

REPORT OF THE HEAD OF PLANNING AND REGENERATION

**REFUSE STORAGE FOR NEW RESIDENTIAL PROPERTIES –
SUPPLEMENTARY PLANNING DOCUMENT**

Portfolio Holder: Cllr Richard Chesterton
Responsible Officer: Jenny Clifford, Head of Planning and Regeneration

Reason for Report: To seek approval to publish the draft Refuse Storage for New Residential Properties Supplementary Planning Document (SPD) for public consultation.

RECOMMENDATIONS:

1. That Cabinet approve the draft Refuse Storage for New Residential Properties Supplementary Planning Document (SPD) for public consultation.
2. That delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise consultation material.

Relationship to Corporate Plan: The SPD contains guidance on the design of refuse storage for new residential development. It addresses existing issues regarding the poor provision of refuse storage in new residential development in order to provide a better quality public realm. This issue relates to the Corporate Plan priorities 'Homes' and 'Environment'.

Financial Implications: The SPD has associated production costs, for which there is an existing budget within the planning service.

Legal Implications: The consultation will comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement. Adoption of the Waste Storage SPD will enable the Council to make sounder decisions and more robustly defend appeals against those decisions.

Risk Assessment: The SPD will set standards for the provision of refuse storage in new residential properties. The document will reduce the risks of costs being awarded against the Council providing decisions are based on its content.

1.0 Introduction

- 1.1 The Planning Service is proposing to undertake a final public consultation on the draft Refuse Storage for New Residential Properties SPD (Appendix 1). This document does not contain policies but instead provides guidance on the design of waste and recycling storage in new developments across Mid Devon.
- 1.2 The basic principle of ensuring that all new households are provided with adequate refuse storage has been incorporated into national policy in Approved Document H of The Building Act (1984). This covers new build residential development as well as the conversion of buildings to a residential use. Section 6 (Solid Waste) deals with the provision of storage space and means of access for people in the building to the storage space, and from the collection point to the storage space. This legislation also gives Mid Devon District Council, as the designated waste collection authority, the power to stipulate to developers what level of refuse storage must be provided.
- 1.3 This SPD complements existing local planning policy on design of housing (DM14) which requires adequate external space for recycling and refuse storage. Effective waste storage is also a component of good design more generally under policy DM2 'High Quality Design'. The proposed Local Plan Review Policy DM12 'Design of Housing' will continue to provide the baseline for the more detailed guidance included in the SPD.

2.0 Consultation

- 2.1 The Council conducted an initial consultation from the 23rd May 2016 to the 18th July 2016 on the content of this new SPD. A total of 9 valid representations were received and have been considered when producing the draft SPD. A summary of the main issues raised during the scoping consultation and how they have been addressed is provided in Appendix 2 of this report.
- 2.2 In accordance with Policy SCI/14 of the adopted Statement of Community Involvement, a second phase of consultation is now proposed to be undertaken. This is anticipated to start on 10 October 2016 and last for six weeks. Once the publication stage of consultation has ended, the final version of the SPD will be presented to Cabinet to seek approval to adopt.

3.0 Planning Policy Advisory Group

- 3.1 The Planning Policy Advisory Group (PPAG) considered the draft SPD at its meeting of 5th September 2016 and the group recommended that Cabinet approve the document for public consultation.

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01884 234221 abeecham@middevon.gov.uk

Circulation of the Report: Richard Chesterton (Cabinet Member), Cabinet

List of Background Papers: The scoping report and representations received at the preparation stage consultation can be found at:

<https://www.middevon.gov.uk/residents/planning-policy/supplementary-planning-documents/refuse-storage-for-new-residential-properties/>

Appendix 1



Refuse storage for new residential properties

Supplementary Planning Document (SPD)

September 2016

Introduction

This Supplementary Planning Document (SPD) provides guidance on the design of waste and recycling storage in new residential developments across Mid Devon. Given that households are required to store waste for up to a fortnight, Mid Devon District Council has adopted a policy of requiring developers to provide adequate space for wheeled bins in all new builds in the district where it is practical to do so.

Even in developments where it is not practical to use wheeled bins, adequate refuse and recycling storage must still be provided for a two week period, based on non-wheeled dustbins and kerbside boxes.

