

**County Matter: Waste**

**Change of use from a bale distribution and storage centre to treatment consisting of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for storage, disposal or recovery and updated site layout plan, Plot 4, Thorverton Road, Exeter**

**Applicant: Devon Contract Waste Ltd**

**Application No: 20/0605/CTY**

**Date application received by Devon County Council: 12 May 2020**

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 is granted subject to the conditions set out 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 is a retrospective application to regularise a change of use to the treatment of waste, consisting of manual sorting, separation, screening, baling, shredding, crushing or compaction, for storage or onward movement for disposal or recovery.
- 1.2 It is considered that the main material planning considerations in the determination of this application are consideration against planning policy; impacts on the working conditions of nearby businesses including from odours, pests and noise; traffic and parking; impacts on rail and power infrastructure; nature conservation; impacts on the historic environment; flood risk and climate change.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4167/2020 or by clicking on the following link:  
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4167/2020>.

**2. The Proposal/Background**

- 2.1 The application site is located within Matford Business Park, the southern extension to the Marsh Barton Trading Estate, with general access provided by the B3123 connecting to the A379 and A377. Within the business park are a range of commercial premises including car showrooms, wholesalers and offices.

- 2.2 The site lies at the eastern end of Thorverton Road, adjacent to the Driver and Vehicle Standards Agency test centre which includes an office and waiting room together with a motorcycle training area that extends behind the application site. Other premises on the same road include a car showroom and business units including offices and light manufacturing workshops. To the east of the site is the main Exeter to Plymouth rail line, beyond which is the Double Locks public house, the nearest property with a residential use.
- 2.3 The application site has an area of 3.9ha, with overhead power cables crossing its eastern end. Vehicular access is onto Thorverton Road which, at this point, is a private highway with parking bays on either side for the use of nearby businesses.
- 2.4 The site first received outline planning permission from Exeter City Council in 2001 as part of a wider development area for uses falling within classes B1 (business), B2 (general industrial) and B8 (storage and distribution). Subsequently, reserved matters approval was given in 2007 for a two-storey building comprising seven units.
- 2.5 Planning permission was granted by Devon County Council in 2010 (DCC/2989/2010) for the use of the site for recycling of commercial waste, including construction of a new building, with conditions including hours of operation and a daily limit of 55 lorry movements. However, this permission was not implemented, and the applicant subsequently developed a similar facility in Marsh Barton Road known as the Envirohub.
- 2.6 In 2013, planning permission (DCC/3510/2013) was granted for development of the site as a bale distribution and storage centre and bin wash down area, including construction of a six-bay storage building and separate storage areas for glass and skips. This permission was implemented (although with a four-bay building), with the facility used for the storage of bales of processed waste materials from the Envirohub prior to onward transportation to materials reprocessors in the UK and overseas. Prior to development of this new facility, complaints had been received concerning the storage of baled waste materials outside the Envirohub, and the new facility at Thorverton Road was intended to address the issue through provision of an enclosed storage building.
- 2.7 Following closure of the Envirohub due to a serious fire in March 2017, the operator transferred the waste recycling operation from that facility to their Thorverton Road site. The County Council's understanding was that this was a temporary arrangement pending reconstruction of the Envirohub (for which planning permission (DCC/4042/2018) was granted in July 2018), and it was not considered expedient to take enforcement action in the circumstances.
- 2.8 The County Council subsequently received a number of complaints regarding odours, litter, noise, flies and vermin from nearby business premises during 2019, with complaints also received by the Environment Agency and Exeter City Council's Environmental Health Officer. A Section 330 Notice seeking

information from the operator was served by the County Council in the light of breaches of the extant planning permission, following which the operator agreed to submit a planning application to regularise the current activities.

- 2.9 This application seeks to regularise the use of the site for the recycling of waste, including sorting, separation, screening, baling, shredding, crushing and compaction processes for onward movement to recovery or disposal facilities elsewhere. The facility manages commercial wastes from a range of businesses, which arrives as dry mixed waste, i.e. recyclable materials from sites that do not normally have any wet materials within their waste, although an element of putrescible waste may be present.
- 2.10 This mixed waste is tipped within the sorting building, with card removed for separate recycling and the remaining materials loaded onto a conveyor with a swing shovel and then baled. Maximum storage time for card and plastics is 14 days. The bales are then transferred by a forklift truck and loaded directly onto trailers, which are collected the same day or the next working day. These trailers are then transported to an energy recovery facility or for processing at another company's materials recovery facility. Mixed wastes are stored at the site for a maximum of seven days, with sorted card and plastics being stored for up to 14 days.
- 2.11 Confidential waste is shredded in a mobile shredding vehicle and then despatched to be recycled. Waste electrical equipment is also brought to the site, where it is bulked up in an external bay and collected by a specialist recycling company. Hazardous waste is limited to occasional gas cylinders that may be included in mixed waste, and electrical items such as televisions and fridges that are classified as hazardous but do not pose a significant hazard.
- 2.12 The site currently has permission for external glass storage and a bin wash down area, and the operator proposes to continue these operations as part of this application. Glass is collected in the combined food and glass vehicles, tipped into a glass bay in two loads each day and then moved out to be recycled when sufficient glass has accumulated (usually twice each week). Full food waste bins are brought to the site, as the operator states they currently have to carry out bin swaps at some sites, and these are placed inside the building and then emptied by food lorries. These bins are then prioritised as being the first to be washed.
- 2.13 The site has a dedicated wash bay for washing vehicles and bins, and water flows into an underground collector tank to capture sediments, before draining into the foul waste system. The collector tanks are emptied when required.
- 2.14 Two quarantine areas are also identified on the plans, one nearest the railway line for the storage of hazardous/combustible waste, and another in front of the main building for any hot loads (i.e. materials that appear to be hot or smoking,) as it is next to the pressure washer.

