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To: The Chair and Members
of the Development
Management Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 16 April 2024

Contact: Julia Jones, email -
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380547

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 24th April, 2024

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

Donna Manson
Chief Executive

A G E N D A


PART 1 - OPEN COMMITTEE

1 Apologies for Absence

2 Declarations of Interest

Members of the Council will declare any interests they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

The other registrable interests of Councillors of Devon County Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.

For details of District and or Town and Parish Twin Hatters – please see here  [A list of county councillors who are also district, borough, city, parish or town councillors](#)

3 Minutes

Minutes of the Meeting held on 6 December 2023 (previously circulated)

4 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

5 County Matter: Proposed Extension to Waste Sorting Building at Existing Waste Transfer Station at Swinesbridge Cottage, Washfield, Tiverton (Pages 1 - 14)

Report of the Deputy Director - Planning (CET/24/32)

Electoral Divisions(s): Tiverton West

6 County Council Development: Mid Devon District: Change of use of land from private garden to educational use in association with Bolham Primary School, Bolham, Tiverton (Pages 15 - 26)

Report of the Deputy Director - Planning (CET/24/33)

Electoral Divisions(s): Tiverton West

OTHER MATTERS

7 Delegated Schedule (Pages 27 - 30)

Report of the Chief Planner (CET/24/34)

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

Nil

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Induction Loop available



CET/24/32
Development Management Committee
24 April 2024

County Matter: Waste: Proposed Extension to Waste Sorting Building at Existing Waste Transfer Station at Swinesbridge Cottage, Washfield, Tiverton

Applicant: Tivvy Skips

Application No: DCC/4370/2023 (23/01590/DCC)

Date application received by Devon County Council: 4 October 2023

Report of the Deputy Director - Planning

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

1) 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 extension of a sorting building at an existing waste transfer station and an increase in the annual waste tonnage at Tivvy Skips in Washfield.
- 2.2 It is considered that the main material considerations in the determination of the proposed development are the principle and need of development, surface water management, impacts on neighbouring residents and sustainability considerations.
- 2.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4370/2023 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4370/2023>.

3) The Proposal/Background

- 3.1 Tivvy Skips is located to the rear of the applicant's property at Swinesbridge Cottage, situated along Washfield Lane, and is approximately 1km to the north-west of Tiverton. The site is predominantly surrounded by grassland, with a tributary of the River Exe immediately to the south of the site and the A361 80m beyond that. There are two residential properties to the north of the site, approximately 180m and 200m away. To the south there is a

Agenda Item 5

housing estate over 200m away (beyond the A361). The site is screened from the properties either by vegetation, grassland or topography.

- 3.2 The application site is currently used as a waste transfer station, which sorts and transfers waste for recycling or appropriate waste disposal. The waste materials, such as wood, metal, plasterboard, paper, plastic and inert waste, are predominantly sourced from the operator's mini-skip business (which is also located at the site) as well as construction waste from local building projects. The mini-skips leave the site empty at the beginning of the week, and are then collected by the operator for emptying/sorting at the site. The skips are unloaded in the sorting building and screened into the various waste streams, and the waste is then put into larger skips which are stored outside prior to transfer elsewhere. The proposed development would follow the same pattern of operations.
- 3.3 The application proposes to extend the existing waste sorting building and increase the overall capacity of waste to a maximum to 2,500 tonnes per annum. At present the site is able to accept 500 tonnes of waste per annum; however, the operator has confirmed that this is not enough, and waste is being turned away and sent to Wasteology Transfer Station in Greenham, Wellington. The increase in annual waste capacity would be for the sole use of Tivvy Skips.
- 3.4 The existing building is open fronted and is 10m wide x 7.5m deep x 4m high. The extension will be single storey and the same height and depth, but the building's width will increase by an additional 6m to 16m. There is an existing outbuilding attached to the rear of the sorting shed, but this will not be impacted by the proposal. The materials used for the extension will match the building's existing materials, with vertical timber boarding on the side elevations, sheet steel on the rear elevations and a profile sheet steel roof.

4) Consultation Responses

- 4.1 Mid Devon District Council (Planning): The Council's Public Health department have considered the application and note that the site is subject to an Environmental Permit issued by the Environment Agency. As the Town Council have raised concerns regarding the burning on site, it is best advised to raise these with the EA. The proposal represents an improvement, which should be managed through the requirements of the permit.

The Council note the comments made by other consultees and would agree with those matters requested.

- 4.2 Mid Devon District Council (Public Health): No objection. However, note that the site should be managed at all times within the requirements of the Environmental Permit issued by the Environment Agency.
- 4.3 Tiverton Town Council: Objection on the following grounds:

- received complaints about non-compliance of existing conditions from original permission, including burning of waste and operating on a Saturday; and
- not prepared to support any expansion until there is assurance that the conditions will be adhered to.

4.4 Washfield Parish Council: Objection on the following grounds:

- concerns about the expansion of the business due to breach of planning conditions and breaches of business's Environmental Permit;
- the Parish Council would like to see planning conditions for:
 - the hours in which the business is permitted to operate.
 - the installation of all necessary supporting infrastructure to ensure compliance with the conditions of their environmental permit.
 - no illegal landfill.
 - surface water drainage to ensure there are no run offs given the proximity to the water course.

4.5 Councillor Chesterton (Tiverton West): Have received concerns from both Parishes regarding the application, and therefore would like to call the application into the Development Management Committee.

