

County Matter: Waste

South Hams District: Variation of Condition 12 of planning permission DCC/4139/2019 'Change of use from Vehicle depot (B8) to a Waste Transfer Station (Sui Generis).

Including land previously used as a Household Waste Recycling Centre. Building works to include, demolition of an existing storage building, and construction of a waste transfer station building, & associated litter netting' to extend the operating hours from 17.00 to 19.00, and hours for deliveries from 16.45 until 18.45 Mondays to Saturdays, Ivybridge Council Depot, Ermington Road, Ivybridge

Applicant: FCC Recycling (UK) Limited

Application No: 4407/21/DCC

Date application received by Devon County Council: 22 November 2021

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 variation of the currently approved operating and delivery hours at a waste transfer station in Ivybridge used for the collection of recyclable materials.
- 1.2 It is considered that the main considerations in the determination of this application are planning policy considerations, impacts on the amenity of local residents, and parking and traffic impacts.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4273/2021 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4273/2021>.

2. The Proposal/Background

- 2.1 The site is located between the A38 and the Ivybridge slip road off that highway. There are several commercial and industrial units in the area, as well as the new purpose-built Ivybridge Recycling Centre (located south of the slip road about 100m away), a sports club and a sewage treatment works. The nearest residential properties are located around 115m away on the northern side of the A38.

2.2 The application site previously accommodated a household waste recycling centre, prior to the construction of the new facility nearby, together with a vehicle depot for South Hams District Council. Following the grant of planning permission in November 2019 (DCC/4139/2019, Committee minute *93), the premises have been used by the contractor for South Hams District Council as a waste transfer station for the storage of pre-sorted, kerbside collected household recyclable waste for onward transfer.

2.3 Access to the site is from Bridge Court, a no-through road off the junction of the A38 slip road and Ermington Road. The approved layout includes staff parking for 19 cars and parking for eight lorries.

2.4 The current planning permission includes the following condition limiting hours of use:

“The site shall operate only between the hours of 06:00 to 17:00 Mondays to Saturdays with no operation on Sundays or Public Holidays, except as varied by the subsections below:

- (a) delivery and export of materials shall only take place between the hours of 06:00 to 08:00 and 09:00 to 16:45 on Mondays to Saturdays, with the exception of a maximum of two vehicles leaving or arriving at the site, between 08:00 and 09:00 Mondays to Saturdays. No delivery or export of materials shall take place on Sundays or Public Holidays;
- (b) emergency maintenance work may take place outside of the operating hours.”

2.5 The applicant wishes to vary the approved hours, as they have found that these do not allow the waste collections to be completed and collection vehicles to return to the site. This results in recyclates and food waste being left at the kerbside until they can be collected the following day which, in turn, further disrupts that day’s collections. The applicant therefore requests variation of the approved hours so that Condition 12 would read [new wording underlined and deleted wording ~~struck through~~]:

“The site shall operate only between the hours of 06:00 to ~~17:00~~19:00 Mondays to Saturdays with no operation on Sundays or Public Holidays, except as varied by the subsections below:

- (a) delivery and export of materials shall only take place between the hours of 06:00 to 08:00 and 09:00 to ~~16:45~~18.45 on Mondays to Saturdays, with the exception of a maximum of two vehicles leaving or arriving at the site, between 08:00 and 09:00 Mondays to Saturdays. No delivery or export of materials shall take place on Sundays or Public Holidays;
- (b) emergency maintenance work may take place outside of the operating hours.”

- 2.6 The applicant states that these extended hours would reduce traffic congestion on Ermington Road caused by returning collection vehicles as these movements will be staggered over the extended hours.
- 2.7 An undetermined planning application (3507/21/FUL) has been submitted by the waste transfer operator to South Hams District Council for lorry and car parking that is associated with this site. This makes provision for 30-35 spaces for lorry parking, and 34-37 spaces for cars associated with the waste transfer site that is the subject of this report, and indicates that drivers would arrive by car then transfer to lorries to set out for waste deliveries. At the end of the day lorries would be returned to park overnight, and the staff would leave by car.

3. Consultation Responses

- 3.1 South Hams District Council (Planning): No comment received.
- 3.2 South Hams District Council (Environmental Health): No objection.
- 3.3 Ivybridge Town Council: Object as the application does not address concerns over traffic, road safety, lack of parking and impact on neighbouring properties including noise.
- 3.4 National Highways: No objection as it is unlikely that the proposal will result in an unacceptable impact on the safe operation of the A38.
- 3.5 Environment Agency: No comment.
- 3.6 DCC Highways: The Highway Authority notes the very minimal extra HGV trips and has no objections to this proposal. Concerns have been raised regarding lack of staff parking. The applicant has a district council planning application in for determination which will help to alleviate parking pressures in the area. The Highway Authority is seeking sustainable access to this proposed parking.
- 3.7 DCC Road Safety: 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, no comments 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 and Materials Recovery), W17 (Transportation and Access) and W18 (Quality of Life).