Applicants should ensure that the principles in this document are followed in any relevant application. Failure to indicate adequate refuse storage on plans submitted to Mid Devon District Council is likely to mean that applications will be rejected. It is a good idea to discuss any site specific issues with the Local Planning Authority before submitting a planning application.

POLICY BACKGROUND

This SPD has been prepared in accordance with Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012. As set out in the National Planning Policy Framework (NPPF) Supplementary Planning Documents (SPDs) are “documents which add further detail to the policies in the Local Plan.” The content of an SPD therefore gains increased weight in planning decisions but it does not form part of the development plan.

The basic principle of ensuring that all new households are provided with adequate refuse storage has been incorporated into national policy in Approved Document H of The Building Act (1984). This covers new build residential development as well as the conversion of buildings to a residential use. Section H6 (Solid Waste) deals with provision of storage space and means of access for people in the building to the storage space, and from the collection point to the storage space. This legislation also gives Mid Devon District Council, as the designated Waste Collection Authority, the power to stipulate to developers what levels of refuse storage must be provided.

Paragraph 8 of the National Planning Policy for Waste requires that local planning authorities should ensure that “new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape.” This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins to facilitate a high quality, comprehensive and frequent household collection service.

Consideration should also be given to the Devon Waste Plan, which forms part of the development plan for Mid Devon and the Waste Management and Infrastructure SPD prepared by Devon County Council as the responsible waste planning and waste disposal

authority. This Supplementary Planning Document complements the Council's Local Plan Part 3 (Development Management Policies) which provides detailed policies to manage development proposals throughout the district. Policy DM14 (Design of housing) specifically requires adequate external space for recycling and refuse for new housing development. Effective waste storage is also a component of good design more generally under policy DM2 (High quality design).

EMERGING LOCAL PLAN POLICY

The new Local Plan Review is expected to replace the adopted Mid Devon Local Plan which consists of the following:

- a) Core Strategy (adopted 2007)
- b) Allocations and Infrastructure Development Plan Document (adopted 2010)
- c) Development Management Policies (adopted 2013)

The proposed Local Plan Review policy DM12 'Design of Housing' will continue to provide the baseline for the more detailed guidance contained in this SPD. Policy DM12 as stated in the Local Plan Review 2013 – 2033 Proposed Submission (February 2015) document is set out below:

Policy DM12

Design of Housing

New housing development should be designed to deliver:

- a) *High quality local places taking into account physical context, local character, density and land use mix;*
- b) *Adequate levels of daylight, sunlight and privacy to private amenity spaces and principle windows;*
- c) *Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage;*
- d) *Adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stair lift installation or space for the provision of a lift in homes with more than one storey;*
- e) *Private amenity space that reflects the size, location, floorspace and orientation of the property;*
- f) *Sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation;*

- g) On sites of 10 houses or more the provision of 30% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'; and*
- h) Car parking in accordance with Policy DM5.*

GENERAL PRINCIPLES

1. Mid Devon District Council aims to provide high quality services for collecting and recycling waste and to maintain high standards of cleanliness around the district.
2. The Council seeks to encourage reductions in the quantity of waste requiring collection and to increase the proportion that is re-used or recycled. To help achieve this, developments must have sufficient and suitable space within them to store refuse and recyclables separately.
3. In all cases, the distances over which waste storage bins should have to be carried, pushed or pulled should be kept to a minimum.
4. Any new residential development scheme should provide, for each unit/dwellings, sufficient storage space for accommodating the current range of waste storage bins and caddies.
5. The layout of individual properties shall include a direct, clearly defined route, linking the bin storage area to the collection point. The route should not include steps and in all cases the gradient of these routes should be minimised.
6. Waste and recycling storage facilities must be conveniently located for occupants. It is also essential that suitable access to this space, or some other agreed collection point within the development, is available to enable the waste to be collected safely and efficiently.
7. Consideration should be given to the provision of space for storing recyclable and non-recyclable waste when designing kitchens and utility rooms.

What we are looking for

1. INDIVIDUAL, DETACHED OR SEMIDETACHED PROPERTIES

An area of hardstanding should be provided in the back garden or courtyard for storage of two standard 240 litre wheeled bins per property, in addition to two 55 litre recycling boxes. This equates to an area at least 1.2 x 1.2m for each dwelling.

A clear, flat access should be provided between the designated storage point at the rear of the property and the collection point, which should be at the front of the property and free from steps or other obstacles. If a path needs to be constructed to meet with this requirement, it should be a minimum of 650 millimetres wide with a tarmac surface to facilitate wheeling the bin.

