

County Matter: Waste

Exeter City: Removal of condition 1 and variation of conditions 3, 4 & 5 of planning permission DCC/4167/2020 for change of use from a bale distribution centre 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, Devon Contract Waste, Thorverton Road, Exeter

Applicant: Devon Contract Waste Ltd

Application No: DCC/4315/2022

Date application received by Devon County Council: 15 July 2022

Report of the Chief Planner

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

Recommendation: It is recommended that planning permission is granted subject to the conditions set out in Appendix 1 of the report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This report relates to the removal of a condition limiting the duration of the existing planning permission for the operation of a waste management facility at Thorverton Road Marsh Barton until October 2022. The application also seeks to vary three other conditions relating to schemes for Lighting, Flood Evacuation Measures and provision of an Environmental Management Plan, as these have already been approved through the existing permission.
- 1.2 It is considered that the main material planning considerations in the determination of the proposed development is the impact upon surrounding businesses primarily from vehicle movements and odour.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4315/2022 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4315/2022>

2. The Proposal/Background

- 2.1 Planning permission was granted for the change of use of the site from a bale distribution and storage centre to waste treatment on 21st October 2020, following consideration of the application by the Committee (minute *111, committee reports available at: <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=131&MId=3862&Ver=4>).
- 2.2 In order to assess the impact of the development members resolved to impose a condition limiting the duration of the use of the site to a period of two years, which expires in October 2022. The permission included further conditions requiring submission of an environmental management system plan, lighting scheme and flood evacuation plan.
- 2.3 This waste management facility is located towards the southern end of Exeter's Marsh Barton Trading Estate, directly opposite a number of business units with the Driver and Vehicle Standards Agency Centre (DVSA) to the west, and the DVSA motorcycle learner area to the rear. The site is bounded by the main railway line and the Riverside Valley Park to the east.
- 2.4 The application site is 3.9ha, with overhead power cables crossing its eastern end. Access to the site is from Thorverton Road, which is public highway until it reaches the adjacent driver training centre, with vehicles accessing the site crossing a strip of private land.
- 2.5 The site has been operating as a waste management facility since 2017, when the operation transferred from the 'Envirohub' site in Marsh Barton Road when that building burnt down. Use of the Thorverton Road site was unauthorised until it gained permission in October 2020. The site is used for the recycling of waste, including sorting, separation, screening, baling, shredding, crushing and compaction processes for onward movement to recovery or disposal facilities elsewhere.
- 2.6 The facility manages commercial wastes from a range of businesses, which arrive 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 if the collected waste is contaminated at source. The site produces baled waste for onward transfer, and also stores waste electrical equipment and small amounts of hazardous waste (that arrives with other waste) and has a bin wash down area. The site also has permission to store glass, although this activity is not currently undertaken.
- 2.7 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. The permit limits total throughput to 75,000 tonnes per year.

- 2.8 In June and August 2021 the Council received a number complaints from a nearby business regarding the use of the adjacent businesses' land by DCW vehicles for parking, waiting and sometimes unloading of waste; increased odours as a result of leaving doors open; increased vermin/flyes at the site and subsequently in surrounding businesses; problems when spraying chemicals at the site reach surrounding businesses when its windy; fragments of glass noted in the motorcycle area and seagulls dive bombing motorcyclists on occasion.
- 2.9 Following these complaints the Council has been monitoring the site. Visits were carried out in September, and unannounced visits in October and November 2021 and January and June 2022. During these visits the site was relatively clean and tidy, and only mild odours commonly associated with waste management sites were present. A pest control regime has commenced to prevent rodents and vermin at the site, as well as manage gulls, and none were noted.
- 2.10 During officer visits delivery vehicles were observed to be operating in accordance with the Traffic Management Plan, with a banksman being used to help reversing vehicles. It was evident that regular litter picking is carried on the site and along Thorverton Road. During one visit, discussions were carried out with staff at the adjacent DVSA building, who confirmed smell or noise were not an issue, although administrative staff work no longer work there.
- 2.11 In its waste permitting role the Environment Agency [EA] carries out monitoring visits, the most recent visit being held at the end of July 2022. No concerns have been raised in terms of environmental risk, other than a technicality about storing waste electrical equipment at the site. The EA have not received any complaints since the permission was granted in 2020.
- 2.12 The new application seeks the removal of the condition limiting the duration of the planning permission to enable the facility to operate permanently, together with the variation of the conditions requiring submission of the schemes referred to in paragraph 2.2 to require ongoing compliance with the approved schemes.