- 2.15 This application also seeks to formalise the addition of offices and welfare facilities at the western end of the site, a building for plant and crushing, and a water storage tank located at the eastern end of the site under the overhead power lines. These have already been constructed at the site, without the benefit of planning permission.
- 2.16 The existing hours of operation are proposed to continue, and these are:
- external waste operations from 0600 to 2200 Monday to Friday;
  - deliveries of waste, except for glass, from 0600 to 2200 Monday to Sunday; and
  - glass deliveries from 0600 to 1800 Monday to Sunday.
- 2.17 The site benefits from an Environmental Permit which requires that all bulking, transfer or treatment of non-hazardous waste must be carried out inside a building, although exemptions allow for the external storage of waste electrical material and glass. Neither the planning permission nor Environmental Permit currently allow the external storage of baled material.
- 2.18 The application does not propose increased activity at the site, although previous planning permissions have not limited annual throughput. While the Environmental Permit does limit annual throughput to 75,000 tonnes, it is understood that less than half of this amount passed through the site last year.

### **3. Consultation Responses**

- 3.1 Exeter City Council (Planning): no objection to the principle of the proposed use.
- 3.2 Exeter City Council (Environmental Health): complaints have been received about this use of the site in the past, relating in particular to odour, litter and pests. No formal action has been taken in respect of these complaints, but they do indicate a level of dissatisfaction amongst the neighbouring businesses.

This site is relatively small and so issues of its suitability seem most likely to relate to whether there is physically space for the activities to take place and for any necessary mitigation. If there is any mitigation which should be employed on the site but cannot be because of space or other physical constraints, then it is possible that the site could be considered unsuitable for the proposed use.

- 3.3 Environment Agency: recommend that this application is not determined until further information has been submitted to demonstrate that existing issues related to the use of this land for these purposes is acceptable. The waste activity has given rise to litter, pest, noise, and odour issues through 2019, in particular during summer months. The site shares a boundary fence with a number of business units which were impacted by amenity issues caused by this waste activity, and it causes traffic issues for the business units during

busy parts of the day when waste lorries will park up waiting to enter Plot 4 and block access to the parking for the business units.

The Environment Agency was consulted on additional information provided by the applicant to address their concerns, but advised that they had no further comments.

- 3.4 Exeter Airport: no safeguarding objections provided there are no changes made to the current application.
- 3.5 South West Water: disposal into the foul drain will require a trade waste consent.
- 3.6 Western Power Distribution: no objection to development works being undertaken under or adjacent to overhead lines provided that adequate clearances are maintained, and that vehicular access is possible to towers/poles on completion of development.
- 3.7 Network Rail: no objection in principle subject to compliance with asset protection measures, but would object to the storage of combustible waste next to the railway.
- 3.8 DCC Highways: no objection. Given the nature of the site being located in an existing industrial estate and the change of use, the trip generation is not considered to be severe. The Traffic Management Plan is acceptable in principle.
- 3.9 DCC Ecology: lighting in the north-east of the site is directly adjacent to the railway line and the vegetated embankment, which is likely to be used by a number of species including bats, reptiles and dormice. The lighting column should be removed and replaced with low level bollard lighting to guarantee no light spill on to ecological habitats.
- 3.10 DCC Flood Risk Management: no objection in principle. The applicant should apply for a trade waste consent at this stage to demonstrate that the surface water drainage system, which drains into the foul sewer, is viable.
- 3.11 DCC Public Health: no objection.

