

Committee Report

Planning, Housing and Health

North Devon Council

**Lynton House, Commercial Road,
Barnstaple, EX31 1DG**

Application No: 78056
Application Type: NDC Regulation 3
Application Expiry: 15 March 2024
Extension of Time Expiry: 15 March 2024
Publicity Expiry: 14 February 2024
Parish/Ward: FREMINGTON/BICKINGTON
Location: Brynsworthy Environment Centre
Roundswell
Barnstaple
Devon
EX31 3NP

Proposal: Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC of update of site drainage layout to comply with Environment Agency drainage regulations and reinstate the excavated area to the East with a new footpath. To ensure the process hall meets the necessary standards to enable the NDC Fire Prevention Plan (FPP) to be approved. To make the recycling operation quicker and safer for staff and contractors, including new glass collection zone to the East and new covered glass collection area, relocation of textile collection area zone to the East. To provide a new modular building for Operations staff. To update the process hall equipment. Relocation of the weigh bridge from the North of the site to the East of the site

Agent: Mr Christopher Heal
Applicant: Mr Paul Burton
Planning Case Officer: Mr R. Bagley
Departure: N

EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Committee – The applicant and landowner are North Devon District Council.

Site Description

Brynsworthy Environment Centre operates refuse and recycling collections though out North Devon. The site accepts non-hazardous waste and inert material which is source separated, treated, stored and sold on.

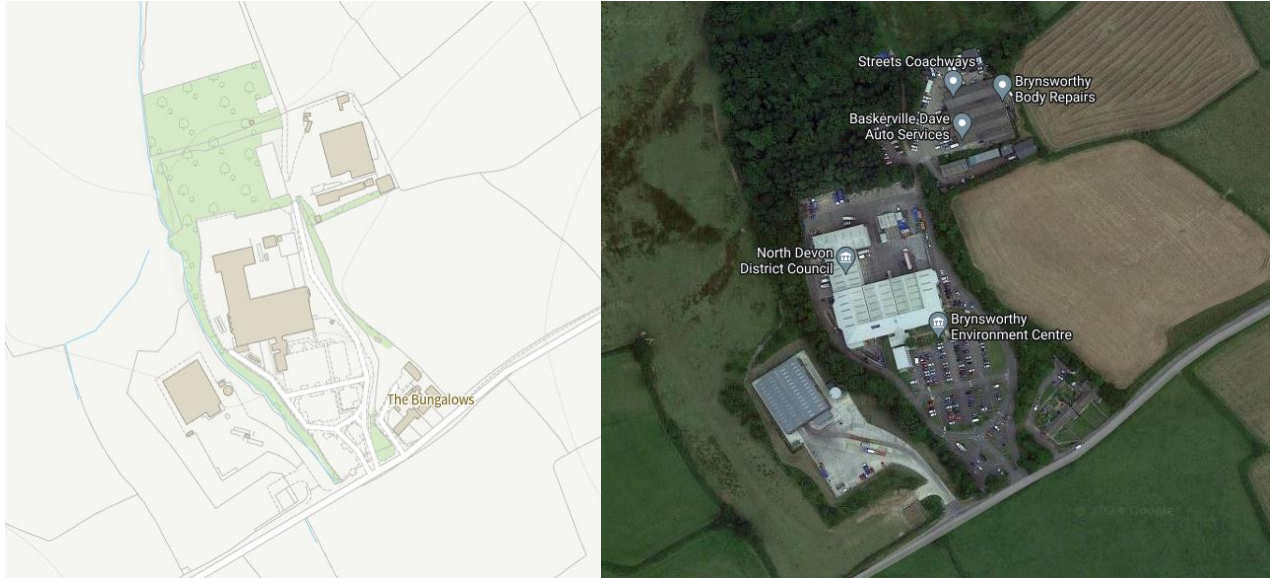
The site incorporates a waste and recycling disposal facility, Council staff offices, and associated operational facilities.

To the north east is an adjoining factory building and to the south east 4 Bungalows forming 'Roundswell Cottages'. To the south west is the Devon County Waste Processing Facility

The site size are is 9845 M2.

The site is screened to the north by an established copse of trees and to the east by a boundary tree line and to the south and west by the existing buildings in the environment centre.

Site layout and aerial photos



The photos below show close up views of the development site. Existing buildings are of a utilitarian design, reflective of the operational use of the site, showing angular scale and mass to accommodate the uses within. There is a mixed pallet of materials but generally the buildings comprise grey cladded wall panels, with blue inserts, grey cladded roofing and uPVC windows. The existing modular cabin to the north (rear) shows a square, single storey 'portacabin' design with light grey cladding and uPVC windows.

Photos of eastern part of the site for the modular glass storage building and weighbridges:



Photos of site for proposed modular building to the north and proposed weighbridge area;



Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
78/0109/27/03	PROPOSED ALTERATION AND EXTENSION at ROUNDSWELL ABATTOIR, , ROUNDSWELL, , DEVON,	APPROVE - WITH CONDITIONS	1 March 1978
14341	PROPOSED SITING OF TEMPORARY OFFICE ACCOMMODATION. at THE ABATTOIR, , ROUNDSWELL, BARNSTAPLE, DEVON, EX31 3NP	FULL PLANNING APPROVAL	24 September 1991
20577	PROPOSED EXTENSION TO FORM CHAR ROOM at THE ABATTOIR, , ROUNDSWELL, BARNSTAPLE, EX31 3NP	FULL PLANNING APPROVAL	27 June 1995
45817	APPLICATION FOR CHANGE OF USE OF EXISTING PREMISES & FULL PLANNING PERMISSION TO PROVIDE A DIRECT LABOUR DEPOT (PROPOSED VEHICLE MAINTENANCE WORKSHOPS/RESIDUAL/GREEN WASTE STORE, OVERNIGHT VEHICLE PARKING,ETC) RECYCLING PLANT & OFFICES. at EXISTING FMC FACTORY, , ROUNDSWELL, BARNSTAPLE, EX313NS	WITHDRAWN	24 December 2007
45830	CHANGE OF USE OF MEAT PROCESSING FACTORY TO PROVIDE DEPOT FOR COUNCIL VEHICLES WITH VEHICLE MAINTENANCE WORKSHOPS, RESIDUAL GREEN WASTE STORE, OVERNIGHT VEHICLE PARKING, RECYCLING PLANT & OFFICES at FMC FACTORY, ,	FULL PLANNING + S106 APPROVAL	21 May 2009