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

Policies SO7 (Maintaining a Strong Network of Main Towns), SO11 (Delivering High Quality Development), SO12 (Delivering Infrastructure and Investment), SPT 9 (Strategic Principles for Transport Planning and Strategy), and DEV 29 (Specific Provisions Relating to Transport).

5.4 Ivybridge Neighbourhood Plan (made October 2017)

Policy INP7 (Traffic and Movement)

5.5 Other material considerations are the National Planning Policy Framework, National Planning Policy for Waste and Planning Practice Guidance.

6. **Comments/Issues**

6.1 It is considered that the main considerations in the determination of this application are planning policy considerations, impacts on the amenity of local residents, and parking and traffic impacts.

Planning Policy Considerations

6.2 The waste transfer facility at Ivybridge is consistent with Policies W2, W3 and W5 of the Devon Waste Plan in being well-located in relation to the area from which it receives waste – South Hams and West Devon – together with the strategic road network for the onward movement of the collected materials for recycling.

6.3 The need for the extension in hours for operations and vehicle movements arises from difficulties encountered by the operator in completing daily collections of recyclable and food waste from households in South Hams and West Devon. It is considered that the additional two hours at the end of each day (Mondays to Saturdays) will create additional capacity to enable daily collections to be completed and thereby avoid the disruptions to household collections that have been experienced.

6.4 Subject to addressing potential adverse impacts on local residents and the highway network, the proposal is considered to be acceptable in principle.

Amenity of Local Residents

- 6.5 Policy W17 of the Devon Waste Plan requires that transportation impacts on local communities are mitigated, while Policy W18 seeks to avoid adverse impacts on sensitive properties from noise, dust and odours.
- 6.6 In determining the previous application for the development of the waste transfer station, it was concluded that the main noise and other amenity impacts would arise during the construction stage (now completed), and that impacts during the operation of the site would be limited. Potential noise sources during operations include vehicle movements, use of plant to move waste materials and the deposition of glass.
- 6.7 In support of the proposed variation of hours, the applicant has provided an update to their noise management plan, including a review of noise levels. This review indicates that background noise levels during the proposed extended hours of 1700 to 1900 are only up to 0.5 dB lower than the average background noise level during the hours of 1500 to 1700. The review also found that increased vehicle movements that have occurred as the facility has developed, result in predicted noise levels that are 0.1 to 0.4 dB higher, depending on the location of the receptor. It is noted in the review that no noise complaints have been received since the site became operational.
- 6.8 These minor variations in noise levels are not considered significant or likely to result in unacceptable adverse impacts, given that the nearest dwellings are located at least 100m from the site on the other side of the A38 dual carriageway. The noise management plan includes measures to control and mitigate any noise occurring within the site, together with a complaints procedure, and compliance with this plan can be secured through a condition if planning permission is given. The development would therefore accord with Policies W17 and W18 of the Devon Waste Plan and the relevant Joint Local Plan policies.

Traffic and Parking Impacts

- 6.9 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.
- 6.10 The Transport Statement submitted with the previous application indicated that the site would be used by 25 waste collection vehicles, generating 74 one-way daily movements outside the peak traffic hours on Mondays to Saturdays.
- 6.11 This application to vary the site's operating and delivery hours is accompanied with an update to the Transport Statement, which indicates an increase of eight waste collection vehicles at the site, resulting in 106 one-way daily movements. In the mornings, vehicles will continue to leave the site between

0645 and 0700, before the morning peak traffic time, but some return movements will occur over a longer period between 1500 and 1845 during evening peak hours. However, the increased evening peak traffic generated by the site would be minor in comparison with general traffic movements in the area, and National Highways have confirmed no objection in terms of impact on the A38. In addition, the County Council's Highway Planning Officer has confirmed that this increase would not raise an objection on highway grounds.

- 6.12 The existing site provides 19 staff parking spaces. The number of operatives at the site will increase from the current 56 to 82, with management/office-based staff increasing from five to eight.
- 6.13 Ivybridge Town Council have identified past problems regarding waste transfer facility staff parking in the tennis and sports centre car park. However, it is understood that this no longer takes place.
- 6.14 The applicant is proposing an additional eight parking spaces on the waste transfer site, within the area currently used as lorry parking, and a plan indicating the location of the parking has been requested.
- 6.15 The current application referred to in paragraph 2.7 for parking on the south side of the A38 slip road, adjacent to the Ivybridge Recycling Centre, includes staff parking for the waste transfer site, with the majority of staff/drivers travelling to this alternative site to access lorries to collect waste and returning there at the end of the day. Some staff may choose to park at this site and walk to the transfer station. There is currently no footway linking the two sites. The Highway Authority is requesting a footpath link as part of this separate application.
- 6.16 It is evident that a significant proportion of the staff are choosing to access the site by car, rather than more sustainable forms of transport, and it is therefore recommended that an update to the previously-approved Green Travel Plan should be a requirement of any new permission.
- 6.17 Subject to these requirements, the proposal would accord with Policy DEV 29 (Specific Provision Relating to Transport) of the Plymouth and South West Devon Joint Local Plan 2014-2034, together with Policy W17 (Transportation and Access) of the Devon Waste Plan

