

Phil Norrey Chief Executive

Topsham Road

County Hall

Exeter

Devon EX2 4QD

To: The Chairman and Members of the Development Management Committee

(See below)

Your ref : Our ref : Date : 4 July 2017 Please ask for : Gerry Rufolo Email: 01392 382299

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 12th July, 2017

A meeting of the Development Management Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY Chief Executive

<u>A G E N D A</u>

PART 1 - OPEN COMMITTEE

- 1 Apologies for Absence
- 2 <u>Minutes</u>

Minutes of the Meeting held on 5 April 2017 (previously circulated).

3 Items Requiring Urgent Attention

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

MATTERS FOR DECISION

4 <u>County Matter: Waste - Teignbridge District: Permanent planning consent sought for on-farm</u> <u>composting of garden waste, with the finished compost used on the farm holding as a soil fertiliser</u> <u>& general improver, land at Seale Hayne Farm, Field 6041, Newton Abbot</u> (Pages 1 - 12)

Report of the Head of Planning, Transportation and Environment (PTE/17/39).

Electoral Divisions(s): Bovey Rural

5 <u>County Matter: Minerals - East Devon District: Extraction of up to 1.5 million tonnes of as raised</u> <u>sand and gravel, restoration to agricultural land together with temporary change of use of a</u> <u>residential dwelling to a quarry office/welfare facility, land at Straitgate Farm, Exeter Road, Ottery</u> <u>St Mary</u>

The Head of Planning, Transportation and Environment to report the receipt of the above planning application and that it is considered appropriate for Members to visit the site prior to the determination of the application.

<u>Recommendation</u>: That Members visit the site in advance of consideration of a report to be made to the 6 September 2017 Development Management Committee.

Electoral Divisions(s): Whimple & Blackdown

6 <u>County Matter: Minerals - Mid Devon District: Importation of up to 1.5 million tonnes of as raised</u> sand and gravel from Straitgate Farm into Hillhead Quarry for processing, together with the widening of a 400 metre length of Clay Lane, land at Hillhead Quarry, near Uffculme, Cullompton

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Electoral Divisions(s): Willand & Uffculme

7 <u>County Council Development - Torridge District:</u> Construction of a Trail on former railway at land between the former Hole Station and the C494 near Chilla, Highampton

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Electoral Divisions(s): Holsworthy Rural

8 <u>County Council Development - West Devon: Construction of a Trail at land north of the C491</u> <u>Friars Hele to Petrockstowe Lane, Friars Hele Cross, Meeth, Okehampton</u>

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Electoral Divisions(s): Hatherleigh & Chagford

9 <u>County Council Development - West Devon: Construction of a Trail at land south of the C491</u> <u>Friars Hele to Petrockstowe Lane, Friars Hele Cross, Meeth, Okehampton</u>

The Head of Planning, Transportation and Environment to report the receipt of the above planning application and that it is considered appropriate for Members to visit the site prior to the determination of the application.

<u>Recommendation</u>: That Members visit the site in advance of consideration of a report to be made to the 6 September 2017 Development Management Committee.

Electoral Divisions(s): Hatherleigh & Chagford

10 <u>Record of Decision - Torridge District: Record of decision taken by Head of Planning,</u> <u>Transportation and Environment not to pursue refusal reason 2 at the forthcoming Public Inquiry in</u> <u>relation to the refusal of planning application DCC/3848/2017 for a resource recovery park at Deep</u> <u>Moor Landfill Site, High Bullen, Torrington</u> (Pages 13 - 14)

Report of the County Solicitor (CSo/17/21), attached.

Electoral Divisions(s): Torrington Rural

11 Highway Consultation - Teignbridge District: Outline application for employment development (Use Classes B1, B2 and B8) up to 47,112 square metres (gross floor area) together with associated infrastructure including new vehicular access, an internal road layout, car parking, landscaping, services and all other associated development at West Exe Park, Alphington (Pages 15 - 26)

Report of the Head of Planning, Transportation and Environment (PTE/17/40), attached.

Electoral Divisions(s): Exminster & Haldon

OTHER MATTERS

12 <u>Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule</u> (Pages 27 - 28)

Report of the Head of Planning, Transportation and Environment (PTE/17/41), attached.

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

Membership

Councillors J Brook (Chairman), H Ackland, Y Atkinson, R Bloxham, J Brodie, A Connett, G Gribble, I Hall, L Hellyer, J Hodgson, R Hosking, T Inch, P Sanders, C Slade and J Yabsley

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Access to Information

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Gerry Rufolo.

Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.

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Public Participation

Any member of the public resident in the administrative area of the County of Devon may make a presentation to the Committee on a planning application being considered by the Committee, or any consultation on a proposal by a Government Department (but not when the County Council is consulted on a proposal by a District Council) or a Review of Old Minerals Permissions applications.

Any request to make a presentation must be given to the Office of the Chief Executive's Directorate by 12 noon on the forth working day before the date of the meeting. For further information please contact Exeter 01392 382299.

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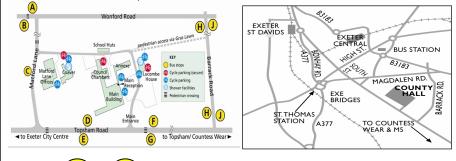
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First Aid

Contact Main Reception (extension 2504) for a trained first aider.

PTE/17/39

Development Management Committee 12 July 2017

County Matter: Waste Teignbridge District: Permanent planning consent sought for on-farm composting of garden waste, with the finished compost used on the farm holding as a soil fertiliser & general improver, land at Seale Hayne Farm, Field 6041, Newton Abbot Applicant: Coastal Organics Application No: 17/01021/DCC Date application received by Devon County Council: 18 April 2017

Report of the Head of Planning, Transportation and Environment

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

Recommendation: It is recommended that Planning permission is granted subject to the conditions set out in Appendix II 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 proposal for on-farm composting of shredded garden waste in an open windrow, at Field 6041, Seale Hayne Farm, Newton Abbot. Annual throughput of waste will be between 1,000 and 1,500 tonnes and all compost will be used within the agricultural holding.
- 1.2 It is considered that the main material planning considerations in the determination of the proposed development are the impacts on residential amenity, with particular reference to the impact of odour; noise and dust from the composting activities; the impacts on the local landscape; and consideration against Planning Policy.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/3976/2017 or by clicking on the following link: https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3976/2017.