Reference Number	Proposal	Decision	Decision Date
	ROUNDSWELL, BARNSTAPLE, EX313NS		
45609	ERECTION & OPERATION OF CONCRETE BATCHING PLANT TOGETHER WITH ASSOCIATED STRUCTURES (AMENDED DRAWINGS) (ADDITIONAL FURTHER PLANS) at FORMER HIDE FACTORY, ROUNDSWELL HILL, BARNSTAPLE, EX313NP	WITHDRAWN	11 November 2010
52397	CHANGE OF USE OF BUILDING TO A USE FOR VEHICLE REPAIRS (AMENDED DESCRIPTION) at FORMER HYDE FACTORY, BRYNSWORTHY, ROUNDSWELL, BARNSTAPLE, DEVON, EX31 3NP	WITHDRAWN	4 November 2011
53091	REMOVAL OF CONDITIONS 2 (SKIN PROCESSING) & 4 (TRADING COMPANY NAME) ATTACHED TO PLANNING PERMISSION 10378; TOGETHER WITH CHANGE OF USE OF BAY 2 TO USE CLASS B8 (STORAGE) at FORMER HYDE FACTORY, , BRYNSWORTHY, ROUNDSWELL, BARNSTAPLE, DEVON, EX31 3NP	FULL PLANNING APPROVAL	14 February 2012
54643	CHANGE OF USE OF UNIT TO PUBLIC SERVICE VEHICLE OPERATING DEPOT, TOGETHER WITH SITING A PORTACABIN TO PROVIDE OFFICE ACCOMMODATION at UNIT 1, SANDERS YARD, ROUNDSWELL, BARNSTAPLE, DEVON, EX31 3NP	FULL PLANNING APPROVAL	19 December 2012
56301	APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 NOTIFICATION BY NORTH DEVON COUNCIL FOR PROVISION OF ADDITIONAL OFFICE ACCOMMODATION BY REPLACING EXISTING SINGLE STOREY MODULAR BUILDING WITH 12M X 9.8M SINGLE STOREY MODULAR BUILDING at BRYNSWORTHY ENVIRONMENT CENTRE (NORTH DEVON COUNCIL), , , ROUNDSWELL, BARNSTAPLE, DEVON, EX31 3NP	FULL PLANNING APPROVAL	15 October 2013
57767	ERECTION OF A MODULAR BUILDING FOR ADDITIONAL OFFICE SPACE at BRYNSWORTHY ENVIRONMENT CENTRE, , , ROUNDSWELL, BARNSTAPLE, DEVON, EX31 3NP	FULL PLANNING APPROVAL	15 August 2014

Reference Number	Proposal	Decision	Decision Date
58476	ERECTION OF A 2 STOREY MODULAR BUILDING FOR ADDITIONAL OFFICE SPACE at BRYNSWORTHY ENVIRONMENT CENTRE, , , ROUNDSWELL, BARNSTAPLE, DEVON, EX31 3NP	FULL PLANNING APPROVAL	22 January 2015
62614	COUNTY MATTERS APPLICATION FOR A WASTE TRANSFER STATION & WASTE TRANSFER HALL, SINGLE STOREY WEIGHBRIDGE OFFICE AND WELFARE FACILITIES BUILDING, HARDSTANDING INCLUDING STAFF PARKING AND EXTERNAL WEIGHBRIDGE, INTERNAL ACCESS ROAD, NEW ACCESS FROM THE EXISTING HIGHWAY, DRAINAGE, LIGHTING AND LANDSCAPING. (DCC/3951/2017) at LAND WEST OF, BRYNSWORTHY ENVIRONMENT CENTRE, BRYNSWORTHY, ROUNDSWELL, BARNSTAPLE, DEVON, EX31 3HR	APPROVE NON-MATERIAL AMENDMENT	27 July 2018
66024	EXTENSION TO DWELLING at 4 THE BUNGALOWS, , , ROUNDSWELL, BARNSTAPLE, DEVON, EX31 3NS	FULL PLANNING APPROVAL	14 February 2019
70766	Devon County Application DCC/4154/2019 for Variation of condition 1 and removal of condition 2 of planning permission (DCC/4106/2019 for 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 at Brynsworthy Waste Transfer Station Roundswell Barnstaple Devon EX31 3NP	Observations	17 December 2019
74110	DCC County Matters application in respect of variation of condition 4 of planning permission DCC/4154/2019 for waste transfer station including waste transfer hall, single storey weighbridge office and welfare facilities building, hardstanding including staff parking and external weighbridge, internal access	Observations	14 December 2021

Reference Number	Proposal	Decision	Decision Date
	road, new access from the existing highway, drainage, lighting and landscaping (DCC /4270/2021) at Brynsworthy Waste Transfer Station Roundswell Barnstaple Devon EX31 3NP		

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Any Development	Within constraint
Critical Drainage Area	Within constraint
Land is potentially contaminated, site was used for:Factory or works - use not specified, Is ranked:MEDIUM, Year:1992	Within constraint
Landscape Character is:	Within constraint
Minerals and Waste Consultation Zone: Waste Consultation Zone Brynsworthy	Within constraint
Unclassified Road	
USRN: 27503756 Road Class:R Ownership: Highway Authority/Private	Within constraint
USRN: 27505046 Road Class:Q Ownership: Private	10.81
USRN: 27507409 Road Class:Q Ownership: Private	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint

SSSI Impact Risk Consultation Area DM01 - Amenity Considerations DM02 - Environmental Protection DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character ST01 – Principles of Sustainable Development ST02 – Mitigating Climate Change ST03 – Adapting to Climate Change and Strengthening Resilience ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST10 - Transport Strategy ST14 – Enhancing Environment Assets	Within constraint
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Consultees

