appendix II to this Report.

1. Summary

- 1.1 This is the Report relating to the determination of the planning application for a pit to store septic tank sludge at Old Tellams Yard, Cheriton Bishop.
- 1.2. The main material considerations in the determination of the application are considered to be; odour issues; the highways impacts; and ecological and landscape impacts.

2. The Proposal/Background

- 2.1 Old Tellam's Yard is located approximately 20 km West of Exeter, and 4 km to the North West of Cheriton Bishop. After leaving the A30, access to the site is via the minor rural road network. The setting is within a rural location, although the application site itself consists of a former pond contained by an earth embankment. This site is bound by open grassland with some gorse bushes and brambles.
- 2.2 The total site area for Old Tellam's Yard is 2.8 hectares, and comprises of a number of industrial type buildings. In respect of waste uses at the site, there are two existing animal carcass incinerators that are housed within buildings at the site. In addition to this there is an extant planning permission (DCC/2953/2009) for a new building and clinical waste incinerator which has not yet been implemented.
- 2.3 The application seeks to provide a pit measuring 60m x 20m x 3m (2m deep) which would store treated septic tank waste which is collected by the applicant. Following storage the waste would be disposed of to the applicant's farmland using deep disc injector.
- 2.4 The quantity of material imported to the pit would be 1,300 tonnes per annum which would generate 6 to 8 two way traffic movements per week.

3. Consultations

- 3.1 Mid Devon District Council – no objections.

- 3.2 Mid Devon District Council Environmental Health – no objections.
- 3.3 Cheriton Bishop Parish Council – raised concern about odours from the site.
- 3.4 Dartmoor National Park Authority – no objections.
- 3.5 Environment Agency – no objections but requested that the applicant discuss the proposal with their permitting team.

4. Advert/Representations

- 4.1 The application has been advertised in accordance with the statutory publicity requirements, and as a result of these procedures, 8 letters/emails of objection have been received with postcodes ranging between approximately 700 metres and 2 miles from the proposed site.
- 4.2 The issues raised in the letters of objection relate to:
- Odour and amenity.
 - The nature of the waste.
 - Additional traffic on unsuitable roads.
 - Inadequacy of road network to cater for existing level of traffic.
 - Concerns of the type of waste to be stored.
 - Is the capacity of the pit sufficient to cope with heavy rainfall?
 - The location and adequacy, in terms of the capacity, of farmland on which the sludge will be spread.
 - Removal of trees.
 - Safety concerns relating sludge/slurry pits and stores.

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as County 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 the odour issues; the highways impacts; and ecological and landscape impacts.

Odour

- 6.2 It is considered that the main sources of odour will be from the delivery of the waste to the pit, the collection of the waste from the pit, prior to spreading, and the spreading operations themselves. Good practice of handling septic tank waste will ensure that there is not a significant odour problem and this can be secured by an appropriately worded planning condition requiring compliance with the submitted Odour Management Statement.

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- 6.3 The method of spreading the material to land would be using a deep injection method, which applies the sludge at a depth of 120-300 mm in the soil using injector tines, which reduces the amount of odour emitted by up to 85% when compared with conventional splash plate spreaders.

Highways

- 6.4 The applicant currently operates a septic tank waste collection service which generates, on average, 3-4 10 tonne loads per week (6 to 8 two way movements), and does exceed 4 loads per day. The proposal would not generate any additional traffic and indeed, the provision of the additional storage may give rise to a reduction in movements as material can be stored for longer and spread at the appropriate time when weather conditions are preferable. The level of traffic is governed by the capacity of the pit and the spreading of material to the applicant's land. In order to ensure the traffic does not significantly increase as a result of this proposal a condition is recommended limiting the annual quantity of material stored at the site.
- 6.5 Currently the septic tank waste is stored in tanks in neighbouring fields and the access to the new pit would be via the existing access to the Tellams Yard industrial estate. This access is substandard in terms of visibility and it is therefore recommended that a condition be imposed requiring an improvement to the access visibility.

Landscape and Ecology Impacts

- 6.6 Concerns were raised as to proximity of the waste store to a well wooded hedgebank to the south and woodland to the north. Based on these concerns the applicant has agreed to keeping a 6 metre buffer/pathway between the footprint of the waste store and the nearby hedgerows and canopies of the nearest mature trees. The applicant has also agreed to include a wildlife pond to the north east of the application site and additional planting for visual and ecological mitigation can be secured by an appropriately worded condition.

