

COUNTY OF DEVON

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992**

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr Steve Anderson, Steve Anderson Planning & Development, 1 Lea Vale Road, Newton Abbot, TQ12 1SG**

Agent for: **ABC Siddalls Ltd, Unit 11, Coventry Farm, Newton Road, Torquay, TQ2 7HX**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **15 February 2017**, and the plans and drawings attached thereto numbered: **Site Location Plan, 17003-010 Revision A, KST/0010/17-1, KST/0010/17-2, KST/0010/17-3, KST/0010/17-4, KST/0010/17-5, KST/0010/17-5/FENCE** and documents entitled **'Planning Statement (Revised)' - Dated February 2017, 'Pollution Control Statement' - Dated February 2017, 'Transport Statement' - Dated February 2017 and 'Preliminary Ecological Appraisal' (Simon Geary Ecology Services Limited, December 2016).**

brief particulars of which are as follows:

Proposed waste transfer station at Pioneer Yard, Heathfield Landfill Site, Clay Pits Way, Fosterville, Kingsteignton, TQ12 3GP

subject to the conditions set out in the attached sheets



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on behalf of the Head of Planning, Transportation and Environment

Date: 18 April 2017

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Schedule of Conditions - Teignbridge District Council Application No. 17/00445/DCC
Devon County Council Ref. DCC/3948/2017**

1. The development 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.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered **Site Location Plan, 17003-010 Revision A, KST/0010/17-1, KST/0010/17-2, KST/0010/17-3, KST/0010/17-4, KST/0010/17-5, KST/0010/17-5/FENCE** and documents entitled **'Planning Statement (Revised)' - Dated February 2017, 'Pollution Control Statement' - Dated February 2017, 'Transport Statement' - Dated February 2017 and 'Preliminary Ecological Appraisal' (Simon Geary Ecology Services Limited, December 2016)** unless as varied by the conditions below.

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

3. The development shall be carried out in accordance with the actions set out in the Preliminary Ecological Appraisal (Simon Geary Ecology Services Limited, December 2016).

REASON: To protect and enhance wildlife and landscapes in accordance with policies W11 (Biodiversity and Geodiversity) and W12 (Landscape and Visual Impact) of the Devon Waste Plan.

4. The exterior of the waste transfer building shall be coloured Vandyke Brown.

REASON: To ensure that the colour of the building is appropriate, in accordance with policy S2 (Quality Development) of the Teignbridge Local Plan.

5. The site boundary fence shown in drawing KST/0010/15-5/FENCE shall be constructed prior to the commencement of any other part of the development. No operations (including general storage) shall take place outside of this site boundary fence.

The site boundary fence shall be maintained for the duration of operations at the site.

REASON: To ensure that there is no damage to vegetation surrounding the site and therefore no subsequent impact on protected species, in accordance with policies W11 (Biodiversity and Geodiversity) and W12 (Landscape and Visual Impact) of the Devon Waste Plan.

6. No existing trees or vegetation within the site shall be cleared either during the construction phase or the operational phase of the development.

REASON: To ensure impacts of the development on wildlife and the landscape are minimised in accordance with policies W11 (Biodiversity and Geodiversity) and W12 (Landscape and Visual Impact) of the Devon Waste Plan.

OPERATIONAL

7. There shall be no external lighting at the site (including during the construction phase). Any internal lighting shall not be used outside of the operating hours defined by condition 8 below.

REASON: To ensure impacts of lighting on wildlife and the landscape are minimised in accordance with policies W11 (Biodiversity and Geodiversity) and W12 (Landscape and Visual Impact) of the Devon Waste Plan.

8. The site shall operate only between the following hours:

From 07.00 to 18.00 Mondays to Fridays

From 07.00 to 12.30 Saturdays

The site shall not operate on Sundays or Public Holidays

REASON: To protect the living conditions of nearby residents and the local environment. In accordance with policy W18 (Quality of Life) of the Devon Waste Plan.

9. No mud, dust, stones, water or other debris originating from the waste site shall be deposited on to the public highway.

REASON: In the interests of highway safety, to prevent mud, dust water or other debris getting on the highway in accordance with policy W17 (Transport and Access) of the Devon Waste Plan

10. All lorries entering and leaving the site shall be securely netted or sheeted in order to avoid dust and debris being deposited during transit.

REASON: To minimise the possibility of dust and debris being deposited on the highway in accordance with policies W17 (Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan.

11. In order to control dust and noise (and other pollution issues), all operations undertaken at the site will be in accordance with the Pollution Control Statement dated February 2017.

REASON: To ensure that the impact of dust and noise (and other pollution issues) is not unacceptable in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

12. All putrescible waste shall be stored in sealed containers.

REASON: To ensure that odour does not have an unacceptable impact on amenity in accordance with policy W18 (Quality of Life) of the Devon Waste Plan.

13. All operations likely to generate significant levels of noise shall be undertaken inside of the waste transfer building. Where possible, whilst these operations are being undertaken, all openings to the waste transfer building shall be closed.

REASON: In order to ensure that the impact of noise generated by the development is not unacceptable in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

Advice to Applicant – Environmental Permitting

This activity will require an Environmental Permit from the Environment Agency. They have thirteen weeks after an application has been made in which to determine the permit application. They would advise you to contact their National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised.

INFORMATIVE NOTE

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.