Name	Comment
Councillor H Walker Reply Received	No comments received
Councillor J Cann Reply Received	No comments received
Councillor W Topps Reply Received	No comments received
DCC - Development Management Highways Reply Received 15 th February 2024	<p>I don't believe this is an application where a bespoke comment was to be provided.</p> <p>I can confirm, however, there does not appear to be any material effect on movements to and from the site that may impact upon the wider highway network so 'No Objections' to raise in this instance.</p>
DCC - Lead Local Flood Authority Reply Received 23 January 2024	<p>Recommendation: Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p> <p>Observations: The applicant have submitted Flood Risk Assessment and Fire Water Strategy at Brynsworthy Environment Centre,</p>

Name	Comment
	<p>Barnstaple, EX31 3NP (Report Ref. 05990E FRAFWS, Rev. -, dated 7th November 2023).</p> <p>The applicant mentioned that the surface water drainage for the existing main car park discharges into an existing watercourse to the west via a third interceptor. The existing drainage system was upgraded as part of the recent development and incorporates a Hydrobrake to reduce the surface water discharge rate to 10l/s. The submitted Existing Drainage Layout Plan (Drawing No. 05990E-520, Rev. -, dated October 2023) however does not show any Hydrobrake or flow controlling devices. Also, the quoted 10l/s appears high for such development site size. The applicant shall review and clarify this.</p> <p>The surface water runoff from the yard in front of the recycling centre, lorry parking area to the north and some roof areas discharge into a 125m³ rainwater harvesting tank with an overflow into the surface water network for the main car park. However, due to the poor quality of the surface water runoff, the rainwater harvesting is no longer in use.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 20th February 2024</p>	<p>The quoted 10p/s appears to be high to me. Also, they shall provide the detail of the flow controlling structure.</p>
<p>DCC - Waste & Mineral</p> <p>Reply Received</p>	<p>No comments received</p>
<p>Environment Agency</p> <p>Reply Received 30 January 2024</p>	<p>Environment Agency Position We have no objections to this development.</p> <p>Advice We have no site specific comments to make on this application, it is a permitted site and we are aware of the proposed plans. This development will require An Environmental Permit variation and site drainage must meet both Fire Prevention Plan and permit conditions.</p>
<p>Environmental Health Manager</p> <p>Reply Received 15 February 2024</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>Land Contamination</p> <p>I do not expect land contamination issues to arise in relation to the proposals. However, I recommend the following condition be included on any permission to cover the possibility that unexpected contamination is discovered during development work:</p> <p>- Contaminated Land (Unexpected Contamination) Condition</p>

Name	Comment
	<p>Should any suspected contamination of ground or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination existing and exposed during the development is assessed and remediated as necessary.</p>
<p>Fremington Parish Council</p> <p>Reply Received 25 January 2024</p>	<p>It was resolved, with no votes to the contrary, to recommend APPROVAL.</p>
<p>Planning Policy Unit</p> <p>Reply Received</p>	<p>No comments received</p>
<p>Sustainability Officer</p> <p>Reply Received 12 January 2024</p>	<p>Could we please request that the Seasons Ecology Preliminary Ecological Appraisal (PEA) is submitted as well as the Further Survey information already on file.</p>
<p>Sustainability Officer</p> <p>Reply Received 2 February 2024</p>	<p>The submitted Preliminary Ecological Appraisal (PEA) and subsequent further surveys conclude the proposals will result in the permanent and unavoidable loss of approximately 0.02ha (exact extent is yet to be confirmed) of suitable dormice habitat through the cutting back of trees and scrub and grass verge. A Natural England licence will be required and habitat protection, creation and enhancement should be designed into the proposals to maintain the favourable conservation status of dormice and avoid contravening legislation.</p> <p>The current submission does not appear to demonstrate any of the detailed recommendations although details will be required to substantiate the licence application post consent. A clear statement of intent should be submitted in support of the current proposal which outline whether compensatory habitat is proposed or where dormouse boxes will be installed and boundary woodland habitat enhanced to provide safe nesting sites and to compensate for small-scale loss.</p> <p>Any future woodland management should aim to encourage a high diversity of fruit-bearing species of tree and shrub and to maintain and develop good woodland structure (ground flora, shrub and canopy layers) with links between the different levels. Log piles arising from vegetation removal should be left in and around the</p>

Name	Comment
	woodland areas to provide suitable summer and winter nesting sites for dormice.
Sustainability Officer Reply Received 19 th February 2024	I think we can proceed on this basis given that the attached Statement gives a broad indication of mitigation/enhancement requirements that will be clarified under the licence application
Sustainability Officer Reply Received 2nd February 2024	Happy for you to proceed on the basis of the latest submission which includes all the necessary details.
The Fire Officer Reply Received 16 January 2024	<p>The Fire Authority have considered the application and have the following comments to make at this time.</p> <p>Consideration should be given to the requirements for fire and rescue access into and around the buildings for fire-fighting purposes.</p> <p>Fire-fighting facilities should be selected and designed to assist the fire and rescue service in protecting life, protecting fire fighters, reducing building losses, salvaging property and goods and minimising environmental damage. Early consultation with the Fire Authority and local authority building control is advised when deciding which facilities should be provided. Where appropriate, fire-fighting facilities should include:</p> <ul style="list-style-type: none"> • the provision of vehicular access for fire appliances to the perimeter of the building(s) or site; • provision of easy and quick entry to the site/building(s) for fire fighters and their equipment; • provision of and access to sufficient supplies of fire-fighting medium (usually water); • provision for removing spent fire-fighting extinguishing medium (eg drainage). <p>Every building should be provided with suitable access for fighting purposes and where access is restricted, fire appliances access to buildings should be discussed with the fire and rescue service at an early stage.</p> <p>A more detailed response will be provided on receipt of a full Building Regulations consultation.</p>
The South West Coast Path Association Reply Received	No comments received

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

No representations received

Considerations

Proposal Description

The application seeks detailed planning permission for the following works:

External alterations include:

- Update site drainage to comply with Environment Agency drainage regulations;
- Installation of new weighbridge to replace existing, from the North of the site to the East of the site;
- Installation of a new glass collection zone to the East and new covered glass collection area;
- Relocation of textile collection zone to the east;
- Removal of existing staff office modular building and construction of new in adjacent location.