Operational Concerns

- 6.7 The waste operations at the site are controlled by the Environmental Permit issued by the Environment Agency and advice in Paragraph 122 of the National Planning Policy Framework advises that, 'local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.' The Government's policy on the use of planning conditions in planning permissions is set out in the newly published Planning Practice Guidance and one of the key principles in the use of planning conditions is to enable development to proceed where it would otherwise have been necessary to refuse planning permission.
- 6.8 In order to carry out the operations a waste permit needs to be secured from the Environment Agency. The permit would allow for the applicant to store up to 1,250 tonnes of septic tank waste at any one time and for up to 12 months before spreading it to land. The permit requires that sewage sludge must be stored at the place where it is to be used in accordance with the Sludge (Use in Agriculture) Regulations 1989 which relate to the application of the sludge to land. In addition the Environment Agency recommends that agricultural benefit be demonstrated.

6.9 The applicant proposes to use a deep-disc injection method, which should both reduce surface runoff and odour, provided it is carried out during optimal soil and weather conditions. The storage of the waste allows for the spreading to take place during appropriate weather conditions.

7. Reasons for Recommendation/Alternatives Considered

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

7.2 The applicant currently operates a liquid waste disposal/septic tank emptying service and stores this waste in 9 underground tanks, with approximately 180 cubic metres or 177 tonnes capacity, prior to it being spread on his farmland for agricultural benefit. The provision of a sludge pit would provide for a more sustainable method of waste management in terms of pollution control and good agricultural practice. The conditions suggested in Appendix II to this report will ensure that any adverse impacts will be appropriately mitigated against and the requirements of the Waste Licence regime will provide for adequate pollution control measures.

7.3 Taking all material considerations into account it is recommended that conditional planning permission should be granted in accordance with the recommendation to this report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Crediton Rural