2. The Proposal/Background

- 2.1 Seale Hayne Farm is located approximately 625m north of the A383 (Ashburton Road) and 1.6 km South of Trago Mills on the A38. The application site at Field 6041 is located approximately 265m south-west of the main Seale Hayne farm buildings and approximately 300m north west of the 2 nearest properties. There is a small group of houses on Howton Lane approximately 600m to west of the site and a small settlement approximately 750m to the north-west. The site is accessed from the A383 (Ashburton Road).
- 2.2 This proposal is for permanent consent for on farm composting of shredded garden waste in open windrows, with all compost being utilised within the farm holding.
- 2.3 The shredded green waste originates from the Bickley Ball shredding site in Kingsteignton (which deals with green waste originating from household recycling

centres). All vehicles from Bickley Ball will follow the A383 through Kingsteignton and Newton Abbot and take the first right after the Seal Hayne entrance.

- 2.4 The proposal seeks to allow for a maximum annual tonnage of 1,500 tonnes comprising of a maximum of 3 batches of 500 tonnes per year. Each batch will be made up of 45 loads and take between 5 and 7 days to deliver, giving a maximum of 21 days per year. There will be a maximum of 10, tractor and trailer, deliveries per day. In total this would produce up to 750 tonnes of compost per year which would be suitable to spread on approximately 20-30ha of farmland.
- 2.5 The area required for the windrow is approximately 500m2, i.e. up to 70m long, approximately 8m wide and up to 3m high once settled. The total space required for the windrow and its management, including space for manoeuvring machinery and turning the compost is 70m x 14m.
- 2.6 Composting operations involve the occasional turning of windrow and screening of the compost. The finished compost would be spread onto land within the farm holding.
- 2.7 The composting operation hours (including deliveries) will be between 0730 hours to 1800 hours Monday to Saturday with no working on Sundays and bank holidays.

3. Consultation Responses

- 3.1 <u>Teignbridge District Council</u> No objections but comment that in determining the application DCC should take into account impacts on visual amenity; ecology; landscape; and potential risk to nearby residents (in terms of noise, odour, dust and bio aerosol). The District Council also notes that the site is near to an area allocated in the Teignbridge Local Plan for mixed use development and impacts on this should be considered.
- 3.2 <u>Newton Abbot Town Council</u> No objection in principle but have suggested a condition restricting waste delivery times to the site.
- 3.3 <u>Ilsington Parish Council</u> Highlighted that the land near the application site is earmarked for residential development and raised an objection on the grounds that this is not a suitable site to have in a residential area due to the odour that would be omitted from the composting windrows.
- 3.4 <u>Environment Agency</u> no objections. The Agency notes that composting activity would require an Environmental Permit and this would be likely to be a standard rules permit which would include a risk assessment for the activity.
- 3.5 <u>Natural England</u> no objections.

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 no letters of objection were received.

5. Planning Policy Considerations

5.1 In considering this application the County Council, as Waste Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised in Appendix I to this report and the most relevant are referred to in more detail in Section 6 below.

6. Comments/Issues

6.1 The main material considerations in the determination of this planning application are considered below:

Planning Policy Considerations

- 6.2 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.
- 6.3 Policy W5 (Reuse, Recycling and Materials Recovery) of the Devon Waste Plan (2011 to 2031) deals with sustainable waste management and the provision of facilities for composting of waste. Whilst this in itself is a modest proposal it contributes to a network of sites dealing with household garden waste in a sustainable manner and it is considered that this proposal is in accordance with policy W5.

<u>Odour</u>

6.4 Licensing and permitting of composting sites such as these is carried out by the Environmental Agency (EA) and in this instance, due to its location, operations will likely be permitted by a 'standard rules permit' for composting in open and closed systems. The permit will require:

'Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.'

6.5 It goes on to clarify that:

'The operator shall:

- a) maintain and implement an odour management plan;
- b) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the specified period, a revised odour management plan;
- c) implement any approved revised odour management plan from the date of approval, unless otherwise agreed in writing by the Environment Agency.
- 6.6 Composting operations such as these generate little in the way of odour, with any odours likely only during delivery and the turning of the windrow, which occurs infrequently. Taking this into account and the requirements of the permit it is considered that there is no objection to the proposal from an odour generation aspect.

<u>Bioaerosols</u>

- 6.7 With regards to bioaerosols the application site is more than 250 metres from the nearest occupied property and approximately 350m to the west of the allocated mixed use land of Policy NA1. Bioaerosols have the possibility of impacting on human health but the Health and Safety Executive have demonstrated that due to the dilution effect in open air, bioaerosol concentrations fall away rapidly with distance from compost being handled and that by 100 to 200m away the bioaerosol concentration has mostly returned to background levels. Moreover, and based on scientific evidence that bioaerosol levels from waste composting are reduced to background levels within 250 metres from the source, the Environment Agency operates a '250 metre limit' rule around composting sites which requires the production of a specific bioaerosol risk assessment for sites close to occupied properties.
- 6.8 In this case, given the distance involved, there is not likely to be any significant risk to health.

<u>Noise</u>

- 6.9 Noise impacts associated with the composting operations may occur during the delivery of the material, its turning and occasional screening. The noise level predicted by the applicant from all associated activities (including the operation of the trommel screen and loader) would be approximately 80 dB 10m away from the activity, which is similar to other agricultural activities that take place at the farm. There will be a maximum 33 days activity that could generate noise, with machinery activity based upon a maximum of 3 batches per year, 5 days delivery plus 3 part days (4hrs each) turning and 3 days screening.
- 6.10 Under the standard rules permit, the Environment Agency will require the following:

Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable, to minimise, the noise and vibration.

The operator shall: (a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to noise and vibration, submit to the Environment Agency for approval within the period specified, a noise and vibration management plan; (b) implement the approved noise and vibration management

plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

6.11 Given the level and infrequency of noise generation, together with the controls exercised by the Environment Agency it is considered that there is no objection to the application on the grounds of noise impact.

Landscape

6.12 The area required for the windrow is approximately 500m2, that is to say the windrow will be approximately 70m long, 8m wide and no greater than 3m high once settled. The proposal will be located parallel to a hedgerow in the corner of the field. The windrow will be set against a backdrop of rolling hills to the west, all of which will help to minimise any visual impact the windrow will have on the landscape from the residential properties approximately 300m to the South or 600m to the East.