Internal alterations including:

- To update the process hall equipment to speed up processing and enable North Devon Council to increase recycling material tonnages.

Site plan layout:

- The proposed site plan shows all of the proposed works within the site including the new processing and office buildings to the north east, and the new pedestrian access point to the eastern boundary and internal alterations to the main sorting hall. The plan shows how vehicle movements will traverse through the site, and how new pathways will improve pedestrian movements around the site.

[illegible]

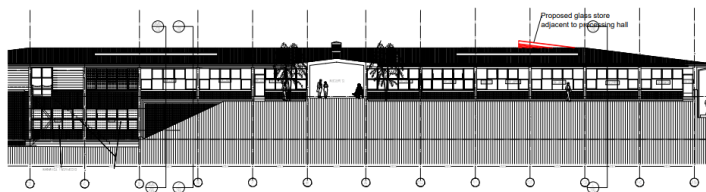
External alterations:

- Installation of a new weighbridge to replace existing, to be relocated from the North of the site to the East. Retention of the existing weighbridge in the midpoint of the site, with 4x waiting bays. A new weighbridge area is proposed to the east of the new Glass storage building replacing 6x existing parking spaces to the east. This is proposed *'to prevent blockages from trucks back tracking to single weighbridge to reach specific weight requirements'* and *'Improved efficiency of vehicle movements by keeping pickup trucks out of the yard to the rear'*.
- The highway layout shows the location of the new weighbridges to the east, and how the HGVs will access these areas. The proposal uses existing road systems around the site via the existing one-way traffic management system plan, where vehicles enter to the west along the one-way system and exit to the east, through the main access and through the site.
- Vehicles would use the existing one-way traffic management system plan for internal safety requirements.
- To the east of the weighbridge area is a new pedestrian footpath is proposed, connected by 2 pedestrian crossings.

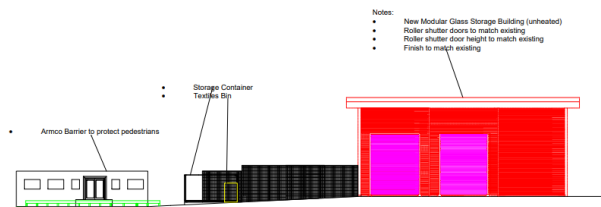
New glass collection zone to the East and new covered glass collection area building:

- The new modular Glass Storage building would replace an existing glass collecting area. Inside the building it is proposed to *'relocating the internal bale storage area away from the office building for fire safety'*.
- The New glass collecting building would have dimensions measuring:
Height: 9.3m
Length: 18.6m
Width: 22.8m
- Materials would match existing buildings on site.
- The new office building would be a modular porta cabin style of building.
- The elevation plan shows the position of the new modular building to the north of the new glass collecting building.
- The textile collection area and building is relocated to the south of the office building.
- The replacement Office building has dimensions measuring:
Height: 3.5m
Length: 14.9m
Width: 12.4m
- Materials comprise duplex range smooth flat panel cladding finish to be confirmed.

Proposed elevation and floor plans showing location of extension, modular office building, weighbridge and footpath – 501461-013

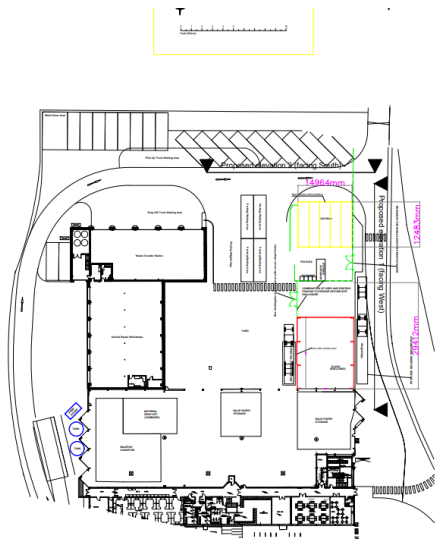


PROPOSED ELEVATION 1
(FACING NORTH)



PROPOSED ELEVATION 2
(FACING EAST)

- Notes:
- New Modular Glass Storage Building (unheated)
 - Roller shutter doors to match existing
 - Roller shutter door height to match existing
 - Finish to match existing



KEY PLAN

Client:	North Devon Council	Drawing Title:	Proposed Elevations
Project:	501461-100 Brynsworth Recycling Centre	Revision:	B
Drawn by:	CB	Date:	26.01.2024
Drawing No:	501461-013	Scale:	1:200
			A2 Paper size

