

County Matter: Waste

North Devon District: Renewal of consent reference 57165 for permanent change of use for a waste materials reclamation facility and change of use of an adjacent existing mixed Class B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) building to a waste reclamation facility to include an area outside for the storage of empty skips at the former Evans Transport Ltd, Anchor Mill Buildings, Braunton Road, Barnstaple

Applicant: Newbery Recycling Ltd

Application No: 62220

Date application received by Devon County Council: 24 October 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 subject to 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 renewal and making permanent the permission for waste reclamation facility and the change of use of a neighbouring industrial building to a use for waste sorting, storage and recycling at a former transport yard located off Braunton Road, Barnstaple.
- 1.2 It is considered that the main material considerations in the determination of this application are an examination of the proposal against relevant planning policy; the impacts on the local road network; flooding; and the impacts on the amenity of local residents in terms of noise, vibration, visual impact and odour.

2. The Proposal/Background

- 2.1 The application site comprises an area of the Anchor Mill Buildings, which formed part of the former Evans Transport Site located off Braunton Road approximately 1km to the north west of the centre of Barnstaple.
- 2.2 The application site (known as the Anchor Mill buildings) is bounded, to the north, by Braunton Road (B3149) which separates the application site from a number of residential properties and retail units, on the opposite side of road. Immediately to the east and adjoining the application site is the Two Rivers Industrial Estate which houses a number of storage, distribution, sales and manufacturing uses. The south of the site is bounded by a number of sports pitches. The west of the site is bounded by an area of hard standing and scrub, and beyond that is the A361 and the large Pottington Industrial Estate. Vehicular access to the application site is available at two access points, both directly off Braunton Road.

- 2.3 The application site consists of two large industrial buildings. It is understood that the buildings were constructed in the 1960s, and both are surrounded by a mixture of concrete hard standing and gravel surfaced parking areas.
- 2.4 At the meeting of the Development Management Committee on 17 September 2014 the Committee resolved to grant retrospective planning permission for a two year temporary change of use of one of the buildings for waste management purposes (within the building) and storage of empty skips outside of the building. Report PTE/14/65 refers.
- 2.5 The temporary permission expired on 1 October 2016 and this Report relates to a planning application to renew and make permanent the waste use and change of use of an additional existing building, which currently has mixed Class B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses, to a waste sorting and materials recycling facility.
- 2.6 The proposed operations will accommodate the sorting, storage and transfer a range of materials which are outlined, along with approximate tonnages, below:

The main elements and quantities of waste material, amounting to approximately 40,700 tonnes annually, consist of:

- Non Ferrous Metals (approximately 1,000 tonnes per annum);
- Ferrous Metals (approximately 6,000 tonnes per annum);
- End of Life Vehicles (approximately 2,500 tonnes per annum);
- Cardboard and Paper (approximately 10,000 tonnes per annum);
- Plastics (approximately 2,500 tonnes per annum);
- Hazardous Waste (approximately 200 tonnes per annum);
- Waste Electrical and Electronic Equipment (500 tonnes per annum);
- Commercial Waste (approximately 6,000 tonnes per annum);
- Construction Waste (approximately 12,000 tonnes per annum).

The applicant estimates that the waste sorting and recycling facility will receive up to 600 tonnes per week from both commercial and public sources. There would be no waste processing or storage of materials outside of the confines of the proposed building except for the storage of blocks, bricks and stones in an area between the 2 buildings. The applicant proposes that a 2.4m high galvanised palisade fence will be erected on the western boundary of the site to prevent the spread of operations in a westerly direction, but no other external alterations to the buildings themselves are proposed.

- 2.7 The proposal also seeks permission for an area on the southern boundary of the site for skip storage. This would involve the storage of up to 45 skips which would be stacked 2 high, giving a maximum height of 2m. The storage of skips shall only occur along the southern boundary of the application site, as shown on drawing 461/002a, and it is considered that there is sufficient screening from the existing buildings to not impact on the visual amenity of the residential properties located along Braunton Road. Additional landscaping is also proposed along this southern boundary further helping to screen the skip storage and overall site from views from the south.