Other Environmental Considerations (Including Climate Change)

- 6.18 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. As set out above, an update to the Green Travel Plan should be required to promote use of sustainable modes of transport.

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 recognised that the proposed variation in operating and delivery hours would extend the activity of the site into the early evening, but any increase in noise and peak hour traffic movements would be minor. Given the difficulties encountered by the applicant in completing daily collections of waste materials, it is considered that the wider public benefits of the proposal outweigh any minor harm that may occur.

Mike Deaton
Chief Planner

Electoral Division: Ivybridge

Local Government Act 1972: List of Background Papers

Contact for enquiries: Hayley Stokes **HS**

Room No: 120, County Hall

Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File	Current	4407/21/DCC

hs221221dma
sc/cr/Variation of Condition 12 Ivybridge Council Depot Ermington Road Ivybridge
02 140122

Planning Conditions

STANDARD COMMENCEMENT

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

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

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered and titled FCC/IVY/06-19/21191, OSCJ1911502-P-1, FCC/IVY/06-19/21193, FCC/IVY/06-19/21194, FCC/IVY/06-19/21197 revision B, FCC/IVY/06-19/21198 revision A, FCC/IVY/08-19/21356, Document Ivybridge WST – External lighting by the entitled Dextra group LPC, dated 10.06.2020, and associated documents numbered EC-18005 – External Lighting Datasheet & EC-18005 – External Lighting Calculations; Letter dated 24th July 2020 ref FCC/IVY/SE/1752/01, Documents in Schedule 1 'Proposed Site Layout Plan (Drawing reference FCC/IVY/09-19/21196revF); ST17560/112T1 Proposed Surface Water Contributing Areas & Drainage Strategy; Preliminary Ecological Appraisal (06/06/2019); Preliminary Environmental Assessment October 2019; Wildflower Planting Document and Noise Management Plan (17 November 2021) R21.11348/NMP/2/JM, unless varied by the conditions below.

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

OPERATIONAL CONDITIONS

HOURS OF USE

3. The site shall operate only between the hours of 06:00 to 19:00 Mondays to Saturdays with no operation on Sundays or Public Holidays, except as varied by the subsections below:
 - (a) delivery and export of materials shall only take place between the hours of 06:00 to 08:00 and 09:00 to 18:45 on Mondays to Saturdays, with the exception of a maximum of two vehicles leaving or arriving at the site, between 08:00 and 09:00 Mondays to Saturdays. No delivery or export of materials shall take place on Sundays or Public Holidays;
 - (b) emergency maintenance work may take place outside of the operating hours.

REASON: To minimise the impact of the development on the local businesses in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

GREEN TRAVEL PLAN

4. An update to the approved Green Travel Plan 'FCC Environment Green Travel Plan Report reference: FCC/IVY/SE/1733/01/GTPv2 April 2020', shall be submitted to and approved in writing by the Waste Planning Authority within one month of the date of this permission.

Following its approval, the updated Travel Plan shall be implemented in accordance with the approved implementation programme.

REASON: To ensure safe and sustainable travel to the proposed Waste Transfer Facility in accordance with Devon Waste Policy W17 (Transportation and Access).

WASTE RESTRICTIONS

5. Food waste shall not be stored at the site for any longer than seven days.

REASON: To limit impacts associated with food waste stored at the site, in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

6. No more than 20,000 tonnes of waste materials shall be delivered to the site in any calendar year.

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

The records shall contain details of all deliveries including date, vehicle registration, type of vehicle, type of waste, tonnage of waste and source of waste.

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

LANDSCAPE & TREES

7. The wildflower planting shown on the Proposed Site Layout Plan - FCC/IVY/09-19/21196 Rev E and set out in Schedule 1 - document numbered FCC/IVY/SE/1733/01 (July 2019) shall be maintained in accordance with these approved details. Once established, the wildflower area shall be protected and maintained as such for the lifetime of the development. Any wildflowers that are removed, uprooted, or otherwise destroyed within five

years of the date of establishment shall be replaced with the same or similar species in the same location.

REASON: To protect and enhance biodiversity and the character and appearance of the local landscape in accordance with Policies W11 (Biodiversity and Geodiversity) and W12 Landscape and Visual Impact) of the Devon Waste Plan.