1 Roof height change, gate relocations, levels confirmed

REV B 26/01/24

REV A 27/11/23

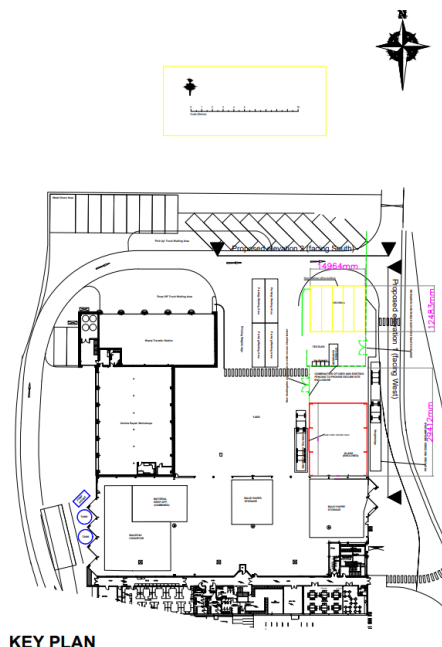
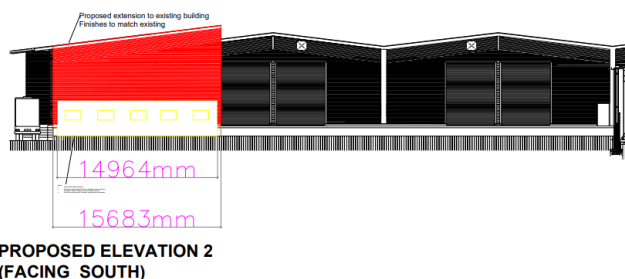
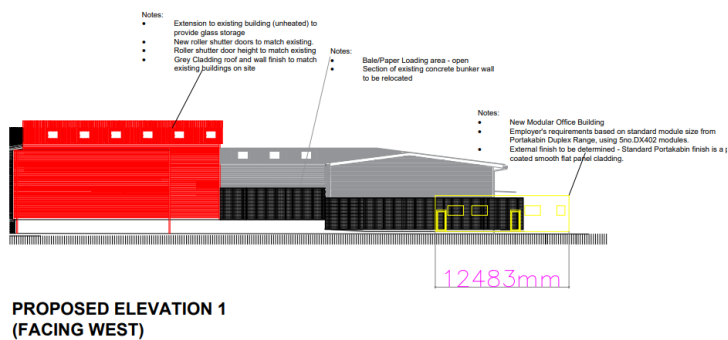
Location of Glass Storage unit & opening

Currie & Brown (UK) Limited

Frederick House, Redstone Park, Axwell Road, Plymouth PL4 6DN

01752 373100

www.curriebrown.com



Client: North Devon Council		Drawing Title: Proposed Elevations	
Project: 501461-100 Brynsworthy Recycling Centre		Revision: B	
Drawn by: CB	Date: 26.01.2024	Drawing No: 501461-013	Scale: 1:200
		A2 Paper size	

Drainage

- Members will have seen from the Fire Water Contamination Strategy Plan, Surface and Foul Water Plan and Flood Risk Assessment and Fire Water Strategy from 'Structure Hause', that the site utilises existing surface and foul drainage systems, and proposes internal improvements and changes to internal fire water holding and disposal.
- The applicants have explained in the FDA that the planning application is to use existing surface and foul water drainage in general but will provide new drainage provisions to deal with the fire water containment to comply with the latest legislation at Brynsworthy Environment Centre. This will be examined in the drainage section.

Other Internal alterations:

- To update the process hall equipment to speed up processing and enable North Devon Council (NDC) to consider future increase recycling material tonnages.
- It is proposed to change the layout of the Recycling process hall and yard. This will allow NDC traffic to follow a safer one way system, unloading in a managed order which will speed up the unloading process and make the process a lot safer. External Haulage companies will be removed from the NDC unloading area, *'greatly reducing the risk of an accidental coming together with vehicles or pedestrians.'*
- Updating the process hall equipment is proposed to *'speed up processing. The old baling system will be replaced with a new larger system which is capable of separating and processing the recycling materials at a much faster rate, which will*

keep up with the new unloading process.’ ‘This will give more capacity and enable NDC to look at various options to increase recycling tonnages / rates in the future.’

Environmental Impact Assessment (EIA)

A screening opinion has been carried out under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development falls with the description at paragraph 11 (b) ‘*Installations for the disposal of waste*’ of Schedule 2 to the 2017 Regulations (the overall area of the development exceeds 5 hectares).

However, taking into account the selection criteria in Schedule 3 to the 2017 Regulations it is considered the proposal is not likely to have significant effects on the environment. The LPA concluded that the proposed development **is not ‘EIA development’ within the meaning of the 2017 Regulations.**

Planning Considerations Summary

- Principle of development
- Design and landscape impact
- Amenity
- Ecology
- Drainage and Flood Risk
- Highways

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of the development:

The principle of the use of the site as the Brynsworthy Environment Centre has been permitted through planning permission 45830 and associated S106 including the drainage layout. The principle of the siting of the modular building to the north has been agreed through planning permission 56301 and subsequent permissions 57767 and 58476.

The proposed works are required to comply with statutory legislation requirements (in particular from the Fire Authority and the Environment Agency) and to streamline processes.

To minimise waste and the impact of waste on the environment, the North Devon & Torridge Local Plan expects developments to support the waste management hierarchy. The waste hierarchy gives priority to preparing waste for re-use, then recycling, then other recovery such as energy recovery, and last of all disposal.

In considering this proposal, paragraphs 13.23-13.27 and 13.33 to 13.34 of the North Devon and Torridge Local Plan are relevant. In this case, the developments will complement and enhance the operation of the existing site, with necessary upgrading to accord with other statutory regulations.

Your Officer considers that the proposed new buildings, amended internal HGV access layout, weighing area and drainage strategy shows demonstrable improvements to the operational working and management of the Brynsworthy Environmental site, assisting in the effective processing of waste for re-use, and enhance the ability of the site to prepare and process the waste for recycling in accordance with and contributing positively towards the highest requirements of the waste hierarchy.

The enhancement to the operation of the existing site, presents minimal change, to ensure the site continues to provide adequate processing and capacity to manage Devon's waste at all levels of the waste hierarchy.

The principle of this application is acceptable subject to the an assessment of other material considerations pursuant to the application.

Design and landscape impact

North Devon and Torridge Local Plan policies ST04 (Improving the Quality of New Development) and Development Management policy DM04 (Design Principles) seek to provide high quality developments which show appropriate and sympathetic layout, scale, massing, density, height, materials and fenestration.

Policy DM08A requires new development to be appropriate and sympathetic within the context of the landscape in which they are sited.

In this case the landscape is not 'protected landscape' but is within the Landscape Character Type 3A – *Upper Farmed Wooded Valley Slopes* of the Joint North Devon and Torridge Landscape Character Type (LCT) where the overall strategy is to protect the landscapes strong character and historic sense of place, farmland and rural character. The existing buildings are well screened by established boundary vegetation and the topography of the land form.

Glass storage/ bale/paper loading/storage area building

The new Glass storage/paper baling/storage building would be located to the north east of the site, within the existing yard area, where the glass collection site is currently positioned and accessed from the north. The new building would extend from an existing paper bale/storage building to the south, replacing the open air glass storage area.