#### **4. Advertisement/Representations**

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures comments were received from 13 businesses, raising objections on the following grounds:
  - increase in flies, vermin and seagulls with associated problems of bird excrement on vehicles and customers; although a bird of prey helps disperse the birds, they return when it is not on site;

- the production of obnoxious smells affecting the surrounding businesses, particularly during the summer months, with windows needing to be kept shut and air conditioning units purchased;
- increased noise and rubbish, including constant noise from glass deliveries;
- impacts on air quality;
- increased activities at the site and impact upon other parties;
- increase in traffic from the site;
- increased parking in the surrounding area as there is insufficient space on site;
- highway safety impacts upon the junction of Silverton Road and Thorverton Road, with transporters already parking along this road;
- the safety of the areas where vehicles are currently turning on private land;
- a waste processing use is not appropriate for this location within a business park with uses such as offices, light industrial and retail outlets, and this may set a precedent in this end of the business park;
- the site is too small for the current operations;
- potential for increased flood risk;
- potential negative impact upon water quality from waste contamination, with concerns raised about the proposal to connect the rainwater/ surface water run-off into the foul sewer;
- no evidence of community need for increased operations;
- impacts from HGVs along the access road upon pollution;
- harm is experienced on a regular basis by DVSA employees and visitors, including seagulls dive bombing the motorcycle area with candidates on test and a general foul smell and nuisance for customers using the centre. The DVSA is particularly sensitive to the hazards associated with the intensified and abusive effects on the immediate highway network due to the vulnerability of learner riders using the Test Centre;
- the operator is in breach of permissions of 2010 and 2013, and the facility was only to be temporary whilst the Envirohub was rebuilt;
- the applicant has a right of access over private land but currently uses this land to park waiting vehicles (sometimes blocking parked vehicles in); occasionally for staff use for tea and lunch breaks, used as staff parking; repairing vehicles; as well as to carry out waste operations such as the use as storage of pallets; leave skips on this private land; identify that the parking problem will be transferred onto nearby highway. It is noted that there may have been damage to this private land as a result. Raise points about private safety issue with vehicles reversing in the private land – although practice changes have been put in place to endeavour to address this, this is affecting use of these areas by customers to the surrounding businesses; and
- the suggested alternative parking locations are unlikely to be used, and the Traffic Management Plan isn't workable.

## **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.

5.2 Devon Waste Plan (adopted December 2014)

Policies W2 (Sustainable Waste Management); W3 (Spatial Strategy); W5 (Reuse, Recycling & Materials Recovery); W11 (Biodiversity & Geodiversity); W13 (Historic Environment); W15 (Infrastructure & Community Services); W16 (Natural Resources); W17 (Transportation & Access); W18 (Quality of Life) and W19 (Flooding).

5.3 Exeter Core Strategy (adopted February 2012)

Policies CP09 (Transport); CP11 (Pollution) and CP12 (Flood Risk).

5.4 Exeter Local Plan (First Review) (adopted March 2005)

Saved Policies EN3 (Air & Water Quality); EN4 (Flood Risk) and EN5 (Noise).

5.5 Other material considerations include:

- National Planning Policy Framework
- National Planning Policy for Waste
- National Waste Management Plan for England
- Planning Practice Guidance

## **6. Comments/Issues**

6.1 It is considered that the main material planning considerations in the determination of the proposed development will be consistency with planning policy; impacts on the working conditions of nearby businesses including from odours, pests and noise; traffic and parking; impacts on rail and power infrastructure; nature conservation; impacts on the historic environment; flood risk and climate change.

### Planning Policy Considerations

6.2 The site accords with the spatial strategy set out in Policy W3 of the Devon Waste Plan, being located in Exeter, and also meets the preference within

Policies W3 and W16 for the use of previously developed land rather than a greenfield site.

- 6.3 In providing for the recycling and recovery of waste, the proposal supports Policy W5 of the Devon Waste Plan and its target for the recycling of 60% of commercial and industrial waste by 2021 and 64% by 2031. The site also meets other requirements of the Policy as it is located close to sources of waste and achieves the segregation of recyclable materials prior to energy recovery. It should be noted that this facility deals with the waste previously managed at the Envirohub and, due to its limited size, is unlikely to allow for the expansion of what was already being recycled.

#### Impact Upon Working and Living Conditions

- 6.4 It is evident from the responses from neighbouring businesses, as well as the comments and information supplied by the Environment Agency and City Council, that there have been ongoing concerns and complaints about the impacts from the unauthorised operations at the site upon the amenity of surrounding businesses. The main impacts appear to be those associated with odours generated at the site and the consequential impacts from seagulls, vermin and flies, with concerns also being raised regarding noise impacts, the generation of rubbish/litter and impacts upon the parcel of land used to access the site (owned by Oak Business Units Management Ltd).
- 6.5 The nearest residential property is located at the Double Locks public house, which is 180m from the application site, with the next nearest residential properties being 500m away on the edge of Alphington. Closer to the site, there are offices and businesses that align Thorverton Road and have the potential to be impacted by the development. Directly adjacent to the western and southern boundaries of the site is the DVSA test centre, while opposite the northern perimeter of the site and around 25m away are the Oak Business Units which contain a number of business and workshops.
- 6.6 The National Planning Policy for Waste states that waste planning authorities should consider the likely impact on the local environment and on amenity of waste developments against a number of criteria, but also indicates that authorities should “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”.
- 6.7 Policy W18 of the Devon Waste Plan seeks to protect peoples’ quality of life and amenity from adverse impacts, including from vermin, insects and birds, litter, noise, dust and odours, and requires that an applicant should demonstrate that these impacts can be controlled to avoid significant nuisance to sensitive properties. In addition, Policies EN3 and EN5 of the Exeter Local Plan First Review seek to avoid farm to air quality and noise respectively.