4.6 Environment Agency: No objections, providing the operator's waste activities remain within their existing permitted boundary and installs all necessary supporting infrastructure to ensure they comply with the conditions of their Environmental Permit. In addition, the site is located within Flood Zone 3, however, given the nature of the development the proposed extension of the building would not conflict with the requirements of Chapter 14 of the NPPF.

4.7 DCC Highways: The applicant has provided a Transport Statement showing the proposal would not create a severe impact on the highway network.

4.8 DCC Landscape: The proposal would integrate into the landscape without harming its distinctive character or valued qualities. It is unlikely the proposal would result in any noticeable adverse visual impacts, provided that the vegetation to the south that provides screening is suitably protected and managed, and the height of any stockpiles and skip storage is limited to 4 metres.

Furthermore, the photographs from the A361 Bridge and in Appendices A & B confirm the intervening vegetation serves to conceal the existing buildings to a large degree. A condition is recommended that requires the visually important vegetation to the south of the site to be appropriately protected and managed.

4.9 DCC Flood Risk: Originally objected to the proposal, however, after the applicant had resubmitted a new Surface Water Drainage Statement & Updated Flood Risk Assessment, their objection was withdrawn.

Agenda Item 5

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 no responses have been received.

6) Planning Policy Considerations

- 6.1 In considering this application the County Council, as Waste 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 Devon Waste Plan 2011-2031 (adopted December 2014)

Policies: W2 (Sustainable Waste Management), W3 (Spatial Strategy), W5 (Reuse, Recycling and Materials Recovery), W12 (Landscape & Visual Impact), W17 (Transportation and Access), W18 (Quality of Life) and W19 (Flooding).

- 6.3 Mid Devon District Local Plan 2013-2033 (Adopted July 2020)

Policies: S1 (Sustainable Development Priorities), S8 (Infrastructure), S9 (Environment), S10 (Tiverton), DM1 (High Quality Design) and DM23 (Community Facilities).

Other material planning considerations include:

- National Planning Policy Framework;
- National Planning Policy for Waste
- Planning Practice Guidance

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, surface water management, impacts on neighbouring residents and sustainability considerations.

Need and Principle of Development

- 7.2 The application seeks to expand the existing waste sorting building and increase the site's annual capacity of waste to 2,500 tonnes. The proposed scheme will allow for a larger quantity of waste to be sorted and will eliminate the requirement for the waste materials to be sent elsewhere, which is currently happening due to the site's restriction of 500 tonnes of waste per

annum. At present, vehicle movements in and out of the site are a maximum of twelve per day. It is anticipated that the proposal will see an increase in traffic volumes of waste lorries by 25-30%, resulting in movements increasing to a maximum of 16 vehicles in and 16 vehicles out per day (the increase in vehicle movements would not be directly proportional to the increase in waste tonnage as more efficient use of vehicles would be possible). It is not considered the proposal would create a severe impact on the highway network. Policy W2 (Sustainable Waste Management) notes that sustainable waste management will be achieved by managing waste to support a growing local economy, meet waste management needs of Devon's communities and businesses and avoid adverse impacts of waste management development on the transport network.

- 7.3 The proposed scheme will continue to supply the local area of up to 30 miles radius, but predominantly more local, and will mean that waste will not have to be turned away and sent to an alternative waste sorting facility in Greenham, Wellington. The proposal is supported by Policies W2 (Sustainable Waste Management) and W3 (Spatial Strategy) of the Devon Waste Plan.
- 7.4 Additionally, the expansion will continue to provide local services to Tiverton and surrounding areas. This is in line with Mid Devon District Council's Local Plan Policies S1 (Sustainable Development Priorities), S8 (Infrastructure) and S10 (Tiverton).

Surface Water Management

- 7.5 The application site is situated within Flood Zones 2 and 3. Originally, DCC Flood Risk objected to the proposal as no information had been supplied in relation to the disposal of surface water from the site, and the Flood Risk officer requested details of a surface water drainage management plan.
- 7.6 Surface water management details have subsequently been submitted and show that two new soakaway tests have been carried out, proving the ground is suitable for soakaways. The soakaways will be in Flood Zone 2, behind a private raised flood defence, and will comprise soakaway chambers, each with a 2.1m diameter precast ring with 100mm gravel. The whole chamber will be 1.75m deep, 1m of precast perforated ring concrete slab and brickwork above to a suitable grade manhole cover. Additionally, soakaway chambers and approach pipework have been designed for the roof area. No connections to the existing surface water drainage systems are proposed, and exceedance flows will be routed to the adjoining watercourse.
- 7.7 Based on the submitted information, DCC Flood Risk are satisfied and have withdrawn their objection. With this mitigation, it is considered that the development is in accordance with Policy W19 (Flooding) of the Devon Waste Plan and Policy S9 (Environment) of the Mid Devon District Council Local Plan.