3. Consultation Responses

- 3.1 Exeter City Council (Planning): No comments received.
- 3.2 Exeter City Council Environmental Health: No objection to the principle of use of the site as proposed. No complaints have been made about the current operation to Exeter City Council recently. This site holds an environmental permit so is inspected and regulated by the Environment Agency. This should ensure that the site is managed and operated so as to prevent nuisance or pollution to the environment. No additional planning conditions relating to these matters are necessary from an Environmental Health perspective.

- 3.3 Environment Agency: No objection. The site operates under an Environment Agency waste permit and the proposed variations will not impact anything that is regulated under the permit.
- 3.4 Exeter Airport: No safeguarding objections to this development.
- 3.5 National Highways: No objection.
- 3.6 Network Rail: No objections in principle but recommend contact with Network Rail's Asset Protection Team for works carried out on the land to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway.
- 3.7 DCC Ecology: No comment.
- 3.8 DCC Highways: No Objection. There is sufficient capacity within the highway network that the application would not represent a highway safety concern. It was apparent for the previous application that the level of vehicle movements on the public highway was not placing the highway over capacity nor that there were any detrimental impacts on highway safety. The type of vehicles and their movements will not change with the removal of this condition and there is still a condition that restricts the tonnage brought to the site which therefore still limits the number of movements the site can generate.
- 3.9 DCC Historic Environment: No comment.
- 3.10 DCC Flood Risk Management: No in-principle objections regarding surface water.

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 26 neighbouring businesses by letter. As a result of these procedures no responses have been received.

5. Planning Policy Considerations

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

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

6. **Comments/Issues**

6.1 It is considered that the main material planning considerations in the determination of the proposed development is the impact upon surrounding businesses primarily from vehicle movements and odour.

Planning Policy Considerations

6.2 The waste management facility at Thorverton Road is consistent with Policies W2 (Sustainable Waste Management), W3 (Spatial Strategy) and W5 (Reuse, Recycling and Materials Recovery) of the Devon Waste Plan, as a strategic facility that is well-located in Marsh Barton, Exeter, which is a major area from which it receives waste. It would also continue to contribute toward the 62% target (2026) for the recycling of commercial and industrial waste set out in the Plan.

6.3 The following parts of the report will focus on the impacts upon the surrounding businesses, in weighing up the benefits the facility provides in meeting strategic waste management needs.

Highways/Parking/Traffic Issues

6.4 Policy W17 of the Devon Waste Plan allows for development that would not have an adverse effect on road safety or the capacity and functionality of the road network and requires that impacts from transportation of waste on local communities should be mitigated appropriately.

6.5 The site is accessed directly from Thorverton Road which in turn is accessed from Silverton Road. The approved application indicated 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 access the site consisting of Light Goods Vehicles, cars and vans.

- 6.6 The existing permission further limits vehicle movements to and from the site through limiting the amount of waste that can be managed at the site in any one year to 50,000 tonnes.
- 6.7 The facility operates 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.
- 6.8 In 2020 the Highway Authority raised no objections to the planning application, stating that there was sufficient capacity within the highway network that the application would not represent a highway safety concern. In response to the application to facilitate a permanent permission, the Highway Authority has confirmed no ongoing objections to the development and its associated impacts upon the highway.
- 6.9 Given these considerations, the development is considered to accord with Policy W17 (Transportation and Access).

Impacts of Traffic for Nearby Businesses

- 6.10 To address problems raised in the original application arising from the operator's vehicles using the private land of the nearby business units for waiting with loads due to insufficient space within the application site, a Traffic Management Plan (TMP) formed part of the original permission. This plan sets out that inbound vehicles should firstly telephone the site in advance of their visit, then wait in a legal location and not on private land, before arriving. The plan identifies two alternative locations at the Envirohub and Peamore Services.
- 6.11 Complaints received following the grant of permission in 2020 indicated that the stretch of private land has been used by queueing vehicles at times, and that vehicles have been known to reverse out without a banksman. The Council has been notified of this occurring on three occasions since October 2020. The operator has confirmed that all vehicles are fitted with CCTV so should have full visibility when reversing, and that it will be ensured that a banksman is used to check vehicles reverse in a safe manner.
- 6.12 No objections or further comments regarding this matter have been received as part of the planning application process. In this case it is considered that that this issue has now largely been resolved and enforcement of the TMP would prevent any problems in the future. The proposal therefore accords with Policy W17 of the Devon Waste Plan.