3. Consultation Responses

- 3.1 North Devon District Council - no objections, provided that supplementary soft landscaping be provided along the southern boundary of the site to assist in screening the proposed external skip storage area and no loaded skips shall be stored in the open air to the north east and north west of the building in the interests of the character and appearance of the area.
- 3.2 Barnstaple Town Council – recommend refusal on the grounds that the application documentation provided did not include an environmental impact study or an assessment of the potential impact on nearby waterways. No planning statement was provided. The traffic and transport impact is not given but is likely to be unacceptable.
- 3.3 Environment Agency - No objections, provided that the operator obtains an appropriate Environmental Permit before commencement of the use. Through the permitting process we would expect the operator to install appropriate infrastructure to ensure that the operation does not adversely impact the environment.
- 3.4 Natural England – No objection.
- 3.5 Ministry of Defence (Defence Infrastructure Organisation) – No objection.

4. Advertisement/Representations

- 4.1 The application has been advertised in accordance with the statutory publicity requirements and as a result of these procedures a total of 3 letters of objection were received.
- 4.2 The representations are objections based on a number of concerns including the impacts on the local road network and the impacts on the amenity of local residents in terms of noise, vibration and odour.
- 4.3 Copies of representations and consultation responses are available to view on the Council website under reference DCC/3857/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3913/2016>.

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. 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, which can include emerging policies, indicate otherwise. In this case, the relevant Development Plan policies are summarised in Appendix I to this Report and are discussed in Section 6 below.

6. Comments/Issues

- 6.1 It is considered that the main material considerations in the determination of this application are an examination of the proposal against relevant planning policy; the impacts on the local road network; flooding; and the impacts on the amenity of local residents in terms of noise, vibration, visual impact and odour.

Planning Policy Considerations

- 6.2 In the determination of this application it is considered that the most relevant planning policies are those contained within the adopted Devon Waste Plan.

Policy W3 (Spatial Strategy) defines strategic sites as managing a minimum of 40,000 tonnes of waste annually, and requires that these be located within or close to Exeter, Barnstaple and Newton Abbot. Policy W5 (Reuse, Recycling and Materials Recovery) presumes in favour of approving proposals for new reuse, recycling and materials recovery facilities at locations close to the source of the waste or opportunities for its beneficial use. The proposed facility, in enabling the recycling and recovery of waste on a strategic scale within Barnstaple, accords with these policies.

- 6.3 The National Planning Policy for Waste (October 2014) states, amongst other things, that when determining waste planning applications, waste planning authorities should:

- Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix II and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies; and
- Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Traffic and Transportation Issues

- 6.4 The site is accessed via two site access points from Braunton Road along the northern boundary of the site. These access points provide shared joint access with the units within the wider Evan's Transport site. No alterations to these site accesses are proposed as part of the application.

- 6.5 The traffic associated with the development relates to deliveries of waste materials to the site, removal of bulked up materials from the site and movements associated with staff and visitors. The applicant also sells non waste derived sand and stone from the site but this is an existing use and not subject of this planning application. Newbery Recycling Ltd operates three 3.5 tonne vehicles for the collection of materials from sites in the local area and onward movement of baled materials to various recycling operators. The site also operates 6 HGV skip delivery lorries and a 17 tonne HGV, with integral crane (HIAB) for collections.

- 6.6 The application estimates that an additional 42 large vehicle traffic movements per day will be generated, with a small increase in staff movements. This proposed increase is considered insignificant in conjunction with the existing large vehicles using the site and the significant number of vehicles which pass the site along the Braunton Road each day (19,000 on average per day and 16,500 on average between 7am to 7pm). The site access is proposed to remain unchanged which is considered acceptable with adequate visibility from and of emerging traffic. Taking all these factors into account there is considered to be no highway objection to the

proposal, which is therefore consistent with Policy W17 (Transportation and Access) of the Devon Waste Plan.

