

Phil Norrey Chief Executive

To: The

The Chair and Members of the Development Management

Committee

County Hall Topsham Road Exeter Devon EX2 4QD

(See below)

Your ref : Date : 28 May 2019 Email: 01392 382299

Our ref : Please ask for : Gerry Rufolo

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Wednesday, 5th June, 2019

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>AGENDA</u>

# PART 1 - OPEN COMMITTEE

- 1 Apologies for Absence
- 2 Minutes

Minutes of the Meeting held on 30 January 2019 (previously circulated)

3 <u>Items Requiring Urgent Attention</u>

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

### **MATTERS FOR DECISION**

4 County Matter: Waste: West Devon Borough: Re-processing of inert construction and demolition waste used in the creation of base levels required under planning permission 01083/2010 to remove high quality material capable of being used as secondary aggregate. The application also seeks, temporarily for a period of 5 years, to include importation of up to 25,000t per annum of inert waste for recycling and resale with the residue being used for finishing off the levels required under extant permission 01083/2010, Wilminstone Quarry, Wilminstone, Tavistock (Pages 1 - 12)

Report of the Chief Planner (PTE/19/22), attached

Electoral Divisions(s): Tavistock

5 <u>County Matter: Waste: Teignbridge District: Importation of 350,000m3 of inert soils and topsoil for the land raising of previously disturbed land that is not capable of sustaining commercial agriculture, Lower Hare Farm, Whitestone</u>

The Chief Planner to report the receipt of the above planning application and that it is considered appropriate for Members to visit the site prior to determination.

Recommendation: That Members visit the site in advance of consideration of a report to be made to a future meeting of the Development Management Committee.

Electoral Divisions(s): Exminster & Haldon

6 <u>County Council Development: West Devon Borough: Construction of a trail, Land south of the C491 Friars Hele to Petrockstowe Lane, Friars Hele Cross, Meeth</u> (Pages 13 - 24)

Report of the Chief Planner (PTE/19/23), attached

Electoral Divisions(s): Hatherleigh & Chagford

#### **OTHER MATTERS**

7 <u>Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule</u> (Pages 25 - 28)

Report of the Chief Planner (PTE/18/24), attached

Electoral Divisions(s): All Divisions

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

#### Membership

Councillors J Brook (Chair), Y Atkinson, S Aves, R Bloxham, J Hook, A Connett, G Gribble, I Hall (Vice-Chair), 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.

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Any request to make a presentation must be given to the Office of the Chief Executive's Directorate by 12 noon on the fourth working day before the date of the meeting. The name of the person making the presentation will be recorded in the minutes. For further information please contact Exeter 01392 382299.

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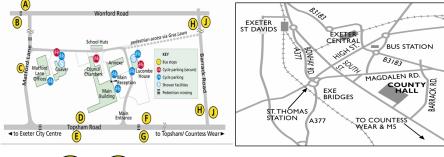
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### PTE/19/22

Development Management Committee 5 June 2019

**County Matter: Waste** 

West Devon Borough: Re-processing of inert construction and demolition waste used in the creation of base levels required under planning permission 01083/2010 to remove high quality material capable of being used as secondary aggregate. The application also seeks, temporarily for a period of 5 years, to include importation of up to 25,000t per annum of inert waste for recycling and resale with the residue being used for finishing off the levels required under extant permission 01083/2010,

Wilminstone Quarry, Wilminstone, Tavistock

Applicant: Portflair Quarries Ltd Application No: 4012/18/DCC

Date application received by Devon County Council: 4 December 2018

Report of the Chief Planner

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

Recommendation: It is recommended that temporary planning permission be granted subject to the conditions attached at Appendix I (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

# 1. Summary

- 1.1 This application proposes the reprocessing of inert waste already present on the site to recover recyclable materials, and the temporary importation of inert materials for recycling and resale or use in achieving final levels for the site.
- 1.2 It is considered that the main issues in the determination of this application are waste policy considerations, the potential increase in heavy goods vehicles and the conflict with users of the public footpath, the effects on nature conservation, noise, flooding and landscape impacts.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4100/2018 or by clicking on the following link:

  https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4100/2018

# 2. The Proposal/Background.

- 2.1 Wilminstone Quarry is a former dolerite quarry situated approximately 1.5km to the north east of Tavistock, close to the Wilminstone Railway Viaduct. Since its closure it has had various uses, including an outdoor activity centre, a scrapyard, and a fishery.
- 2.2 Vehicular access to and from the A386 is achieved along a lane which also serves several residential and commercial properties and which, to the west of Old Exeter Road, is defined as a public footpath.
- 2.3 In 2001, West Devon Borough Council (WDBC) gave planning permission for the redevelopment of the former Wilminstone Quarry as a leisure development

(0965/2000/TAV) incorporating the waterfilled lower workings for use as a water sports facility with associated holiday accommodation. This was subsequently amended in 2006 (9308/2006/TAV). As part of this development, the developer started to import inert waste material to reduce the water level in the guarry bottom.

- 2.4 In early 2007, this importation of material was bought to the attention of the County Council as Waste Planning Authority and a Temporary Stop Notice (TSN) was issued. This notice suspended operations on the site for 28 days to allow for discussions between WDBC, the applicant and the County Council as to the validity of the planning permissions allowing for this importation. It was concluded that the importation of waste material was not controlled by the previously approved planning permission granted by West Devon BC, and that a separate planning application would be required to be made to the County Council.
- 2.5 An application was made to the County Council (10880/2007/TAV) for the infilling of the flooded quarry with inert materials to raise the existing quarry floor level from 83.5m AOD to 90.9m AOD, with restoration to fishing/boating lake in conjunction with leisure use approved under 0965/2000/TAV. A temporary two years conditional planning permission was subsequently granted by the County Council in September 2007.
- 2.6 In December 2009, outline planning permission was granted by WDBC (00016/2010) for the creation of a business park on the site for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. In November 2010 a reserved matters application was determined by West Devon BC (01083/2010) in respect of access, appearance, landscaping layout and scale of the proposed business park. This permission is still extant and allows the developer to import substantial quantities of inert material to raise the level of the site by up to 10m from the previously approved levels to achieve a suitable level for the construction of site roads and industrial units.
- 2.7 Subsequently, the site has changed ownership and the present owner wishes to reprocess the materials which have already been imported using mobile crushing and screening plant to recover value from the inert waste. It is also proposed to import up to 25,000 tonnes of further inert materials from local sites to promote their recycling and to use the residues from this processing to complete the permitted levels of the site as allowed for in the permission for the business park. An Environmental Permit will be required from the Environment Agency for this operation.
- 2.8 The application also includes an area for the storage of skips to accommodate residual waste that is not suitable for recycling or land reclamation prior to its disposal elsewhere, and for empty skips associated with the applicant's other business.