The design of the building has a sloping roof, following the existing roof design of Environment Centre to the south. Externally the building would match the existing design form and materials of the buildings to the south and west. The dimensions are required to carry out the internal working of the Glass storage/bale processing area.

The building is similar to the scale and massing of the existing buildings to the south and west. The position of the building relates well to the linear position of existing buildings to the south east of the site, and would be well screened by existing buildings to the south and west, and established boundary planting to the east and north. Materials comprise grey external cladding, grey clad roof panels and uPVC windows to match existing buildings to the rear of the site. The use of matching design form would be appropriate and sympathetic to the design and appearance of the existing site.

Landscape views of glass collecting building

There are few public views of the Brynsworthy site, and the moderate increase in pitch would not be read as a discernible or incongruous design form in comparison to the other

buildings on site. The proposals would not appear unduly visible from the wider countryside due to the intervening vegetation and undulating topography of the landscape.

Wider views from the east of site



Replacement modular building and textiles area

The new modular office building would replace the existing single storey modular office building at the north east of the site, repositioning the building to the east to make room for the new weigh station area.

The new building would comprise a single storey flat roof structure similar to the existing modular office building, and would appear largely similar the existing office. The dimensions of the new office building are similar to the existing, measuring approximately 3.5m high, 15 metres long and 12 metres wide. The amended location of the textiles area to the south of the modular building and the associated low level buildings within the area are located appropriately within the rear of the site. These changes would not be visible in the wider area because the textile area and office building would be well screened by existing buildings to the south and west and the surrounding established trees to the north and east. The scale, mass and bulk of the unit will be well assimilated to the north east of the site, and the appearance, design and materials would appear appropriate in the context of the setting of the Environment Centre.

HGV weighbridges and associated works

The works to create the weighbridges will be carried out to the east of the new glass collection building, on an area of existing tarmac parking area, and within the mid- northern part of the site.

The position of the HGV weigh bridge would replace the current parking area, and the weigh bridge machinery would be low level in context of the use. Access for the delivery vehicles to this area is from existing access roads within the site, following the established internal road layout. Effective management of the operation of the weighbridges would take place as it does now, ensuring HGVs are moving south through the site, or are parked in allocated parking areas as shown in the mid-point of the site. All works to the weighbridges are well contained within the site either by existing buildings or boundary vegetation. The weigh bridges, HGV waiting areas and associated works would not be apparent from outside the well screened boundary of the site.

The proposed footpath would only be viewed to the east, within the site itself, and proposes to replace a section of road with the footpath which is a de-Minimis impact in visual terms. The footpath proposes a pallet of materials which is synonymous with the appearance of the site.

All other works to the fire drainage and internal workings of the site would be contained within existing, or proposed buildings, and do not affect change to the exterior of the site.

The new buildings and works can be carried out within the parameters of the site, and would be well screened within the immediate and wider countryside such that there would be no harm to the setting of the Environment Centre within the LCT, accordant with policies ST04, DM04 and DM08A of the North Devon and Torridge Local Plan.

Amenity

paragraph 135(f) of the National Planning Policy Framework promotes a high standard of amenity for all users. This is emphasised by amenity policies DM01 (Amenity) and DM04 (Design) (i), and Policy DM02 (Environmental protection), to safeguard the amenities of neighbouring users from harmful effects of noise or atmospheric pollution or loss of enjoyment of property.

Properties in the area:

The following properties are in the vicinity of the site:

- *'The Bungalows'* are located approx. 0.14km to the south east of the development site. These properties are the closest to the site, but are well separated by the existing car park area, existing buildings within the Brynsworthy site and by existing boundary treatments.
- *'Higher Rookabear'* is located approx. 0.52 km to the west and is well separated from the site by established landform and vegetation.
- *'Roundswell House'* is located approx. 0.53 Km to the south east and is well separated by the landform and established vegetation.



No objections in respect of amenity have been received from neighbouring properties

The Bungalows are well separated from the development site and views of the site are restricted by trees to the north. The development would not impact on the amenities of these properties in terms of loss of enjoyment or privacy. The proposals would have no greater impact on safeguarding of amenity than the existing uses within Brynsworthy.

Aerial photo of The Bungalows and photos from the rear of these properties.



The workforce and existing offices are located principally to the south west, away from the glass collecting area. Enclosing this area would have benefits in reducing noise generated from glass processing from the site.

Given the separation distances of the development from the neighbours, the intervening buildings and operations within the site and well established boundary treatments, there are no undue or significant impacts to neighbours identified in terms of loss of privacy, or matters of noise impact or atmospheric pollution as a result of the proposal accordant with DM01 and DM04.

Environmental Health:

Matters of external noise from the developments, and in particular the weighbridge, have been assessed at pre-application stage (ENQ/0534/2023)

Matters of noise impact would be dealt with through ongoing management of the site. The glass collection building would assist in mitigating external noise from delivery and process, containing the noise within the building as opposed to the open air as currently occurs. Environmental Health have not required a noise assessment. The new position of the weighbridge is likely to reduce the potential for noise impacts to residents of 'The Bungalows' to the south east or to any other receptor in the area and positions the weigh areas well away from the neighbours and in a similar position to the existing situation within the site.

Environmental Health have reviewed the application in relation to Environmental Protection and policy DM01 and DM02 and have raised no objections. A condition is recommended in respect of unexpected contamination during development of the site.

Fire Safety:

The fire Authority have not objected to the scheme but ask that adequate access is provided for fire fighting vehicles. Fire fighting vehicles and equipment can gain access to the site and the new buildings as currently occurs:

The Fire Authority considers that 'every building should be provided with suitable access for fighting purposes and where access is restricted, fire appliances access to buildings should be discussed with the fire and rescue service at an early stage. A more detailed response will be provided on receipt of a full Building Regulations consultation. '

The swept path analysis shows how larger fire service vehicles can easily gain access to the site, and to the new building and revised rear loading area. The site can gain clear access for larger vehicles.