Residential Amenity

- 6.7 Part of the site has been operating as a waste transfer station since February 2014 and there have been no recorded complaints during this period. In this case the nearest properties are opposite the application site, approximately 65 metres, building to building distance. Between the properties is the busy Braunton Road which generates a significant degree of traffic noise.
- 6.8 It is also proposed that the sorting, mechanical and loading operations will occur entirely within the buildings. As an additional measure to reduce any noise impact, it is also proposed that the majority of the mechanical operations are to be undertaken within the middle and rear sections of the building, away from the Braunton Road elevation and the nearest residential properties. In the event that planning permission is granted the requirement for waste operations to take place within the building would be secured by planning condition.
- 6.9 The outside activities would involve the storage of skips and this has the potential to impact on residential amenity in terms of noise, however the location of the skip storage area is at the rear of the site well away from any residential property. Also, the proposed operating times for the site are 0800 to 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays and this would be subject of a condition should planning permission be granted.
- 6.10 Members should also note that the waste processing activities will be regulated by an Environmental Permit, administered by the Environment Agency, and the Permit would contain conditions relating to prevention and control of noise and dust.
- 6.11 Taking the above into account it is considered that the proposal would not result in an adverse impact on the amenity of any residential properties, and therefore accords with Policy W18 (Quality of Life) of the Devon Waste Plan.

Visual Impact

- 6.12 Adverse visual impacts of the proposal could occur should storage or processing of waste materials take place in the open. In this case all waste processing and storage activities would take place within the building and there is therefore no additional adverse visual impact.
- 6.13 The only element of outside storage relates to the storage of a maximum of 45 skips located outside on the southern boundary of the site and the storage of recycled blocks, bricks and stones in an area between the 2 buildings. There are also an existing two areas used for the storage of sand and stone (not waste). It is proposed that the landscaping along the southern boundary of the site is enhanced through additional planting, using a woodland planting mix of Common Alder, Hawthorn and Beech. This would help protect views from the south and be subject of a planning condition. Given the location of the outside storage areas and the provision of new landscaping it is considered that the proposal would not result in additional impacts on the visual amenity of the area, and is consistent with Policy W12 (Landscape and Visual Impact).

Flooding

- 6.14 Whilst the application site is within flood zone 3 (Flooding from rivers or sea without defences) it is a change of use application and the proposed use does not change the vulnerability of the site. The consultation response from the Environment Agency is one of no objection but they do comment that it is expected that through the permitting process, the operator would install appropriate infrastructure to ensure that the operation does not adversely impact the environment.

Other Matters

- 6.15 The recommendation of refusal from Barnstaple Town Council is noted. It is factual inaccurate insofar as a planning statement was provided with the planning application. Given the scale and nature of the development the proposal is not Environmental Impact Assessment development and it is considered that the appropriate level of detail in order to determine the application was submitted; bearing in mind that the site has been operating without complaint since 2014 and all operations are subject to the environmental controls required as part of the Environmental Permit.

7. Reasons for Recommendation

- 7.1 The committee has the option of approving, refusing or deferring a decision on this planning application.
- 7.2 In terms of planning policy it is considered that the site is well located and enables the recycling and recovery of materials in line with Policies W3 and W5 of the Devon Waste Plan. Appropriate safe vehicular access to the site is provided from a major road which has adequate capacity. The site has been operated without complaint since 2014 and any amenity impacts will be adequately controlled by the proposed planning conditions set out in in Appendix II to this Report and the environmental impacts controlled by the requirements of the Environmental Permit. It is therefore considered that planning permission is granted in accordance with the recommendation to this Report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Barnstaple North

