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To: The Chair and Members

of the Development Management Committee County Hall Topsham Road

Exeter Devon EX2 4QD

Date: 29 August 2023 Contact: Julia Jones

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DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 6th September, 2023

A meeting of the Development Management Committee is to be held on the above date at 2.15 pm at Daw Room, County Hall to consider the following matters.

Donna Manson Chief Executive

AGENDA

PART 1 - OPEN COMMITTEE

- 1 Apologies for Absence
- 2 Minutes

Minutes of the Meeting held on 26 April 2023 (previously circulated)

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

MATTERS FOR DECISION

4 County Council Development - Teignbridge District: Erection of a community centre and general practice surgery and associated infrastructure provision for vehicle parking, cycle storage, EV charging bays, pedestrian and cycle routes and landscaped spaces, Land to the east of the A379, south of Ellacott Road and adjacent to the new Matford Brook Academy, Exeter (Pages 1 - 14)

Report of the Director of Climate Change, Environment and Transport (CET/23/61)

Electoral Divisions(s): Exminster &

Haldon

5 <u>County Matter: Waste - Establishment of a community composting scheme, Stone</u> Cutters Barn, Butterlake, Marldon, Paignton (Pages 15 - 28)

Report of the Chief Planner (CET/23/62)

Electoral Divisions(s): Dartmouth &

Marldon

OTHER MATTERS

6 <u>Delegated Action - Schedules and Summary</u> (Pages 29 - 32)

Report of the Chief Planner (CET/23/63)

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

Nil

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CET/23/61 Development Management Committee 6 September 2023

County Council Development

Teignbridge District: Erection of a community centre and general practice surgery and associated infrastructure provision for vehicle parking, cycle storage, EV charging bays, pedestrian and cycle routes and landscaped spaces, Land to the east of the A379, south of Ellacott Road and adjacent to the new Matford Brook Academy, Exeter

Applicant: Devon County Council Application No: DCC/4355/2923

Date application received by Devon County Council: 5 June 2023

Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

It is recommended that, subject to satisfactory resolution of surface water management issues, planning permission is granted subject to the conditions in Appendix 1 of this report (with the addition of any necessary conditions relating to surface water management and with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

2) Summary

- 2.1 This report relates to a planning application to construct two buildings to provide a community centre and general practice surgery on land forming part of the South West Exeter development.
- 2.2 It is considered that the main material planning considerations in the determination of the proposed development are planning policy considerations, site layout, design and materials, nature conservation, traffic and parking, surface water management and environmental and sustainability considerations.
- 2.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4355/2023 or by clicking on the following link: https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4355/2023.

3) The Proposal/Background

- 3.1 Outline planning permission [15/00708/MAJ] was granted by Teignbridge District Council in 2018 for land forming the major part of the South West of Exeter Urban Extension, to include residential development and a mix of other uses including community and educational buildings. Development is progressing with phased, construction of dwellings, while highway junction improvements, a cycle/pedestrian bridge and a new school have been constructed.
- 3.2 The site of the current application is located at the junction of Ellacott Road with the A379, with new residential properties to the north and the new school and associated sports facilities to the south and south-east. Immediately to the south-west of the site is a pedestrian and cycle path leading to the newly installed bridge over the A379. The land within the application site has been cleared and was used as the site compound for the bridge construction.
- 3.3 Ground levels within the application site generally slope from south-west to north-east, with differences across the site ranging between 5.75m and 8m. The path to the south-west leading to the bridge is at a significantly higher level, resulting in retaining walls facing the site.
- 3.4 The proposed development comprises two new buildings a community centre and a general practice surgery together with associated car and cycle parking, seating and planting areas, a community garden and bin storage. Vehicular access would be provided at the south-eastern corner of the site, while pedestrian and cycle access will also be available from Ellacott Road to the north.
- 3.5 The community centre would occupy the larger of the two buildings and would comprise two main pitched roof elements a two storey part facing Ellacott Road and a single storey structure to the south linked by a wedge-shaped flat-roofed infill structure. Facilities within the community centre would include a reception and office, community hall with rentable stores, smaller studio hall, community kitchen, multi-use foyer and café space, meeting rooms and toilet facilities. The building would be managed by Exminster Parish Council.
- 3.6 The general practice surgery will be managed by Ide Lane Practice and would comprise a single building with two storeys fronting Ellacott Road but with a single storey facing the parking and circulation area to the south. Facilities within the surgery building will include reception and manager's offices, waiting room, consulting rooms, staffroom and storage and utility rooms.
- 3.7 The two buildings share a common approach to external materials, with the two storey elevations facing Ellacott Road comprising dark brickwork for the lower floors and profiled metal sheeting in a brick red colour for the upper floors and roofs. For the rear part of the community building, a different approach is taken with vertical timber cladding for the walls and grey profiled metal sheeting for the roof. The rear elevation of the surgery building would also incorporate timber cladding for part of the structure.

3.8 External spaces include a lower plaza with cycle parking fronting Ellacott Road, linked by steps to the upper plaza from which access to each of the buildings would be achieved. The layout of the site has been designed for all ranges of mobility, with both the lower and upper plazas being accessible. The 3m difference in levels between the two plazas means that they are not directly linked for those users requiring a ramp, but an external lift is not viewed as being viable for insurance and maintenance reasons. The lower plaza can be accessed via a ramp from Ellacott Road and the upper plaza from the car park. Both buildings have lifts to the lower floors and access doors externally which offer a third option when the buildings are open. The parking area would have 29 parking bays, including six for disabled persons, and four electric vehicle charging points, together with further covered and uncovered cycle parking.