- 6.8 The following sections of the report will address these potential amenity impacts and consider the scope for these to be avoided or controlled through a planning permission.

#### Odour Impacts

- 6.9 Odours generated by the site come from a number of sources including mixed waste that may contain an element of putrescible waste, food waste bins, baled waste and the glass bottles stored at the site. Baled waste is stored on trailers before being removed from the site, and glass is also stored externally, while odours from within the processing building can be detected outside when doors are not shut or as bales emerge on the conveyor.
- 6.10 The application states that the food waste bins that arrive at the site are stored within the building and, after the material is taken away, are cleaned at the earliest opportunity. The Environment Agency has noted during unannounced visits to the site that full food bins have been found outside the building. Changes in practices following those visits have reduced the impacts to a degree, but it is noted that odours still emanate from the site, are an ongoing source of complaints, and continue to attract gulls (see below).
- 6.11 The site's Environmental Permit includes controls over odour emissions, and the Environment Agency can require the operator to submit and implement an odour management plan. While a planning permission should not seek to duplicate the controls available through the Environmental Permit, it is open to the County Council to require that the site be developed and managed in a manner that would limit the risk of odours occurring. It is therefore proposed that a range of management practices should be secured through an updated Environmental Management Plan, including a limitation on storage of glass bottles, and food waste bins or containers not to be brought to this site and managed at another suitable location. This Plan should set out an appropriate process whereby the County Council is notified of complaints and subsequent actions are agreed with the Council and, where appropriate, the Environment Agency.

#### Pests – Vermin, Flies and Birds

- 6.12 Seagulls and flies attracted by the glass bottles, mixed bales and to a small degree, the full food waste bins cause nuisance for businesses around the site, and the Environment Agency has received on-going complaints regarding the seagulls in particular. These are still present at the site, but the number of seagulls has reduced due to changes in management practices.
- 6.13 Measures set out in the Environmental Management Plan include closure of the roller shutters on the building when not in use; the baler ejection area being enclosed and bales being moved to the trailer as quickly as possible; closure of the trailer curtain when waste is not being baled; food waste bins being taken within the building, and then washed at the earliest opportunity.

- 6.14 The application also states a harrier hawk is now brought into the site every two weeks to scare the gulls away, and that the site has purchased an electronic bird scaring device. Although it is considered that the introduction of the hawk to the site has reduced the number of birds that now gather, this does still appear to be a persistent problem and a source for complaints. It is considered that the sources of odour need to be further reduced through the measures advised above and that the frequency of the hawk at the site is increased to ensure impacts do not cause significant nuisance to the surrounding sensitive properties. This should be provided for within an updated Environmental Management Plan.
- 6.15 The site uses a pest controller to manage the site, including use of bait boxes to check if rodents or mice use the site. Results from baiting at the site indicate vermin outside the building but not within the building itself, and it is considered the use of a pest controller adequately mitigates impacts from vermin.

#### Litter

- 6.16 Litter has been noted just outside the site boundary, specifically between the site and the railway line and in the parking area by the Oak Business Units to the north. It is considered that this can be managed by the site with regular litter picking and maintenance of the litter fence on the site boundary.

#### Noise Impacts

- 6.17 The application is accompanied by three noise reports that assess impacts upon nearby sensitive receptors. Double Locks is noted as the nearest residential receptor (180m), and the DVSA test centre is noted as the nearest commercial receptor (adjacent), and baseline noise monitoring surveys were taken at these premises. Noise from the application site would be expected to arise from the delivery of waste, the use of plant and machinery at the site, the movement of waste around the site and from the deposit of glass.
- 6.18 The results of the noise monitoring assessing impacts upon the Double Locks note the typical noise sources during the test time as being plant and skip movements within the energy recovery facility and waste transfer station to the north; rail movements on the nearby line (including horns); local activity from dog walkers etc.; and moving water in the canal lock system. Ambient sources, in addition to the above, include tonal reversing alarms within the application site, vehicle movements and occasional waste tipping.
- 6.19 The assessment concludes that the noise emissions associated with the application site have a low impact at Double Locks, which equates to an impact of no greater than the No Observed Adverse Effect Level which is the level of noise exposure below which no effect at all on health or quality of life can be detected.
- 6.20 It would appear that noise survey was carried out at a time when glass was not being deposited at the site, which generally occurs twice each day.

Following discussion with the applicant's acoustic specialist, they confirmed that "the glass tipping events are sporadic in the sense that they are very short lived events; lasting no longer than a couple of seconds, so whilst there may be a temporary and locally significant noise maxima event, for the purposes of the assessment methodology, which considers a whole hour, the acoustic energy is dissipated throughout the prescribed assessment period of the hour and will not significantly affect the LAeq statistic used for deriving the specific sound level".