Agenda Item 5

Impacts on Neighbouring Residents

- 7.8 Tiverton Town Council and Washfield Parish Council have raised concerns about the impacts the existing site is having on the local residents and are concerned the issues will continue with the proposed extension.
- 7.9 Tiverton Town Council and Washfield Parish Council objected to the proposal due to the alleged consistent breach of planning conditions at the site, specifically burning of waste and working on Saturdays. These matters were investigated, and the operator confirmed the following:
- No work takes place on a weekend, and the site works within its permitted working hours (0700 – 1800 hours Monday to Friday inclusive, as per the conditions outlined in permission DCC/3540/2014).
 - Concerns have been raised around the burning of plastic waste. However, after liaising with the Environment Agency, they are not aware of any significant burning that has been undertaken relating to the illegal disposal of waste since the site's prosecution in 2018. The Environment Agency confirmed that the site burns waste vegetation occasionally, however, this takes place under an exemption for burning issued by the EA. Over the year, the EA have received complaints from residents, but these have not substantiated anything of concern.
 - Tiverton Town Council received evidence of burning on Saturday 2nd September 2023, the operator confirmed (to the Environment Agency) that this was ragwort and hedge trimmings.
- 7.10 A condition is proposed to ensure that the Waste Transfer operations will continue to work within their current operating hours. This is to minimise the impact of the development on the local residents in accordance with Policies W18 (Quality of Life) of the Devon Waste Plan and DM1 (High Quality Design) of the Mid Devon District Local Plan.
- 7.11 As highlighted above, the site is not burning waste materials, only vegetation which can be carried out due to the site's D7 exemption from the Environment Agency, which allows the operator to burn plant tissue or untreated wood waste in the open air. Therefore, the burning of vegetative waste is not a planning matter, and not relevant to this application. However, a condition is suggested to ensure that there is no burning of waste materials at the site, to protect the quality of life for local residents and prevent significant nuisance to properties close to the site. This is in accordance with Policies W18 (Quality of Life) of the Devon Waste Plan and DM1 (High Quality Design) of the Mid Devon District Local 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 allow for a larger quantity of inert domestic and construction waste to be sorted/recycled, thus reducing the amount of waste going to landfill. The proposal aims to keep deliveries local in order to reduce carbon emissions.

8) Strategic Plan

- 8.1 The development will contribute to the priorities of the County Council's Strategic Plan in terms of responding to the climate emergency by ensuring resources are used more efficiently by waste reduction, re-use and recycling.

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, with the proposed conditions, traffic and surface water from the site and impacts on neighbouring residents would not cause undue harm. The development will provide an opportunity for local waste to be sorted/recycled, and reduce the amount of waste going to landfill, which is in accordance with the policies in the Mid Devon Local Plan and Devon Waste Plan, and it is therefore considered that conditional planning permission be granted.

Jamie Hulland

Deputy Director - Planning

Agenda Item 5

Electoral Division: Tiverton West

Local Government Act 1972: List of background papers

Background Paper: Casework File

Date: 26/09/2023

File Reference: DCC/4370/2023

Contact for enquiries:

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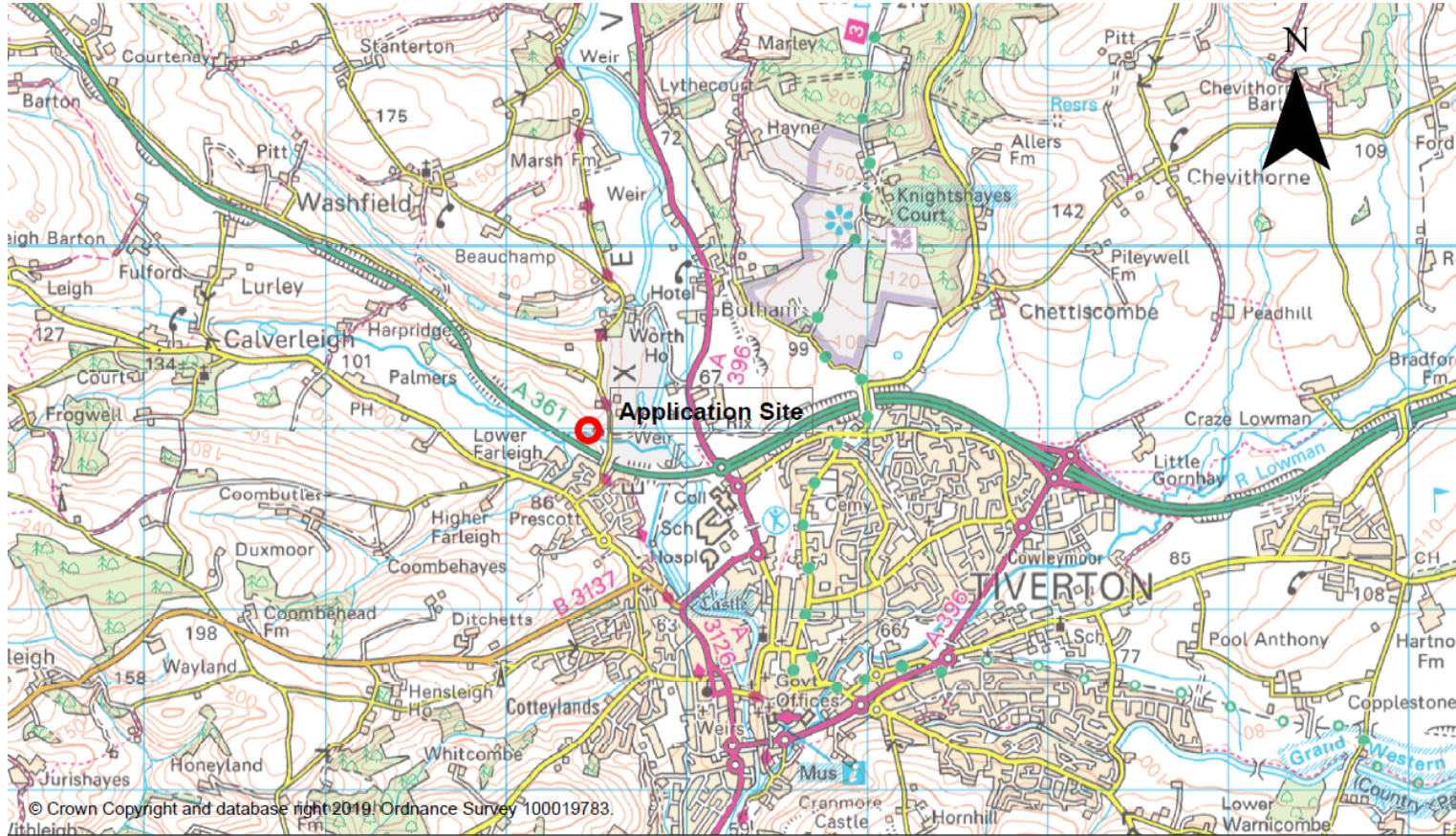
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sc/cr/Extension Waste Sorting Building Existing Waste Transfer Station Swinesbride