Local Government Act 1972: List of Background Papers

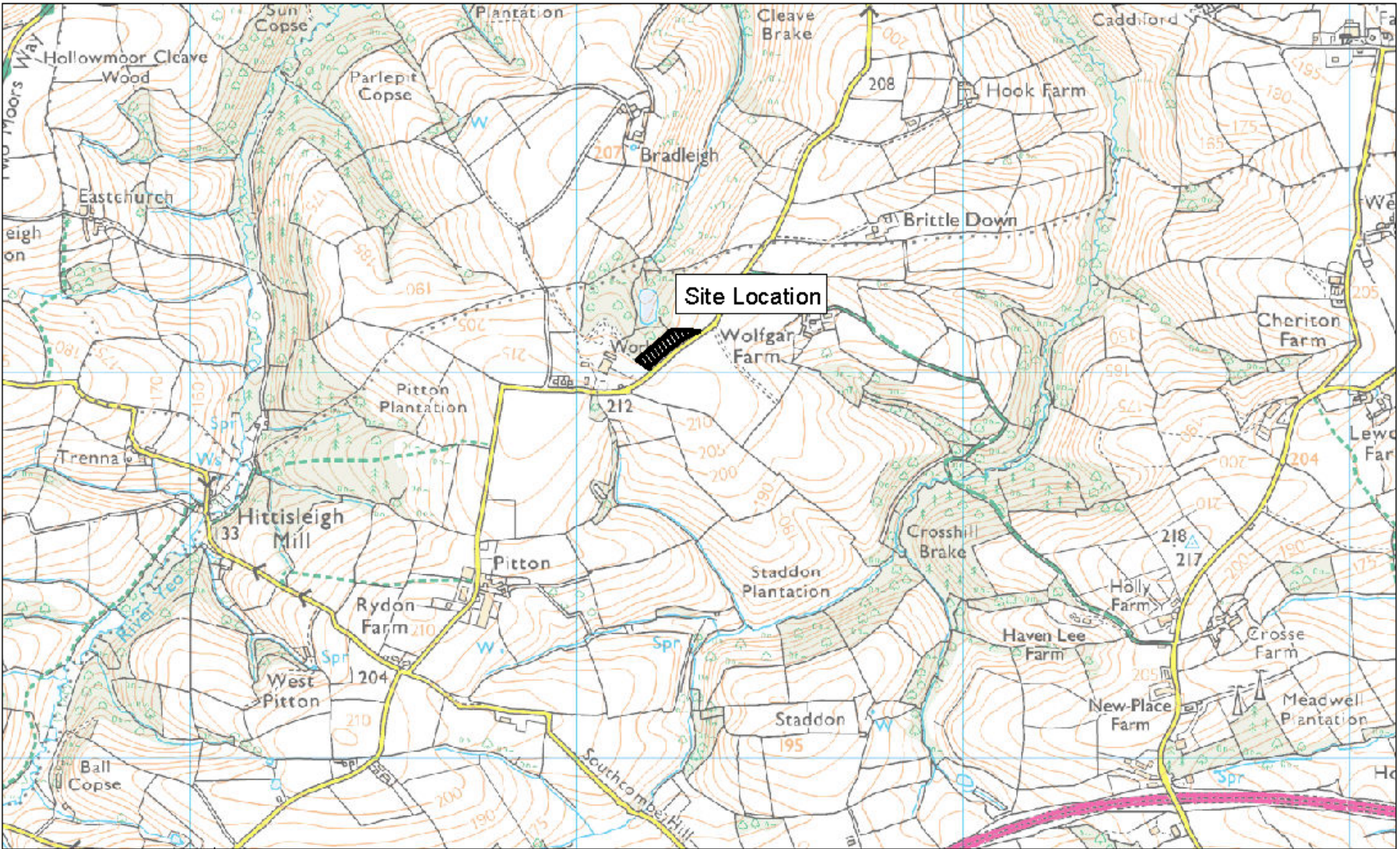
Contact for enquiries: B Grubb

Room No: AB2, Lucombe House

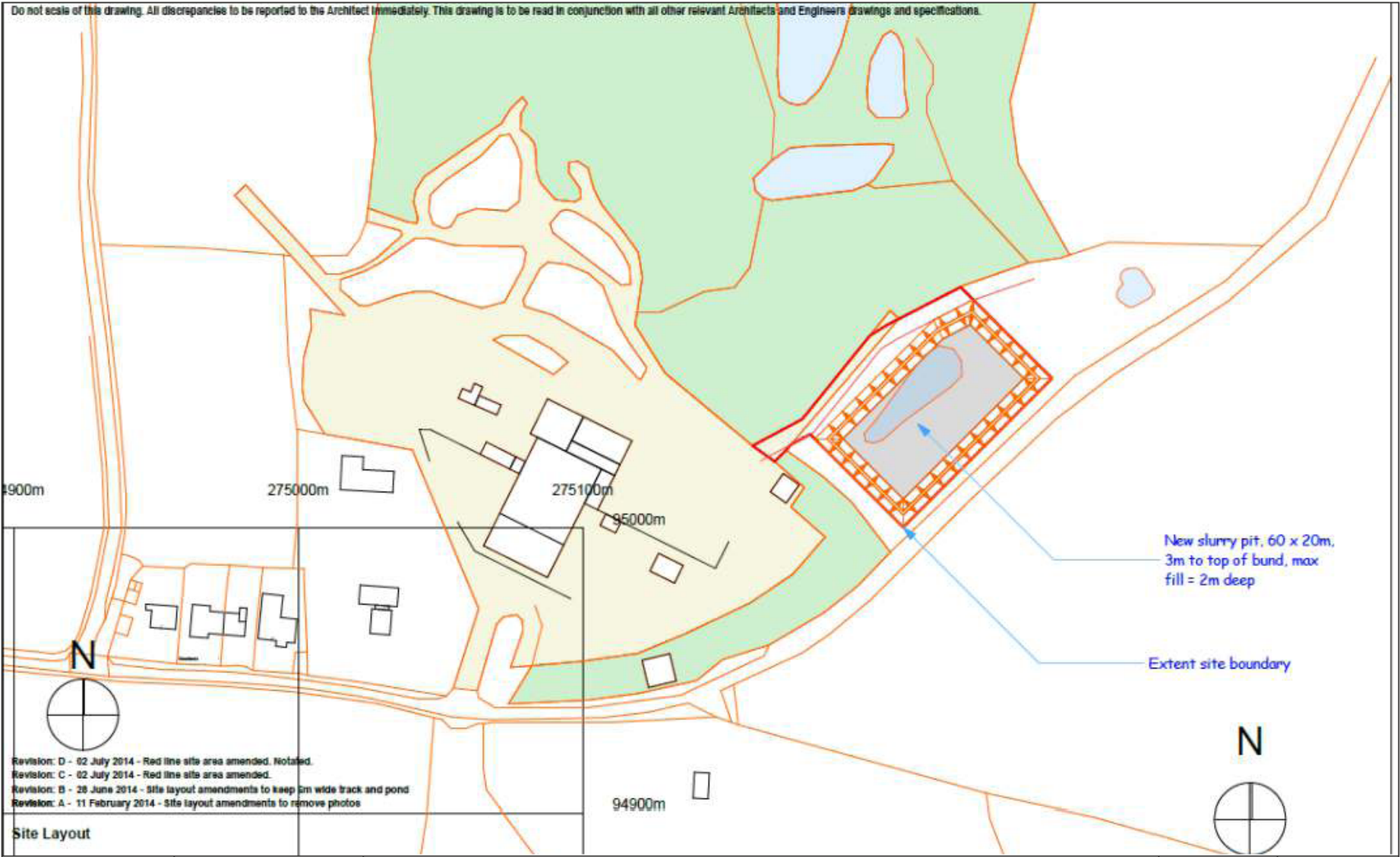
Tel No: (01392) 382434

Background Paper	Date	File Ref.
Casework File	April 2014	DCC/3660/2014

bg190614dma
sc/cr/old tellams yard slurry pit
04 070714



	Head of Planning, Transportation and Environment	Development Management Committee	date July 2014	scale 1:12,500
		County Matter: Waste Disposal Mid Devon District: Proposed Installation of a slurry pit/lagoon for septic tank waste at Old Tellam's Yard, Cheriton Bishop, Exeter		Application No: 14/00172/FULL