## 3. Consultation Responses

3.1 West Devon Borough Council: The operations are broadly similar to those as carried out previously on site where the importation of materials has been undertaken to raise the ground level in compliance with planning approval for industrial units and associated infrastructure (01083/2010); any consent as may be granted will enable for suitable conditions to be imposed in respect of vehicle wash off facilities and how many vehicles attend the site; and the use is for a temporary period of 5 years. Suitable conditions should be imposed to ensure that impacts to the highway network

- and nearby properties are kept to a minimum and to enable for a suitable level of amenity to be preserved for residents and users of the highway.
- 3.2 <u>Dartmoor National Park Authority</u>: Consulted December 2018 no views received.
- 3.3 <u>Tavistock Town Council</u>: Welcomes the potential recycling but has concerns over the impact of traffic and noise on neighbouring properties.
- 3.4 <u>Environment Agency</u>: No objection subject to existing permitted levels contained in the business park permission not being exceeded and any planning permission being restricted to a five years period.
- 3.5 <u>Natural England</u>: No objection but draws attention to the need to protect protected species.

# 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. From this, seven objections have been received from residents, two of which are occupiers of properties fronting onto the road leading to the site. The concerns relate to:
  - the level of potential traffic attracted to the site, with residents having benefited from an absence of this over the last two years since the site changed hands;
  - the spread of mud and other material on the road which has previously blocked the road drains;
  - damage to the highway:
  - the narrow approach road and lack of visibility at the junction with the A386;
  - the speed of vehicles arriving at and leaving the site and the danger to pedestrians;
  - · lack of monitoring of the imported waste; and
  - the potential noise generated by the recycling operations and the effect on residents' amenity.

# 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 below and the most relevant are referred to in more detail in Section 6.

### **Devon Waste Plan** (adopted December 2014)

Policies W2 (Sustainable Waste Management); W5 (Reuse, Recycling & Materials Recovery); W7 (Waste Disposal); W11 (Biodiversity & Geodiversity); W12 (Landscape & Visual Impact); W17 (Transportation & Access); W18 (Quality of Life); W19 (Flooding); and W20 (Restoration & Aftercare.

Plymouth & South West Devon Joint Local Plan (adopted March 2019)

Policies DEV1 (protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV23 (Landscape character); DEV25 (Nationally protected landscapes); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV29 (Specific provisions relating to transport); and DEV35 (Managing flood risk and water quality impacts).

**National Planning Policy Framework** 

**National Planning Policy for Waste** 

**Planning Practice Guidance** 

## 6. Comments/Issues

6.1 It is considered that the main issues in the determination of this application are waste policy considerations, the potential increase in heavy goods vehicles and the conflict with users of the public footpath, the effects on nature conservation, noise, flooding and landscape impacts.

# Waste Policy Considerations

At present there are no facilities for the disposal of inert construction, demolition and excavation waste in the Tavistock area, and the provision of this site in the short term will reduce the need for transportation of material for disposal over longer distances, in compliance with the Policy W7 of the Devon Waste Plan. The intention to reprocess materials already deposited at the site, together with imported materials, to recover potential construction aggregates, is also in accordance with Policies W4 and W7. However, because of the short timescale proposed, this may mean that material may be imported from over a wider catchment area, but it is not possible to condition the source of material.

#### Highways/Traffic Issues

- 6.3 Vehicular access to the site from the public highway is via a private access road/public footpath serving the site, Kestrel Kennels and a private residence, leading onto a minor county highway, which has a junction with Old Exeter Road, before reaching the A386.
- The extant planning permission for business development granted by WDBC does not have a restriction on the number of vehicles accessing the site for the raising of the site levels, but it does require highway improvements both on and off site before the business park is bought into use. It was envisaged that the business park, when operational, will generate up to 233 vehicular trips per day.
- 6.5 This application, as detailed in the supporting information from the applicant, will result in a maximum of 96 HGV movements in a working week, or 17 per day, including for the importation of inert waste and exportation of recycled materials. This level of traffic can safely be accommodated within the highway network, despite the width constraints in the vicinity of the site access. There are therefore no objections from a highway safety point of view.
- 6.6 The current owner of the site has invested in new wheel washing facilities which should overcome the problem of vehicles leaving the site in an unclean manner. A

condition is proposed requiring that mud and other debris shall not be deposited on the public highway and that the road be swept at frequent intervals. Conditions are also proposed relating to operating hours and a restriction on the number of vehicles attracted to the site in any one day/week.

# Conflict with users of the Public Footpath

- A public right of way exists over the access road to the site from the junction with the highway and continues past the site entrance. As part of the application, the applicant has agreed to construct a defined footpath for users of the public right of way, which would consist of a crushed aggregate path of 1.2m in width with a painted line or wooden board delineating the path from the vehicular access. Suitable warning signage for pedestrians and lorry drivers would also be installed.
- 6.8 The County Council's Public Rights of Way team has advised that the applicant's specification does not adequately address safety and maintenance concerns. A minimum path width of two metres is recommended, with use of highway standard kerbing and a sealed surface to protect the public using the right of way.
- 6.9 The measures suggested by the Public Rights of Way team are considered impractical given the amount of excavation which would be required and the potential effect on the listed viaduct under which the access track runs. It should be noted that the proposed measures are over and above those required by the extant planning permission on the site for business development.

# Nature Conservation/Habitats

6.10 The site has been heavily disturbed through previous infilling operations, and the main ecological impacts from the scheme will be the potential for increased noise and dust, which will be controlled through appropriate conditions, and the known presence of protected species. The site owner has confirmed that there are protected species nesting on the site and has proposed an 80m exclusion zone around the nest site during occupation. This would sterilise approximately two thirds of the site for a substantial period of time (March to July). To overcome this, the applicant has submitted a working scheme which allows for early infill and reprocessing of the area closest to the nest outside of the nesting period and suggests further controls to be put in place if protected species are nesting during the period of operation. In the event of planning permission being granted, these matters can be covered by the imposition of appropriate planning conditions.

# Noise Concerns

6.11 Given the absence of current activity on the site due to external matters, residents have expressed concerns over the potential for noise generated by the operations on the site. To reduce the impact of noisy operations on residents, it is proposed that a condition be imposed restricting the hours of operation on the site outside of normal working hours. Further controls over noise will be imposed by the Environment Agency through the Environmental Permit.