Local Government Act 1972: List of Background Papers

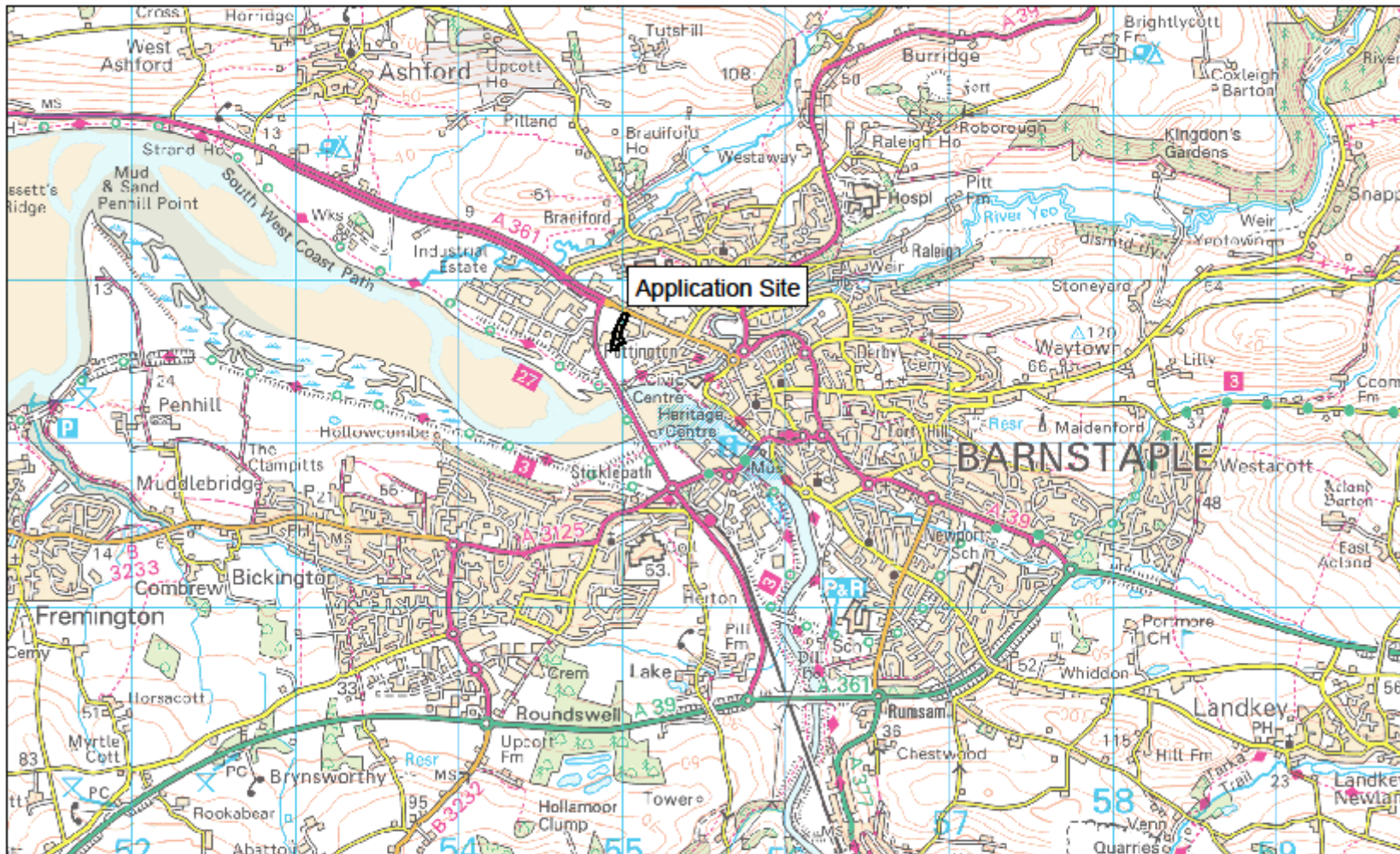
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Room No: ABG, County Hall