	Head of Planning, Transportation and Environment	Development Management Committee	date July 2014	scale N.T.S.
		County Matter: Waste Disposal Mid Devon District: Proposed Installation of a slurry pit/ lagoon for septic tank waste at Old Tellam's Yard, Cheriton Bishop, Exeter	Application No: 14/00172/FULL	

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Appendix I To PTE/14/53

Relevant Planning Policy Considerations

The Devon County Waste Local Plan (Adopted June 2006): Policies WPC1 (Sustainable Waste Management); WPC2 (Development Control Considerations); WPC3 (Integrated Waste Management Facilities); WPP4 (Consideration of Proposals At Sites Not Allocated In The Plan); WPP11 (Areas of Great Landscape Value); WPP16 (Agricultural Land); WPP17 (Water Resources Protection); WPP20 (Transportation of Waste); WPP21 (Road Transport); WPP22 (Health and Air Quality); and WPP24 (Site Design and Appearance); and WPP43 (Waste Water Treatment).

The Devon County Waste Local Plan: Pre-Submission Consultation (December 2013): Policies W01 (Presumption in Favour of Sustainable Development); W02 (Sustainable Waste Management); W12 (Landscape and Visual Impact); W14 (Sustainability and Quality Design); W17 (Transportation and Access); and W18 (Quality of Life).

Mid Devon Local Development Framework Core Strategy 2026 (Adopted July 2007): Policies COR2 (Local Distinctiveness) and COR18 (Countryside).

Mid Devon Local Plan Part 3 (Adopted October 2013): Policies DM4 (Waste Management) and DM22 (Agricultural Development).

Appendix II To PTE/14/53

Proposed 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 A3-2010-15-02-1 REV B, A3-2010-15-02-2 REV B, A3-2010-15-02-2 (11-14-0172), A3-2010-15-02-3 REV B, and BGP/PLPN/001, unless varied by the conditions below.

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

Conditions Pre-Commencement

3. All trees, shrubs and other natural features not scheduled for removal during site works and building operations shall be safeguarded in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations.'

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period, in the interests of visual amenity and nature conservation in accordance with policy WPC2, WPP11 and WPP24 of the Devon County Waste Local Plan (Adopted June 2006), W12 of the Devon County Waste Local Plan: Pre-Submission Consultation (December 2013), and COR 2 and COR18 of the Mid Devon Local Development Framework Core Strategy 2026 (Adopted July 2007).

4. No development shall take place until a Landscaping Scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall incorporate details of species and species mix of native varieties of tree common to the area; hedgerows in the locale and the nearby woodland. This shall include oak, hazel, hawthorn, dog rose and rowan.

This scheme shall also include details of protection measures outlining – e.g. rabbit guards/replacement of dead and dying specimens etc.

The approved scheme shall be implemented in the first planting and seeding season after completion of development. The approved scheme shall be maintained for a period of five years. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting or seeding shall be replaced with the same or similar species in the same location.

REASON: To protect the character and appearance of the local landscape in accordance with policy WPC2, WPP11 and WPP24 of the Devon County Waste Local Plan (Adopted June 2006), W12 of the Devon County Waste Local Plan: Pre-Submission Consultation (December 2013), and COR 2 and COR18 of the Mid Devon Local Development Framework Core Strategy 2026 (Adopted July 2007).

5. No waste shall be deposited into the pit until the mitigation measures and enhancements outlined in the ecological report (Section 5.2 and 6.0) have been

Agenda Item 5

actioned and adoption of these measures confirmed in writing to the Waste Planning Authority in writing.

REASON: To minimise impacts on biodiversity and risk to protected species in accordance with policy WPC2 of the Devon County Waste Local Plan (Adopted June 2006), and COR 2 and COR18 of the Mid Devon Local Development Framework Core Strategy 2026 (Adopted July 2007).

6. No development shall take place until details of visibility splays have been submitted to and approved in writing by the Waste Planning Authority. These splays shall then be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points taken from a point 2.4m back along the centre line of the access and extending to a point on the near side carriageway edge 33m either side of the access with no obstruction greater than 0.90m above the carriageway edge.

REASON: To provide adequate visibility from and of emerging vehicles.

7. The measures outlined in the Odour Management Statement, dated 25 June 2014, shall be complied with throughout the duration of the use.

REASON: To safeguard the amenity of nearby premises and the area generally in accordance with policy WPC2 of the Devon County Waste Local Plan (Adopted June 2006) and W18 of the Devon County Waste Local Plan: Pre-Submission Consultation (December 2013).