4) Consultation Responses

- 4.1 Teignbridge District Council (Planning): No response received.
- 4.2 <u>Exminster Parish Council</u>: Objection due to the exterior appearance of the community centre not being in keeping with the neighbouring area, contrary to the Neighbourhood Plan; insufficient car parking available; and not according with the provisions of the South West Exeter Development Framework and Neighbourhood Plan regarding a principal community building and indoor sports and leisure facilities.

The Parish Council also comment that the community centre is like a barn conversion or industrial unit; the timber cladding could create a maintenance issue; and the use of metal sheeting on the roof raises concerns over aesthetics, maintenance and noise disturbance.

- 4.3 National Highways: No objection.
- 4.4 Exeter Airport: No objection.
- 4.5 <u>DCC Highways</u>: No objection but recommend that a construction environmental management plan is required.
- 4.6 <u>DCC Historic Environment</u>: No comment as the development lies within an area where archaeological investigations have been completed.
- 4.7 <u>DCC Ecology</u>: No objection subject to a condition requiring a Construction Environmental Management Plan to address potential impacts from surface water runoff, dust and water pollution and to make provision for species protection.
- 4.8 <u>DCC Flood Risk</u>: Further information is required on the arrangements for surface water management to demonstrate that flows can be managed in conjunction with the wider development.

5) Advertisement/Representations

5.1 The application was advertised in accordance with the statutory publicity arrangements by means of site and press notices. As a result of these procedures, no responses have been received.

6) Planning Policy Considerations

6.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 7.

6.2 Teignbridge Local Plan (adopted May 2014)

Policies S1 (Sustainable Development Criteria); S2 (Quality Development); S5 (Infrastructure); S6 (Resilience); S7 (Carbon Emission Targets); S9 (Sustainable Transport); EN3 (Carbon Reduction Plans); EN8 (Biodiversity Protection and Enhancement); EN9 (Important Habitats and Features); EN10 (European Wildlife Sites) and SWE1 (South West of Exeter Urban Extension).

6.3 <u>Exminster Neighbourhood Plan</u> (made March 2015)

Policies EXM1 (Community Sports & Leisure Facility) and EXM3 (Quality of Design).

- 6.4 Other material planning considerations include:
 - National Planning Policy Framework;
 - Planning Practice Guidance;
 - South West Exeter Development Framework; and
 - Proposed Submission Teignbridge Local Plan.

7) Comments/Issues

7.1 It is considered that the main material planning considerations in the determination of the proposed development are planning policy considerations, site layout, design and materials, nature conservation, traffic and parking, surface water management and environmental and sustainability considerations.

Planning Policy Considerations

7.2 Policy S5 of the Teignbridge Local Plan highlights the importance of infrastructure provision for the growth of sustainable communities, while Policy SWE1 requires that the South West of Exeter Urban Extension should include "a range of community buildings well related and accessible to all, including a

- multi-purpose community/sports building...[and] health...provision". Exminster Parish Council has referred to the need for a community sports and leisure facility in the context of Policy EXM1 of the Neighbourhood Plan.
- 7.3 The community centre and surgery proposed in this application will form part of a wider hub complex with the Matford Brook school and proposed retail floorspace, with good accessibility by a range of means including the adjacent pedestrian and cycle route. The site's corner location and topography will lead to the facilities acting as a focal point within the community. It is therefore considered that the proposals meet the locational requirements of Policy SWE1.
- 7.4 The main hall within the proposed community centre building would extend to 180m² and has been designed for community events and activities, including floor-based activities such as dance, yoga and circuit training, but the internal height does not allow for ball or racquet sports. A smaller 100 m² studio is also proposed at the lower level with external access. While the Neighbourhood Plan includes reference to a '4-court multi-use sports hall', it appears to conclude that the cost of such a facility would be beyond the scope of available funding. However, the new school adjacent to the application site includes a sports hall and outdoor pitches that are required to be made available for community use through a community use agreement to be approved by Teignbridge District Council in consultation with Sport England.
- 7.5 Given the availability of community sports facilities within the adjacent school, the proposed facilities within the community building, together with provision of a surgery, the proposal is considered to accord with the requirements of Policies S5 and SWE1 of the Local Plan and to reflect the aspiration of Policy EXM1 of the Neighbourhood Plan.

Site Layout, Design and Materials

- 7.6 Policy S2 of the Local Plan seeks the delivery of high-quality design "to support the creation of attractive, vibrant places", with designs that respond to site characteristics, create attractive and accessible public spaces and use materials appropriate to the area. These requirements are reflected in Policy EXM3 of the Neighbourhood Plan which envisages the urban extension having "its own distinctive neighbourhood identity and reflect local traditional building materials".
- 7.7 This report referred earlier to the site's sloping topography, and the application has responded to this by creating a strong two-storey frontage on the lower part of the site fronting Ellacott Road, with single-storey elements providing the main entrance areas to both buildings on the higher part of the site alongside the parking area. The two-storey massing extends to the end elevations of the community building, creating a focal point at the junction of Ellacott Road and the A379 that complements the tall residential building on the other side of Ellacott Road.

- 7.8 The palette of external materials for the Ellacott Road frontage, including brick red metal cladding and dark brickwork, will create a modern and distinctive appearance that befits the important functions of these buildings, while achieving a degree of consistency with walling and roofing materials being used for nearby residential properties. On the smaller-scale southern elevations that will be the main arrival points for users of the buildings, contrasting timber cladding is used to give a more natural feel.
- 7.9 Exminster Parish Council has questioned the design of the buildings and choice of materials in terms of aesthetics, maintenance and noise. In response, the applicant has made the following observations:
 - the proposed materials are on the muted scale and of high quality, and have been chosen for their sustainable credentials and longevity;
 - the chosen timber cladding has a lifespan of 60 years and is sourced from Scotland, and can be supplied with a coating that accelerates the rate of weathering if a lighter appearance is preferred;
 - buildings of this type are large volumes and require rhythm to their elevations and clear elements to the façade, so the timber cladding adds a depth and texture to the façade in contrast to the horizontal texture of the lower level brickwork;
 - the mass of the building is broken at first floor level with vertical red cladding or timber cladding above the brick plinth, and the design is not considered to be 'barn like' or 'industrial' but uses high quality materials and detailing to provide a piece of modern architecture; and
 - the metal cladding to the roof has a vented void above 500mm of insulation, with a ceiling void and acoustic ceiling below, and the roof will therefore meet BS8233 for noise reduction.
- 7.10 It is considered that the proposal represents a high quality of design and materials that will ensure the new buildings contribute positively to the new urban extension, and that the development meets the requirements of Policies S2 and EXM3.