Traffic and Transportation

6.13 Deliveries to the site would be using tractors and trailers, with each batch likely to require up to 45 deliveries, up to a maximum of 10 deliveries a day, during a 5 to 7 day delivery window. This level of traffic would not have a severe impact on the highway network and there is no objection to the proposal on traffic grounds.

Other Matters

- 6.14 The finished compost would be used on the farm holding and has positive benefits in terms of providing a sustainable alternative to the use of inorganic fertilisers; improving soil structure, soil health and nitrate contamination of groundwater.
- 6.15 Given that the waste is domestic garden waste arising from household waste recycling centres there is the potential for transmission of injurious weeds onto the farm land. However, at other sites of a similar nature operated by the applicant a protocol has been put in place to minimise the risk of feedstock contamination. This includes advice at recycling centres, inspection of loads at the shredding site and maintenance of high temperatures during the composting process.

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 is considered that the proposal is consistent with Policy W5 of the Devon Waste Plan which supports new capacity for composting in specified circumstances including where the site is located at or close to opportunities for the beneficial use of the waste and in this case the compost will be used on the farm holding.
- 7.3 The Teignbridge Local Plan allocates a large area for mixed-use development (predominantly housing) to the east of the application site, as noted in the objection from Ilsington Parish Council, this allocation will be approximately 350 metres from the application site at its closest point, and this is not considered to be a significant constraint on operation of the proposed composting facility in terms of odour or bioaerosols.
- 7.4 Taking all material considerations into account, it is considered that planning permission be granted in accordance with the recommendation of this report.

Dave Black Head of Planning, Transportation and Environment

Electoral Divisions: Bovey Rural, Newton Abbot North

Local Government Act 1972: List of Background Papers

Contact for enquiries: Barnaby Grubb

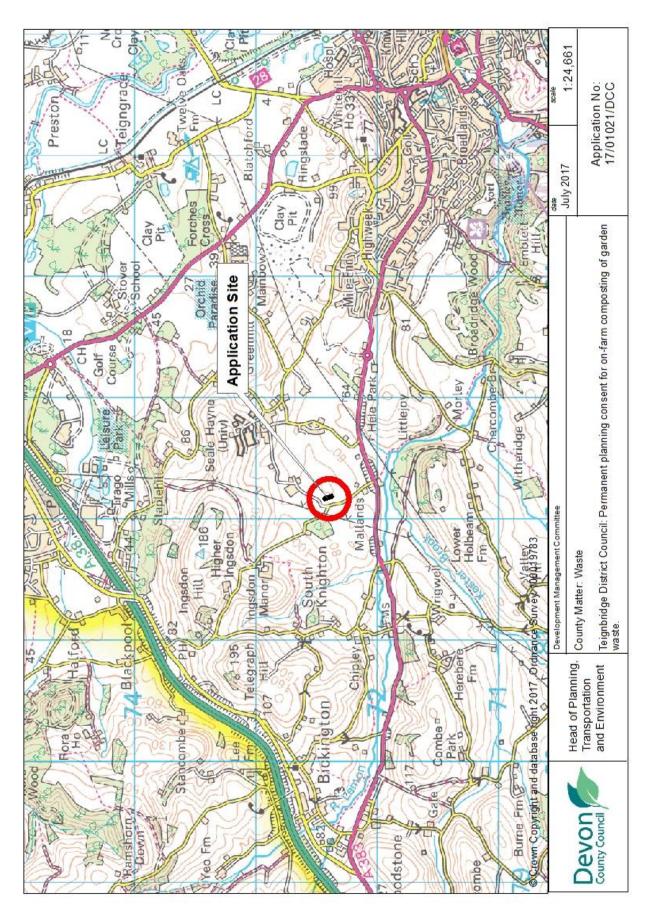
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

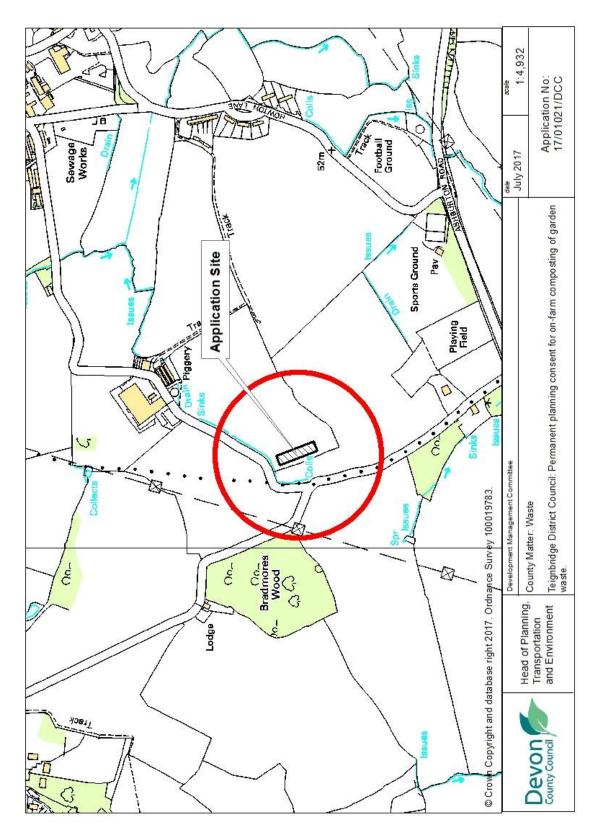
Background Paper Casework File Date March 2017 File Ref. DCC/3976/2017

bg220617dma sc/cr/on farm composting seale hayne farm newton abbot 02 300617

Location Plan



Site Plan



Appendix I To PTE/17/39

Planning Policy Considerations

Devon Waste Plan 2011-2031 (Adopted 2014)

- W2: Sustainable Waste Management
- W3: Spatial Strategy
- W5: Reuse, Recycling and Materials Recovery
- W11: Biodiversity and Geodiversity
- W12: Landscape and Visual Impact
- W17: Transportation and Access
- W18: Quality of Life

Teignbridge Local Plan 2013-2033

- S1A: Presumption in favour of Sustainable Development
- S1: Sustainable Development Criteria
- S2: Quality Development

EN2: Undeveloped Coast EN2A: Landscape Protection and Enhancement EN8: Biodiversity Protection and Enhancement EN11: Legally Protected and Priority Species

NA1: Houghton Barton

Newton Abbot Neighbourhood Development Plan 2016-2033

National Planning Policy Framework

Appendix II To PTE/17/39

Planning Conditions

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

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

2. Except as maybe varied by the conditions below, the development shall be carried out in strict accordance with the details submitted on the site and location plans and the supporting planning statements.