Conditions During Operation

8. Any operations associated with the proposed sludge pit shall only take place between 0800 and 1700 on Mondays to Fridays and, unless otherwise agreed in writing by the Waste Planning Authority, deliveries shall be limited to no more than 10 per year on Saturdays and Sundays between 0800 and 1500. There shall be no operations associated with the sludge pit on Public Holidays.

REASON: To protect the living conditions of nearby residents in accordance with policy WPC2 of the Devon County Waste Local Plan (Adopted June 2006) and W18 of the Devon County Waste Local Plan: Pre-Submission Consultation (December 2013).

9. No more than 1,500 tonnes of septic tank waste shall be imported onto and processed at the site in any calendar year. The operator shall maintain records of waste importation and make these available for inspection by the Waste Planning Authority within 3 weeks of any request to do so.

REASON: To protect the living conditions of nearby residents in accordance with policy WPC2 of the Devon County Waste Local Plan (Adopted June 2006) and W18 of the Devon County Waste Local Plan: Pre-Submission Consultation (December 2013).

PTE/16/33

Development Management Committee
15 June 2016

Highway Consultation

North Devon District: Outline application for residential development of up to 43 dwellings, public open space and associated infrastructure all matters reserved, save for access off Westaway Plain at land off Westaway Plain (west of Youings Drive) Pilton, Barnstaple

Applicant: Summix (Barnstaple) Developments LLP

Application No. ND/61067/2016

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 raise no objection to the application subject to the signing of a Section 106 agreement relating to a financial contribution towards highway infrastructure and enhancements to bus services as set out in Appendix I to this report and planning conditions as set out in Appendix II to this report.

1. Summary

- 1.1 This Report relates to the Highway Authority response on a full planning application for the erection of up to 43 dwellings on land west of Youings Drive, Barnstaple.
- 1.2 This application has been called in for determination by this Committee by Councillor Greenslade who says, *“on the basis that the accumulated traffic impact in this area from previous decisions is substantial and no further development can be accommodated by the existing road network especially Pilton Bridge junction and Northfield Lane, Littabourne, The Rock and Beech Grove/Northfield Park.”*

2. Background

- 2.1 The application site is located in the north east of Barnstaple in the Pilton area, south of Westaway Plain and west of Youings Drive on land of a rough triangle shape of about 2.5 hectares. Vehicular access to the estate is proposed to be from Westaway Plain via a simple priority junction.
- 2.2 The site is not allocated for development in the draft North Devon and Torridge Local Plan. The site is not in the current development boundary of the town, but is in the development boundary in the draft Local Plan.
- 2.3 There are three additional development sites in close proximity which have the benefit of planning permission, one site which has received a resolution to grant permission, and a further site with permission which was not implemented and has lapsed.

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2.4 These applications are:

- Land at Trayne Farm for 80 dwellings (application reference 56074, approved in outline, awaiting reserved matters application). The highway consultation response for this application was subject of a report to this Committee on 27 November 2013, report PTE/13/101 refers. The Committee resolved that no objection be to the proposal subject to the signing of a legal agreement and subject to planning conditions. Minute *34 refers.
- Land at Westaway Reach (opposite this site) for 42 dwellings (application reference 56396, development currently under construction).
- Land off Northfield Lane for 110 dwellings (application reference 56685 approved in outline, awaiting reserved matters application).
- Application for 105 dwellings on land at Raleigh Park with resolution to grant planning permission subject to the signing of a section 106 agreement (application reference 57503). Members will recall that this highway consultation was subject of a report to this Committee on 22 October 2014, report PTE/14/71 refers. The Committee resolved to raise no objection subject to the signing of a legal agreement, imposition of planning conditions and further consideration of a requirement for signalised junction at the development site entrance. Minute *72 refers.
- Outline planning permission on North Devon District Hospital land to demolish old units of staff accommodation and build 112 units of staff accommodation and 135 open markets dwellings. The staff accommodation was demolished but the permission has not been implemented and has now lapsed (application reference 43953).

2.5 It has been identified that the junction of the A39/Westaway Plain/Hospital access (known as the hospital junction) is currently at capacity, and a scheme to improve this junction was approved by DCC Cabinet on 10 September 2014, minute *223 refers.

3. Non-car transport issues

3.1 The application is in outline, but an indicative plan shows a pedestrian and cyclist path running from near the entrance at the north of the site to the south west corner of the site. Such a path together with other offsite improvements would continue and improve the provision of non-car infrastructure by other developments in the area so that there is a safe off-road route for pedestrians and cyclists between Pilton and the Hospital. Such works are necessary for the site to provide safe and suitable and legal access for cyclists entering and leaving via this access point.