Cottage Washfield Tiverton

03 150424

Location Plan



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Development Management Committee

date
April 2024
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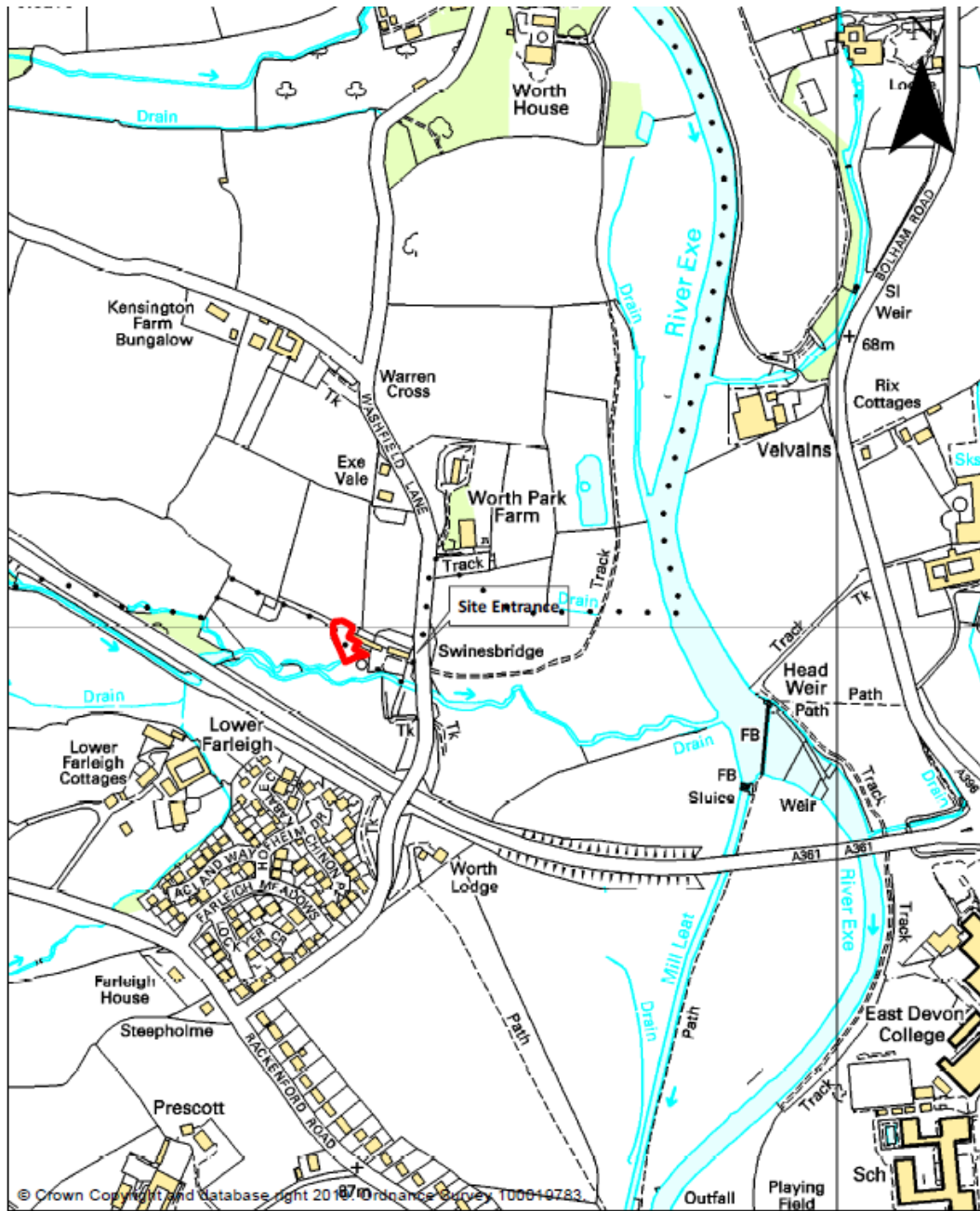
Head of
Climate Change,
Environment and
Transportation

County Matter: Waste
Proposed Extension to Waste Sorting Building at
Existing Waste Transfer Station at
Swinesbridge Cottage, Road From
Warren Cross To Steepholme,
Washfield, Devon, EX16 5NA