Noise, Odour and Other Impacts upon Nearby Businesses

- 6.13 Policy W18 seeks to avoid adverse impacts on sensitive properties from vermin, insects and birds, litter, noise, dust and odours. In addition, Policies EN3 and EN5 of the Exeter Local Plan First Review seek to avoid harm to air quality and avoid adverse noise impacts respectively.
- 6.14 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”.
- 6.15 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. No complaints or objections have been received by these residents regarding the site.
- 6.16 Closer to the site, there are offices and businesses that align Thorverton Road which have been 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.
- 6.17 Changes in operations as approved in the Environmental Management Plan as set out in the report above, and the removal of the glass storage at the site, appear to have overcome problems regarding litter, vermin, gulls and noise, and no further complaints have been received regarding these matters. In addition, the conclusions of the approved noise report set out that, even with the use of the site to store glass, noise levels experienced at the nearest business should not exceed the limits set within the British Standard BS 8233:20143.
- 6.18 The site’s Environmental Permit includes controls for odour emissions, and the Odour Management Plan incorporated within the Environmental Management System document forms part of the Environmental Permit and is reviewed every 6 months. While a planning permission should not seek to duplicate the controls available through the Environmental Permit, it is open to the Council to require that the site be developed and managed in a manner that would limit the risk of odours occurring.
- 6.19 Complaints were received in June and August 2021 regarding odours, with the primary concern being the fact that the roller shutter doors in the main building had been left open resulting in the release of odours. Following the monitoring visit, it has been agreed the door nearest the railway line can be

left open, for staff health and safety, but the other doors must be kept shut at all times except during the tipping of waste.

- 6.20 No further complaints have been received regarding odour at the site, and it is considered that changes in operations and the approved Odour Management Plan for the site are satisfactorily managing impacts. Compliance with the approved Environmental Management System document should form part of any new permission, and the Environmental Permit and monitoring carried out by the Environment Agency as part of this should satisfactorily manage impacts from odour at the site.
- 6.21 The reference to chemical sprays reaching businesses outside of the site appears to be a one-off complaint, which has been addressed by the operator in changes to its practices.
- 6.22 Given the above considerations, the operation and use of the site as a waste management facility are considered to accord with Policies W18 and the Devon Waste Plan and EN3 (Air & Water Quality) and EN5 (Noise) of the Exeter Local Plan.

Lighting

- 6.23 A lighting plan has been submitted with the application, which should form part of the approved documents for the application. To ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway, it is recommended the lighting condition is revised setting out that no lighting should be put in place at the site that would shine light directly onto the railway line.

Strategic Plan

- 6.24 This project will contribute towards making 'Devon Greener' as part of the Council's Plan 2021 – 2025 through ensuring resources are used more efficiently by the re-use and recycling of waste.

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 clear that the site's past management has caused the main source of complaints and impacts, rather than the appropriateness of the use within its location in a wider industrial estate. The ongoing review and updates of the site's Traffic Management Plan and Environmental Management System Plan are considered to have effectively minimised impacts upon the surrounding businesses. The benefits of the development in helping to move waste up the waste hierarchy and provide further provision for local waste management close to major sources of waste, with appropriate conditions in place, should allow for the continued use of the site as a waste management facility without adversely affecting the amenity of local businesses.