The applicants have confirmed that fire prevention methods available on site include:

-Fire hydrants are available on site and unchanged as part of this scheme. The Fire Service have visited the site previously and are aware of locations.

- *Vehicular access to the site and all buildings on site will be accessible to fire appliances.*
- *A bunded system will be in place to collect any spent fire extinguishing medium, to be removed by tanker.*
- *The new foam suppression system is to be installed within the highest risk area of the site, to deal with fire incidents. This system should help to reduce the frequency of Fire Authority attendance during a fire incident as the suppression system should extinguish the involved materials/equipment. System to be interfaced to existing fire alarm and detection system on site.*

These measures would provide effective access for fire services and safe mitigation for the site, retaining and enhancing existing and proposed measures for fire prevention.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

To accord with part 15 of the NPPF – *Conserving and Enhancing the Natural Environment* the applicants have submitted an Ecological Survey titled ‘*Brynsworthy Environmental Centre – Further Surveys*’ in December 2023 (ref: SET_615.02 issue 1) and \addendum document *ref SET_615.03 from ‘Seasons Ecology’*

The development requires the loss of approx. 0.02 ha of the woodland and verge to the east to make way for the new pedestrian footpath. This area forms part of woodland within the site which is considered suitable dormouse habitat.

The PEA report identified the presence of dormouse within woodland bordering the site.

The Sustainability Officer required the submission of a Natural England Licence and appropriate habitat protection/mitigation measures including ‘*creation and enhancement (of habitat) should be designed into the proposals to maintain the favourable conservation status of dormice and avoid contravening legislation.*’

To mitigate for loss of habitat of the protected species the Sustainability Officer requested a clear statement of intent should be submitted in support of the current proposal which outline whether compensatory habitat is proposed or where dormouse boxes will be

installed and boundary woodland habitat enhanced to provide safe nesting sites and to compensate for small-scale loss

With regards to the requirements for dormouse protection and to accord with legislation, the applicants have confirmed that they are aware of the requirement to have a Natural England Licence and Habitat Protection. The applicants have submitted addendum document ref SET_615.03 from 'Seasons Ecology' which shows the required details from 'Seasons Ecology' to apply for the Natural England licence on behalf of NDC to ensure the proposal would not contravene legislation should permission be granted.

Proposed mitigation measures comprise: 10 new dormouse nest boxes installed in the most suitable location by Seasons Ecology, prior to commencement of works as highlighted in the Ecology report. To compensate for the small scale loss of habitat.

Any future woodland management of the site will encourage diversity in shrub/tree species, ensuring access between different levels is maintained and suitable summer and winter nesting habitats are provided/maintained.

On review of the EPSL licence application and the proposed mitigation measures, the Sustainability Officer is satisfied that the proposal can proceed on this basis given that the addendum statement gives a broad indication of mitigation/enhancement requirements that will be clarified under the licence application. The latest submission which includes all the necessary details to mitigate for the moderate loss of habitat and to enhance habitat provision for dormice.

There are no other matters of ecological impact to address as most of the works take place within the Environment Centre site.

On the basis of the above the proposal accords with the requirements of ST14 and DM08 of the North Devon and Torridge Local Plan to provide proportionate mitigation for the scheme.

Flood Risk and Drainage

The site is located within Flood Zone 1, and the developments do not present harm or risk of flooding. The site is within the Critical Drainage Area where the provision or utilisation of established Sustainable Drainage Systems (SuDS) should be used to minimise run-off on to adjacent or downstream property.

The proposal is accompanied by the flood Risk Assessment from *Structure Haus* ref 05990E FRAFWS, and accompanying above ground drainage plan 05990E-520B, which shows use of the existing surface water drainage system. This system was required as part of the original approval 45830 and accompanying S106, and forms the drainage plan for the scheme. The FRA shows drainage plans in Annexe A and C of the FRA (5990E-520, 05990E-511 B and 05990E-510), showing the inclusion of the new internal and external '*below ground fire water containment strategy*' from the processing hall buildings. The details are summarised below:

Surface and foul water Plan number 05990E-520

The proposed surface water drainage strategy is to utilise the existing drainage which already provides attenuated discharge. The proposed development will utilise the existing foul drainage with a discharge into a public sewer for the 'normal' foul drainage (Not the

Fire drainage). The existing surface water drainage system is attenuated to a 10l/s discharge rate.

Fire Water containment strategy plans 05990E-510 and 05990E-511 B

As part of the development, to accord with Environment Agency regulations, it is proposed to upgrade the existing fire suppression system within the recycling centre shown on 05990E-511B and described in the FDA comprising:

- The below ground storage tank would allow storage of 90 m² of fire water capacity with 35m² spare capacity in the event of extreme rain events. Once the capacity is reached the excess surface water would be redirected to bypass the below ground storage and discharge to a watercourse through in interceptor. It is proposed to contain fire water within the building. The fire water is to be pumped out and tanked away by a licensed waste carrier. Any fire water overspill will be intercepted and directed towards a below ground storage tank, which has a capacity of 125m³ , for containment where it can be pumped out.
- The current proposal for the enclosed building for the glass storage area is a requirement by the Environment Agency, and will be over an area that is already hardstanding, and is currently used for glass storage so will not increase surface water runoff from the site.

In respect of the proposed drainage strategy and Fire Water drainage attenuation and disposal strategy, the Environment Agency The EA have no site specific comments or objections to make on the application, as it is a permitted site, and the EA are aware of the proposed plans.

The development will require an Environmental Permit variation, and site drainage must meet permit conditions. The Fire service have not raised objections to the fire water disposal.

Devon County Lead Local Flood Authority (DCLLFA) have raised no in principle objection to the proposed changes, but have required additional information to be submitted to ensure the existing hydro brake can accommodate surface water.

The impermeable area of the site will remain unchanged providing the enclosure to the existing surface area for the glass collection area. The proposed development will not create any additional impermeable areas hence there will be no increase in the risk of flooding within the recycling centre or the catchment area downstream. On balance there will be no increase in flood risk.