1:27,379
Application No:
23/01590/DCC

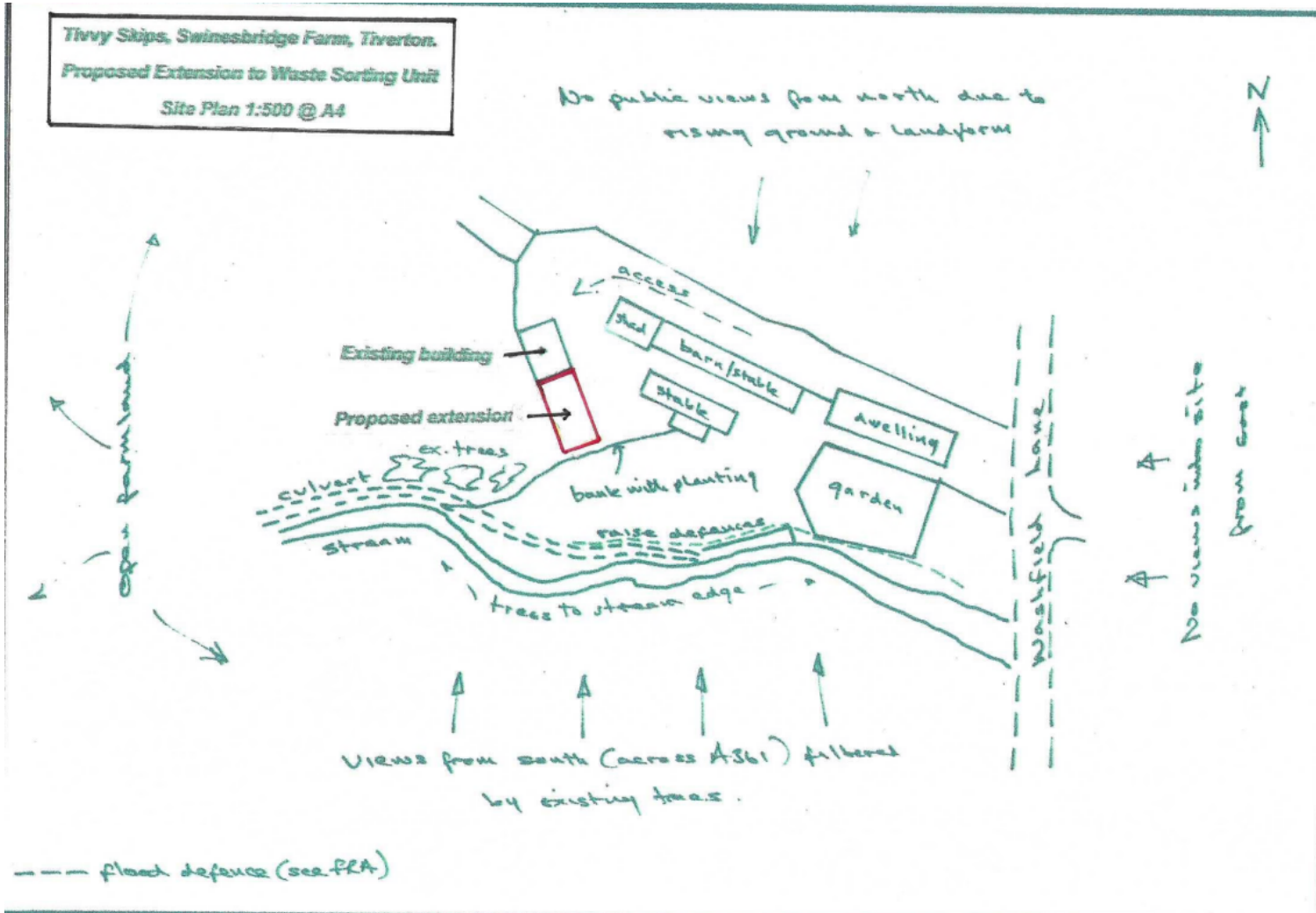
Agenda Item 5

Site Plan To CET/24/32



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	Head of Climate Change, Environment and Transportation	Development Management Committee	date April 2024
		County Matter: Waste Proposed Extension to Waste Sorting Building at Existing Waste Transfer Station at Swinesbridge Cottage, Road From Warren Cross To Steepholme, Washfield, Devon, EX16 5NA	scale 1:5,063 Application No: 23/01590/DCC



Agenda Item 5

Appendix 1

To CET/24/32

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.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:
 - Location Plan;
 - Site Plan Extension 09.23;
 - Existing & Proposed Elevations;
 - Flood Risk Assessment;
 - Surface Water Drainage Statement;
 - Surface Water Drainage & Updated Flood Risk Assessment;
 - Transport Statement; and
 - Planning Statement - Proposed Extension to Waste Sorting Building at Waste Transfer Station

except as varied by the conditions below.

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

WASTE

3. The waste transfer station shall only accept construction and demolition waste arising from the applicant's mini-skip hire business. For the avoidance of doubt, the following types of waste are allowed: wood, metals, plasterboard, paper, plastics and inert waste. Hazardous waste is not permitted at this site.

REASON: To avoid contamination of the natural environment and to protect residential amenity in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

TONNAGE LIMIT

4. No more than 2,500 tonnes of waste materials per annum shall be delivered to the site. Accurate records of all deliveries shall be kept and made available to the Waste Planning Authority upon request.