3.2 The site is served by the no. 9 bus which travels between Bradiford and Bishops Tawton via the town centre. Buses 19, 301 and 309 are also within easy walking distance of the site, stopping on the A39 near to the hospital. It is recommended that the applicant should be required to contribute towards improving the frequency of bus services in the vicinity of the site, and to help mitigate the impact of this development on traffic issues across the town. It is considered that the requirement to contribute towards the bus service would remove other trips on the highway network thereby mitigating against part of the impact of this proposed development.

4. Vehicular impact

- 4.1 The proposed vehicle trip generation from this site is comparable to the Devonshire Homes 'Westaway Reach' site currently being constructed opposite this site on Westaway Plain. Although this proposal shows calculations slightly below those submitted in the transport assessment for the Devonshire application, the differences are only that of 4 fewer vehicles exiting the site in the AM peak hour, 2 more vehicles entering the site in the PM peak hour and 2 fewer exiting the site in the PM peak hour. These differences are considered insignificant.
- 4.2 The applicant has proposed that there is a 12 hour (0700hrs to 1900hrs) impact of 82 vehicles entering and 81 exiting the site. There is no evidence to suggest that in this location with nearby bus services and proposed pedestrian and cyclist infrastructure, this level of vehicle impact is incorrect.
- 4.3 The impact of this additional traffic on the local highway network needs to be considered alongside other committed developments nearby.
- 4.4 For the Raleigh Park application (application reference 57503) which came to this Committee in October 2014 (report PTE/14/71) a series of graphs and traffic data sets were presented. This demonstrated that the proposed development of 105 dwellings at this site combined with the permitted and committed developments in the area (Trayne Farm, Northfield Lane, Westaway Reach and land south of North Devon District Hospital) was acceptable subject to mitigation measures.
- 4.5 Prior to the hospital permission lapsing there were a total of 475 dwellings with planning permission or a planning committee resolution to grant permission subject to section 106 agreements. With the hospital permission now lapsed the total drops to 337.
- 4.6 This application for 43 dwellings would bring the total consents for this area up to 380 dwellings, which is 95 dwellings less than that previously consented.
- 4.7 Therefore this proposal would not result in an increase of the number of vehicular trips on the local road network above that which previously had permission.
- 4.8 It is considered that there would not be a severe impact on the highway network as a result of this application if mitigation measures towards the £1,077,880 A39 Hospital roundabout scheme and bus services are secured.

