

Regulatory Committee

Dorset County Council



Date of Meeting	02 February 2017
Officer	Service Director for Economy
Subject of Report	To consider planning application No. 2/2016/1127/DCC under Schedule 1 Paragraph 1 of the Town and Country Planning Act 1990, in North Dorset District Council, for Section 73 planning application proposing the variation of Condition 2 and the removal of Condition 10 of planning ref: 2/2014/0529/PLNG associated with the development of a storage lagoon on land to the South of A354, Milborne St Andrew, Dorset for Eco Sustainable Solutions Ltd.
Executive Summary	<p>The report considers a planning application for the variation of condition and removal of condition of planning permission 2/2014/0529/PLNG for a storage lagoon to handle digestate from the anaerobic digestion (AD) plant at Piddlehinton. The current proposal seeks to vary condition 2 (development in accordance with the approved plans) and removal of condition 10 (provision of wheel washing facilities).</p> <p>The application was considered at the Regulatory Committee meeting of 5 January and committee deferred its decision pending the consideration of a suitable condition to allow for the introduction of a wheel wash if subsequent monitoring determines there is a need for one. A new condition is set out in the attached report.</p> <p>The report recommends approval of the development subject to conditions.</p>
Impact Assessment:	<p>Equalities Impact Assessment: This report concerns the determination of an application for planning permission and not any changes to any new or existing policy with equality implications.</p> <p>Use of Evidence: The recommendation has been made after consideration of the application and supporting documents, the development, the relevant development</p>

	<p>plans, government policy, legislation and guidance, representations and all other material planning considerations as detailed in the main body of the report.</p> <p>Budget: Generally the determination of applications will not give rise to any budget implications for the Committee.</p> <p>Risk Assessment: As the subject matter of this report is the determination of a planning application the County Council's approved Risk Assessment methodology has not been applied.</p> <p>Other Implications: None</p>
Recommendation	That planning permission be granted subject to the conditions set out in section 7 of this report.
Reason for Recommendation	The reasons for granting planning permission are set out in full in paragraphs 4.11 and 4.12 of this report.
Appendices	<ol style="list-style-type: none"> 1. Previous Regulatory Report (2/2016/1127/DCC) 2. Location Plan 3. Site Plan 4. Previous Regulatory Report (2/2014/0529/PLNG) 5. Regulatory Report Minutes (2/2014/0529/PLNG) 6. Decision Notice (2/2014/0529/PLNG)
Background Papers	<p>PA File 2/2014/0529/PLNG</p> <p>NB: Copies of representations may be inspected in the Environmental Services Directorate and will be available for inspection in the Committee Room prior to the meeting.</p>
Report Originator and Contact	<p>If you have any queries on this report please contact Name: Mr Rob Jefferies</p> <p>Tel: (01305) 224279 Email: r.w.jefferies@dorsetcc.gov.uk</p>

1. Background

- 1.1 This application was considered by Members of the Regulatory Committee at the meeting of 5 January 2017 (see Appendix 1 for committee report). During the meeting Members expressed concerns that the development had commenced prior to the relevant conditions being discharged and that the siting of the lagoon did not accord with approved plan. Concern was also expressed as to the potential for mud to be deposited on the highway should a wheel wash facility not be provided on site.
- 1.2 Members resolved to defer the determination of the application to allow officers to consider the drafting of a condition requiring the installation of a wheel wash facility after an initial temporary period should it be determined through the use of the site that a wheel wash facility is indeed required.

2. Site Description

- 2.1 The application site is located to the south of the A354 approximately 500 metres to the west of Milborne St Andrew. It measures approximately 1 ha in area, including the access track and turning area. Vehicular access to the site is via an existing agricultural access off the A354.
- 2.2 The application site and surrounding area is characterised by fields laid to pasture or crop production enclosed by mature hedgerows.
- 2.3 The nearest residential property is located approximately 150 metres to the west of the proposed lagoon.

3. The Proposal

- 3.1 This planning application seeks to amend condition 2 and remove condition 10 of planning permission 2/2014/0529/PLNG.
- 3.2 Condition 2 of Planning Permission 2/2014/0529/PLNG states:

“Unless otherwise approved in writing by the Mineral Planning Authority, no development shall be carried out other than in strict accordance with the Drawing Nos. 5114/004 dated April 2014, 5114/006 dated July 2014, 140601-01 and 140601-03. Operations on the application site shall be carried out in accordance with the approved plans and details and no part of the operations specified therein shall be amended or omitted without the prior written approval of the Waste Planning Authority.”

- 3.3 This current application seeks to regularise the fact that the lagoon has not been constructed in the location as detailed in the approved plans. It is proposed to amend condition 2 to refer to a revised set of plans that accurately reflect what has been constructed on the ground.
- 3.4 Condition 10 of Planning Permission 2/2014/0529/PLNG states:

“Prior to the commencement of development a scheme showing precise details of the design, specification and position of wheel washing facilities shall be submitted to and approved by the Waste Planning Authority. The

approved scheme shall be implemented and maintained in full working order for use throughout the duration of the development.”