As Mid Devon District Council requires householders to place their bins at the nearest point of the highway on collection day, it is advantageous for an alcove to be provided by the front gate so householders can place their bins out for collection without restricting access to their property. Householders are not permitted to store permanently bins for collection on an adopted public highway.

If the rear garden or courtyard of the property is at a higher or lower elevation than the front, or if for any other reason access from the rear to the front requires steps or other obstacles to be built that would prevent the easy movement of wheeled bins, then a bin store or storage area for two 240 litre wheeled bins needs to be provided at the front of the property. This also applies if the distance for the householder to wheel the bin is more than 25 metres.

If the elevation of the property is such that it requires steps up or down from the pavement, then an alcove or store needs to be provided at pavement level for the permanent storage of two 240 litre wheeled bins. Please note that for reasons of Health and Safety, Waste Operatives will not move wheeled bins up or down steps.

If building a bin store with a roof, please ensure that sufficient vertical clearance is available to allow the lids of the wheeled bins to be opened fully. Bin stores or storage areas should be as conveniently located as possible for the householder, whilst taking into account the essential requirements above.

2. TERRACED HOUSES

Properties built in new developments must be provided with a discreet or integral bin store or storage space at the front large enough to accommodate two 240 litre wheeled bins and two 55 litre recycling boxes. This equates to an area at least 1.2 x 1.2m for each dwelling.

Clear flat access (i.e. no steps or other obstacles) should be provided between the designated storage point and the collection point. If a path needs to be constructed, it should be a minimum of 650 millimetres wide with a tarmac surface to facilitate wheeling the bin. It should be less than 25 metres from storage to collection point because householders tend to leave bins in places convenient to themselves rather than wheel bins more than 25 metres. This can be to the detriment of the

appearance of the development soon after first occupation and can cause an obstruction.

If the elevation of the property is such that it requires steps to be built up or down from the pavement, then an alcove or store must be provided at the pavement level for two 240 litre wheeled bins.

In certain types of 'courtyard' style terraced developments, it may be more practical to provide a communal refuse store with provision for pairs of 240 litre bins or bulk bins. Please refer to Section 4 for more detailed information about this.

Please note that it is not acceptable for refuse collectors to have to collect wheeled bins from rear service paths or lanes. Collection will normally take place from nearest point of the adopted highway from the front of the property. However, in some cases, collection from the rear of the property may be acceptable but only if the property opens out directly onto another road that can be accessed by a refuse collection vehicle.

3. FLATS AND PROPERTIES IN MULTIPLE OCCUPANCY

Mid Devon District Council requires the occupier to take responsibility for their own refuse and recycling wherever possible. Communal facilities can unintentionally create opportunities for residents to contaminate their neighbours' recycling efforts, as well as provide little incentive for householders to recycle, due to a lack of accountability.

If the location of flats and compact high density housing developments are such that this individual provision (contained within a communal storage area if necessary) is not possible, then they should be provided with a communal refuse store designed to take 1100 litre bulk communal refuse and recycling bins. Please refer to Section 4 Planning communal refuse facilities for more detailed information about this.

4. PLANNING COMMUNAL REFUSE FACILITIES

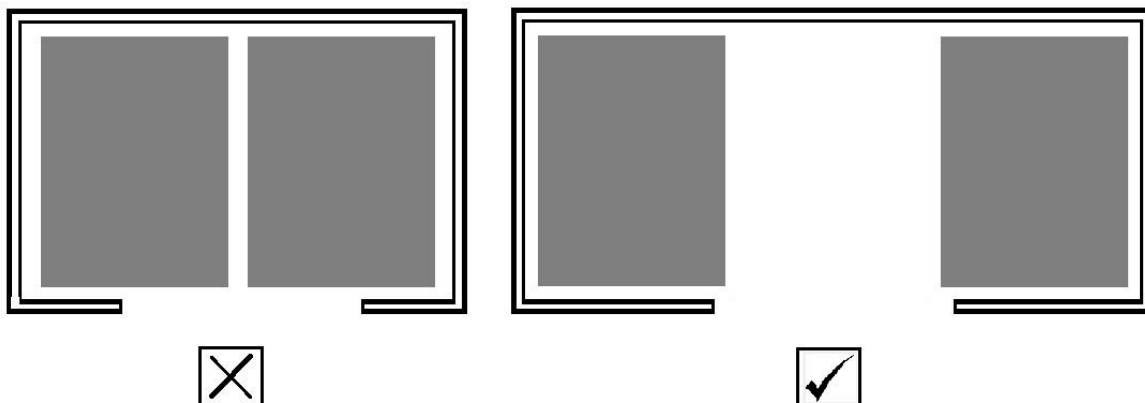
Capacity:

Communal refuse stores must be provided for the storage of individual pairs of wheeled bins in smaller developments; sufficient space must be left for the residents to access their bins easily, and for the bins to be able to be removed individually from the store.

Refuse stores must be large enough to accommodate one bulk 1100 litre refuse bin per six flats, and each property must have its own dry recycling and food waste containers.

These figures are based on 2-3 persons per unit. If the majority of the units in a development have more or fewer persons than this, the number of bins required will need to be adjusted accordingly. As a general rule each person will require a minimum of 60 litres residual refuse capacity per fortnight and a minimum of 55 litres of recycling capacity per fortnight. The Council does not provide residual communal bins.

Internally the bin store must be large enough for residents to gain access to all bins and for each bin to be able to be removed individually from the store without, having to remove any of the other bins first.



Bins must be easily accessible to all users, including for maintenance purposes

Location and Access:

Communal refuse stores need to be located in a convenient location for both the users and refuse collection operatives.

In practical terms the store should be located in as central a location as possible in the development so that all residents have easy access to it (i.e. applicants should avoid locating the stores in a position where some residents have to carry their refuse a much greater distance than others). If this is not possible in the central part of the development, then applicants should consider locating the stores at the main entrance to the development.

Communal stores must also be located no further than 25 metres from the nearest point of access for the refuse collection vehicle. Please note that the Council's standard Refuse Collection vehicles require a minimum of 4 metres vertical clearance and access roads need to be at least 3 metres wide. The distance that refuse should be carried to the store should be limited to 30 metres.

Clear, flat access without steps or other obstacles should be provided between the bin store and the nearest point of access for the refuse collection vehicle with steps avoided wherever possible. If a path needs to be constructed to comply with this requirement, it should be a minimum of 1.2 metres wide with a hard surface to facilitate wheeling the bins and should not have a gradient greater than 1:12.

Refuse storage should be provided in external areas wherever possible. If external space is insufficient or unsuitable, internal storage may be acceptable. In such instances advice should be sought from MDDC Building Control due to the need to consider protected means of escape routes as result of fire risk. Ventilated lobby arrangements may also be required.

Design considerations:

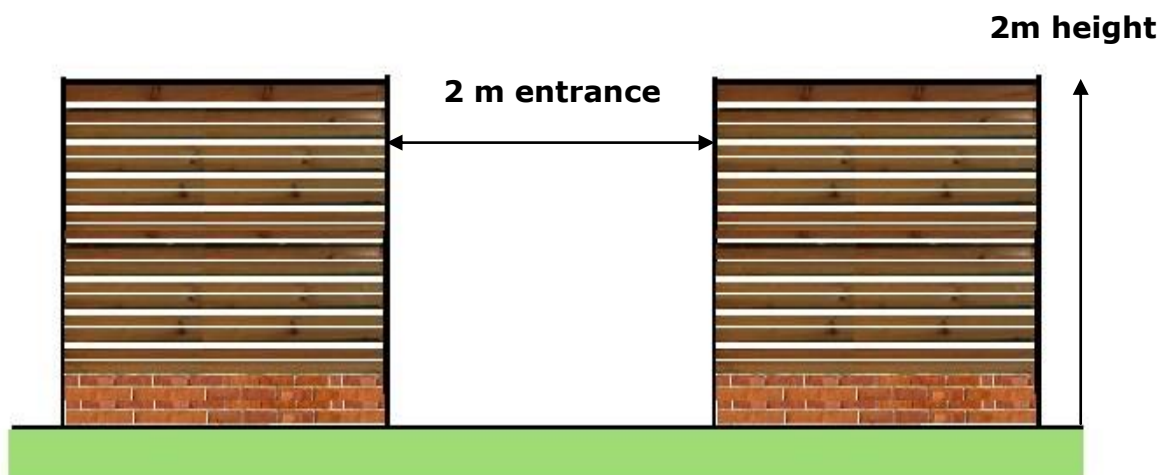
Ideally bins stores should be discreet roofed sheds built out of the same materials that are being used in the rest of the development so they blend into the background. However in some cases a simple hard standing area large enough to accommodate the required number of bins will suffice provided there is some form of screening employed to lower the visual impact. Please note however that all proposed designs will be subject to planning approval.