Nature Conservation/Habitats

- 7.11 Local Plan Policies EN8 to EN12 collectively provide for protection and enhancement of biodiversity, including European wildlife sites such as the Exe Estuary [Ramsar, Special protection Area and Site of Special Scientific Interest] and other designated sites.
- 7.12 The application site is an unvegetated working construction site with no habitat present, but it is 1.6km from the Exe Estuary with the potential for surface water runoff to cause harm if not properly controlled. However, the application includes a drainage strategy that includes use of an attenuation basin within the wider urban extension, and runoff during the construction

- process can be addressed through a condition requiring submission of a construction environmental management plan.
- 7.13 Although the baseline biodiversity of the application site is zero, the application proposes to achieve net gain through the creation of new habitat in the form of hedgerows, tree and shrub planting and wildflower and amenity grassland, together with bat and bird boxes and invertebrate bricks.

 Together, these measures will meet the requirement of Local Plan Policy EN8 for net increases in biodiversity.

Highways/Car Parking/Traffic Issues

- 7.14 Infrastructure works undertaken through the Housing Infrastructure Fund have delivered a new signal-controlled junction on the A379 to provide access to this part of the urban extension, together with a cycle and pedestrian bridge to link new development on either side of the A379.
- 7.15 Vehicular access to the proposed buildings will be from an existing road to the south-east of the site that also provides access to the new bridge and school. Access for pedestrians and cyclists will also be available from Ellacott Road on the northern frontage of the site, increasing accessibility for those modes. A travel plan is provided which proposes measures to manage travel by staff and users of the proposed facilities and to encourage non-car travel.
- 7.16 Exminster Parish Council has objected on grounds of insufficient car parking. The application proposes the provision of 29 car parking spaces, including six spaces for disabled drivers and three with electric vehicle charging points. This level of provision accords with the approach of the outline planning application for the urban extension, which assumed the provision of one car parking space per 40m² of new floorspace.
- 7.17 Given that the facilities are intended to serve residents of the development within which the site sits and that a high level of accessibility for non-car modes will be achieved, the proposed level of car parking is considered to be appropriate. The opportunity exists for the purchase of adjoining land to provide additional car parking if the need arises in the future.

Surface Water Management

- 7.18 Policy EN4 of the Teignbridge Local Plan presumes against development that would cause pollution as a result of inadequate provision of surface water drainage and requires that regard is had to the need for surface water drainage systems and use of sustainable drainage systems.
- 7.19 Ground investigations have shown that the application site is not suitable for infiltration techniques due to groundwater levels, the shallow bedrock and the sloping nature of the site, but a drainage blanket is proposed beneath the car park to slow surface water flows. It is proposed that surface water be pumped to a point of connection to the south-east of the site, from where a gravity network outfalls into the Church Brook via an attenuation basin. An

- alternative connection downstream of the site was investigated, but that system has been designed with a smaller capacity than would be required to accommodate the application site.
- 7.20 Clarification on arrangements for the management of surface water have been sought from the applicant and any further information, together with any additional conditions that may be required, will be reported at the meeting.
 - Sustainability and Environmental Considerations (Including Climate Change)
- 7.21 Paragraph 152 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. Policies S7 and EN3 of the Teignbridge Local Plan also address carbon emissions and reduction. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 7.22 The planning application is accompanied by a carbon reduction plan that demonstrates that the proposed development meets the requirements of Policies S7 and EN3 through a range of measures including:
 - use of glazing to reduce internal lighting loads;
 - use of natural ventilation prioritised as far as practicable;
 - thermal modelling to demonstrate compliance with relevant standards;
 - incorporation of energy monitoring into the mechanical and electrical design; and
 - use of photovoltaic panels on the southern elevations of the community centre hall and surgery for on-site electricity generation.

8) Strategic Plan

8.1 The proposed community building and surgery will contribute to the priorities of the County Council's Strategic Plan in terms of improving health and wellbeing and helping communities be safe, connected and resilient.

9) Financial Considerations

9.1 The proposal raises no financial implications for the Council in its role of county planning authority.

10) Legal Considerations

10.1 This proposal has been managed in accordance with statutory requirements and there are no specific legal considerations.

11) Equality Considerations

11.1 Regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty. Given the nature of the proposal and the measures within the recommended conditions, it is considered that no adverse impacts on persons with protected characteristics would occur.

12) Risk Management Considerations

12.1 This proposal has been managed in accordance with statutory requirements and no risks to the Council in its role of county planning authority are considered likely to arise.