- 6.21 The results of the noise survey indicate that activities at the site, during the time of noise monitoring, did not adversely affect the sound environment associated with the neighbouring commercial receptors. It was noted that activities associated with these off-site businesses dominated the sound environment in that area.
- 6.22 It concluded that, using the recommended internal sound level range for open plan offices/shared spaces, as set out within BS 8233:20143, of 45 to 50 dB(A), the on-site activities associated with the application site would not result in exceedance of this limit at the closest and most exposed office receptors.
- 6.23 It is therefore considered that the development would not result in adverse noise impacts upon the nearest residents or businesses, and concerns have not been raised by the Environmental Health Officer regarding noise. It is considered that, if the hours of operation are limited to those set out in the application, the development would accord with National Planning Policy for Waste and Policy W18 of the Devon Waste Plan.

#### Amenity Impacts of Traffic

- 6.24 Representations suggest that the operator's vehicles use the private land of the nearby business units for waiting with loads as there is insufficient space within the application site. This causes problems for parking and managing external spaces, together with noise and odour from the vehicles. While managing the use of private land is a matter for the landowner and tenants, the impact upon the quality of life and working environment for these businesses is a material planning consideration.
- 6.25 The quantity of waste materials brought to the application site results in a need for vehicles to wait outside the site before unloading, as there is insufficient space within the site for queueing. To address this, the operator has proposed a Traffic Management Plan which details that inbound vehicles should firstly call the site in advance of their visit, then wait in a legal location and not on private land, and identifies two alternative locations at the Envirohub and Peamore Services. The Highway Officer is content with this approach in endeavouring to address the impact upon the highway.

### Conclusions on Amenity Impacts

- 6.26 To address the recent history of complaints received regarding adverse impacts from operation of the facility, a range of site management measures have been discussed with the applicant and are required through the recommended planning conditions, which will complement the powers over odour and noise emissions available to the Environment Agency through the Environmental Permit. Consideration was given to limiting any planning permission to a temporary period to enable the effectiveness of these measures to be reviewed, but the applicant considers such a limitation to be inappropriate as it will be a disincentive to further investment in the facility. It is therefore recommended that a permanent permission be granted on the grounds that the proposed conditions and additional restrictions placed on the site will limit these impacts to an acceptable level, with the Council having the opportunity to monitor compliance through site visits.

### Traffic and Parking Issues

- 6.27 The site is accessed directly from Thorverton Road which in turn is accessed from Silverton Road. The application indicates that the site generates an average of 50 heavy goods vehicle movements per day (i.e. 25 inbound and 25 outbound movements), which equates to an approximate average of three movements per hour. In addition, other vehicles accessing the site will consist of Light Goods Vehicles, cars and vans, but it is not clear how many movements are associated with these vehicles.
- 6.28 The facility will continue to operate within the existing hours for deliveries which are between 0600 and 2200 Mondays to Sundays, with delivery of glass limited to 0600 to 1800 Monday to Sunday. Parking for all vehicles associated with the proposed operations will be provided on site, as identified on the Site Layout Plan ref. 2020-D002.
- 6.29 It has been highlighted that vehicles associated with the site have been known to park on the pavement along Thorverton Road. The Traffic Management Plan which accompanies the application states that, in order to prevent waiting on the highway or private land, there would be two designated waiting areas, and it is felt that this will help prevent further problems with parking on the footpath in the future, which can also be managed through the Parking Enforcement Department.
- 6.30 The Highway Officer has not raised an objection to the scheme, stating that “given the nature of the site being located in an existing industrial estate and the change of use, the trip generation is not considered to be severe”. The impacts upon the highway are therefore considered to accord with Policy W17 (Transportation and Access) of the Devon Waste Plan.

### Nature Conservation

- 6.31 No impacts are predicted upon European or other designated wildlife sites, due to the distance to these designations and the type of operations proposed. Possible impacts for a number of species including bats, reptiles and dormice who use the vegetation between the site and the railway line could result from external lighting at the eastern end of the site. To address these, a condition is proposed requiring the replacement of the lighting column with a low-level light. If this is implemented, the development would avoid in causing harm to species and so accord with Policy W11 (Biodiversity & Geodiversity) of the Devon Waste Plan.

### Flood Risk and Drainage

- 6.32 The site is located in Flood Zone 3(a) with a high probability of flooding, and the application is therefore accompanied by a Flood Risk Assessment (FRA). The closest 'main river' is the Alphin Brook, 130m east of the site, which flows into the Exeter Canal approximately 1.0 km to the south-east of the site. The River Exe, classified as a 'main river', is located approximately 345m to the east of the site.
- 6.33 The Environment Agency refers the planning authority to its standing advice, as the site is considered to be 'less vulnerable' as no hazardous waste is stored at the site. In this case, according to the 'Flood Risk Vulnerability Classification' table, the development would be appropriate at the site.
- 6.34 The FRA indicates that the users of the site will be responsible for acting on flood warnings and identifies the procedures to be followed in the event of a flood. In line with the recommendations, a condition is proposed requiring the submission and approval of a Flood Evacuation Plan, to ensure the development is in accordance with national policy, Exeter Local Plan and Core Strategy Policies EN4 (Flood Risk) and CP12 (Flood Risk), and Policy W19 (Flooding) of the Devon Waste Plan.
- 6.35 The Lead Local Flood Authority has identified that the operator should apply for a trade waste consent to demonstrate that the surface water drainage system, which drains into the foul sewer is viable. This should be included as an informative note in any decision.