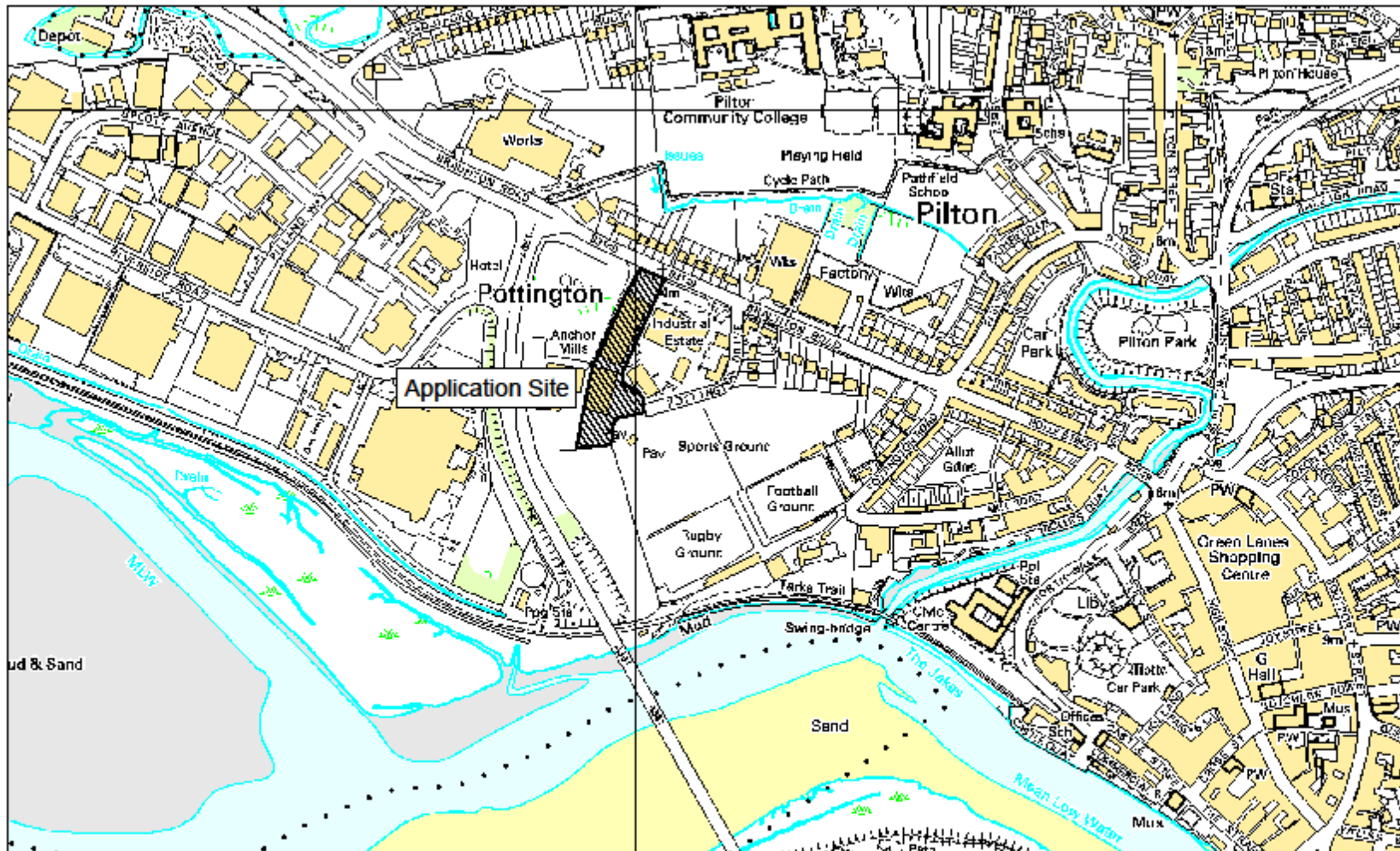
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Background Paper	Date	File Ref.
Casework File		