13) Reasons for Recommendation/Alternative Options Considered

- 13.1 The Committee has the option of approving, deferring or refusing this planning application.
- 13.2 In conclusion it is considered that the proposed development will meet the requirements of the Teignbridge Local Plan for delivery of community and health facilities for the South West of Exeter urban extension in an accessible and focal location. The proposed layout and building design are appropriate to the topography and context of the site. It is therefore considered that planning permission should be granted.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Division: Exminster & Haldon

Local Government Act 1972: List of background papers

Background Paper: Casework File

Date: June 2023

File Reference: DCC/4355/2023

Contact for enquiries:

Name: Barnaby Grubb Telephone: 01392 382434

Address: 120, County Hall, Exeter

bg140823dma

sc/cr/community centre gp surgery A379 Ellacott Road Matford Brook Academy

Exeter 02 250823

Location Plan 0 10m 25m 1:1250 © Ellacott Road DEVON COUNTY COUNCIL ROUTH WEST EXETER COMMUNITY HUB THE LOCATION PLAN 1:1250 Architect 109694 SWN-XX-XX-DR-A-0101 P1 Planning Approval

Site Plan

To CET/23/61



Appendix 1 To CET/23/61

Planning Conditions

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/titled:
 - Proposed Site Plan SWN-XX-XX-DR-A-0102 rev P01
 - GA Floor Plans SWN-CC-XX-DR-A-0200 rev P05
 - GA Plans Floor and Roof SWN-DS-XX-DR-A-0210 rev P07
 - Proposed Site Sections SWN-XX-XX-DR-A-0301 rev P01
 - Community Centre Proposed Elevations 1 of 2 SWN-CC-XX-DR-A-0400 rev P02
 - Community Centre Proposed Elevations 1 of 2 SWN-CC-XX-DR-A-0401 rev P02
 - Proposed Elevations SWN-DS-XX-DR-A-0410 rev P04
 - Proposed External Works Plan SWN-ZZ-00-D-L-800 rev P04
 - Proposed Planting Plan SWN-ZZ-00-D-L-801 rev P01
 - External Lighting Layout EBS045-EBS-ZZ-XX-DR-E-700001 rev P04
 - Design and Access Statement rev A (South West Norse, May 2023)
 - Ecological Impact Assessment (GE Consulting, May 2023)
 - Wildlife and Geology Trigger Table
 - Biodiversity Metric 4.0 Calculation Tool
 - Landscape & Ecology Management Plan (South West Norse, May 2023)
 - Phase I Environmental Desktop Report (John Grimes Partnership, January 2023)
 - Transport Statement (Vectos, May 2023)
 - Travel Plan (Vectos, May 2023)
 - Carbon Reduction Plan (Melin, May 2023)
 - TDC Policies S7 and EN3 Demonstration Calculator
 - Drainage Statement (South West Norse, May 2023)
 - Foul Drainage Assessment Form

unless otherwise provided for by the conditions below.

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

- 3. No development shall be commenced until a Construction Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall include:
 - (a) a timetable of the works;

- (b) daily hours of construction;
- (c) any road closure(s);
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays, with no such vehicular movements taking place on Sundays and Bank/Public Holidays;
- (e) the numbers and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes unless prior written agreement has been given by the County Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works;
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (I) the proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) details of the amount and location of construction worker parking;
- (n) photographic evidence of the condition of the adjacent public highway prior to commencement of any work;
- (o) measures to prevent potential impacts from surface water runoff, water pollution and dust causing harm to nearby sensitive habitats; and
- (p) measures to ensure that drainage systems and other excavations are designed to prevent negative impacts on species including badgers, hedgehogs and amphibians.

REASON: To ensure that construction is undertaken without harm to highway safety, residential amenity and biodiversity in accordance with Policy S1 of the Teignbridge Local Plan.

- 4. No construction of fencing, cycle parking or bin storage shall be undertaken unless the prior written approval of the County Planning Authority has been obtained to details of their location, materials and appearance.
 - REASON: To ensure that the development is of high quality and makes a positive contribution to the character and appearance of the area in accordance with Policies S1 and S2 of the Teignbridge Local Plan.
- 5. The facilities for the parking of cars and cycles approved by this planning permission shall be provided prior to the proposed buildings first being brought into use and shall be maintained thereafter.

REASON: To ensure the availability of sufficient parking facilities for users of the proposed buildings in accordance with Policies S1, S2 and S9 of the Teignbridge Local Plan.

6. The new planting shown on the drawings approved by Condition 2 shall be implemented during the first planting season following completion of construction of the proposed buildings.

REASON: To ensure the timely completion of landscaping to integrate the proposed buildings within the surrounding environment in accordance with Policy S2 of the Teignbridge Local Plan.

CET/23/62 Development Management Committee 6 September 2023

County Matter: Waste

Establishment of a community composting scheme, Stone Cutters

Barn, Butterlake, Marldon, Paignton

Applicant: Marldon Community Composting

Application No: 1990/23/DCC

Date application received by Devon County Council: 1 June 2023

Report of the Chief Planner

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

Recommendation: It is recommended that planning permission is granted subject to the conditions set out in Appendix 1 of the report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

2) Summary

- 2.1 This report relates to the establishment of a community compost scheme to which local residents can bring their organic garden waste in Marldon.
- 2.2 It is considered that the main material planning considerations in the determination of the proposed development are the principle and need of development, highways impact, impact on neighbours and sustainability.
- 2.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4348/2023 or by clicking on the following link: https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4348/2023.

3) The Proposal/Background

3.1 Stone Cutters Barn is located at the northern edge of Marldon Village, with the barn and surrounding land being owned by the National Trust, who lease them to a local farmer. Both parties have given written permission and support for the use of the land around the barn for a 12 months period. The application site is approximately 276m² in area and comprises scrubby grassland which is strimmed and mown occasionally in the summer months. Access to the site is by a five-bar gate from Love Lane.