### Rail and Power Infrastructure

- 6.36 The external lighting located at the eastern end of the site, along with the gas cylinders also found in this same location, both have the potential to interfere with the safe operation of the railway line. However, the operator has agreed to relocate the canisters, with the new location to be agreed through a condition on the permission unless these are taken off site. Another condition will require the lighting column to be replaced with bollard lighting.

- 6.37 A 132K volt overhead power line runs across the site at its eastern end, parallel to the railway line, and lies above the water tank, the trailers for the bales and the temporary quarantine area.
- 6.38 Western Power Distribution (WPD) has no objection to the development but advise that minimum statutory clearances are required from buildings or structures to the power lines, and they strongly recommend that the clearances are increased to the recommended, rather than minimum, dimensions. The water tank is the main structure that is over-sailed by the lines, and the minimum clearance distances would be 3.6m with the recommended clearance 6.6m. A topographical survey indicates the actual distance is 5.23m and it is considered that, as this is significantly in excess of the recommended minimum, no further action is required.
- 6.39 WPD have also commented that significant measures need be taken by the site operator to enable safe utilisation of the area near the oversailing lines. The law requires that work may be carried out in close proximity to live overhead lines, but only when there is no alternative and only when the risks are acceptable and can be properly controlled. To ensure site operations, and the use of plant and machinery under the lines remains safe, an informative note referring to the WPD guidance will be included with the decision notice.

#### Historic Environment

- 6.40 Double Locks is a Grade II listed building, which affords protection in relation to its setting. The key impact from the development would be associated with noise, and the deposition of glass in particular. While noisy, this activity would be sporadic and short term, and associated with typical noises from an industrial estate which forms the existing setting for the listed building. It is therefore considered that the development would not result in harm to the setting and so accords with the Planning (Listed Building and Conservation Areas) Act 1990, the paragraphs 193 to 199 of the NPPF and Policy W13 of the Devon Waste Plan.

#### Other Environmental Considerations (Including Climate Change)

- 6.41 Paragraph 148 of the National Planning Policy Framework requires that “the planning system should support the transition to a low carbon future in a changing climate”, while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon’s carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.42 Although the proposal would result in an increase in traffic movements associated with this site, the development could result in a reduction in distances travelled, as waste materials could be managed nearer to their source, specifically for Exeter as demand increases through the planned

expansion of the city. According to the Exeter Core Strategy (2012) the non-domestic sector (commercial, business and public sector) at that time was responsible for 44% of Exeter's CO<sub>2</sub> emissions making it the largest contributor to the city's carbon footprint. In this case the development is considered to help to contribute toward a reduction in carbon emissions in this sector.

## **7. Reasons for Recommendation/Alternative Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered that the benefits of the development, to move waste up the waste hierarchy and provide further provision for local waste management close to major sources of waste, would allow for the continued use of the site as a waste management facility. It is considered that the proposed conditions would address the impacts experienced by those working in the nearby business units, and the development is therefore recommended for approval.