REASON: To enable the Waste Planning Authority to control the development in order to minimise its impact on the area.

3. The development hereby approved shall be only for the composting of shredded green waste*.

REASON: To protect the local environment and the living conditions of local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

* NOTE: Shredded green waste shall refer to any plant waste which has not previously been altered in any form except by being shredded. It does not include vegetable based kitchen waste.

4. No operations associated with this development shall be carried out other than between 0730 and 1800 hours Mondays to Saturdays, and no such operations shall take place on Sundays or on public or bank holidays.

REASON: To protect the local environment and the living conditions of local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

5. No shredding of green waste shall take place on the site.

REASON: To protect the local environment and the living conditions of local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

6. The amount of green waste processed on the site shall not exceed 500 tonnes of material at any one time.

REASON: To protect the character and appearance of the local landscape and to protect the living conditions of local residents in accordance with Policy W12 (Landscape and Visual Impact) and W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

7. No more than 1,500 tonnes of green waste shall be processed at the site in any calendar year.

REASON: To protect the character and appearance of the local landscape and to protect the living conditions of local residents in accordance with Policy W12 (Landscape and Visual Impact) and W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

8. The settled height of the windrow shall not exceed 3 metres in height.

REASON: To protect the character and appearance of the local landscape and to protect the living conditions of local residents in accordance with Policy W12 (Landscape and Visual Impact) and W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

9. There shall be no selling of composted material to the public from the site or the public delivery of green waste to the site.

REASON: To prevent additional traffic movements to and from the site and to protect the living conditions of local residents in accordance with Policy W17 (Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

10. Compost produced at the site shall be used solely for incorporation into the farm holding in which this permission site is located.

REASON: To prevent additional tractor and trailer movements on the local highway network.

11. The development shall be for the composting of shredded green waste arising from Bickley Ball shredding site only.

REASON: To prevent additional traffic movements to and from the site and to protect the living conditions of local residents in accordance with Policy W17 (Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

CSo/17/21

Development Management Committee 12 July 2017

Record of decision taken by Head of Planning, Transportation and Environment not to pursue refusal reason 2 at the forthcoming Public Inquiry in relation to the partial refusal of planning application DCC/3848/2017 for a resource recovery park at Deep Moor Landfill Site, High Bullen, Torrington

Report of the County Solicitor

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

Recommendation: It is recommended that the record of the decision taken by the Head of Planning, Transportation and Environment, as attached Appendix I, be noted.

Attached is the Record of the Decision taken by the Head of Service following consultation with the County Solicitor and discussion with the Chairman of the Committee and local member for Torrington Rural.

Jan Shadbolt County Solicitor

Electoral Division: Torrington Rural

Local Government Act 1972: List of Background Papers

Contact for enquiries: Gerry Rufolo

Room No: G31, County Hall, Topsham Road, Exeter

Tel No: 01392 382299

Background Paper

File Ref.

None

ah200617dma sc/cr/ROD PTE Deep Moor Landfill Site High Bullen Torrington 01 200617

Date

made and sent to the County Solicitor for recording and publication in accordance with statutory requirements				
Summary of Matter or Issue Requiring Decision	To act on the advice given by the County Solicitor regarding the lack of substantive evidence to warrant defence of the second reason for refusal in the Deep Moor decision in the current planning appeal.			
Decision Taken (i.e. approved/not approved together with any caveats)	To advise the Planning Inspectorate, the Appellant and the Rule 6 Parties that the County Council will not be pursuing the second reason for refusal (relating to impacts from visual intrusion, noise and vibration and odours) by providing any evidence on it at the forthcoming inquiry concerning Deep Moor, and to confirm this position in the Council's Statement of Case.			
Summary of Reason(s) for Decision Taken (alternatively, attach copy of any report or other document setting out reasons)	See attached report of the review of the second reason for refusal.			
Summary of Alternatives or Options considered and rejected (alternatively, attach copy of any report or other document setting out alternatives/options)	The alternative option of defending the second reason for refusal at the inquiry is considered to be unsustainable in the light of the expert advice summarised in the attached report, and would place the Council at risk of having costs awarded against it if it is found to have acted unreasonably in pursuing the reason.			
Details of any personal interest or conflict of interest and dispensation granted to the Officer involved in or consulted upon this decision	None. This decision has been discussed with the Chairman of the Development Management Committee and the local member for Torrington Rural.			
Contact for enquiries/further information	Andy Hill, 01392 383510 / <u>andy.hill@devon.gov.uk</u>			

Signature of Officer	DBCail	Date: 19/6/17
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PTE/17/40

Development Management Committee 12 July 2017

Highway Consultation: Teignbridge District: Outline planning application for employment development (Use Classes B1, B2 and B8) up to 47,112 square metres (gross floor area) together with associated infrastructure including new vehicular access, an internal road layout, car parking, landscaping, services and all other associated development at West Exe Park, Alphington Applicant: Mr Maclean Application No. 16/03251/MAJ

Report of the Head of Planning, Transportation and Environment

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

Recommendation: It is recommended:

- (a) Devon County Council, as Highway Authority raises no objection to the application subject to the imposition of the planning conditions as set out in Appendix II of this report and a contribution towards sustainable transport; and
- (b) Members endorse the strategy for the provision of north facing slip roads and the design presented in Appendix III to this Report is registered as the Preferred Scheme.

1. Summary

1.1 This report relates to the traffic and transportation response to a planning application for employment development at West Exe Park, Alphington.

2. The Proposal/Background

- 2.1 This application has been brought to Devon County Council's Development Management Committee given its relationship to a strategic highway scheme that the county council has been developing, in consultation with Highways England. The scheme is for the provision of north facing slip roads at the Wobbly Wheel junction on the A38 together with widening of the A38. Although the application does not include the land necessary for the delivery of this scheme, the adjacent site which includes land that would be required for the delivery of the scheme is within the same ownership. The need for these future improvements to the Strategic Road Network around Exeter is potentially a longer term issue for the whole of the South West Peninsula.
- 2.2 The application is in outline and is for up to 47,112 square metres of employment development. Approval for access is being sought at this stage. An officer response to the application has not yet been submitted to Teignbridge District Council and will follow this committee.
- 2.3 The application site is located to the south west of Exeter and to the north east of Kennford. The site is approximately 2km from the edge of Marsh Barton and is approximately 15 hectares in size. It is located next to an existing employment area

referred to as Exeter Estates, or known locally as 'Frank Tuckers'. Permission was granted in 2013 (reference: 12/03079/MAJ) for 6.5 hectares of employment adjacent to the existing Exeter Estates site and the application site. The existing employment site is served by a priority access. This access is not considered suitable for additional vehicle movements associated with development. A new roundabout to provide access was conditioned to be delivered prior to first occupation of the permitted development.