- 3.2 The nearest residential properties are approximately 25 metres to the east of the site on the opposite side of Love Lane. The northern boundary of the site is adjacent to an agricultural field, while the western boundary is adjacent to Marldon community allotments. A public house and its car park are sited to the south of the site, separated by a small track serving the allotments.
- 3.3 The application proposes to establish a community composting scheme for the village of Marldon. It will provide a place where local residents can bring their organic garden waste (such as grass and hedge clippings, weeds and old plants) to be processed into soil improver and compost. It will involve the construction of four bays on the south-western boundary of the site. The bays will be constructed of timber, be 1.5 metres in height, sitting below an existing wall which is approximately 1.6 metres high. The scheme will be operated by Marldon Community Composting whose volunteers will collect materials from members of the public at the gate of the site, as the public will not be allowed to enter the site. Any unsuitable material will be refused and returned to the member of the public. Signage will be visible to instruct visitors on the operation of the site and inform what type of material is suitable. The site intends to operate twice a week, once on a Sunday afternoon 3-5pm and once on a weekday (to be decided) 3-5pm.
- 3.4 Only garden waste will be accepted on site with the materials stockpiled, sorted, and shredded in the bays then placed into a compost bay mixed 50/50 green/brown materials. The process of composting is anaerobic digestion which is dry. The compost material will then be chipped, sieved, and turned during the composting process. The final product will be returned to the public upon collection as the volunteers will record the postcode of the member of the public, in a record kept onsite, when the waste is initially dropped off. If litter or other materials are discovered as part of the process, these will be deposited into a grey waste or recycled if appropriate.
- 3.5 The application proposes that the pub car park, adjacent to the site, will be used by members of the public to park and walk their waste to the gate of the site. The current owners of the pub have given permission for the site to utilise the car park during its closed times. Alternatively, there is a public car park 34 metres south of the site.

4) Consultation Responses

- 4.1 South Hams District Council (Planning): No objection subject to the following:
 - the gravelled area should be close to the entrance providing a dual function of vehicle manoeuvring and bagging area without disturbance of the grassed area within the site;
 - no details of the height of the composting bins are given, they should be less than the height of the wall;
 - no details are given for the use of the north-western section of the site. If open storage of garden waste, then height restriction is necessary;
 - not keen on grasscrete as suggested by the plan especially if the use is for a temporary period;
 - it would be better to store wheelbarrows in a screened section of the site;

- hours of operation need to be controlled; and
- the shed should not the Root Protection Zone of any existing trees/shrubs.
- 4.2 <u>Marldon Parish Council</u>: Objection on the following grounds:
 - unloading of vehicles may cause blockage or delay;
 - fly tipping as site may fill up quickly due to its small size;
 - possible odour from the site negatively impacting the neighbours;
 - noise concerns from potential machinery used on site; and
 - concerns over the site being used for trade waste rather than domestic.

Following further information from the applicant, the Parish Council felt that the objection should still stand, especially as concerns of Highways regarding the suitability of the site have not been resolved.

- 4.3 <u>Environment Agency</u>: No objection.
- 4.4 <u>RSPB:</u> The RSPB has no objection to the proposal. They recommend however that the hedge on site is not directly affected by the proposed bays and storage of materials for composting (so that the proposed activities do not directly impact on any birds that may nest in the hedge).
- 4.5 DCC Road Safety: No objection.
- 4.6 <u>DCC Highways</u>: No objection subject to the following conditions:
 - a temporary permission of three years to allow for any traffic to be monitored and reviewed; and
 - the facility shall not operate unless parking at the Church House Inn is available for use by the public.

DCC Highways had originally recommended refusal as the proposed development does not make adequate provision for the parking of vehicles within the site and would therefore be likely to encourage parking on the highway, with consequent additional danger to all users of the road.

4.7 <u>DCC Ecology</u>: No objection.

5) Advertisement/Representations

- 5.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures one objection was received from a neighbouring property in relation to:
 - opening times of the composting site conflicting with other events in the village that use the pub and village car parks;
 - possible fly-tipping; and
 - noise levels, especially if the shredder is used for long periods at a time.

6) Planning Policy Considerations

- 6.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 7.
- 6.2 <u>Devon Waste Plan 2011-2031</u> (adopted December 2014)
 - Policies W3 (Spatial Strategy); W5 (Reuse, Recycling and Materials Recovery); W17 (Transportation and Access) and W18 (Quality of Life).
- 6.3 <u>Plymouth and South West Devon Joint Local Plan 2014-2034</u> (adopted March 2019)

Policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); TTV2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light) and DEV20 (Place shaping and the quality of the built environment).

Other material planning considerations include:

- National Planning Policy Framework
- National Planning Policy for Waste
- Planning Practice Guidance
- Plymouth and South West Devon Supplementary Planning Document.

7) Comments/Issues

7.1 It is considered that the main material planning considerations in the determination of the proposed development are the principle and need of development, highways impact, impact on neighbours and sustainability.

Need and Principle of Development

7.2 The application seeks to create a small community composting site to serve the village of Marldon. While South Hams District Council charges £49 per year per household for the optional collection of green waste, the alternative at present is for residents to travel to a green waste recycling centre in Paignton. The proposed scheme will therefore provide an opportunity for the residents to dispose of their green waste locally with no fee. Additionally, the compost produced by the scheme will be distributed to the local community. As the composting facility will serve and be located within Marldon, it is supported by Policies W3 (Spatial Strategy) and W5 (Reuse, Recycling and Materials Recovery) of the Devon Waste Plan.

7.3 Additionally, the composting scheme will provide a service and community facility for Marldon, a rural community. This is in line with Plymouth and South West Devon Joint Local Plan Policies SPT 1 (Delivering sustainable development), SPT 2 (Sustainable linked neighbourhoods and sustainable rural communities) and TTV2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area).