### Potential for Flooding

6.12 The site lies in Flood Zones 2 and 3 as indicated on the Flood Risk maps prepared by the Environment Agency. A Flood Risk Assessment was prepared for the 2010 application and, following review of this, the Agency has indicated that it is satisfied that the proposal will not increase finished ground levels and will therefore not

increase flood risk elsewhere, subject to imposition of a condition limiting levels to those previously approved.

# Landscape and Visual Impact

6.13 The site lies 400m west of Dartmoor National Park and 3km to the north of the Tamar Valley Outstanding Area of Natural Beauty, within a rural landscape. While the proposals may result in adverse noise and visual impacts that could potentially erode the quality of views, tranquillity and dark skies that are special qualities of the surrounding landscape, such effects are likely to be minor and could be mitigated to acceptable levels through the imposition of suitable conditions covering lighting, noise suppression, hours and duration of working and use of a dark colour for built structures.

## 7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the options of approving, deferring or refusing this planning application. It is considered that the proposal accords with Waste Plan policies and that potential adverse impacts can be adequately controlled through the proposed planning conditions. If planning permission were granted a condition would be imposed restricting working in the sensitive part of the site between the months of March and July in order to avoid disturbance to the protected species in accordance with the submitted scheme. The applicant has indicated his willingness to be bound by such a condition and considers that he will be able to achieve the required levels in the period requested.
- 7.2 As previously indicated the extant permission granted by WDBC does not place a restriction on the number of vehicles attracted to the site. In order to seek to reduce the impact of HGV traffic on the residents fronting on to the minor public highway, the applicant has agreed to a condition restricting on the number of vehicles which may access the site during the five-year period requested to bring the site to a state that the industrial development previously permitted may be implemented.
- 7.3 In these circumstances it is recommended that planning permission be granted subject to conditions proposed in Appendix I.

Mike Deaton Chief Planner

**Electoral Division: Tavistock** 

Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Bowman

Room No: AB2, Lucombe House, County Hall

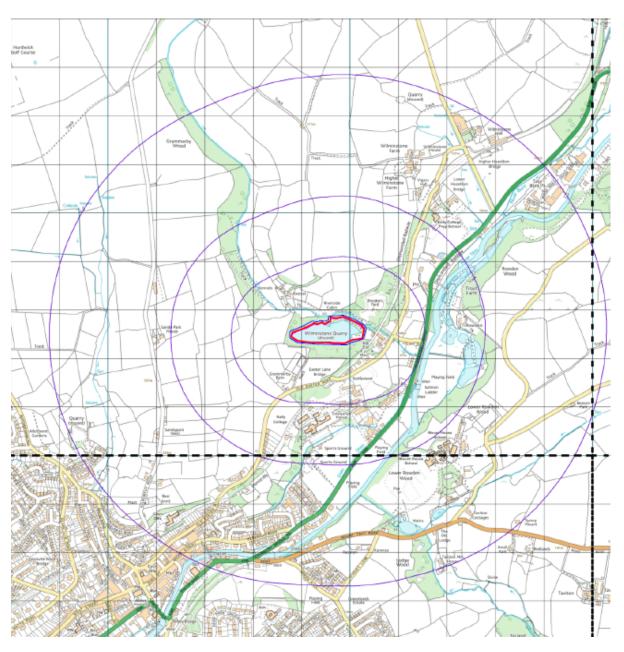
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Background PaperDateFile Ref.Casework FileDCC/4100/2018

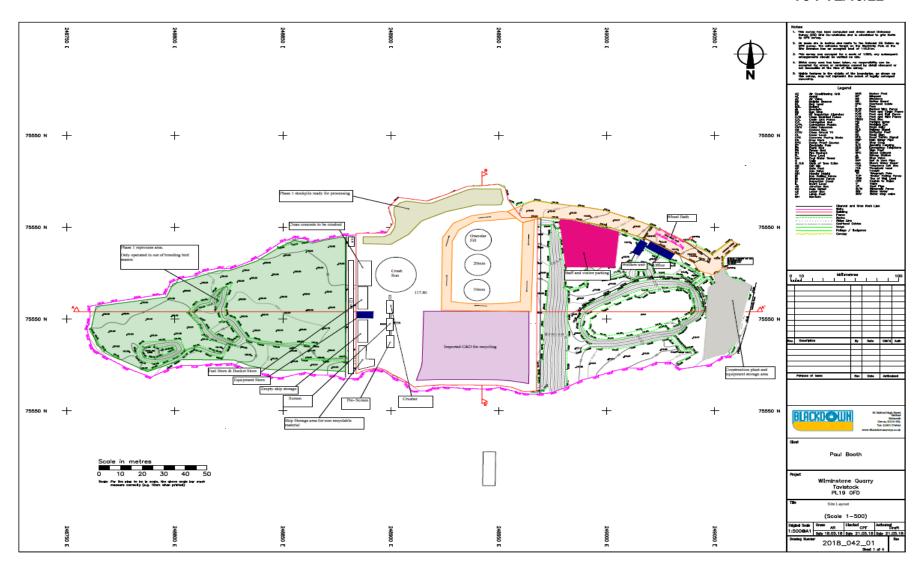
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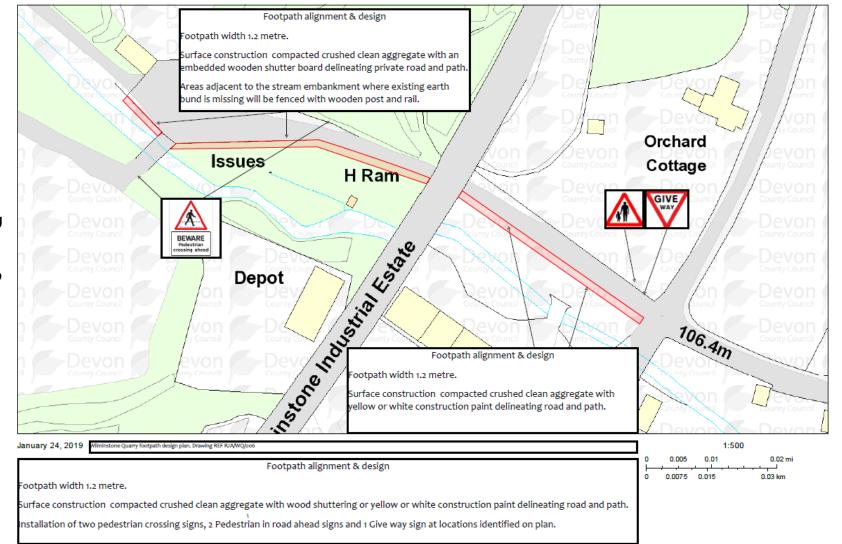
sc/cr/Re-processing of inert construction and demolition waste Wilminstone Quarry, Wilminstone, Tavistock 02 240519

# Location Plan To PTE/19/22



# Site Plan To PTE/19/22





Appendix I To PTE/19/22

# **Planning Conditions**

#### TEMPORARY PERMISSION

1. The use hereby permitted shall be discontinued and the land restored to a condition suitable for business development as permitted by planning permission 01083/2010 (issued by West Devon Borough Council) on achievement of the final ground levels approved under that permission or on 1 June 2024, whichever occurs earlier.