- 2.4 In addition to the application site there is considerable development planned in the area. Specifically this is a large allocation of 2,500 dwellings at South West Exeter. Part of this allocation was considered at committee in January by Teignbridge District Council and has a resolution to grant permission subject to necessary legal agreements.
- 2.5 The site is located in close proximity to the Strategic Road Network, but does not have easy north facing access to it. The Wobbly Wheel junction on the A38 is located to the south west of the application site, but it currently only has south facing slip roads. Access to and from the Strategic Road Network to the north is achieved by travelling along the A379, Bridge Road and Rydon Lane to Junction 30 on the M5 or southbound on the A38 to the next junction, which has north facing slips. The latter option involves travelling past the properties on the southern periphery of Kennford. Neither of these options is preferable for a large, strategic employment site. Devon County Council, working with Highways England, has developed a preliminary scheme for north facing slip roads at the Wobbly Wheel junction and opportunities to provide additional lanes on the A38/M5 in this location. The preferred scheme is included in Appendix III of this report.
- 2.6 The north facing slip roads in this location are not considered to be essential for development that has permission to date, or that which is allocated in the Teignbridge Local Plan. It is also not considered to be appropriate to tie the delivery of the slip roads to this application. The application will be considered acceptable in transport terms if it can be accommodated without the delivery of the slip roads as the whole scheme is beyond the control of the applicant. The scheme would be subject to approval by Highways England and in addition to the necessary approvals is understood would only be acceptable if the trunk road becomes a 'smart motorway'. The reason for this is the proximity of the proposed on-slip to the existing lane drop from the A38 to the A30. A 'smart motorway' scheme would have variable speed limits (depending on flow conditions) and could introduce additional lanes on this section of trunk road, which may make the distance between the on-slip, off-slip and lane drop acceptable.
- 2.7 The new application was originally submitted with two access options the permitted roundabout and a new roundabout located to the south of the permitted roundabout. Only one of these junctions would be delivered by the applicant. The new roundabout, in addition to providing access to the employment site, would have facilitated the future delivery of a north facing on-slip and widening of the A38. Although the long term needs of the strategic road network around the area had been subject to numerous discussions between Devon County Council and Highways England, concerns were raised about the proposed new roundabout by Highways England through the application process. Due to concerns about timescales and also engagement of Highways England, the applicant opted to amend the planning application to change the red line, remove the new roundabout and revert to the previously permitted roundabout rather than addressing the points raised.

- 2.8 The application site is not allocated in the Teignbridge Local Plan. The adjacent permitted employment site was included in the Local Plan. The application site was put forward for inclusion in the Local Plan at the examination stage and was consulted on as a Main Modification. The county council made representations to this consultation and stated that if the site was to be included, land to allow the future delivery of a north facing on-slip and widening of the A38 should be safeguarded. The site was not included in the Local Plan, but the Inspector recommended that the site is included in a future review of the Local Plan. The acceptability of an employment site that is not in the Teignbridge Local Plan will be determined by Teignbridge District Council as the Local Planning Authority.
- 2.9 The typical process for an application of this type would be for the employment land to be included in the Local Plan and infrastructure to support this or enabled by it would also be identified in the plan. As the employment land is not included in the Local Plan, the north facing slip roads have also not been included. As the slip roads are considered to be strategic infrastructure that would fit within the wider transport strategy for the area, it is considered appropriate to refer the application to the Development Management Committee. This is to make Members aware of the strategic highway scheme, including its wider benefits, to put the scheme in the public domain and to assist in safeguarding the land from future development. It is also to provide the framework and support to be able to acquire the land for the highway scheme associated with the current planning application and potential future planning applications.
- 2.10 Members will also be aware that there is a waste facility on the east side of the A38 known as Kenbury Wood. As part of a recent planning application at Kenbury Wood, concerns were raised about the possibility of traffic travelling through Kennford. Any further intensification of use at this waste site could enable the identification of land for a south bound slip road and associated road widening. Although this waste site is close in proximity to the application site, it does have different access and access from the A38, avoiding Kennford is more difficult than for the application site.
- 2.11 There would be benefits to the application, as well as permitted and allocated developments, of the north facing slip roads. North facing slip roads would reduce the amount of traffic using current routes to the Strategic Road Network and would contribute towards the wider transport strategy in this location. Longer term, slip roads in this location may free up some additional capacity at M5 Junction 30 to allow development to take place elsewhere. The scheme would also allow the widening of the A38 which would include additional lanes to assist with weaving. The land required for the scheme is not included within the application and as such cannot be secured through this planning application. The land is within the same ownership and the applicant has indicated their willingness to work with the county council on the scheme and make the land available. In order to secure the land for the scheme a legal agreement would be required, which would be separate to any planning permission.
- 2.12 The Highway Authority response to the planning application is proposed to be submitted to the Local Planning Authority following committee in the normal manner. Although the primary issue is the slip roads, key issues relating to the planning application are also discussed.

3. Comments/Issues

<u>Access</u>

- 3.1 Access to the site is proposed to be from the previously permitted roundabout. As mentioned above, the option for an alternative roundabout located to the south of the permitted roundabout was removed from the planning application.
- 3.2 The capacity of the roundabout has been assessed using the traffic associated with the permitted development as well as that with this planning application and the wider allocated development at South West Exeter. This has demonstrated that the roundabout is projected to have sufficient capacity to accommodate the proposed development. The previous application conditioned the delivery of the roundabout in advance of any occupation of the development. Should this application be permitted, it is recommended that a similar condition is proposed due to the unacceptability of the existing access.