Car Parking/Traffic Issues

- 7.4 The application site does not contain parking and visitors are expected to use the adjacent pub's car park to park and unload their waste. The current owners of the pub have given the applicants permission to use the car park when the pub is closed and, therefore, the proposed site's opening hours will be twice a week on Sundays from 3-5pm and a single weekday from 3-5pm as not to conflict with the pub's opening times. It is possible that the ownership of the pub may change, with new owners potentially not giving permission for the use of the car park; however, a public car park is located 34 metres south of the site, meaning that members of the public would have to cross the road, which is a single lane, to drop off their waste.
- 7.5 It is considered that the village car park is an appropriate size and distance from the site for members of the public to utilise the site. Additionally, due to the small size of the scheme, it is considered that there will be few users accessing the site at the same time. In addition to this, Marldon Community Composting and the landlord of the Church House Inn have signed a memorandum of agreement. The agreement is for a period of 12 months on a trial basis, renewable annually thereafter. The agreement states that Marldon Community Composting can only use the car park outside the pub's opening times. The car park will be supervised at all times during the composting group's usage.
- 7.6 A condition is proposed to ensure that the composting site will only operate whilst they have permission to use the pub car park. This is to limit the impact on the capacity of Love Lane as supported by Policy W17 (Transportation and Access) of the Devon Waste Plan.
- 7.7 As highlighted by DCC Highways, there is a risk of members of the public pulling up to the gate to drop their waste off, subsequently blocking the road. However, the applicant has confirmed that volunteers on site will be present at the entrance gate to tell the public to park prior to dropping off waste. It is considered that the site will be sufficiently monitored to direct users to the use of the car park to prevent traffic issues. DCC Highways are satisfied that appropriate conditions will address their concerns.
- 7.8 Additionally, DCC Highways suggested creating a tarmacked parking/turning area within the site to allow for cars to access the site. However, it is considered that there will be a visual impact of a tarmac parking/turning area on the setting of the barn within the site. Additionally, as the applicant currently has permission to use the site for 12 months, creating a tarmacked area is seen as unnecessary.

7.9 A condition is suggested to grant the site temporary planning permission for three years to assess how the site operates and if any traffic issues are generated. This in turn will impact any decisions to extend planning permission in the future if the applicant was to apply. Consideration of movement and ensuring equal access to the site and village is in line with Policy DEV20 (Place shaping and the quality of the built environment) of the Plymouth and South West Devon Joint Local Plan and Policy W17 (Transportation and Access) of the Devon Waste Plan.

Proximity to Residential Properties

- 7.10 The parish council and a representation raised concerns over the use of the machinery on site and the subsequent impact on the neighbours. The proposal plans to use a shredder but this would be limited to twice a month during peak times of the year. To reduce the impact of the noise, the shredder will be located to the north of the site, allowing the barn to limit noise disruptions to the neighbouring houses on Love Lane.
- 7.11 Whilst shredding operations may impact on neighbours' amenity this would be limited as it would be only an occasional activity and would be further mitigated by the imposition of a planning condition limiting the use of the shredder to appropriate hours. With this mitigation it is considered that the development is in accordance with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan as well as Policy W18 (Quality of Life) of the Devon Waste Plan.

Other Environmental Considerations (Including Climate Change)

- 7.12 Paragraph 152 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 7.13 The proposal will create compost from the local community's green waste. Therefore, it will reduce the amount of green waste going to landfill as well as give back to the community in the form of compost. The proposal aims to encourage the local community to use the compost to grow produce in their gardens to reduce journeys to supermarkets. The delivery of compost to a local site would also reduce the number of trips to the nearest Household Waste Recycling Centre.

8) Strategic Plan

8.1 The development will result in the effective use of resources by re-using green waste to create compost that will be given back to the community, which aligns with the themes of the Strategic Plan of 'making Devon greener' and 'supporting people and communities'.

9) Financial Considerations

9.1 The proposal raises no financial implications for the Council.

10) Legal Considerations

10.1 This proposal has been managed in accordance with statutory requirements and there are no specific legal considerations.

11) Equality Considerations

11.1 Regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty. Given the nature of the proposal (including the applicant's intention to provide assistance to members of the public) and the measures within the recommended conditions, it is considered that no adverse impacts on persons with protected characteristics would occur.

12) Risk Management Considerations

12.1 This proposal has been managed in accordance with statutory requirements and no risks to the Council are considered likely to arise.

13) Reasons for Recommendation/Alternative Options Considered

- 13.1 The Committee has the option of approving, deferring or refusing this planning application.
- 13.2 In conclusion it is considered that, with the proposed conditions, traffic and noise impacts would not cause undue harm. The development will provide a composting facility to serve the local community of Marldon which is in accordance with the policies of the development plan for the area and it is therefore considered that conditional planning permission be granted.

Mike Deaton

Chief Planner

Electoral Division: Dartmouth & Marldon

Local Government Act 1972: List of background papers

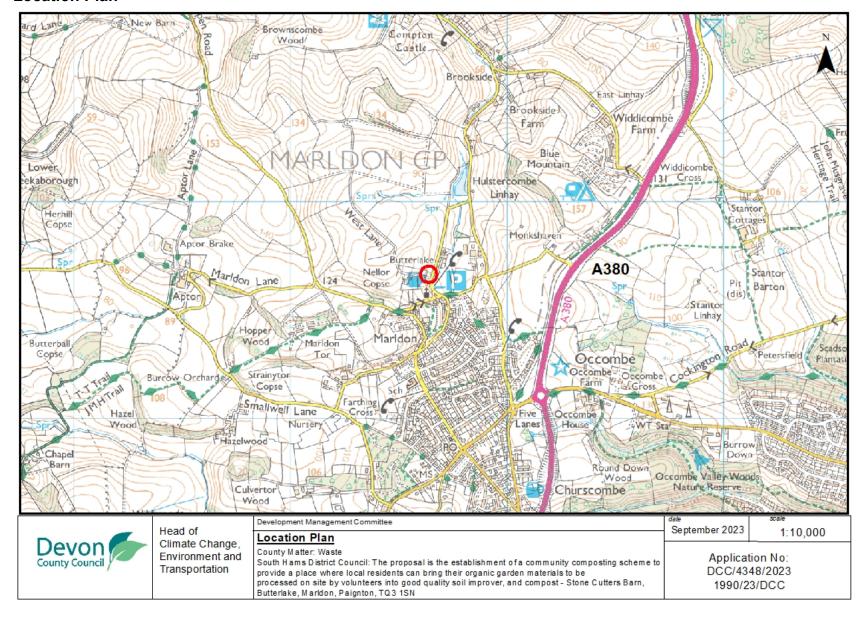
Background Paper Casework File:

Date: June 2023

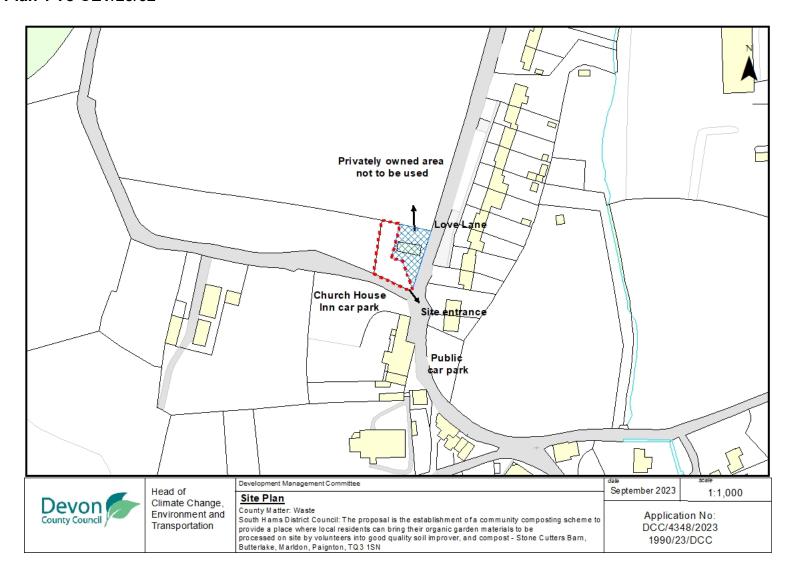
File Reference DCC/4348/2023

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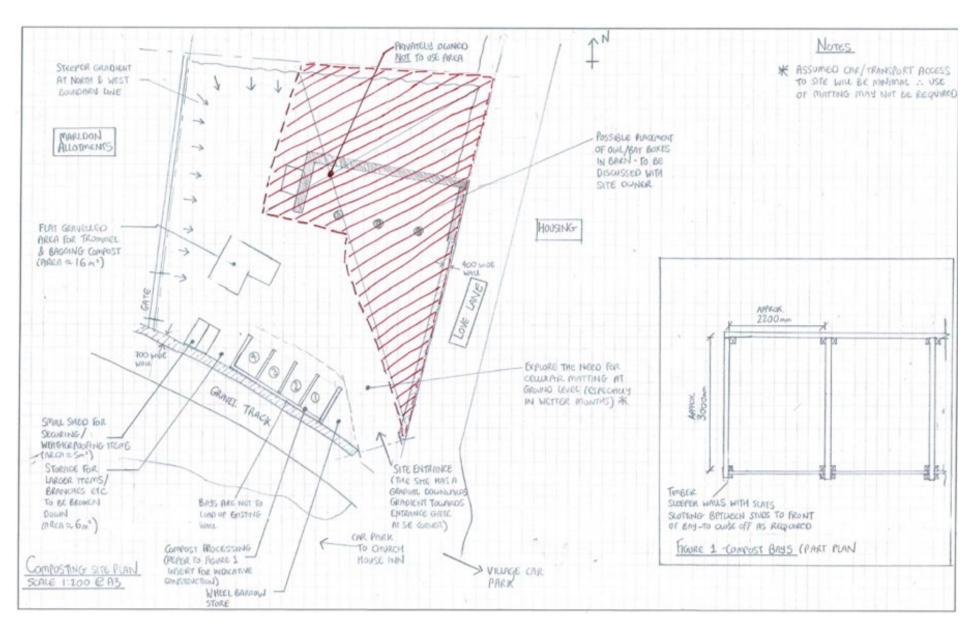
Location Plan



Site Plan 1 To CET/23/62



Site Plan 2



Appendix 1 To CET/23/62

Planning Conditions

STANDARD COMMENCEMENT

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.

TEMPORARY PERMISSION

2. The deposit of waste shall cease no later than 6th September 2026, and the site shall be restored in accordance with Condition 7 by 31st December 2026.

REASON: To enable the waste planning authority to assess the impacts of the development in accordance with Policy W17 (Transportation and Access) of the Devon Waste Plan.

STRICT ACCORDANCE WITH PLANS

- 3. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered, except as varied by the conditions below:
 - Location Plan
 - Site Plan SK01
 - Planning and Waste Statement

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

CAR PARKING

4. The facility shall not operate unless parking at the Church House Inn is available for use by the public.

REASON: To minimise the impact of the development on the local road network in accordance with policy W17 (Transportation and Access) of the Devon Waste Plan.

HOURS OF OPERATION

5. Delivery of green waste and export of finished compost shall only take place between the hours of 15:00 to 17:00 on Mondays to Sundays.

REASON: To minimise the impact of the development on the local residents in accordance with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan and W18 (Quality of Life) of the Devon Waste Plan.

MACHINERY HOURS OF OPERATION

- 6. The use of the shredder shall not take place other than between the hours of:
 - a) 09:00 to 17:00 on Mondays to Fridays; and
 - b) 09:00 to 12:00 on Saturdays,

for a maximum of two times in any single calendar month.

REASON: To minimise the impact of the development on the local residents in accordance with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan and W18 (Quality of Life) of the Devon Waste Plan.