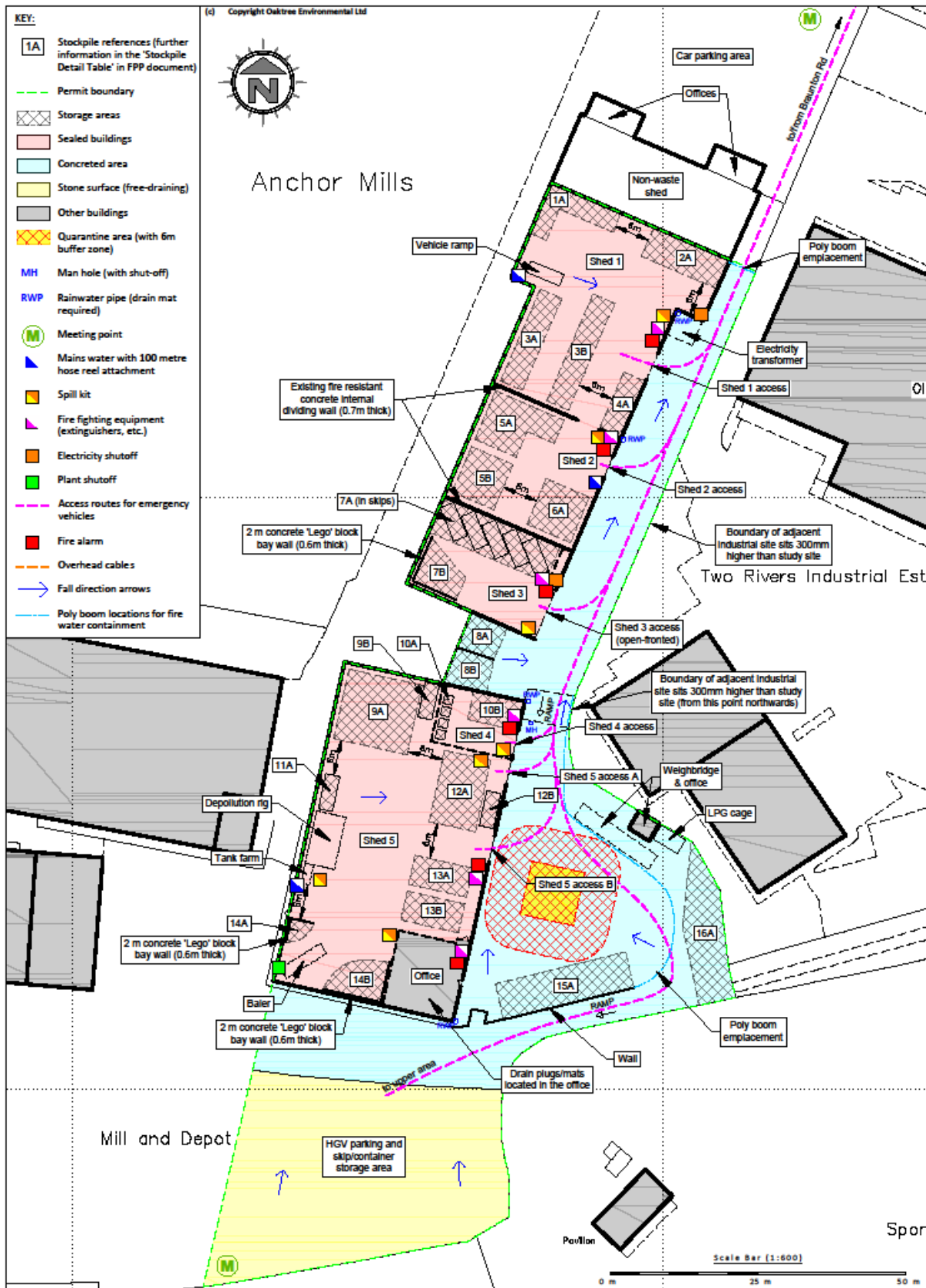
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	Head of Planning, Transportation and Environment	Development Management Committee County Matter: Waste Disposal North Devon District: Permanent change of use of an existing mixed Class B1, B2 and B8 warehouse to a waste sorting and materials recycling facility including an area for empty skip storage at Evans Transport Ltd, Barnstaple © Crown Copyright and database right 2016. Ordnance Survey 100019783	date March 2017	scale 1:29,627
		Application No: 62220/PD/MP/JW		



	Head of Planning, Transportation and Environment	Development Management Committee County Matter: Waste Disposal North Devon District: Permanent change of use of an existing mixed Class B1, B2 and B8 warehouse to a waste sorting and materials recycling facility including an area for empty skip storage at Evans Transport Ltd, Bamstaple © Crown Copyright and database right 2016. Ordnance Survey 100019783	date March 2017	scale 1:6,172
		Application No: 62220/PD/MP/JW		