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 Division: Barnstaple North

Agenda Item 6

Local Government Act 1972: List of Background Papers

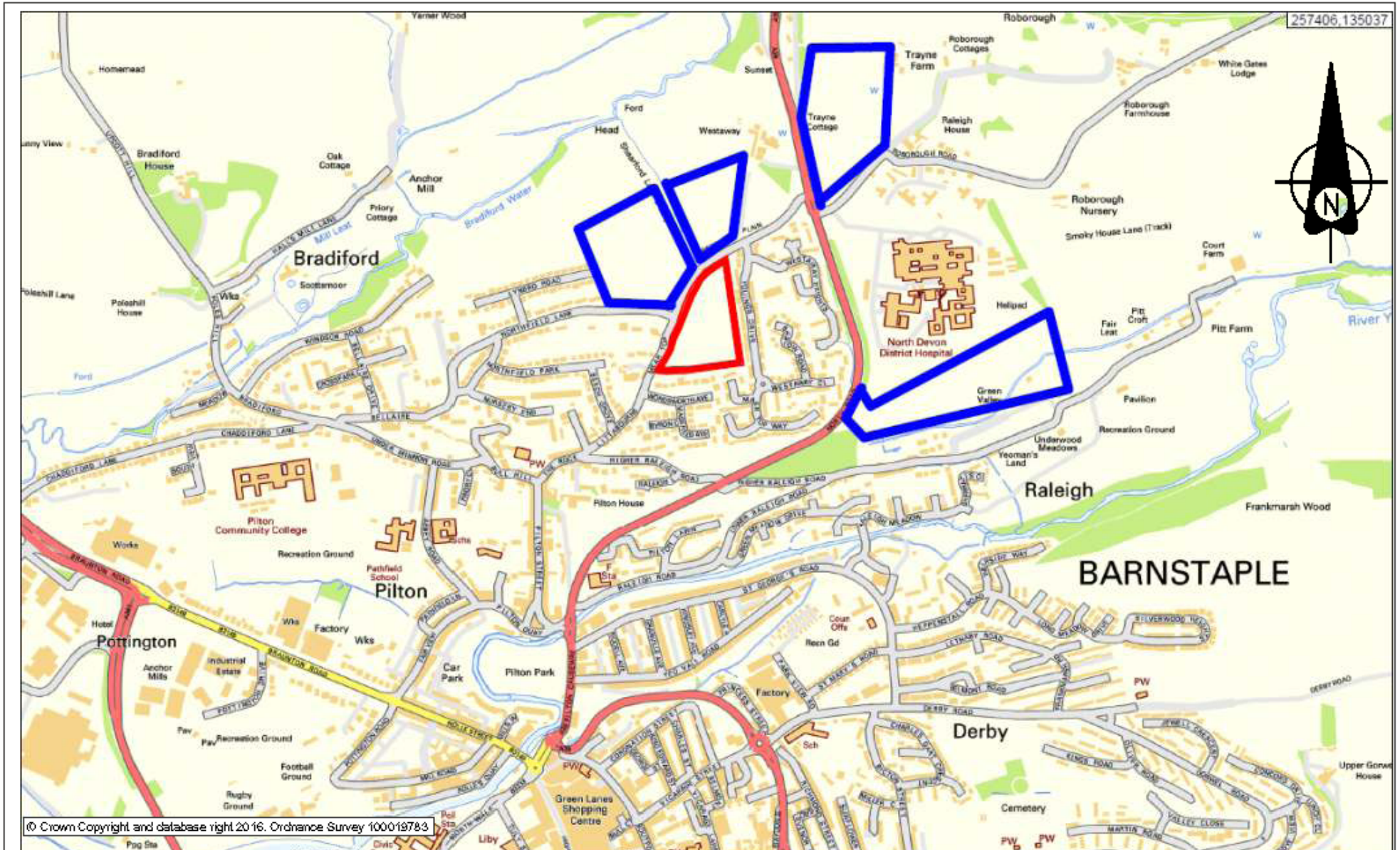
Contact for enquiries: Mike Deaton

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


Tel No: (01392) 382130

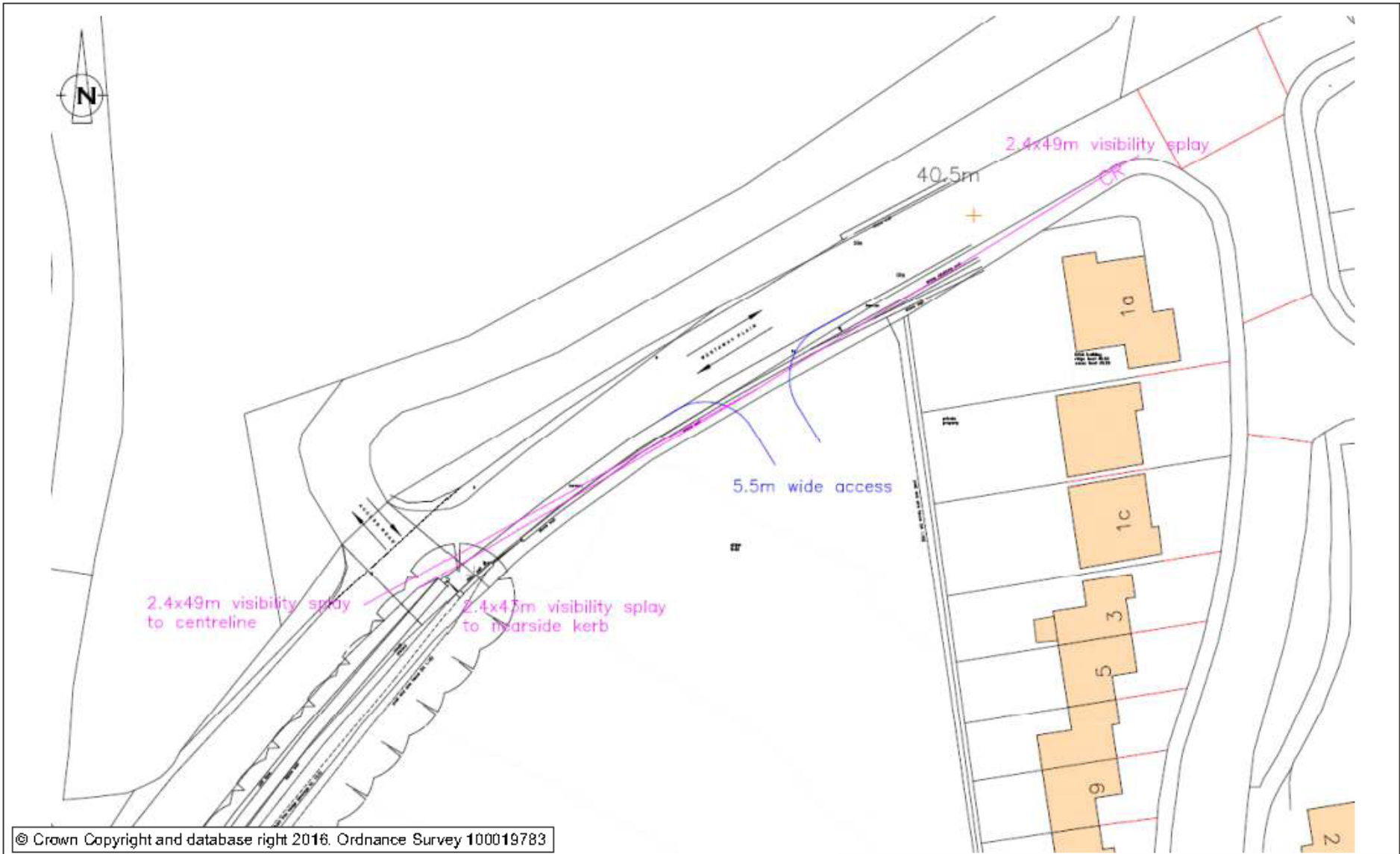
Background Papers	Date	File Reference
District Council planning application	Current	57503