REASON: The development is only appropriate as a temporary activity in the interests of the amenity of the locality.

# STRICT ACCORDANCE WITH PLANS/DOCUMENTS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled: Location Plan; Ownership & Application Plan; Site Layout – drawing no. 2018\_042\_01; Topographic Survey – drawing no. 2018\_042\_01; Footpath Design Plan - RJAWQ006; Planning Statement (RJA, 21/06/2018); Flood Risk Assessment Incorporating Sustainable Urban Drainage System (December 2009);and Design Statement for Foul and Surface Water Drainage (H2OK, June 2019) unless as varied by the conditions below.

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

#### **TIPPING LEVELS**

3. A control datum point shall be installed within one month of the date of this permission. This point shall be retained until achievement of the final ground levels approved under permission 01083/2010 or 1 June 2024, whichever is the later, to allow for the accurate measurement of tipping levels and storage heights. The final finished levels of the site shall not exceed those levels conditioned in planning permission 01083/2010 issued by West Devon Borough Council.

REASON: To enable the Waste Planning Authority to control the development and avoid increased flood risk in accordance with Policies W19 and W20 of the Devon Waste Plan.

# HOURS OF USE

4. The site shall operate only between the following hours, except as varied by subsections (a) to (b) below:

From 0700 to 1900 on Mondays to Fridays From 0900 to 1300 on Saturdays The site shall not operate on Sundays or Bank and Public Holidays.

(a) Delivery and export of materials shall only take place from 0800 to 1800 on Mondays to Fridays. No deliveries or exports shall take place on Saturdays, Sundays or Bank and Public Holidays. (b) Emergency maintenance work may take place outside of the operating hours. The Waste Planning Authority shall be notified in writing within 24 hours of the emergency work taking place, providing details of the nature of the works and when they were carried out.

REASON: To minimise the impact of the development on local residents in accordance with Policy W18 of the Devon Waste Plan.

#### **OPERATIONAL RESTRICTIONS**

5. No waste other than the waste materials stated in the applicant's planning statement dated 26 June 2018 shall enter or be treated at the site.

REASON: To exclude wastes that are not acceptable at the site in accordance with Policy W7 of the Devon Waste Plan.

6. No more than 25,000 tonnes of inert waste shall be imported onto the site in any one calendar year.

The operator shall maintain records of all waste entering the site and material exported from the site making them available to the Waste Planning Authority at any time upon request.

REASON: To minimise the impact of the development on local residents and the local highway network in accordance with Policies W17 and W18 of the Devon Waste Plan.

7. The total number of heavy goods vehicle movements [vehicles in excess of 7.5 tonnes gross weight] shall not exceed 96 movements Mondays to Fridays over a four weeks average. There shall be no vehicle movements into or out of the site outside of the approved working hours on Saturdays or on Sundays or Public Holidays.

Records of all movements of heavy goods vehicles into and out of the site shall be maintained and made available for inspection at the request of the Waste Planning Authority.

REASON: To minimise the impact of the development on the local residents and the local highway network in accordance with Policies W17 and W18 of the Devon Waste Plan.

8. No loading, unloading, deposit, storage, treatment, processing, sorting or other handling of waste shall take place at the site outside of the designated areas shown for those purposes on drawing 2018\_042\_01 – Site Layout. The height of any stored waste shall not exceed the height of the bund adjoining the reception bay.

REASON: To minimise the visual impact of the development in accordance with Policy W12 of the Devon Waste Plan.

9. There shall be no external lighting at the site.

REASON: To minimise the visual impact of the site in accordance with Policy W12 of the Devon Waste Plan.

10. Dust from the development shall be managed in accordance with the details included in the applicant's planning statement dated 26 June 2018 at all times.

REASON: To minimise pollution arising from the development in accordance with Policy W18 of the Devon Waste Plan.

11. No deposit of inert waste or movement of machinery shall occur within the 'Phase 1 reprocess area' shown on drawing 2018\_042\_01 – Site Layout during the breeding season of peregrine falcons (i.e. between 15 March and 30 August of any year) unless written confirmation is provided to the Waste Planning Authority and agreed in writing that peregrine falcons have not started nesting at Wilminstone Quarry during that breeding season.

For avoidance of doubt, verification should be provided by an experienced raptor ornithologist who has visited the quarry for a minimum of three visits carried out at different times of day during a 10 days period from 1 March onwards.

REASON: To prevent disturbance to the protected species during the nesting season.

12. Before the importation of inert waste onto the site or within three months of the date of this permission, whichever is the soonest, the access improvements on plan RJAWQ006 shall be implemented and subsequently maintained for the duration of the operations approved under this permission.

The access roadway shall be maintained at all times and kept clear of mud, dust and other debris while the site is operational so that no mud or dust is carried onto the public highway.

REASON: In the interests of highway safety and to comply with Policies W17 and W18 of the Devon Waste Plan.

#### PTE/19/23

Development Management Committee 5 June 2019

**County Council Development** 

West Devon Borough: Construction of a Trail, Land south of the C491 Friars Hele to

Petrockstowe Lane, Friars Hele Cross, Meeth, Okehampton

Applicant: Devon County Council Application No: 2318/16/DCC

Date application received by Devon County Council: 26 July 2016

Report of the Chief Planner

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

Recommendation: It is recommended that planning permission be granted subject to the conditions contained in Appendix I of this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

# 1. Summary

- 1.1 This Report relates to a planning application for the construction of a section of an off-road multi-use trail as an extension to the Tarka Trail, forming the southern part of a proposed link between Meeth and Hatherleigh.
- 1.2 The main material planning considerations in the determination of the proposed development are the consideration of alternative routes; ecological impacts; landscape and visual impacts; and flooding.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/3904/2016 or by clicking on the following link:

  https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3884/2016

# 2. The Proposal/Background

- 2.1 This application is the second (southern section) of two proposals to provide an off-road multi-use trail linking the Tarka Trail to Hatherleigh. The planning application for the northern section, at land to the north of the C491 near Friar's Hele Cross running towards Meeth, was the subject of Report PTE/17/54 to this committee on 6 September 2017 and it was resolved that planning permission be granted (Minute \*27 refers).
- 2.2 The section of proposed trail subject of this report runs generally in a north to south direction from the C491 to the River Torridge, close to Madewell Café. At the northern part of the section, traffic calming measures will be provided on the C491 to allow safe crossing of the road, consisting of a build-out on the northern part of the road and a new path in the verge on the southern side. Leaving the C491, the route would then follow the edge of fields to reach the woodland at Parker's Copse. The application proposes the construction of a 'zigzag' to avoid gradient problems in the wood allowing for a maximum gradient of 1 in 15 throughout. South of the wood, the trail would follow a field for a short distance before joining onto the dismantled