- 3.5 The applicant is not proposing the use of a wheel wash and is therefore applying for the above condition to be removed.

4. Planning Assessment

Siting of Lagoon

- 4.1 The lagoon has been constructed approximately 20 metres further west than was approved by planning permission 2/2014/0528/PLNG.
- 4.2 Having regard to the scale and nature of the development as well as the presence of the mature screening vegetation I consider that the landscape and visual impacts of the proposed lagoon when viewed from public vantage points would not be materially different to that previously approved. The landscape and visual impacts of the proposed development are set out in paragraphs 6.1 to 6.7 of the previous Committee Report (See Appendix 1). In conclusion, I consider that this aspect of the proposal accords with Policy 4 of the BD&PWLP, Policy 4 of the North Dorset Local Plan Part 1 and Appendix B (c) of the NPPW and is acceptable.

Imposition of Further Condition

- 4.3 Following the deferral of the application at the Regulatory Committee of 5 January, Officers have proposed a condition that would require the installation of a wheel wash should one be considered necessary after an initial trial period of no longer than 12 months. This period is considered reasonable as it should allow monitoring to take place during a variety of weather conditions.

- 4.4 The following condition has now been added to the list of conditions as set out in section 7 of this report –

“If within 12 months of the date of this permission operations associated with the development hereby approved result in the deposition of debris onto the A354 to an extent that would in the opinion of the Waste Planning Authority be to the detriment of highway safety, a wheel wash facility shall be installed, maintained and retained on site for the duration of the development. Within 1 month following written notification from the Waste Planning Authority that a wheel wash should be installed on site a scheme for the siting, design, timetable for installation and maintenance of the wheel wash shall be submitted to the Waste Planning Authority for its approval in writing. The installation and operation of the wheel wash shall thereafter be carried out in accordance with the approved details. Once installed all vehicles leaving the application site shall use the wheel wash facility.”

- 4.5 The condition as drafted above has been agreed by applicants and the County Council's Highway Liaison Officer.
- 4.6 Having regard to the conditions as set out in paragraph 7 of this report, it is considered that the development would not be detrimental to the existing highway network or highway safety. The proposal is considered to be in

accordance with Policy 1(i) and Policy 21 of the BD&PWLP and Appendix B (f) of the NPPW, and no unacceptable effect on residential areas will result by way of noise, disturbance, vibration or safety.

- 4.7 Following the nature of the concerns raised by members at the meeting of the 5 January 2017, should members resolve to grant planning permission it is noted that the site will be monitored on a frequent basis during both the initial construction phase and during the initial 12 month trial period. After this time the development will be subject to on-going inspection as part of the Waste Planning Authority's standard monitoring and enforcement regime.

Submission of Schemes Pursuant to Conditions

- 4.8 The applicant had previously submitted information in order to discharge the relevant planning conditions associated with planning permission 2/2014/0529/PLNG. This information was submitted to the Waste Planning Authority following notification that the development had commenced without compliance with the relevant planning conditions. With the exception of the requirement for a wheel wash the details were largely considered to be acceptable.
- 4.9 A revised set of the conditions are now proposed by officers and are detailed in paragraph 7 of this report.
- 4.10 The applicants have now submitted information in relation to all those draft conditions as set out in section 7 of this report. At the time of compiling this report officers are still in the process of considering the acceptability of the submitted schemes. Members will be updated through the Member Update Sheet or verbally on the day of Regulatory Committee as to whether the submitted schemes are satisfactory. This does not prejudice the ability of the committee to consider the planning application as presented in this report.

Conclusion

- 4.11 The appearance and scale of the proposed development as well as the presence of mature hedging that both screens and assimilates the development into the wider landscape will ensure that there will be no detrimental impact upon the visual and landscape qualities of the area. The proposal therefore accords with Policy 4 of the BD&PWLP and Appendix B (c) of the NPPW. The proposed access to the application site and surfacing arrangements are suitable in respect of highway safety. The proposal therefore accords with Policy 21 of the BD&PWLP and Appendix B (f) of the NPPW.
- 4.12 Based upon the evidence before me and taking account of the views of the Highway Liaison Officer, I am of the view that the removal of condition 10 relating to a wheel wash is justifiable in planning terms. However, as a precautionary measure, having regard to members' concerns, an additional condition has been proposed (condition 12 in section 7 of this report) allowing

for the Waste Planning Authority to require a wheel wash if monitoring indicates a need for one.

5. Human Rights Implications

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

- i. Article 8 - Right to respect for private and family life; and
- ii. The First Protocol, Article 1 - Protection of Property.

5.2 Having considered the impact of the development, as set out in the assessment above as well as the rights of the applicant and the general interest, the opinion is that any effect on human rights does not outweigh the granting of the permission in accordance with adopted and prescribed planning principles.

6. Statement of Positive Involvement

6.1 In accordance with paragraphs 186 and 187 of the NPPF, the Council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by:

- i. updating the applicant's agent of issues as they arose in the processing of the application;
- ii. discussing possible solutions to material concerns raised; and
- iii. providing the applicant with the opportunity to address issues so that a positive recommendation to grant permission could be given.