REASON: To enable the Waste Planning Authority to control the development and to protect the local environment and to minimise the impact of the development on the local highway in accordance with Policies W17 (Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan.

DELIVERIES

5. There shall be a maximum of 16 deliveries into the site in any one day.

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

HOURS OF OPERATION

6. No skip lorries or vehicles carrying waste materials shall enter or leave the site outside the hours of 0700 – 1800 Monday to Friday inclusive.
No skip lorries or vehicles carrying waste materials shall enter or leave the site on Weekends or Public Holidays.

REASON: To minimise the impact of the development on the local residents and the local highway in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

7. Operations associated with the Waste Transfer Station, including the operation of plant and machinery, shall only take place between the hours of 0700-1800 Monday to Friday inclusive.
No operations shall take place on Weekends or Public Holidays.

REASON: To minimise the impact of the development on the local residents and the local highway in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

PUBLIC ACCESS

8. There shall be no public access to the site for the delivery of waste material or the sale or resale of goods relating to the development.

REASON: To enable safe operation of the site and to control traffic impact in accordance with Policies W17 (Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan.

SORTING OF WASTE

9. All waste shall be sorted within the building. No unsorted waste shall be stored outside the building, unless securely contained and covered within a skip awaiting to be unloaded in the building.

Agenda Item 5

REASON: To protect the character and appearance of the local landscape in accordance with Policies DM1 (Sustainable Development Principles) & S9 (Environment) of the Mid Devon District Council Local Plan & W12 (Landscape & Visual Impact) of the Devon Waste Plan.

BURNING OF WASTE

10. There shall be no burning of waste materials within the site.

REASON: To protect the living conditions of nearby residents in accordance Policy W18 (Quality of Life) of the Devon Waste Plan.

SKIPS

11. The height of stored skips shall not exceed 4 metres.

REASON: To ensure that they are in scale with the existing buildings, and to protect the character and appearance of the local landscape in accordance with DM1 (Sustainable Development Principles) & S9 (Environment) of the Mid Devon District Council Local Plan & W12 (Landscape & Visual Impact) of the Devon Waste Plan.

LANDSCAPE

12. All vegetation including trees and shrubs within and surrounding the site, in particular vegetation to the south, shall be protected and managed to sustain their screening function.

REASON: In the interests of visual amenity and in accordance with Policies DM1 (Sustainable Development Principles) & S9 (Environment) of the Mid Devon District Council Local Plan & W12 (Landscape & Visual Impact) of the Devon Waste Plan.

CET/24/33
Development Management Committee
24 April 2024

County Council Development: Mid Devon District: Change of use of land from private garden to educational use in association with Bolham Primary School, Bolham, Tiverton

Applicant: Devon County Council

Application No: DCC/4371/2023 (23/01855/DCC)

Date application received by Devon County Council:
30 November 2023

Report of the Deputy Director - Planning

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

1) Recommendation

It is recommended that planning permission is granted subject to the conditions in Appendix 1 of this report and any additional conditions that may be requested by the Environment Agency prior to the meeting (with any subsequent minor material changes being agreed in consultation with the Chair and Local Member).

2) Summary

- 2.1 This report relates to a planning application to change the use of land from private garden to educational use, to be used as part of Bolham Primary School.
- 2.2 It is considered that the main material considerations in the determination of the proposed development are planning policy considerations, the principle and need for the development, character and appearance of the area, impact on residential amenity, ecology and flood risk.
- 2.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4371/2023 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4371/2023>.

3) The Proposal/Background

- 3.1 The application site is located to the east of Bolham Primary School adjacent to residential properties on Bolham Lane, which are to the north of the site. The proposal is for the change of use of the land from private garden to use for outdoor teaching and forest school activities, to support the curriculum at Bolham Community Primary School. It is understood that the land is proposed to be used during school hours under the supervision of a teacher, and not for general play activities.

Agenda Item 6

- 3.2 The site is a grassed area, with some small trees, and there are no structures or equipment on the land. It is understood that the proposal does not include the alteration or removal of any vegetation or trees that are currently on site. The proposal does not include the provision of any structures, equipment, canopies, or other features.
- 3.3 The northern boundary of the site adjoins residential properties. At present, the eastern end of this boundary is formed by hedge bushes and trees. There is no physical separation between the residential property on the western end of this boundary, with the boundary being marked by temporary fenceposts, but the proposal includes provision of fencing and/or planting in this area. The eastern boundary of the site is demarcated by vegetation and shrubbery.
- 3.4 The southern and western boundary of the application site is bounded by 1.8m high chain link fencing, with a 4m wide gate located on the southern boundary. Access to the site is proposed to be from the public playing field, located to the south of the site, through the existing gate.

4) Consultation Responses

- 4.1 Mid Devon District Council (Planning): No objection. Noted that the school is within Bolham Conservation Area, adjacent to a historic environment record and partially within flood zones 2 and 3. MDDC consider that the proposed use of the land will be seen in context with the school and recreational ground. They do not consider there to be a significant increase in noise above that of the existing. MDDC consider there would be no detrimental impact on the landscape or residential amenity.

MDDC advised that any engineering landscaping works or the provision of permanent buildings would require planning permission and should reflect its location within the Conservation Area.