Traffic Impact

- 3.3 Generally, the approach to assessing the traffic impact for the permitted application has been applied to this new application, which is considered to be an acceptable approach. The vehicle generation has been checked against TRICS (industry standard database of trip rates) as well as against another employment location in Devon with similar characteristics to this site. This has demonstrated that the trip rates used to support the planning application are within an appropriate range. It is noted that the application form for the planning application identified that the site would accommodate 1,588 employees. At this stage, the end users are unknown and the number of employees likely to be generated has been checked by the county council to determine whether this is a realistic estimation and whether it accords with the estimated trip rates. It is considered that for a development of the proposed size and uses, a more realistic estimate of the number of employees is 800 to 900, which would be more consistent with the estimated trip generation.
- 3.4 It is estimated that the development would generate an additional 150 vehicle trips in the AM peak and 121 in the PM peak. When combined with the permitted site, the total development would generate an additional 224 vehicle trips in the AM peak and 179 in the PM peak. Current traffic flows in the vicinity of the site are approximately 2,000 vehicles an hour in the AM peak and 1,800 vehicles an hour in the PM peak. The development traffic represents approximately a 10% increase in vehicles in this location on the highway network and combined with existing traffic is within the capacity of the network. The development traffic will be distributed on the highway network and it is expected that approximately 60% will route to/from the north and 40% to/from the south. It is likely that a site in this location, of this size, will create a sizeable demand for goods vehicles to access the site from the M5. It is not easy to calculate this without an understanding of the end use of the site and comparing it with other similar sites located on the strategic road network.
- 3.5 The greatest impact from the development will be on the A379 in the vicinity of the site. The A379 is considered to have sufficient capacity to accommodate the proposed increase in vehicular traffic. It is recognised that to access the M5 northbound, vehicles may route south on the A38 in the direction of Kennford, to then access the A38 northbound. This involves travelling past the properties on the southern periphery of Kennford. There is no capacity or safety issue at this location. Whether there is an amenity issue is for Teignbridge District Council to consider as

the Local Planning Authority. Longer term this would be addressed if north facing slip roads are delivered at the Wobbly Wheel junction.

- 3.6 It is understood that there are local concerns about vehicles routing through Kennford to access the A38. It is noted that there have been similar concerns regarding HGVs associated with the nearby waste site at Kenbury Wood. Access to Kenbury Wood is different to the application site and there may be advantages to vehicles routing through Kennford to access that site. Given the ease of using the A38 in regard to the application site, it is considered that this will be a more attractive route that travelling through Kennford, although should the A38 not be free-flowing, some vehicles may travel through Kennford. Generally it is considered that from the application site vehicles would be more likely to join the A38 southbound, come off at the Kennford junction and use the junction to the south of Kennford to access the A38 northbound. This is due to the narrow nature of the road through Kennford, including parked cars, which would make this a slower and more inconvenient route than the A38. It would also be expected that some vehicles will also use the A379/Bridge Road/Rvdon Lane to access the M5 at Junction 30, so there would be distribution of vehicles accessing the Strategic Road Network. Consideration has been given to means of enforcing no through traffic through Kennford, weight restrictions or other regulatory measures, but these have proved impractical and unenforceable.
- 3.7 Additional information has been provided by the application which identifies the number of vehicles that may use the A38 to travel to and from the north. This identifies a maximum number of 20 vehicles in the AM peak and 16 in the PM peak. This does not consider the impact of additional vehicles from the south if the A38 is not free-flowing. Assuming that vehicles travelling from the A380 could make this movement, based on data included in the Transport Assessment it would be a maximum of 33 trips in the AM peak and 27 trips in the PM peak. The applicant has identified that if vehicles make this movement, it would not be all vehicles, but rather a proportion of vehicles and this would be impacted by the standard of road through Kennford. Collision data does not identify a safety issue with the road through Kennford, although it is noted that footways are of limited width and intermittent. There has been one slight collision in the past five years in the village and an additional one further to the north. Whilst it is clearly not be desirable for additional vehicles to travel through Kennford, the numbers are expected to be low due to the self restricting standard of the route and it is not likely to result in a safety concern or severe congestion. Whether there is an amenity issue is for Teignbridge District Council to consider as the Local Planning Authority.
- 3.8 The permitted development includes a condition that a Travel Plan will be implemented for each phase of development which will include a preferred route for vehicles accessing the A38 northbound from the site that avoids travelling through Kennford. A similar condition would be recommended if permission is granted for this site. It is also proposed that HGV route signage will be delivered as part of the development. This would advise drivers of alternative routes, avoiding Kennford. It is recommended that a condition to this effect is attached to any permission granted.
- 3.9 It is also recognised that there are local concerns about the potential of vehicles to route along Days Pottles Lane. It is a narrow county lane with occasional passing places and no pedestrian facilities. There are a few properties located along the lane, which do generate pedestrian movements. Concerns relate to accessing the site and longer term, if the north facing slip roads are delivered, may consider this to be an attractive route to access to the trunk road network. It is only appropriate to consider the impact of the development. The delivery of north facing slip roads

would involve more detailed transport assessment of the scheme which is beyond the scope of this development. The Transport Assessment and following Technical Note identify that approximately 8% of traffic will be to/from the A379 in the direction of Dawlish. These are the vehicles that are most likely to use Days Pottles Lane, although it is considered only those vehicles which have an origin close to Days Pottles Lane (e.g. Exminster and potentially Kenton) are likely to use it. The estimated maximum vehicle generation from the development would be 13 vehicles in the AM peak and 11 in the PM peak assuming all vehicles travelling from the A379 direction would divert. A traffic count of Days Pottles Lane identified 97 vehicles in the AM peak and 75 in the PM peak. The Technical Note identifies that given the small additional number of vehicles that may use Days Pottles Lane, the traffic flow would remain approximately 1-2 vehicles a minute during peak hours. In addition, it is not proposed that there will be a vehicular access from Days Pottles Lane into the site, which will mean vehicles will not be encouraged to use Days Pottles Lane. No changes are proposed to Days Pottles Lane as it is considered that its currently standard is likely to limit the number of vehicles that may use it as a local access to the communities the lane serves.