- railway. The trail would utilise the dismantled railway to the boundary of the application site close to the River Torridge. Generally, the path will be 3.0m wide with 0.5m verges with some widening at bends. New stock proof fences would be provided in the areas where the trail runs through fields in agricultural production.
- 2.3 In terms of construction of the trail, within Parker's Copse it would involve 'no excavation' clearance then placement of a root protection membrane material and a cellular confinement surface. In the other areas the construction would be of a geotextile material topped with recycled aggregate and surfaced with bitumen.
- 2.4 The proposal would result in the loss of about 0.19ha of woodland and associated ground flora and about 126m² of hedgebank. As mitigation the applicant notes that additional woodland planting and hedgebank provision is to be provided as part of the northern section of the trail which would result in a net gain of 0.14ha of woodland and a net gain of 1,257m² of hedgebank. Some additional tree planting is proposed in field corners within this southern section.
- 2.5 From the River Torridge, the trail would then continue towards Hatherleigh and this part of the link has the benefit of planning permission (reference DCC/3683/2014) but, to date, only the section between the Madewell Café and Hatherleigh has been constructed.
- 2.6 At the 12 July 2017 Development Management Committee, Members resolved to carry out a site visit prior to the determination of the two applications on either side of the C491. The site visit took place on 3 August 2017 and was attended by Councillors Brook, Sanders, Hosking and Slade who were accompanied by officers. At the site visit, Members viewed the northern application site and the crossing of the C491, then viewed the trail route looking south from the road (looking towards Parker's Copse) before travelling to Madewell Café to view the trail route looking north towards Parker's Copse.

### 3. Consultation Responses

- 3.1 West Devon Borough Council: No objection.
- 3.2 <u>Meeth Parish Council</u>: Objects to the total proposed new route through the parish on the grounds that the previously approved original route through the village along the old rail track-bed:
  - (a) supports the fragile economy of the village, both now and in the future;
  - (b) is already partly owned by DCC;
  - (c) is much more level and therefore more suitable as a footpath and cycle way for leisure users;
  - (d) takes up no rural land apart from the already well-defined track; and
  - (e) the current applications have not been put to the local parish councils as consultees and parishioners for consultation in the prescribed method, and the applications should be suspended pending a thorough review of local opinion.
- 3.3 <u>Petrockstowe Parish Council</u>: Fails to understand why the natural extension to the trail, in the form of the continuation of the disused railway line, is not being used. The gradients are much more level and it is believed that the costs must be similar. The new route is not likely to be user friendly with the gradient and zig zag.
- 3.4 <u>Natural England</u>: The proposal is unlikely to affect any statutorily protected sites or landscapes.

- 3.5 <u>Environment Agency</u>: Recommends that the applicant installs flood notices at the edge of the flood risk area to inform users of the route that it might on occasion be flooded. The notice should advise users about flood risks and advise against walking and cycling through this flood water.
- 3.6 <u>Devon Countryside Access Forum</u>: Welcomes the extension of off-road sections of the Tarka Trail and NCN 27 route between Ilfracombe and Plymouth. The provision of an off-road link between Meeth and Hatherleigh has been an aspiration for a long time and would enable access users to safely negotiate this route and avoid a twisty, hilly stretch of the A386. The improvement would enable a greater number of access users to use this trail, particularly children, horse-riders and disabled access users.

The Forum recognises the need to provide greater access for wheelchairs and mobility scooters. Currently Class 3 electric mobility scooters have a legal unladen weight of 150 Kg, are a maximum of 85cm wide and can vary in length from 1.5m to 2m. They have a maximum speed of between 4mph and 8mph, limited to 4mph on footpaths and bridleways, and a range of 20 to 40 miles. Landowners should be made aware that this type of electric scooter may be used on public rights of way and trails. Design engineers and other Devon County Council officers should consider these sizes, particularly in construction details for gates and access, and when negotiation with landowners takes place. Equally, the DCAF advises that sympathetic surfacing, suitable for all users and in keeping with the landscape, should be utilised.

## 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. Following these procedures, 26 representations were received, of which seven objected to the proposal or questioned aspects of it, while 19 supported it.
- 4.2 The comments in support of the development include:
  - the A386 which provides a link between Hatherleigh and Meeth is too dangerous to cycle on;
  - the existing on-road signed route is hilly and not suitable for children;
  - the provision of the trail would have benefits for local users;
  - the provision of the trail would encourage the uptake of sport and have community health benefits;
  - the route would provide access to Meeth Nature Reserve and thereby improve education opportunities; and
  - the route would provide for disable access.
- 4.3 The objections raised include the following concerns:
  - the impacts on trees and wildlife within Parkers Copse and other habitats on the route;
  - the inadequate consideration of wildlife impacts in the application and consultation responses;
  - effect on wildlife and stock in neighbouring fields from dogs;
  - · exacerbation of local flooding to land and highways;
  - the availability of a route with a gentler gradient using the former rail line, rather than the steep route proposed in the application;
  - the scheme will not provide economic benefit for Meeth;

- there would be an adverse impact on the local landscape character;
- impacts on nearby listed building; and
- impact on the privacy of nearby properties.
- 4.4 A letter of representation has also been received from the National Farmers Union who write on behalf of two of its members who own land which forms part of the former railway which was considered as an alternative route to the one proposed in this application. This letter confirms that the two landowners are in full support of this application but opposes any alternative route on the grounds of the impact on farming activities.

# 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 listed below and considered in more detail in section 6.

# Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted March 2019)

Policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); SPT9 (Strategic principles for transport planning and strategy); SPT10 (Balanced transport strategy for growth and healthy and sustainable communities); SPT12 (Strategic approach to the natural environment); TTV2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area); TTV26 (Development in the countryside); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV3 (Sport and recreation); DEV23 (Landscape character); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV28 (Trees, woodlands and hedgerows); and DEV35 (Managing flood risk and water quality impacts).

### 6. Comments/Issues

6.1 The main material planning considerations in the determination of the proposed development are the consideration of alternative routes; ecological impacts; landscape and visual impacts; and flooding.