- 4.2 Mid Devon Environmental Health Officer: No response received.
- 4.3 Tiverton Town Council: The proposal is not in line with Policy DM1 of the Mid Devon Local Plan and consider there to be impacts on wildlife, neighbours and trees. The Town Council request a condition to be attached to any consent to ensure no buildings occupy the land in the future.
- 4.4 Environment Agency: No comments received.

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 seven responses have been received which all raise objections to the proposal, with the main points being:
 - increased noise impacts and disturbance from the proposed use;
 - impacts to residential amenity due to the proximity to neighbouring residential boundaries;

- concerns regarding visual intrusion and overlooking into residents' gardens;
- impacts on trees and wildlife within and adjacent to the site, including the watercourse and woodland adjacent;
- concerns regarding the provision of equipment, canopies and other features as part of the proposal, and in future;
- concerns that the land will be developed to form a building in the future under permitted development rights;
- queries over whether the site will be used by other schools;
- access onto the plot can only be accessed via Village Trust Land and the change of use will limit use of fields for village activities further;
- concerns regarding the impact on residents ability to work; and
- a number of errors are highlighted and a lack of information is cited.

5.2 Following the receipt of an amended location plan, planning design and access statement and flood risk assessment to address the concerns raised in the initial consultation, consultees and local residents have been re-notified, with the deadline for responses being 16 April 2024. Any further comments received in response to this notification will be reported at the meeting.

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 Mid Devon Local Plan (adopted July 2020)

Policies DM1 (High Quality Design); DM4 (Pollution); DM23 (Community facilities); S1 (Sustainable development priorities); S8 (Infrastructure); S9 (Environment) and S14 (Countryside)

6.3 Tiverton Neighbourhood Plan 2020-2033 (Made August 2022)

Policies T1 (Location and scale of development) and T9 (Green and blue infrastructure and delivering biodiversity net gain)

Other material planning considerations include:

- National Planning Policy Framework;
- Planning Practice Guidance

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, the principle and need for the development, character and appearance of the area, impact on residential amenity, ecology and flood risk.

Agenda Item 6

Need and Principle of Development

- 7.2 Paragraph 99 of the National Planning Policy Framework gives great weight to the need to create, expand or alter schools.
- 7.3 Currently, the school has limited access to green space and, whilst they have use of the recreational land to the south of the application site, this is leased from the Recreation Trust. The school is relatively small scale, and access to learning facilities within the site is limited. This application proposal would allow for additional land within the school's boundary to be used for educational purposes and provide an opportunity for the pupils to learn about the natural environment and wildlife. It is considered that the proposed use would enhance the educational facilities and promote healthy communities, which is supported by Policies S1 (Sustainable Development Priorities) and S14 (Countryside) of the Mid Devon Local Plan.
- 7.4 This application site lies outside of the Tiverton settlement boundary and is within the countryside, where development is controlled through Policy S14 (Countryside) of the Mid Devon Local Plan, which requires development to meet local need when permitting educational facilities within the countryside. Given this application proposes to provide enhanced facilities for educational use at the school, it is considered that the principle of this application is in accordance with Policy S14 together with Policy T1 (Location and Scale of Development) of the Tiverton Neighbourhood Plan.
- 7.5 The application site is on land adjacent to the primary school, with proposed access through the existing gate where easy access for the school can be provided. Policy DM23 (Community Facilities) of the Mid Devon Local Plan seeks to ensure new community facilities are permitted where they are easily accessible by the local community. Given the site's proximity to Bolham Primary School and the existing gate, it is considered that easy access can be provided as part of this application. Therefore, the principle of this application is in accordance with Policy DM23.
- 7.6 It is therefore considered that the principle and need of this application are demonstrated and in accordance with the national and local planning policies.

Character and Appearance of the Area

- 7.7 The application site is located within the Bolham Conservation Area, but the proposal does not include the provision of any buildings, equipment, canopies or other structures, or the removal of any vegetation or trees from the site. It is proposed that additional planting in the form of screening will be provided on the boundary with the property at Little Hendon, located on the northern boundary of the site. Given that the existing vegetation is proposed to be retained, and additional planting provided, it is considered that the application proposal will preserve and enhance the character and biodiversity of the site. Therefore, it is considered that the proposal is in accordance with Policies DM1 (High Quality Design), S9 (Environment) and S14 (Countryside) of the Mid Devon Local Plan.

- 7.8 Concerns have been raised regarding the provision of equipment, structures and buildings on this land as part of the application and in the future under permitted development rights. It is recommended that a condition is attached to any consent to remove these rights to ensure that no development is undertaken on this land without planning approval. This would enable any application to be considered on its merits to ensure any proposals are acceptable at this location.
- 7.9 It is considered that this proposal is acceptable in this location and is in accordance with the development plan.