DCLLFA question if the 10l/s run off is high for today's standards to accommodate the surface water from the proposal. At the time of writing this report, the LPA and LLFA are working with the applicants to assess the drainage capacities in respect of the 10l/s run off rate. Given that the areas of hardstanding created would not alter significantly from the existing situation, it is likely that the existing system could accommodate the water runoff from the development. As update will be provided to Member in the Planning Committee in relation to this point.

Subject to the above, there are no in principle objections to the proposed SuDs, foul or internal fire drainage system upgrades accordant with ST03 and DM04 and subject to the confirmation of LLFA.

Highways

Policies ST10 and DM05 of the North Devon and Torridge Local Plan seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development.

The works are contained within the existing waste handling operations area and to the east of the development site. No other highway works are proposed. New surfacing comprises either concrete slab or tarmac finish with appropriate drainage and crash barriers shown on the highways specifications plan. Internally the developments will remove 6 parking spaces along the eastern part of the site. The parking spaces would not be replaced and parking would be assimilated back into the main car park for the site.

The Swept Path Analysis plans show that the internal road system remains broadly the same utilising the same access into the Brynsworthy Environment Centre, and then following the one-way system either to the main car park, or around to the processing area as currently occurs. Within the processing area traffic has clear and legible movement to the various processing parts of the site including the new building. The one-way system then gives easy egress out of the site in a forward gear.

Pedestrian movements are limited within the site, principally to workforce movements at the front or rear, and incidental movements within the site. A new pedestrian walkway is shown on the layout plan and will direct pedestrian movements across the road, to the new footpath via 2 clearly demarked pedestrian crossings and away from the weighbridge area. On site management will maintain and operate the weigh area such that pedestrian movements would be directed away from the weigh area, and across the road which is safe within the site.

Devon County Highway Authority have provided positive comments that there would not be any material effect on movements to and from the site that may impact upon the wider highway network and have raised no objections.

In this respect the site can deliver a safe one-way system as existing, and no part of the works materially harm the function of the route. Limited pedestrian movements are accommodated for in the form of the new footpath. There is no harm to the highway network as a result of the proposal and it is accordant with ST10, DM05 and DM06 of the North Devon and Torridge Local Plan.

Conclusion

The proposed works to the Brynsworthy Environmental Centre are required to comply with statutory legislation requirements (in particular from the Fire Authority and the Environment Agency) and to streamline processes.

The proposals would demonstrate suitable positioning, layout, scale, massing, materials and fenestration, and the location of the buildings are logical and would be well screened, and assimilated into the site.

Matters of highways have been addressed and the site can deliver safe traffic movements, and safety for pedestrians.

Matters of ecology have been demonstrated to be successfully mitigated in accordance with appropriate legislation.

Matters of drainage are ongoing but the principle of the drainage works is accepted.

Therefore Members are asked to consider that there are no material reasons to prevent the improvements to the Brynsworthy Environment Centre, and the proposals comprise enhancements which accord with the adopted development plan. Approval of the application is therefore recommended to Members subject to the imposition of planning conditions

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

501461-013B Proposed Elevations East and North received on the 31/01/24

501461 010 Proposed Modular Building Floor Plan received on the 21/12/23

501461 00 01B Proposed Operations Plan 1 of 2 received on the 06/12/23

510461-013B Proposed Elevations West and South received on the 31/01/24

501461-010 Proposed Block Plan received on the 11/01/24

07.49.110 Location Plan received on the 21/12/23

05990E-542 Swept Path Analysis - Fire Access received on the 31/01/24

SET_615.03 Ecology Addendum - Dormouse mitigation received on the 20/02/24

05990E-600C Site Layout received on the 20/02/24
05990E-560A Highways Standard Details.pdf received on the 20/02/24
SET 615.02 Iss 1 Dec 2023 Further Surveys received on the 11/01/24
Flood Risk Assessment & Fire Water Strategy received on the 06/12/23
(the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The development shall be carried out in accordance with the recommendations as detailed in the Ecological Survey reference number SET_615.02 from 'Seasons Ecology' and dated December 2023 and with the Addendum document reference SET_615.03 from Season Ecology and dated 23rd January 2024. A European Protected Species Licence (EPSL) is required in respect of dormice.

Reason:

To safeguard protected species and their habitats and to achieve biodiversity net gains in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, natural environment objectives of the National Planning Policy Framework at Chapter 15, and to meet the statutory duties of the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

4. Prior to the first use of the weighbridge hereby approved, the footpath proposed to the eastern part of the site shall be provided in accordance with plans:
 - 05990E-600-C - Site Layout plan
 - 05990E-560-A Highways standards plan

and maintained in perpetuity thereafter.

Reason:

To ensure that adequate and safe pedestrian access is provided within the site at all times in accordance with policies DM01 and DM05 of the North Devon and Torridge Local Plan.

5. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

Informatives

1. The development will require an Environmental Permit variation, and site drainage must meet both Fore Prevention plan and permit conditions. The Fire service have not raised objections to the fire water disposal.
2. The applicant is advised that the foul drainage system installed may also be required to comply with Environment Agency requirements and Building Regulation requirements therefore they are advised to contact the relevant organisations to ensure compliance.
3. From the Flood Defence aspect the Environment Agency advise that surface water run-off from the proposal should be managed by the use of Sustainable Urban Drainage Systems [SUDS]. These systems mitigate the potential effects of urban development including increased quantity of run off, increased rate of run off and deterioration of water quality through pollution. Such systems would include infiltration trenches, swales, infiltration basins and porous paving. Ground conditions will need to be investigated to determine the most efficient methods or if alternative solutions will need to be investigated. In the first instance it is advised that the design of such a system is investigated in accordance with CIRIA C522 - Sustainable Urban Drainage Systems - design manual for England and Wales. An outline or preliminary design should then be submitted to the Environment Agency for comment.
4. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
5. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.
6. **Statement of Engagement**
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included conditions to secure ecological mitigation and to ensure the provision of pedestrian access.

Recommendation Date	Case Officer	Lead Officer	Admin	Check
20 February 2024	RB	TB		