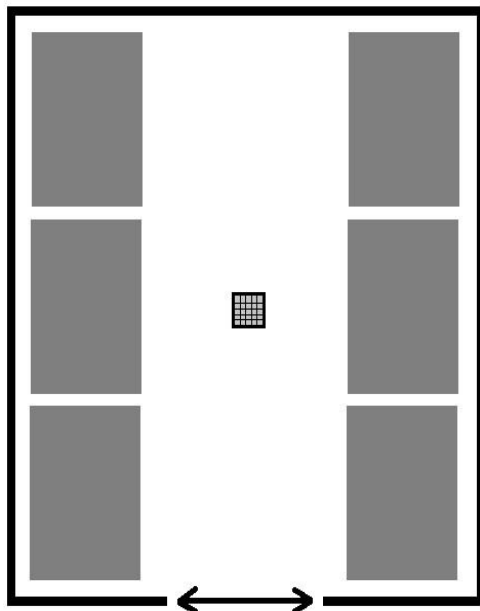
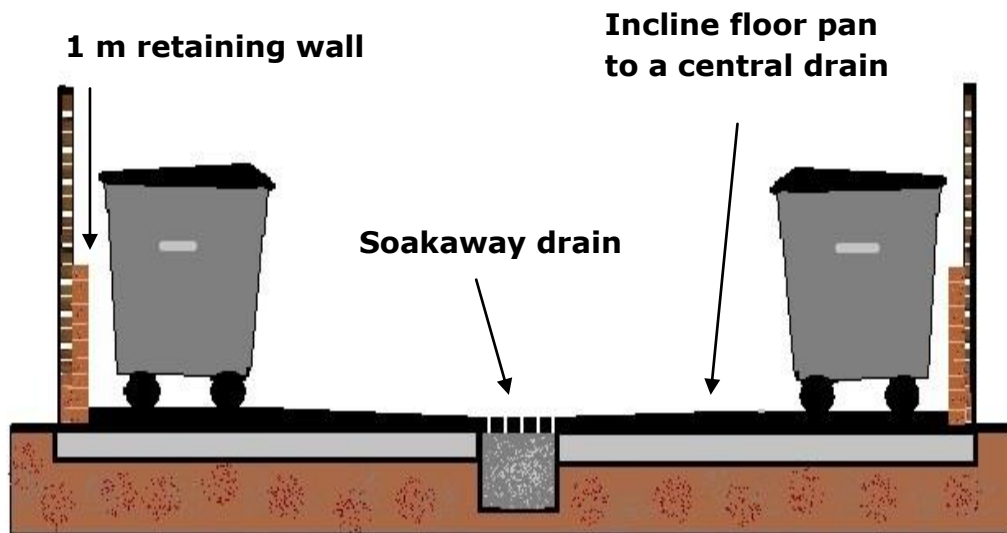
All bin stores or bin store areas should have a tarmac or concrete floor that is slightly inclined towards a central soakaway drain. This is important as refuse bins can sometimes leak smelly liquids, which would otherwise pool on the floor and could cause an odour problem and/or health risk. They should be designed to allow for washing down and draining the floor into a system suitable for receiving polluted effluent. Gullies should incorporate a trap which maintains a seal even during prolonged periods of disuse.

Enclosed refuse stores must also be provided with adequate ventilation to minimise the build-up of odours. This should take the form of an active extractor fan system if the store forms an integral part of a dwelling unit or airbricks if the store is remote from dwelling units.

If building a bin store with a roof, please ensure that enough vertical clearance is available to allow the lids of the wheeled bins to be opened fully. Mid Devon District Council reserve the right to refuse to collect waste directly from a communal storage area that after inspection is deemed to be inappropriately positioned.