Sustainable Transport

- 3.10 Chapter 4 of the National Planning Policy Framework is clear on the need for development to be sustainable and to secure opportunities for sustainable travel. The site is located in relatively close proximity to residential areas in Exeter There is also significant (particularly Alphington), Kennford and Exminster. residential development proposed at South West Exeter. Although the site is in close proximity to these areas, there is a lack of designated cycle routes to the site, although some roads may be quieter and considered suitable for cycling. The A379 is a busy road, which will limit the number of people that choose to cycle along it. There is a footway adjacent to the A379 to the site, but this is limited in width and not currently of a suitable width to be shared with cyclists. Although not currently proposed by the application, the existing provision could be improved by removing the verge and widening the provision. This may allow it to be shared with cyclists. The applicant has suggested that improvements could be secured through a planning obligation or as part of the Travel Plan. It is considered that a contribution from the applicant to improving sustainable travel facilities as part of upgrading the A379 is secured through a s.106 agreement.
- 3.11 There are opportunities to travel by bus, with bus stops on the A379. The maximum frequency of any service on the A379 is hourly in the peak hours. In combination the frequency of services is greater than hourly, but it should be noted that unless people are travelling to/from Exeter where there may be a greater combined frequency, the frequency of the service for a work trip would be hourly. Furthermore, the bus stops are located approximately a 10 minute walk from the site which is likely to impact on usage. The applicant has identified that the service provider may relocate bus stops closer to the site if there is an increased demand, but this should be considered against the impact on current users of the stops in their existing locations and will be a commercial decision. It is considered that the number of bus users is likely to be limited owing to the frequency of services and location of bus stops, but an effective travel plan may have some impact on bus usage. A contribution towards sustainable travel, as identified above, could improve bus frequency to serve the development.
- 3.12 The level of travel by sustainable modes will be affected by the provision. Given the limited provision, it is likely that sustainable travel to the site will be limited, although it is proposed to improve facilities. Opportunities for car sharing should be encouraged wherever possible to help limit the traffic generation associated with the site. It is

proposed that a condition is attached if permission is granted to require a Travel Plan for the development. A Framework Travel Plan is included in the Transport Assessment.

4. Reasons for Recommendation/Alternatives Options Considered

4.1 Members could recommend Teignbridge refuse the application which is coming forward outside the Local Plan system without strategic measures to improve accessibility. Alternatively they could recommend no objection to the application subject to the imposition of conditions identified in Appendix II and a sustainable transport contribution. It is recommended that Members recommend no objection to the application and support the county council using reasonable endeavours to work with Highways England and the applicant to address concerns raised and enable the delivery of the scheme for north facing slip roads at the Wobbly Wheel junction as identified in Appendix III.

Dave Black Head of Planning, Transportation and Environment

Electoral Division: Exminster & Haldon

Local Government Act 1972: List of Background Papers

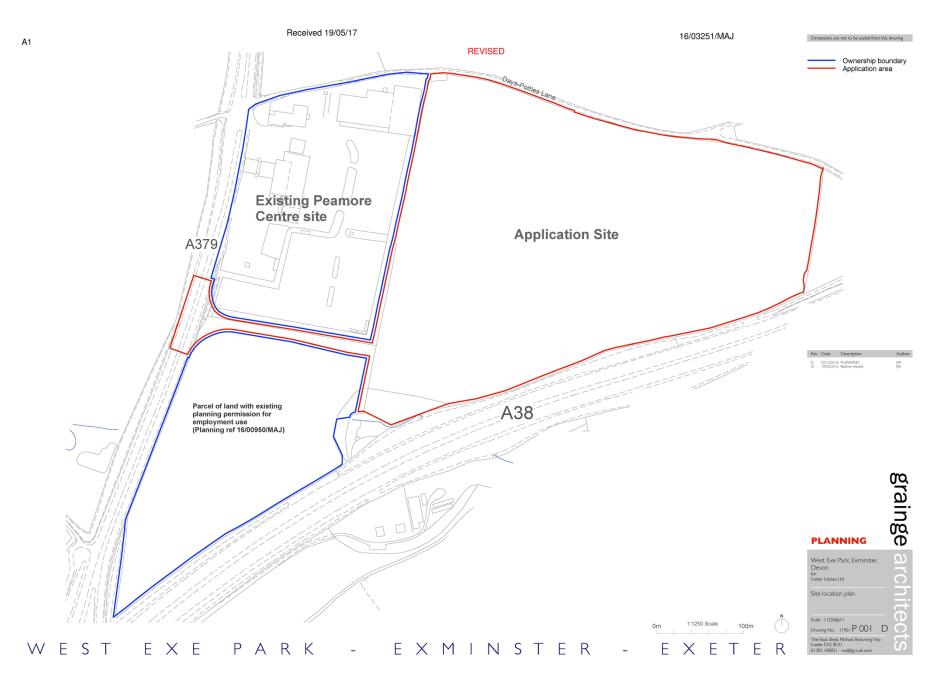
Contact for enquiries: Sarah Ratnage

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

Background Paper Casework File Date Current File Ref. 16/03251/MAJ

sr230617dma sc/cr/employment development west exe park alphington 03 030717



Appendix I To PTE/17/40

Planning Policy Considerations

National Planning Policy Framework (March 2012)

Planning Practice Guidance

Planning Conditions

1. Notwithstanding the submitted details, prior to the commencement of development full access details including the new roundabout, shall be submitted to and approved in writing by the Local Planning Authority. The access works, including the roundabout, shall be completed in accordance with the approved details prior to first occupation.

REASON: To ensure that safe access to the site is provided in the interests of highway safety and to ensure the free flow of traffic on the A379.

2. Prior to the occupation of any use on the site HGV route signage shall be provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

REASON: To ensure HGVs associated with the site use appropriate routes.

- 3. 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 6pm Mondays to Fridays inclusive; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local 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;
 - (I) 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.

REASON: To minimise the environmental impacts of the construction process for local residents and in the interests of amenity.

4. Prior to the commencement of development a plan outlining a parking strategy for the site shall be submitted for approval. The parking shall be provided in accordance with the approved strategy and thereafter so maintained.