### Consideration of Alternative Routes

- 6.2 The trail currently follows an interim on road route via Sheepwash, which is circuitous and hilly, thus not achieving the benefits of an off-road trail. Connecting the Tarka Trail to the existing path at Madewell and on to Hatherleigh would link this market town to the strategic cycle network.
- 6.3 The County Council has constructed a route from Hatherleigh as far as the Madewell Café and has acquired land to enable construction as far as the north bank of the River Torridge. Although planning permission was granted in 2002 to construct a trail along the former rail line between Hatherleigh and Meeth, and a short section of this route was purchased by the Council some years ago, it has not proved possible to

- reach agreement with the remaining landowners that would be needed to utilise the rail line northwards to Meeth to connect with the existing Tarka Trail.
- The current proposal has therefore been pursued as it offers a viable alternative to use of the former rail line. This route offers scenic views as far as Dartmoor, is more direct for many users and avoids two crossings of the A386 that would be required if the route were to be limited to the former rail line. It must climb steeper gradients than a railway path, but these can be accommodated using graded zig-zags in the path.
- 6.5 The village of Meeth would be connected by a spur from the Tarka Trail, rather than being close to the main route if the use of the former rail line were able to be achieved, and the Parish Council has raised concern at the effect on the village's economy. However, access for both walkers and cyclists from where this spur meets the A386 into the centre of the village is along the public highway which is shared with motor vehicles and has no footways. The landlord of the public house in Meeth has indicated that he has no objection to the proposal and asks for a suitable sign to be erected to direct users of the rail to his establishment.
- 6.6 The proposed route is considered to be a more deliverable option than the route following the dismantled railway and will provide a direct link between the sections of the trail already approved to the north and south that in accordance with Policies SPT2. SPT9. SPT10 and TTV2 of the Joint Local Plan.

## **Ecological Impacts**

- 6.7 While no part of the application site is subject to any statutory or non-statutory nature conservation designation, Parkers Copse is identified as Priority Habitat (deciduous woodland) but is not classified as ancient woodland. Since the Committee site visit in 2017, further ecological and arboricultural assessment, including surveys for bats and dormice, has been undertaken to enable consideration of any adverse effects and necessary mitigation measures.
- 6.8 Within Parker's Copse the construction works would involve identifying and removing 61 trees along the chosen route, of which two fall within category A. The path would be 3m in width throughout, and a root protection membrane would be installed to minimise ground disturbance with the path surfaced with a suitable porous asphalt. The sides of the path would be dressed with site-won material to remove any vertical drop to the side of the path, and boundary fences may be installed in places.
- 6.9 Along the disused railway line, trees would be pruned along the chosen route and, for parts of the route through the fields, sections of hedgerow totalling 126m² would be removed and topsoil from the existing ground would be stripped (much of this will be taken north of the C491 to aid with that section of path).
- 6.10 While approximately 1,700m² of broadleaved woodland will be lost to the proposed trail, almost 2,800m² of new woodland will be planted in combination with the new trail to the north as mitigation, with 319m² of woodland and 353m² of ground flora being replanted within this site using site-won topsoil. Hedgebank creation will take place to the north of this site with a net gain of 1,257m² across the two sections of trail.
- 6.11 The ecological appraisal identifies potential impacts on some species including reptiles, breeding birds, bats and badgers, but these are capable of being addressed through suitable construction management measures that can be secured through

- planning conditions. Although woodland and species-rich hedgerows can be suitable habitat, surveys found no evidence of dormice within the application site.
- 6.12 The ecological appraisal and arboricultural assessment suggest development of a ride habitat along the trail route within Parkers Copse, which would diversify the conditions available within the woodland, which currently has a fairly uniform structure, and would create a new corridor that bats can use for commuting. However, such an approach is not achievable within the application site as it is currently defined, and renegotiation of the arrangements for purchase of the woodland required for the trail to accommodate a wider corridor is likely to delay delivery of the cycle route. Some additional tree planting in field corners alongside the new trail to the north of Parkers Copse will also assist in offsetting the loss of trees within the woodland.
- 6.13 While construction of this length of trail will have some adverse impacts on habitats and species, it is considered that mitigation measures to be secured through the planning conditions, which will achieve net gain of habitat, and the recreational and health benefits of the trail offset these impacts, and that the proposals are consistent with Policies DEV26 and DEV28 of the Joint Local Plan.

# Landscape and Visual Impact Impacts

- 6.14 The landscape context of the application site is rural, agricultural and tranquil in character. Outside Parkers Copse, the proposed trail alignment would respect the landscape character by following existing field boundaries and part of the disused rail line, subject to protection of hedgerows during construction and the reinstatement with stone fencing of the ends of severed hedgebanks where the trail cuts through an existing bank.
- 6.15 Within Parkers Copse, the removal of trees would result in moderate adverse effects to the woodland structure, which could be reduced to an acceptable level through the creation of a ride. However, as indicated in 6.11 above, this option would be difficult to deliver.
- 6.16 Overall, the proposed trail can be accommodated without resulting in significant harm to the area's landscape character and scenic quality, and the moderate adverse impact on Parkers Copse is balanced by the recreational and health benefits of the trail. Subject to suitable conditions to ensure appropriate implementation of the scheme, including submission of a Landscape and Ecological Management Plan, the proposals are consistent with Policies TTV26 and DEV23 of the Joint Local Plan.

## Flooding and Drainage

- 6.17 At its lowest point, close to the River Torridge on the dismantled railway line, there is a possibility that the trail could flood during a storm event (1 in 100 year). Given the low-lying nature of this section it is likely that any flooded sections would be visible from some distance and the trail to the north and south would provide safe refuge opportunities for escape from rising flood waters. To ensure the safety of users the Environment Agency has recommended that flood notices be installed on the route to inform users of the flood risk associated with the route, and this will be secured by an appropriately worded planning condition.
- 6.18 It is proposed that drainage from the trail would be directed into new ditches and culverts where current drainage systems are crossed. Where no formal drainage is proposed it is recommended that appropriate sustainable drainage is provided. In the

event that planning permission is granted there will a planning condition imposed requiring the submission and approval of a sustainable drainage scheme for the development.

# **Other Matters**

- 6.19 An objection has been raised on the impact of dogs being exercised on the trail. Experience with other trails shows that disturbance of wildlife by path users is not a major issue, and signs will recommend that dogs are kept on leads through the woodland. The path will be fenced along its length to protect any stock in neighbouring fields, and the detailed design of this will be the subject of discussions with the affected landowners.
- 6.20 Concerns have also been raised about impact on residential amenity and impact on listed buildings but, given the nature of the use of the trail and the distances from residential properties and listed buildings, it is not anticipated that there would be any adverse impact.