Communal bin store design





Typical plan view of communal bin store, incorporating:

- **Adequate space to move bins**
- **2m wide entrance**
- **Central drain**
- **Screening from view (with option of lockable gate)**

Drawings not to scale

5. INTERNAL STORAGE

To encourage recycling, convenient internal storage areas should be designed into each unit on a new development and ideally integrated into the kitchen design. Internal waste storage facilities will vary for each development depending on the size of the premises and the activities which take place on site. When considering the amount of room required, developers should include room for recycling containers as well as residual waste containers. This will enable occupants to segregate their waste into residual waste and recyclables, and to store it temporarily until transferring it to the external waste and recycling containers available.

6. GARDEN WASTE COLLECTION SERVICE

Residents in Mid Devon also have the option of subscribing to a garden waste collection service every two weeks. The option of a 240 litre wheeled bin for garden waste should be able to be accommodated within the design of the development. Consideration should be given to an individual storage area for this service if the householder is intended to have responsibility for their own garden. In the past, some developers have, in appropriate locations, allowed storage space for an individual home composter per household and provided the composter unit, to encourage residents to improve their own gardens without the need for extra transport of garden material.

7. BIN PROVISION

Please note that whilst the Council supplies recycling boxes and caddies for both kitchen and kerbside, it does not provide wheeled bins. Wheeled bins for residual waste may be purchased from the Council as an alternative to the use of black bags. Subscription charges for the garden waste collection service vary according to whether the householder requires a 240 litre or 140 litre wheeled bin or alternatively chooses to use 120 litre compostable sacks.

FINAL CHECKLIST

- Has space been allocated for refuse stores?
- Have the refuse collection points been checked and are the bin storage areas therefore correctly located?
- Can the bins be moved/accessed easily by the householder and the refuse collectors?
- Have the number of properties and number of bin spaces been specified?
- For communal schemes, has the number of bed spaces been specified?
- Has enough refuse and recycling capacity for the number of planned households been provided?






Applications that fail to meet these requirements are likely to be returned for amendment, have conditions placed on them, or risk refusal.

USEFUL CONTACTS

www.middevon.gov.uk

Mid Devon District Council 01884 255255

Appendix 1: Containers used through Mid Devon

Type of container	Typical number per household	Dimensions mm (height x width x depth)
<p>Wheeled Bin (240 litre) for garden waste</p> 	1	1100 x 585 x 740
<p>Residual Waste: Sufficient space for wheeled bin (up to 240 litre) for non-recyclable residual waste</p> 	1	1100 x 585 x 740
<p>Black/Green Box (55 litre) for recycling</p> 	Up to 4	350 x 585 x 390
<p>Kerbside food waste container (23 litre)</p> 	1	450 x 310 x 340
<p>Kitchen caddie for food waste</p>	1	205 x 250 x 190
<p>Communal wheeled bin (1100 litre)</p> 	Dependant on premises - refer to Section 4	450 x 310 x 340

Appendix 2



Consultation Statement

Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Local Planning) (England) Regulations 2012

Regulation 12

Draft Supplementary Planning Document (SPD) – Refuse storage for new residential properties

Scoping Consultation (July 2016)

The Council carried out an initial consultation on the scope and possible content of a new Supplementary Planning Document (SPD) which will include guidance on the design of waste and recycling storage in new residential properties. The consultation on the scope of the SPD took place from 23rd May – 18th July 2016.

The Council wrote to 3398 people on the Forward Planning Consultation database. These comprised:

- Mid Devon elected members
- Mid Devon parish/town councils

- Adjoining parishes, neighbouring local authorities and statutory groups (including specific and general consultation bodies)
- General consultation bodies and other consultees including database groups defined as individuals, businesses, landowners and voluntary organisations.

In addition the following methods were used to notify consultees:

- Press releases
- Newspaper notice
- Information on the Council’s website
- Social media updates

The Council invited people to make representations by post or email. A total of 9 valid responses were received. The following table sets out a summary of the main comments raised during the scoping consultation, along with a response explaining how these have been addressed in the draft Supplementary Planning Document:

Summary of Representation	Response
General Comments	
Supports the document. Any new residences must be able to accommodate all bins effectively.	Support noted.
The draft SPD only refers to ‘new builds’ and all existing properties have to make do with where they currently store waste.	Comments noted. The draft SPD aims to ensure that suitable waste and recycling storage is provided in all new residential development. There are no planning mechanisms the SPD can use to achieve this retrospectively.
Organisations & Public Bodies	
Devon County Council proposed that developers should be encouraged to	The draft SPD now includes a ‘policy background’ section which refers to the