<p>Oaktree Environmental Ltd Waste Management and Environmental Consultants Unit 5, Oats Park, Road One Winford Industrial Estate Winford, Dorset DT9 2JY Tel: 01506 228833 Fax: 01506 861182 E-mail: sales@oaktree-environmental.co.uk</p>	<p>Client: Newbery Recycling Ltd</p> <p>Site: Anchor Mill, Braunton Road, Barnstaple, Devon EX31 1GB</p> <p>NGR: SS 54982 33723</p> <p>Date: 5 December 2016</p>	<p>Notes:</p> <ol style="list-style-type: none"> (1) Drawing for indication only. (2) Do not scale from this drawing. (3) Booms shown will only be implemented in the event of a fire and/or for training exercises. 	<p>Revision Details:</p> <table border="1"> <thead> <tr> <th>Rev:</th> <th>Description:</th> <th>Date:</th> </tr> </thead> <tbody> <tr> <td>-</td> <td>Initial drawing</td> <td>05/12/16</td> </tr> <tr> <td>A</td> <td>Client amendments</td> <td>05/12/16</td> </tr> </tbody> </table>	Rev:	Description:	Date:	-	Initial drawing	05/12/16	A	Client amendments	05/12/16
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<p>Title: LAYOUT & FIRE PLAN</p> <p>Drawing No: 3166/2138/03</p>	<p>Scale: 1:600</p> <p>Client No: 2138</p> <p>Revised: A</p> <p>Job No: 3166</p> <p>Printed At: A3</p> <p>Drawn By: RS</p> <p>Checked:</p>	<p>Reproduced with the permission of the controller of H.M.S.O. Crown copyright licence No. 100022432</p>										

Planning Policy Considerations

National Planning Policy Framework (March 2012)

National Planning Policy for Waste (October 2014)

The Devon Waste Plan (Adopted December 2014): Policies W3 (Spatial Strategy), W5 (Reuse, Recycling & Materials Recovery), W12 (Landscape & Visual Impact), W17 (Transportation and Access) and W18 (Quality of Life).

North Devon Local Plan (Adopted July 2006): Policy BAR1c (Evans Transport).

North Devon and Torridge Local Plan (Publication Draft incorporating main and minor changes May 2016): Policy BAR14 (Evans Transport, Two Rivers Industrial Estate)

**Planning Conditions
DCC/3648/2014**

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 461/001 (Existing Location & Block Plans), 461/002a (Proposed Location & Block Plan), 461/003 (existing & Proposed Floor Plans), 3166/2138/03 (Layout & Fire Plan), EMS-1 Rev A (Site Plan), and 461/002a (Proposed Location & Block Plan) unless varied by the conditions below.

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

3. No handling, deposit, processing, storage or transfer of waste shall take place outside of the of the building, except in the case of areas 8A and 8B shown on drawing 3166/2138/03, and shall be in accordance with the approved plans numbered EMS-1 Rev A and 3166/2138/03.

Reason: In the interests of visual amenity and to protect the living conditions of nearby residents in accordance with Policy W12 and W18 of the Devon Waste Plan.

4. The site shall only operate between 08.00 and 18.00 on Mondays to Fridays and 09.00 and 13.00 on Saturdays. There shall be no working on Sundays and Public Holidays.

REASON: To protect the living conditions of nearby residents and in accordance with Policy W18 of the Devon Waste Plan.

5. A landscaping scheme for the landscape area identified on approved plan 461/002a (Proposed Location & Block Plans) shall be submitted to the Waste Planning Authority within three months of the date of this permission. The scheme shall include the schedule of the tree planting mix giving species, planting sizes and proposed numbers. The landscaping works shall be carried out in accordance with the approved scheme in the first planting season following the approval of the scheme. The landscaping shall be maintained for a period of five years and any tree that is removed or dies within five years of the date of planting shall be replaced with a tree of similar size and species.

REASON: In the interests of the visual amenity of the area accordance with policy W12 and W18 of the Devon Waste Plan.

5. There shall be no external storage of full skips on the site. Empty skips shall only be stored in the area defined as 'external skip storage' on approved plan 461/002a (Proposed Location & Block Plans). Empty skips shall be arranged in accordance with approved plan 461/002a (Proposed Location & Block Plans) and not be stored greater than two in height.

REASON: In the interests of visual amenity and to protect longer views to the site from the approach road to the downstream bridge in accordance with Policy W12 and W18 of the Devon Waste Plan.