## 7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 The current proposal will enable delivery of the missing link between the existing Tarka Trail and Hatherleigh, providing a further off-road section allowing people to enjoy the Devon countryside. With regard to the planning balance it is considered that the benefits of the trail in terms in recreation, health and the local economy outweigh the negative short-term impacts on ecology and landscape. It is therefore considered that conditional planning permission be granted in accordance with the recommendation to this report.

Mike Deaton Chief Planner

Electoral Division: Hatherleigh & Chagford

Local Government Act 1972: List of Background Papers

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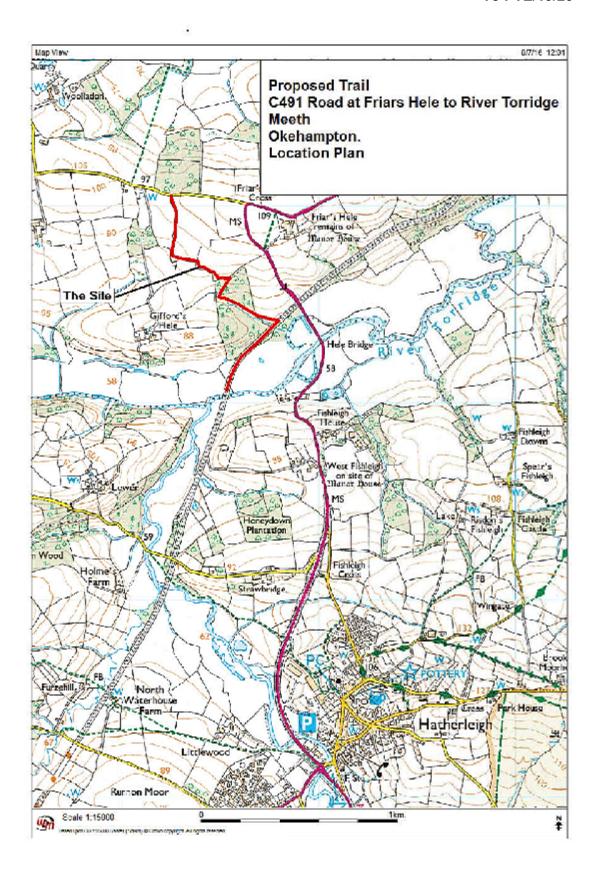
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Background PaperDateFile Ref.Casework FileCurrentDCC/3884./2016

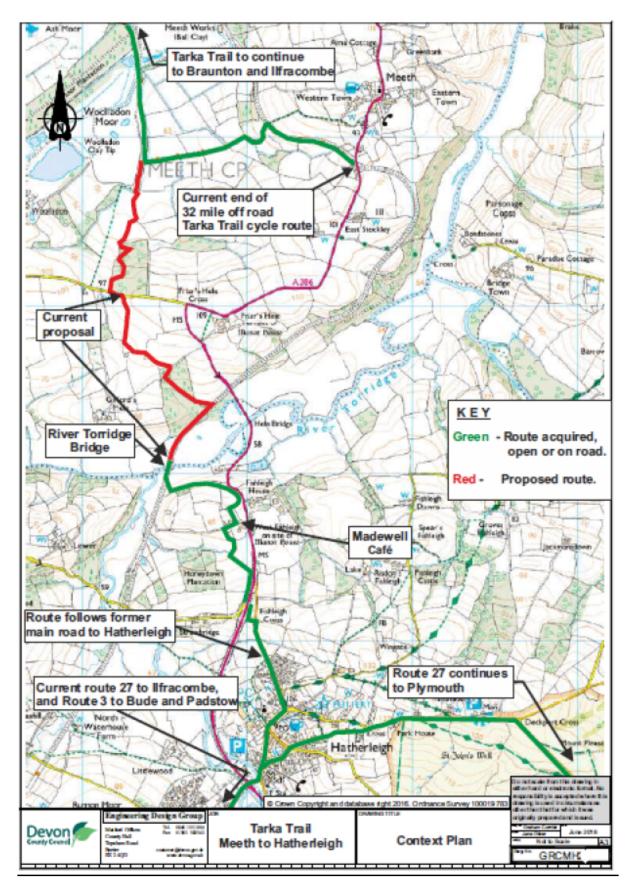
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sc/cr/Construction of Trail Land south of the C491 Friars Hele to Petrockstowe Lane Friars Hele Cross Meeth Okehampton
02 240519

Location Plan To PTE/19/23



# Context Plan To PTE/19/23



Appendix I To PTE/19/23

# **Planning Conditions**

1. The development shall commence within seven 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/titled T14003/P1 B; T14003/P2 B; T14003/P3 B; Planning Statement; Flood Risk Assessment; Extended Phase 1 Survey (PLANeco); Meeth South to Parker's Copse Wildlife Report (Jacobs, December 2018); and Arboricultural Impact Assessment (Hi-Line, March 2018) except as varied by the conditions below.

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

- 3. No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the County Planning Authority. The statement shall provide details of:
  - (a) timetable/programme of works;
  - (b) measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles];
  - (c) days and hours of building operations and deliveries;
  - (d) location of loading, unloading and storage of plant and materials;
  - (e) location of contractor compound and facilities;
  - (f) provision of boundary fencing/hoarding;
  - (g) parking of vehicles of site personnel, operatives and visitors;
  - (h) wheel washing arrangements;
  - (i) dust control measures; and
  - (j) recycling of waste during construction.

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

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents/local highway network in accordance with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

- 4. No development shall take place until a Landscaping and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The LEMP shall include the following:
  - (a) aims and objectives of the Management Plan for the completion of the development of the trail and subsequent 5-year aftercare;
  - (b) a plan showing management compartments for each habitat or landscape type;
  - (c) methods for the protection of vegetation not scheduled for removal;
  - (d) description and evaluation of features including any new planting:
  - (e) any constraints on site that may influence management;
  - (f) any specific management measures aimed at enhancing habitat quality or specific species;
  - (g) detailed prescriptions for management actions including mitigation, enhancement;

- (h) vegetation removal and vegetation replacement;
- (i) details of the proposed cell-web tree protection surfacing and temporary fencing to be erected during construction to protect trees and hedges; and
- (j) detailed proposals for the construction of stone-faced ends of severed hedgebanks.

The approved LEMP shall be implemented in the first planting and seeding season after completion of development and 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 rural landscape in accordance with Policies SPT12, DEV23 and DEV28 of the Plymouth and South West Devon Joint Local Plan.