mc160516dma
sc/cr/Westaway plain youings drive pilton Barnstaple
03 060616



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	Head of Planning, Transportation and Environment	Development Management Committee	date June 2016	scale NTS
		North Devon District: Outline application for residential development of up to 43 dwellings, public open space and associated infrastructure all matters reserved, save for access off Westaway Plain at land off Westaway Plain (west of Youngs Drive) Pilton, Barnstaple		drawing / application number ND/61067/2016



	Head of Planning, Transportation and Environment	Development Management Committee North Devon District: Outline application for residential development of up to 43 dwellings, public open space and associated infrastructure all matters reserved, save for access off Westaway Plain at land off Westaway Plain (west of Youings Drive) Pilton, Bamstaple	date June 2016	scale NTS
			drawing / application number ND/61067/2016	

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Appendix I To PTE/16/33

Section 106 contributions

£305,900 towards upgrading of the Hospital Junction and bus service enhancements.

All reasonable costs towards any traffic regulation orders required as a result of the development.

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Appendix II To PTE/16/33

Conditions

HIGHWAYS CONDITIONS

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) 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 8:00am and 6.00pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, 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) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
 - (k) details of wheel washing facilities and obligations;
 - (l) the proposed route of all construction traffic exceeding 7.5 tonnes;
 - (m) details of the amount and location of construction worker parking;
 - (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The site shall be developed in accordance with the information provided.

REASON: In the interest of the safety and amenity of the travelling public and to avoid damage to the highway.

2. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the approved plans 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 43 metres in a westerly direction and 49 metres in the other direction.

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

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3. Prior to any occupation of the site a minimum 3.0 metre width shared pedestrian and cycleway shall be constructed and made available for public use between the south west corner of the site and the northern boundary of the site.

REASON: To provide adequate pedestrian and cyclist facilities for occupiers of the site and to help make the site sustainable in transport terms.

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. The following garaging and vehicle parking spaces shall be provided and maintained thereafter.

- A) one garage/hardstanding and one parking space per dwelling where provided within the curtilage of individual dwellings;
- B) one and a half parking spaces per dwelling where provided in communal parking areas.

Further details of the design shall be submitted to the Local Planning Authority and the development hereby approved shall not be occupied until this provision has been made to the written satisfaction of the Local Planning Authority.

REASON: To minimise the extent of on-street parking that may result as a consequence of the development.

7. 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 to the written satisfaction of the Local Planning Authority.

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.

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8. 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 written 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.

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

9. When once constructed and provided in accordance with condition 8 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 – 15 June 2016 - Summary

<u>District/Location/Application Number</u>	<u>Proposal</u>	<u>Electoral Division</u>	<u>Action Taken</u>
<p>Teignbridge District Council Springdale Farm, Lane to Springdale Farm, Longdown, Devon, EX6 7SD DCC/3810/2015</p>	<p>Variation to current land restoration scheme. Engineering works to construct pond in adjacent meadow</p>	<p>Chudleigh Rural</p>	<p>Conditional Approval</p>
<p>Teignbridge District Council Round Field, A30/A377 Interchange, Ide, Exeter, EX2 9RY DCC/3846/2016</p>	<p>The construction of new park and ride facility at the A30/A377 interchange, Exeter, including 556 car parking spaces; a new roundabout to provide access to the site from the C50; a new access road/entrance; circulatory access routes; bus stop facilities; cycle storage and cycle rack; lighting; security and landscaping,</p>	<p>Exminster & Kenton</p>	<p>Withdrawn After Validation</p>
<p>East Devon District Council Upottery Primary School, Upottery, Honiton, EX14 9QT DCC/3860/2016</p>	<p>Repair and replacement works to windows</p>	<p>Honiton St Paul's</p>	<p>Conditional Approval</p>
<p>Teignbridge District Council Highweek Primary and Nursery School, Coronation Road, Newton Abbot, TQ12 1TX DCC/3864/2016</p>	<p>Variation of condition 2 of planning permission DCC/3712/2014 to change the façade treatment of two elevations from brick and window units to curtain walling with solid panels</p>	<p>Newton Abbot North</p>	<p>Conditional Approval</p>