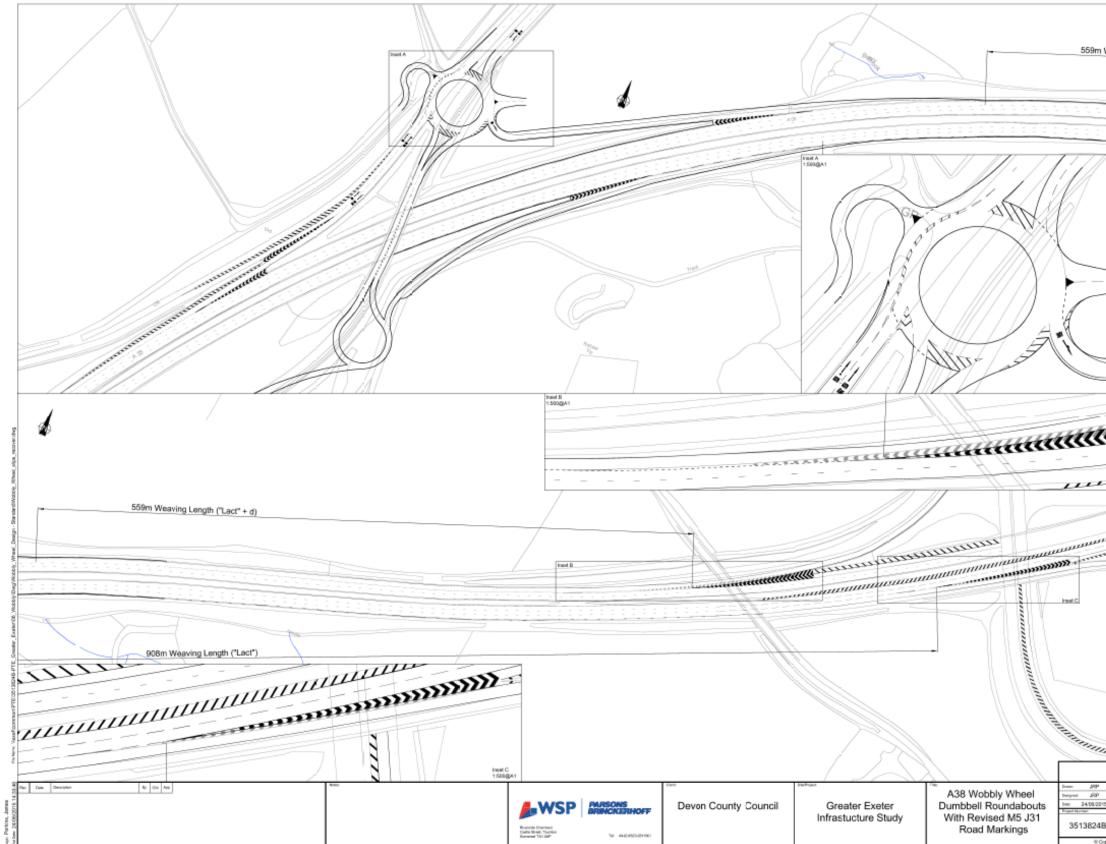
REASON: To ensure the provision of sufficient car parking within the development in the interests of highway safety.

5. A Travel Plan shall be submitted to the Local Planning Authority for approval, in writing, prior to the occupation of each unit. The approved Travel Plan shall be implemented as approved and the units shall thereafter operate in accordance with the approved Travel Plan. The Travel Plan shall detail a preferred route for traffic accessing the A38 north from the site that avoids travelling through Kennford Village centre.

REASON: In the interests of sustainable development.

6. Prior to the first occupation of each building cycling parking facilities shall be provided in accordance with details that shall have been first submitted to and approved in writing by the Local Planning Authority. Once provided the cycle parking shall thereafter be so retained and maintained.

REASON: In the interests of promoting sustainable travel.



Preferred scheme for north facing slip roads at Wobbly Wheel junction

Appendix III To PTE/17/40

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Agenda Item 11

PTE/17/41

Development Management Committee 12 July 2017

District/Location/Application Number	<u>Proposal</u>	Electoral Division	Action Taken
West Devon Borough Council Knowle Quarry, North Road Industrial Estate, Okehampton, EX20 1RQ DCC/3626/2014	Determination of conditions in respect of old mineral planning permissions	Okehampton Rural	Conditional Approval
Mid Devon District Council Land at 304445 114510, Sampford Peverell, Ayshford, Mid Devon DCC/3963/2017	Recycling and soil screening/storage facility	Willand & Uffculme	Refusal
West Devon Borough Council Plot H, Higher Stockley Mead, Okehampton, EX20 1JF	Improvement of industrial land using inert fill arising from construction on adjacent plots within industrial estate	Okehampton Rural	Conditional Approval
DCC/3971/2017			
South Hams District Council Manor Primary School, Manor Way, Ivybridge, PL21 9BG	Retention of existing temporary classroom unit for a further 8 years	lvybridge	Conditional Approval
DCC/3980/2017			
West Devon Borough Council Whitchurch Primary School, School Road, Whitchurch, PL19 9SR	Retention of 2 temporary classroom units (Blocks 02 and 03) for a further 8 years	Tavistock	Conditional Approval
DCC/3981/2017			
South Hams District Council Malborough Primary School, Higher Town, Malborough, TQ7 3RN	Retention of single temporary classroom unit for a further 6 years	Salcombe	Conditional Approval
DCC/3982/2017	Page 27		

Delegated Schedule – 12 July 2017 - Summary

Agenda Item 12 Delegated Schedule – 12 July 2017 - Summary

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District/Location/Application Number	<u>Proposal</u>	Electoral Division	Action Taken
North Devon District Council Hearson Quarry, Swimbridge, Barnstaple, EX32 0QH	Erection of steel frame, 3 bay maintenance workshop to replace dilapidated existing structure	Chulmleigh & Landkey	Conditional Approval
DCC/3983/2017			
West Devon Borough Council Hatherleigh Primary School, South Street, Hatherleigh, EX20 3JB	Retention on site of 2 No temporary buildings (Block 02 and Block 04) for a further 5 years	Hatherleigh & Chagford	Conditional Approval
DCC/3984/2017			
East Devon District Council Stoke Canon Primary School, Road From Westfield to Stoke Canon Bridge, Stoke Canon, EX5 4AS DCC/3988/2017	Retention on site of Devon Lady double classroom unit (Block 03) for a period of 5 years	Broadclyst	Withdrawn After Validation
Mid Devon District Council Formerly named Charlton Lodge, Orchard Way, Tiverton, EX16 5HB DCC/3997/2017	Notification of prior approval for refurbishment and conversion of existing building for education purposes	Tiverton West	Withdrawn Before Validation
North Devon District Council Ilfracombe Church of England Junior School, Princess Avenue, Ilfracombe, EX34 9LW DCC/4002/2017	Renewal of Temporary Units (Block 08 and 09) for a further period of 2 years. Renewal of Temporary Unit (Block 07 'Devon Lady') for a further period of 7 years	llfracombe	Withdrawn After Validation