5. No development shall take place until a scheme to safeguard all trees, hedgerows/hedgebanks, shrubs and other natural features not scheduled for removal during site works and building operations has been submitted to and approved in writing by the County Planning Authority. The scheme shall be in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations.' The development shall be carried out in accordance with the approved scheme.

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 Policies SPT12 and DEV28 of the Plymouth and South West Devon Joint Local Plan.

6. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this is kept.

REASON: To ensure no disturbance of nesting birds in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

7. No lighting shall be installed on any part of the proposed trail.

REASON: To ensure no disturbance of wildlife in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

8. Development shall be carried out in accordance with the recommendations/actions relating to protected species set out in Section 5 and Appendix E of the Wildlife Report dated December 2018.

REASON: To ensure that protected species are conserved in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

9. The trail hereby approved shall not be brought into use until flood warning notices have been installed on the route to inform users of the flood risks associated with the route. The flood notices shall be permanently retained unless otherwise agreed in writing by the County Planning Authority.

Reason: To raise awareness of the flood risks to ensure the safety of users of the access route in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

10. No development shall take place until a sustainable drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

# PTE/19/24

Development Management Committee 5 June 2019

# Delegated Schedule - 23rd May 2019 - Summary

District	Location	Application Number	Proposal	Electoral Division	Decision
Mid Devon District Council	Hillhead Quarry, Uffculme, Cullompton, Devon, EX15 3EP	DCC/3655/2014	Application under the Environment Act 1995: Review of Mineral Planning Conditions	Willand & Uffculme	Conditional Approval
Teignbridge District Council	Kenbury Wood Landfill Site, Old Dawlish Road, Kennford, EX6 7XD		Variation of conditions [1(plans),15 (stockpiles),18 (ecology),21 (gate),25 (drainage), 27(landscaping)] attached to permission 16/01969/DCC for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill at Kenbury Wood Landfill Site, Old Dawlish Road, Kennford, Devon, EX6 7XD	Exminster & Haldon	Conditional Approval
Mid Devon District Council	Land Adjacent to the Existing Abattoir, Lloyd Maunder Road, Willand, Cullompton, EX15 2PJ	DCC/4074/2018	Extension to site area of Existing AD plant to accommodate: 1 additional digestate storage tank, 2 separated digestate tanks (relocated from within the existing approved site layout); 2 new batch tanks; 1 new lime storage tank; 3 new propane tanks; 1 new feeder tank and extension to viewing gantry; and Variation of Condition 2 of Permission	Uffculme	Conditional Approval

			DCC/4037/2017 Amendment to layout of existing AD plant area to accommodate: 1 Additional Purac "Puregas" gas upgrade unit; 2 new boiler units; 1 additional Siemens gas grid entry point; 1 additional flare, chiller and blower unit; 2 additional buffer tanks and the removal of 2 separated digestate tanks at Willand AD Plant, Willand		
West Devon Borough Council	Tavistock Primary School, Plymouth Road, Tavistock, PL19 8BX	DCC/4090/2018	Demolition of existing Devon Lady classroom and replacement with new single storey classroom building and external canopies	Tavistock	Conditional Approval
Exeter City Council	Cycle and pedestrian path adjacent to the railway line to the south of Bettysmead Playing Fields, Exeter	DCC/4097/2018	Improvements including widening and resurfacing to the existing cycleway/ footpath within Bettysmead Playing Field which will form section 7 of the E4 cycle route.	Pinhoe & Mincinglake	Conditional Approval
Exeter City Council	Cycle and pedestrian path running along the northern side of the railway line, south of the Exeter Arena Car Park and Exhibition Fields, Exeter	DCC/4098/2018	Proposed improvements, including widening, of the existing cycle/footpath south of Exeter Arena car park and Exhibition Fields forming Section 9 of the E4 Cycle Route and associated works.	Pinhoe & Mincinglake	Conditional Approval
North Devon District Council	Vyse Quarry, Spreacombe, Braunton, Devon, EX33 1JA	DCC/4103/2018	Lateral extension to Vyse Quarry for the extraction, processing and sale of 3 million tonnes of Pickwell Down Sandstone for construction aggregates and building stone and to extend the mineral working end date to 31 December 2049.	Braunton Rural	Conditional Approval

North Devon District Council	Brayford Quarry, Brayford, Barnstaple, EX32 7QD	DCC/4105/2019	Installation of cone crusher.	South Molton	Conditional Approval
North Devon District Council	Brynsworthy Waste Transfer Station, Roundswell, Barnstaple, EX31 3NP	DCC/4106/2019	Variation of condition 5 of planning permission DCC/3951/2017 for Waste Transfer Station including a waste transfer hall, single storey weighbridge office and welfare facilities building, hardstand including staff parking and external weighbridge, internal access road, new access from the existing highway, drainage, lighting and landscaping.	Fremington Rural	Conditional Approval
North Devon District Council	South Molton Infants School, North Road, South Molton, EX36 3BA	DCC/4107/2019	Construction of a stand alone 4 classroom teaching block.	South Molton	Conditional Approval
Teignbridge District Council	Shutterton Bridge Sewage Pumping Station, Shutterton Bridge, Exeter Road, Dawlish, EX7 0PB	DCC/4108/2019	Proposed alterations to the existing pumping station building.	Dawlish	Conditional Approval
South Hams District Council	King Edward VI College, Ashburton Road, Totnes, TQ9 5JX	DCC/4112/2019	Retention of 5 modular classrooms blocks (17, 36, 37, 42, 44) for 15 years.	Totnes & Dartington	Conditional Approval
South Hams District Council	Stokenham County Primary School, Coleridge Cross to Carehouse Cross, Stokenham, TQ7 2SJ	DCC/4113/2019	Retention of the existing modular classroom block (02) for 15 years	Kingsbridge	Conditional Approval

East Devon District Council	Sidmouth College, Primley Road, Sidmouth, EX10 9LG	DCC/4114/2019	To permit the permanent retention of existing modular classrooms Block 11, 15 & 16.	Sidmouth	Conditional Approval
East Devon District Council	Feniton C of E Primary School, Station Road, Feniton, EX14 3EA	DCC/4118/2019	The proposal looks to improve the teaching facilities at Feniton Church of England Primary School, by demolishing the existing 3 no. modular buildings, and replacing them with a single-storey modular building, the building will comprise of a classroom, a group room, toilets and store rooms.	Feniton & Honiton	Conditional Approval
East Devon District Council	Unit 42, Road to Greendale Business Park, Greendale Business Park, Woodbury Salterton, EX5 1EW		Variation of planning condition 8 of planning permission 09/0824/CM, relating to on-site operational hours.	Exmouth	Conditional Approval

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