<p>consider the adequacy of space for internal storage in kitchens and/or utility rooms to facilitate recycling and that the list of containers should include kitchen caddies for food waste. In addition the SPD should refer to other key sources of information such as paragraph 8 or the National Planning Policy for Waste, the Devon Waste Plan and the Waste Management and Infrastructure SPD.</p>	<p>National Planning Policy for Waste, the Devon Waste Plan and the Waste Management and Infrastructure SPD. In addition, the draft SPD now refers to internal storage areas stating that convenient internal storage areas should be designed into each unit on a new development. Details of kitchen caddies for food waste have been added to the list of containers used throughout Mid Devon.</p>
<p>Barratt David Wilson Homes c/o LRM Planning Limited stated that the SPD seeks to apply rigid standards whereas in certain instances, a pragmatic view point should be taken to ensure that a good quality layout is achieved.</p> <p>The first paragraph should read along the lines of <i>'An area of hardstanding should be provided, ideally in the back garden or courtyard, though if this is not feasible for reasons relating to design or layout, then storage to the front of properties is accepted under certain circumstances.'</i></p> <p>It was suggested that a paragraph is added to allow refuse storage to be provided within garages in the text on 'Individual, Detached or Semi-detached Properties'. The Parking SPD states that garages and car ports cannot be used for the parking of cars, thereby providing a convenient location for storage.</p> <p>Paragraph 3 of 'Individual, detached or semidetached properties' should read 'It is advantageous where possible, but not required, to provide an alcove.'</p> <p>It is also suggested that the second sentence of this paragraph be reworded to explicitly make clear that presentation of bins on a public highway (footway) on refuse collection day is permitted.</p> <p>First and fifth paragraph of 'Terraced Houses' – Paragraphs are considered</p>	<p>It is considered that the SPD as drafted requires the use of standards to give clarity of Mid Devon District Council's requirements. If the SPD was vaguer this would fail to give clarity to applicants. It is MDDC's clear preference that the area of storage is to the rear of properties and applicants would need to demonstrate exceptional circumstances to justify a different approach.</p> <p>The Waste SPD does not preclude garages being used for storage of refuse and recycling should occupants wish to do so. The Parking SPD does not state that garages and car ports cannot be used for the parking of cars; it states that garages and car ports will not count as parking spaces.</p> <p>Paragraph 3 of 'Individual, detached or semi-detached properties' states that 'it is advantageous for an alcove to be provided by the front gate so householders can place their bins out for collection' This is considered to be appropriate in stating the Council's clear preference but acknowledging that in some cases, a different approach may be required.</p> <p>The draft SPD already states that 'Mid Devon District Council requires householders to place their bins at the nearest point of the highway on collection day.'</p> <p>It is not considered that the first and fifth paragraphs are contradictory. The fifth paragraph states that 'In certain types of 'courtyard' style terrace</p>

<p>contradictory. If refuse storage can take place at the rear of the properties, as accepted in the fifth paragraph, then it must be considered acceptable that no front storage space of refuse need be provided.</p>	<p>developments, it may be more practical to provide communal refuse storage.’ This acknowledges that it may not be possible to fulfil the requirements of paragraph 1 in all types of terraced housing.</p>
<p>Devon and Cornwall Police highlighted that refuse storage is frequently an issue for the Police and made the following comments:</p> <ul style="list-style-type: none"> • Refuse storage moved under cover can become an arson risk. • Overflow can attract vermin, give and uncared for impression which may lead to disorder and crime. • Bins are commonly used as climbing aids to get on roofs. • Poor construction of bin storage leads to progressive damage. 	<p>Comments noted and understood. These issues are important and have led to the production of the draft SPD.</p>
<p>Natural England welcomed the opportunity to give their view but stated that the topic did not appear to relate to their interests to any significant extent.</p>	<p>Comments noted.</p>
<p>Parish & Town Councils</p>	
<p>Crediton Town Council welcomes the new Supplementary Planning Document but further consideration needs to be given to the increased space required inside a house for the sorting of recyclables prior to putting them out for collection.</p>	<p>Support noted. An additional section has been added to the draft SPD regarding internal storage areas. This states that convenient internal storage areas should be designed into each unit on a new development.</p>
<p>Willand Parish Council stated that all relevant matters have been considered and Councillors can think of no further guidance to be provided.</p>	<p>Support noted.</p>