Mike Deaton  
Chief Planner

### **Electoral Division: Alphington & Cowick**

#### Local Government Act 1972: List of Background Papers

Contact for enquiries: Hayley Stokes

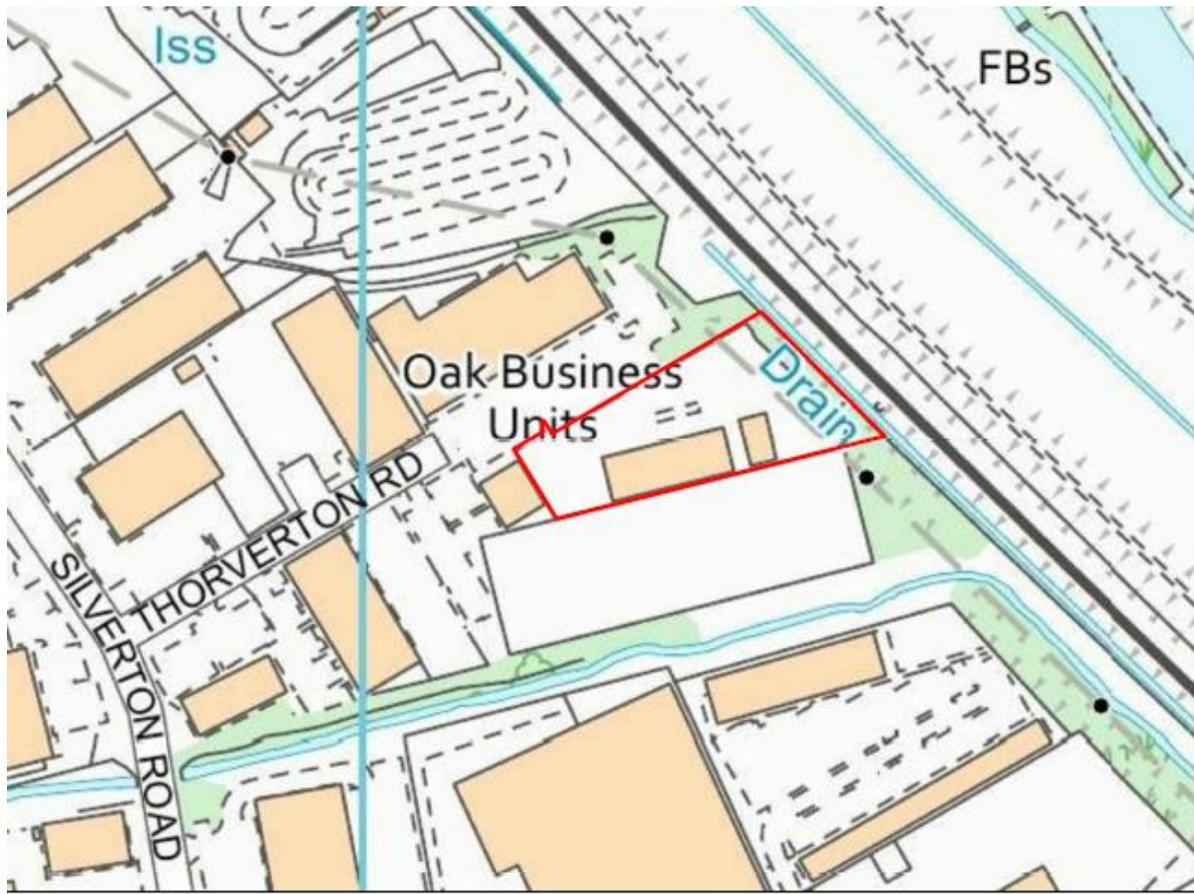
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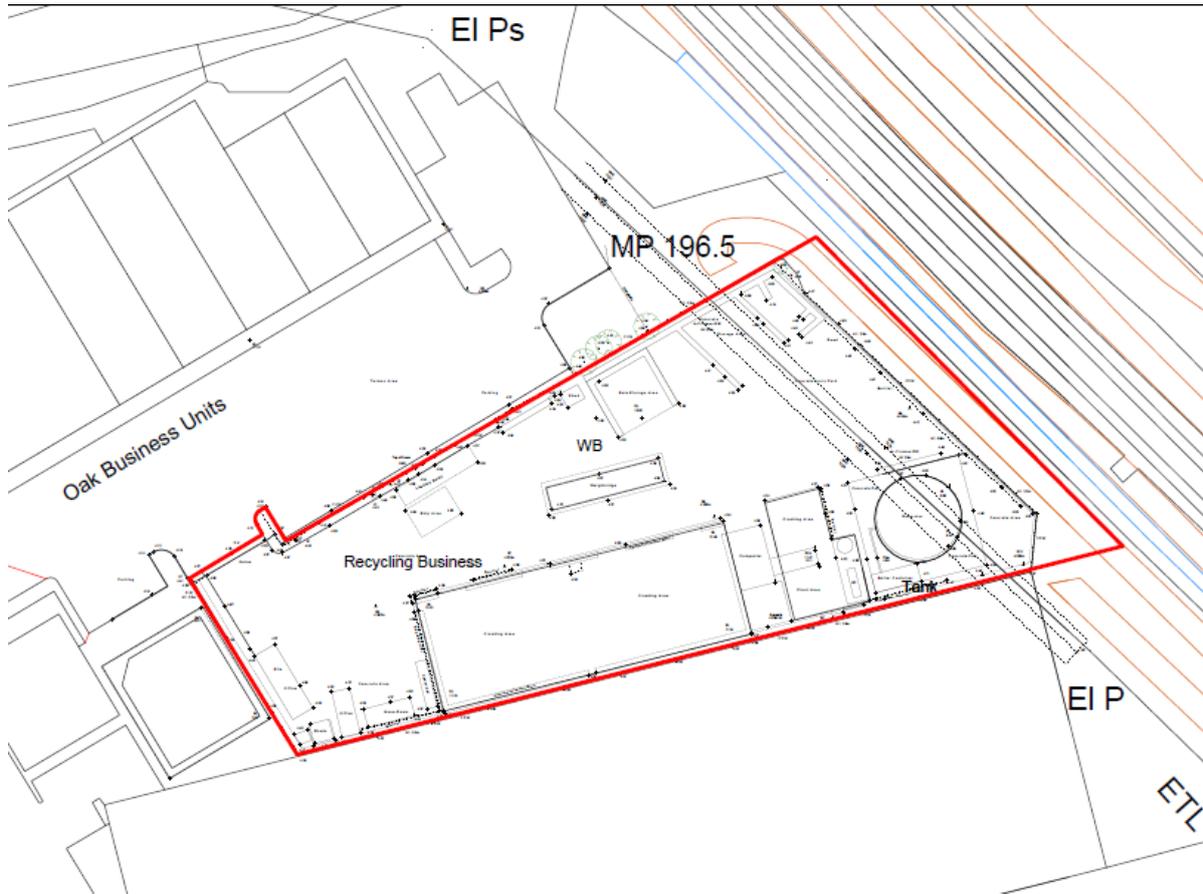
<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	Current	DCC/4167/2020

hs280920dma  
sc/cr/change of use from bale distribution centre plot 4 thorverton road exeter  
02 121020