GREEN WASTE ONLY

7. The development shall only be for the composting of green waste*.

REASON: To protect the local environment and living conditions of local residents, in accordance with policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan as well as W18 (Quality of Life) of the Devon Waste Plan.

* Note: 'Green Waste' shall refer to any plant waste which has not previously been altered in any form except by being shredded. It does not include vegetable-based kitchen waste.

RESTORATION

8. The development hereby approved shall be wholly removed from the site and the land shall be restored to its former condition in accordance with the timescale in Condition 2.

REASON: To ensure effective restoration of the site to minimise the impact on Marldon in accordance with policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan and policy W18 (Quality of Life) of the Devon Waste Plan.

Delegated Schedule – 6 September 2023 - Summary

District	Location	Application Number	Proposal	Electoral Division	Decision
Teignbridge District Council	RV10, Babcombe and Sands Copse, Fosterville, Newton Abbot, Devon, TQ12 3GP	DCC/4322/2022	Variation of Condition 32 (Detailed Restoration and Aftercare Scheme) of planning permission 2001/2914/23/09 to amend the approved restoration scheme for RV10	Kingsteignton & Teign Estuary	Conditional Approval
South Hams District Council	Land at Hemerdon Mine, South Devon, PL7 5BS	DCC/4328/2022	Construction of temporary demonstration plant for High-Density Hydro Pumped Energy Storage	Bickleigh & Wembury	Conditional Approval
Teignbridge District Council / Exeter City Council	Matford Home Farm, Matford Mews, Matford, Devon, EX2 8XT	DCC/4330/2022	Construction of a spine road, vehicular turning head, drainage attenuation basin, surface water drainage outfall to the Matford Brook, foul drainage sewer, utility diversions and landscaping	Exminster & Haldon/Alphington & Cowick	Conditional Approval
Teignbridge District Council	Zig Zag Quarry, Aller Brake Road, Newton Abbot, Devon, TQ12 5FN	DCC/4339/2023	Importation of inert waste for the purpose of filling the void as part of the restoration scheme following the future cessation of quarrying activities	Ipplepen & The Kerswells	Conditional Approval
North Devon District Council	Braunton School And Community College, Barton Lane, Braunton, Devon, EX33 2BP	DCC/4340/2023	Construction of new six classroom teaching block, new cycle parking, and associated external works	Braunton Rural	Conditional Approval
Torridge District Council	West Croft School, Coronation Road, Bideford, Devon, EX39 3DE	DCC/4345/2023	An upgrade to the lower roof with a new High Performance StressPly Flex Warm Roof System, including new insulation to raise the U-Value to .18, the current value for	Bideford West & Hartland	Conditional Approval

District	Tict Location Application Proposal Number		Electoral Division	Decision	
			refurbishment, whilst upgrading all detail areas. This incorporating tapered insulation to various areas to improve the overall roof fall. It is also the intention to overlay the existing higher roof with a Dura Coat system extending the current lifespan of the roof. All existing rooflights to be replaced with new units by a Garland Approved Manufacture to conform to current standards.		
Teignbridge District Counc	West Wheatley Farm, Westwood Lane, Longdown, Exeter, EX6 7RX	DCC/4346/2023	Change of use of land to a waste transfer facility, external alterations to an existing agricultural building, creation of a concrete hardstanding, access track improvements, earthworks to create external parking and Devon hedge banks and associated landscaping and drainage (retrospective)	Exminster & Haldon	Conditional Approval
Mid Devon District Counc	Copplestone County Primary School, Road From Bewsley Hill To Elston Cross, Copplestone, Devon, EX17 5NX	DCC/4349/2023	Removal and disposal of existing 1no. conservatory structures to accommodate 1no. new enclosed outdoor canopies, making good to underlying tarmacadam surface. To Manufacture, deliver and install 1no. extruded aluminium frame enclosed outdoor canopy (GD.0078) (6780 x 5800mm) with fully glazed with TSG or 5.0mm Clear Polycarbonate glazing, opaque skybond panels and 1no. Roller shutter door.	Crediton	Conditional Approval
Teignbridge District Counc	Kenbury Wood Waste Transfer Station, Road To Westfield, Kennford, Devon, EX6 7XD		Erection of a storage building	Exminster & Haldon	Conditional Approval

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District	Location	Application Number	Proposal	Electoral Division	Decision
South Hams District Council	Higher Challonsleigh, Biogas Anaerobic Digester Plant, Challonsleigh To New Park Road, Lee Mill, Devon, PL7 5AY	DCC/4351/2023	Variation of condition 6 of planning permission DCC/4184/2020	Bickleigh & Wembury	Conditional Approval
South Hams District Council	Higher Challonsleigh, Biogas Anaerobic Digester Plant, Challonsleigh To New Park Road, Lee Mill, Devon, PL7 5AY	DCC/4352/2023	Variation of condition 5 of planning permission DCC/3811/2015	Bickleigh & Wembury	Conditional Approval
North Devon District Council	Shirwell Community Primary School, Road From Shirwell Cross To The Old Rectory, Shirwell, Devon, EX31 4JT	DCC/4353/2023	Replace various windows and doors to Block 01	Combe Martin Rural	Conditional Approval
North Devon District Council	Brayford Quarry, Brayford, near Barnstaple, Devon, EX32 7QD	DCC/4354/2023	Variation of condition 4 of planning permission DCC/4291/2022 to enable the asphalt plant to operate outside of the approved operating hours (specifically to permit night time working)	South Molton	Conditional Approval
Mid Devon District Council	Hillhead Quarry, Uffculme, Cullompton, EX15 3EP	DCC/4360/2023	Prior approval under Part 17 Class B for the Installation of a Proposed Ready-Mix Concrete Batching Plant	Willand & Uffculme	Conditional Approval