7. Recommendation

7.1 That planning permission be granted subject to the conditions set out below:-

Time Limit - Commencement

1. The development hereby permitted shall be begun not later than the expiration of 3 years beginning from the date of this permission.

Reason:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

Adherence to approved plans and details

2. Unless otherwise approved in writing by the Waste Planning Authority, no development shall be carried out other than in strict accordance with the Drawing No's 5114/004/Rev G dated December 2016, 140601-01 and 140601-03. Operations on the application site shall be

carried out in accordance with the approved plans and details and no part of the operations specified therein shall be amended or omitted without the prior written approval of the Waste Planning Authority.

Reason:

To maintain planning control over the site and to ensure the permission is implemented in accordance with Policies 1 and 4 of the Bournemouth, Dorset and Poole Waste Local Plan and Policy 4 of the North Dorset Local Plan Part 1

Exportation of Waste

3. No digestate stored within the lagoon hereby approved shall be exported off the agricultural holding containing the lagoon.

Reason:

To ensure that the traffic movements and any associated environmental and highway impacts connected with the use of the lagoon are maintained at acceptable levels in accordance with the submitted application and Policies 1, 4 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Importation of Waste

4. Only digestate generated from the Piddlehinton AD Facility as approved by Planning Permission 1/D/08/0989 (or any subsequent consent granted over the same area) shall be imported into the site.

Reason:

To ensure that the traffic movements and any associated environmental and highway impacts connected with the use of the lagoon are maintained at acceptable levels in accordance with the submitted application and Policies 1, 4 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Construction Environmental Management Plan

5. No further operations on the development shall take place until a Construction Environmental Management Plan (CEMP) incorporating pollution prevention measures has been submitted to and approved by the Waste Planning Authority. The development shall be implemented in accordance with the approved details and agreed timetable set out in the approved CEMP.

Reason:

To prevent pollution of the water environment having regard to Policy 1 of the Bournemouth, Dorset and Poole Waste Local Plan.

Access Crossing

6. No further operations on the development shall take place until the first 15.00 metres of the access crossing measured from the nearside edge of the carriageway shall be laid out and constructed to a specification first submitted to and approved in writing by the Waste Planning Authority.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Parking and Loading Areas

7. No further operations on the development shall take place until the areas shown on the submitted plans for the manoeuvring, parking, loading and unloading of vehicles have been made available for these purposes. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Entrance Gates

8. Any entrance gates shall be set back a minimum distance of 15.0 metres from the edge of the carriageway and hung so that the gates can only open inwards.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Visibility Splays

9. No further operations on the development shall take place until the visibility splay areas as shown on the submitted plans shall be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas shall thereafter be maintained and kept free from all obstructions.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Traffic Management Plan

10. No further operations on the development shall take place until a Traffic Management Plan (TMP) and programme of works has been submitted to and approved in writing by the Waste Planning Authority. The TMP shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing and drainage). The TMP shall also include a scheme of signing of the heavy vehicle route to the site agreed with both temporary and permanent advice/warning signs at appropriate points. The development shall be carried out strictly in accordance with the approved Traffic Management Plan.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Landscaping

11. No further operations on the development shall take place on site until a scheme of soft landscaping has been submitted to and approved by the Waste Planning Authority. These details shall include:

- Planting plans to include a schedule of plants, noting species, planting sizes and proposed numbers / densities where appropriate;
- Implementation timetables; and
- Details for the retention, protection and management of existing vegetation for the life of the development.

The approved landscaping shall be carried out in the first available planting season. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Waste Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason:

To safeguard the environment of the surrounding area having regard to Policy 4 of the Bournemouth, Dorset and Poole Waste Local Plan and Policy 4 of the North Dorset Local Plan Part 1

Fencing Details

12. No further operations on the development shall take place until a detailed specification of the proposed perimeter fencing has been submitted to and approved in writing by the Waste Planning Authority. The development shall then be carried in accordance with these approved details and Policy 4 of the North Dorset Local Plan Part 1

Reason:

To safeguard the environment of the surrounding area having regard to Policy 4 of the Bournemouth, Dorset and Poole Waste Local Plan.

Control of Debris on the Highway

13. If within 12 months of the date of this permission operations associated with the development hereby approved result-in the deposition of debris onto the A354 to an extent that would in the opinion of the Waste Planning Authority be to the detriment of highway safety, a wheel wash facility shall be installed, maintained and retained on site for the duration of the development. Within 1 month following written notification from the Waste Planning Authority that a wheel wash should be installed on site a scheme for the siting, design, timetable for installation and maintenance of the wheel wash shall be submitted to the Waste Planning Authority for its approval in writing. The installation and operation of the wheel wash shall thereafter be carried out in accordance with the approved details. Once installed all vehicles leaving the application site shall use the wheel wash facility.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

7.2 ADDITIONAL INFORMATION FOR INCLUSION IN DECISION NOTICE

- I. Informatives as requested by the Environment Agency and Highway Liaison Engineer
- II. A statement explaining how the Council worked with the applicant in a positive and proactive way as set out in paragraph 8.1 of the report considered by Regulatory Committee on 5 January 2017.