# Location Plan



**Site Plan  
To PTE/20/31**



## **Planning Conditions**

### **STRICT ACCORDANCE WITH PLANS**

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled Location Plan - 2020/D001 Rev v.a.; Site Plan - 2020/D002 Rev v.a; Existing Site Levels Plan - 8288 (dated March 2020); East & West Elevations - 8288 (dated March 2020); Traffic Management Plan - QMF 265 Issue 1 / Issued 12/08/2020 / Annex B – Diversion Locations; Matford Site Drainage Plan; and Environmental Management System Plan - QMF 40j (dated 05/02/2018).

except as varied by the conditions below.

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

### **ENVIRONMENTAL MANAGEMENT SYSTEM PLAN**

2. Within one month of the date of this permission, an updated Environmental Management System Plan shall be submitted to and approved in writing by the Waste Planning Authority. This shall include the following:
  - (a) measures for the storage of glass bottles for a maximum of seven days;
  - (b) measures to ensure that the doors to the waste reception hall shall be kept shut at all times except for when receiving deliveries;
  - (c) food waste bins or containers shall not be brought onto this site;
  - (d) a plan showing the new location for the storage of gas canisters and any other hazardous wastes away from the boundary with the rail line;
  - (e) frequency of hawk visits to the site; and
  - (f) a complaints procedure including notification to the Waste Planning Authority and implementation of any subsequent actions that are agreed with the authority.

The development shall be carried out in accordance with the approved details, and any new storage facilities shall be implemented within one month of approval of the Plan.

**REASON:** To help protect the working conditions of nearby businesses and users of the Valley Park, in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

### **LIGHTING**

3. Within one month of the date of this permission, a lighting scheme, indicating the timescale for the removal of lighting column number LP4.56 indicated on plan numbered and entitled 'Existing Site Levels Plan - 8288 (dated March

2020)', shall set out details of the replacement low level lighting, and shall be submitted to and agreed with the Waste Planning Authority. This shall include the height, design, sensors and luminance of the lights (which shall be designed to prevent light spill onto the adjacent railway line and Valley Park).

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

REASON: To ensure that the development does not prevent the safe operation of the adjacent railway line or affect wildlife in accordance with Policies W11 (Biodiversity & Geodiversity) and W17 (Transportation) of the Devon Waste Plan.

#### FLOOD RISK

4. Within one month of the date of this permission a Flood Evacuation Plan, which will set out how the site proposes to manage the risk associated with the site being flooded, shall be submitted to and agreed in writing with the Waste Planning Authority. The development shall be carried out in accordance with this approved plan.

REASON: To protect water quality and minimise flood risk in accordance with Policy EN4 (Flood Risk) of the Exeter Local Plan, Policy CP12 (Flood Risk) of the Exeter Core Strategy and Policy W19 (Flooding) of the Devon Waste Plan.

#### WASTE MATERIALS

5. No more than 50,000 tonnes of waste materials shall be brought to the site in any one calendar year. The operator shall maintain records of the tonnages and types of waste brought to the site and shall make these available to the Waste Planning Authority on request.

No baled waste (except for cardboard bales and clean plastic located within the bale storage area shown on the Site Plan (drawing no. 2020/D002 Rev v.a), plant or machinery shall be stored or used outside the buildings indicated on that plan.

REASON: To ensure that the external areas outside the building are free from waste debris to protect the working conditions of nearby businesses, to ensure the safe operation of the adjacent railway line and to help limit pollution if flooding occurs, in accordance with Policies W2 (Sustainable Waste Management) and W18 (Quality of Life) of the Devon Waste Plan.

#### HOURS OF OPERATION

6. External waste operations outside the building shall not take place other than between the hours of 0600 and 2200 on Mondays to Fridays.

Deliveries of waste (except for glass) shall not take place other than between the hours of 0600 and 2200 on Monday to Sundays. Glass deliveries shall only be carried out between 0600 and 1800 on Mondays to Sundays.

REASON: To protect the working conditions for nearby businesses and living conditions for residents along transport routes that deliver the waste, in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

### INFORMATIVE NOTES

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of three months' notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

The operator should apply for a trade waste consent from South West Water to demonstrate that the surface water drainage system, which drains into the foul sewer, is viable.

The operator's attention is drawn to the advice provided by Western Power Distribution on operations in proximity to overhead power lines in their consultation response dated 2 July 2020.