Mike Deaton
Chief Planner

Electoral Division: Alphington & Cowick

Local Government Act 1972: List of Background Papers

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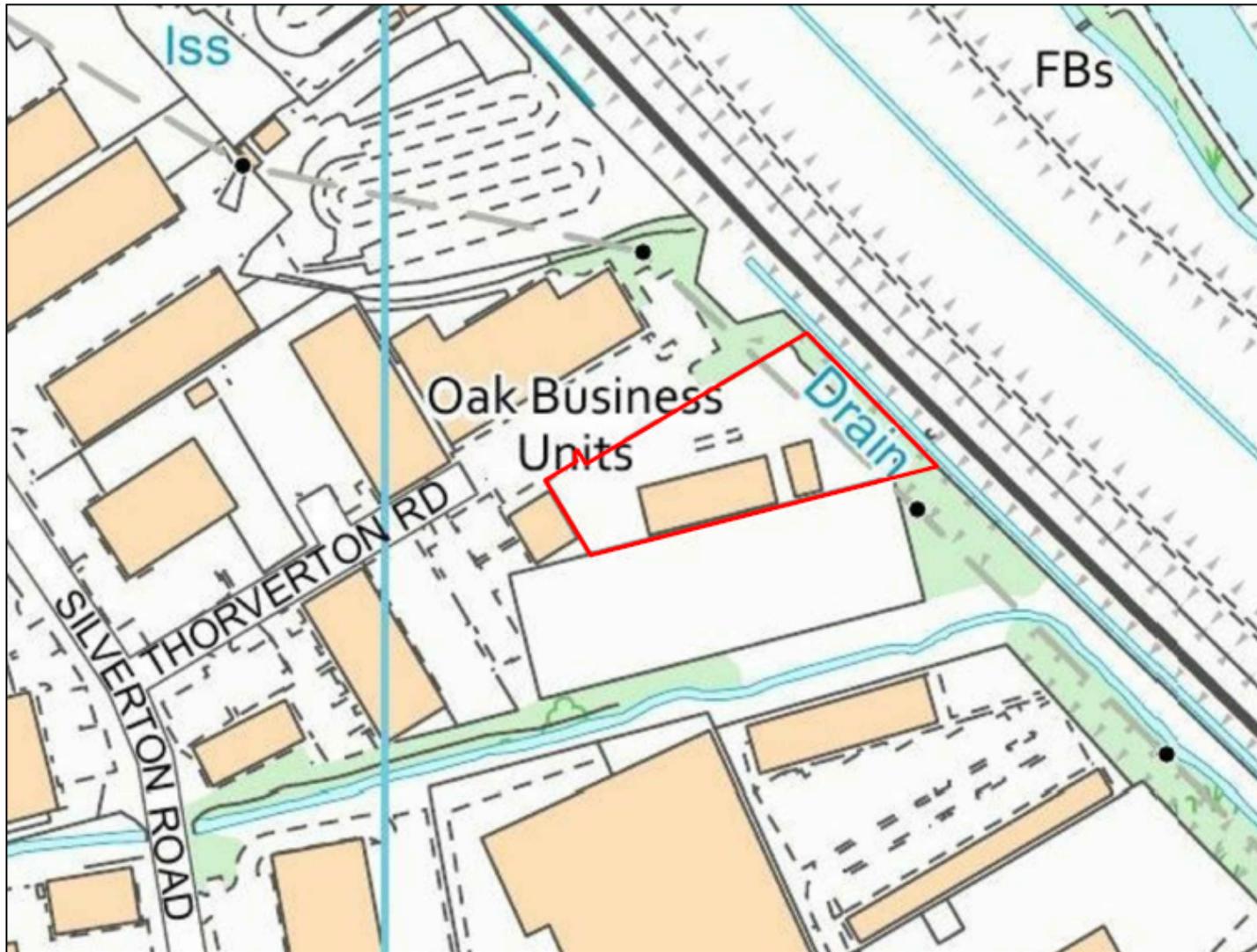
Background Paper
Casework File

Date

File Ref.
DCC/4315/2022

hs240822dm
sc/cr/change of use from a bale distribution centre to treatment Devon Contract
Waste Thorverton Road Exeter
02 080922

Location Plan



Client Info		
Key		
	Site Boundary	
PROJECT NAME: Thorverton Road		
DRAWING TITLE: Location Plan		
DRAWING No: 2020/001	REVISION: V.2	
SCALE: 1:1250	FORMAT: A3	DATE: 14 Feb 2020
Drawn By: DP	Checked By: NL	
<p>aardvark environment solutions</p> <p><small>Aardvark 550 Limited Highway 1000/1000 Tisbury/Wiltshire BA12 9JF Tel: 01294 625888 Fax: 01294 625812 www.aardvark.co.uk</small></p>		
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Planning Conditions

STRICT ACCORDANCE WITH PLANS AND DOCUMENTS

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered 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 - referred QMF 265 Issue 1/Issued 12/08/2020/Annex B – Diversion Locations; Matford Site Drainage Plan; Environmental Management System Plan, QMF 40j dated 05/02/2018 - update 23/06/2022; and Flood Evacuation Plan, QMF 269 dated 19th November 2020; except as varied by the conditions below.

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

CONDITIONS (OPERATIONAL)

LIGHTING

2. The development shall be carried out in accordance with the approved lighting plan number 'Site Plan - 2020/D002/Rev v.a.'. No further external lighting shall be installed at the site that causes light spill onto the adjacent railway line and Valley Park.

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.

WASTE

3. 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

4. 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.