Residential Amenity

- 7.10 The site is located directly adjacent to the private gardens of three residential properties on Bolham Lane. A further four properties on Bolham Lane are located within close proximity to the application site, three of which are separated by a woodland area and watercourse to the east of the site.
- 7.11 Paragraph 191 of the National Planning Policy Framework requires development to be appropriate for its location taking into account likely effects. There have been objections raised by residents in relation to noise, disturbance and impact on privacy, which will be addressed in this section of the report.
- 7.12 Any construction works required as part of this proposal are understood to be minimal and limited to the construction of fencing on the northern boundary. It is therefore considered that noise creation and amenity impacts will be mostly limited to the operational/use phase.
- 7.13 During the operational/use phase, it is likely that the proposed use of this land for outdoor classroom activities may be associated with noise creation. Given the proposal does not increase the number of pupils attending the school, it is considered that any potential noise is likely to mirror the noise levels that are currently experienced during the school hours. It is understood that the land is proposed to be used under teacher supervision, in a controlled environment and during school hours, while the retention of the existing fences and gate will ensure access to and use of the land is controlled. It is considered that the nature of the proposed use of this land is not considered to negatively impact the quality of the environment through noise pollution. It is therefore considered that this proposal is in accordance with Policies DM1 (High Quality Design) and DM4 (Pollution) of the Mid Devon Local Plan.
- 7.14 It is acknowledged that the application site is located within close proximity to the neighbouring properties, and the use of this land may have an impact on the privacy and amenity of these properties. Currently, the boundary adjoining part of the northern boundary of the application site and a residential property, Little Hendon, is open and only demarcated by temporary fence posts. The proposal consists of the provision of a section of fencing or hedge planting, or a combination of the two, along this part of the boundary. It is considered that the provision of adequate fencing and planting will provide a screening buffer between the resident gardens and the application site to minimise the impact on neighbouring properties. In addition to this, the provision of planting is

Agenda Item 6

considered to enhance the biodiversity on the site and provide further opportunities to enhance the pupil's education on the natural environment and wildlife.

- 7.15 It is recommended that a condition is attached to any consent to require the submission of the details of the fence and/or planting prior to the commencement of the development. This will ensure that the planting proposed provides adequate mitigation to the neighbouring properties, and adequately screens the site, in accordance with Paragraph 135 of the National Planning Policy Framework and Policy DM1 (High Quality Design) of the Mid Devon Local Plan.
- 7.16 No lighting is proposed as part of this application, consistent with paragraph 191 of the National Planning Policy Framework.

Ecology/Nature Conservation/Habitats

- 7.17 The site is a grassed area with some small trees, including fruit trees. The eastern boundary of the site is lined with mature vegetation and woodland, with a watercourse beyond the eastern boundary.
- 7.18 Objections have been raised by neighbours and the Town Council regarding the impacts of the proposal on the trees and wildlife within and adjacent to the site, including the watercourse and woodland adjacent. It is understood that no vegetation or habitats are proposed to be removed as part of this application and, as the proposed site is located within a Conservation Area, permission would need to be obtained for the removal of any trees that meet the criteria.
- 7.19 Paragraph 180 of the National Planning Policy Framework requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on biodiversity. The proposal includes the provision of screening planting along part of the northern boundary, and the retention of the existing trees and vegetation within the site. It is considered that the planting will enhance the wildlife of the site and provide biodiversity gains, and the proposal is therefore in accordance with Policy DM1 (High Quality Design) of the Mid Devon Local Plan and Policy T9 (Green and Blue Infrastructure and Delivering Biodiversity Net Gain) of the Tiverton Neighbourhood Plan.
- 7.20 DCC's Ecologist has confirmed that an Ecology Report is not required as part of this application due to the nature and size of the proposal. Given that no development is proposed to take place, no lighting will be installed, and there is proposed to be no vegetation clearance, the ecological impacts are considered to be limited. It is considered that the conservation of the current natural vegetation and habitat is supported by Policy S9 (Environment) of the Mid Devon Local Plan.

Flood Risk

- 7.21 The application site is located partly within Flood Zone 2, with a water course located on the eastern boundary of the site, and the River Exe is located 0.4km to the west of the site.
- 7.22 The applicant has submitted a revised flood risk assessment [FRA], which concludes that the site has a very low risk of surface water flooding. The FRA classifies the proposed development within the 'more vulnerable' category, and states that sequential or exception tests are not required. Given that the proposal is interlinked with the existing school, which is also located in flood zone 2, it is considered that this proposal is in the most appropriate location and cannot be located elsewhere. The assessment includes reference to the school's existing emergency procedure and escape strategy, and it is recommended that a condition is attached to any planning permission requiring the submission of an updated emergency procedure and escape strategy to incorporate this application site. Subject to inclusion of this condition, it is considered that this is in accordance with Paragraphs 173 and 174 of the National Planning Policy Framework.
- 7.23 The Environment Agency has been consulted on this application and the revised FRA, and any comments that are received will be reported at the meeting.

8) Strategic Plan

- 8.1 The proposed change of use of land will result in the provision of additional land for educational use as part of Bolham Primary School. This contributes to the priority to "Be ambitious for children and young people" as part of the County Council's Strategic Plan.

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.

Agenda Item 6

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 benefits of providing an area of outdoor learning space for the use of educational activities to enhance pupils' learning about the natural environment and wildlife, outweigh the potential impacts upon the nearby neighbouring properties, which can be mitigated against. In particular, the provision of fencing and/or planting prior to the use of this land is considered to minimise the effect on privacy and amenity of the neighbouring properties. Therefore, the proposed change of use is considered to meet the requirements of the National Planning Policy Framework, the Mid Devon Local Plan and the Tiverton Neighbourhood Plan.

Jamie Hulland

Deputy Director - Planning

Electoral Division: Tiverton West

Local Government Act 1972: List of background papers

Background Paper Casework File

Date: November 2023

File Reference: DCC/4371/2023

Contact for enquiries:

Name: Kate Broad

Telephone: 01392 380000

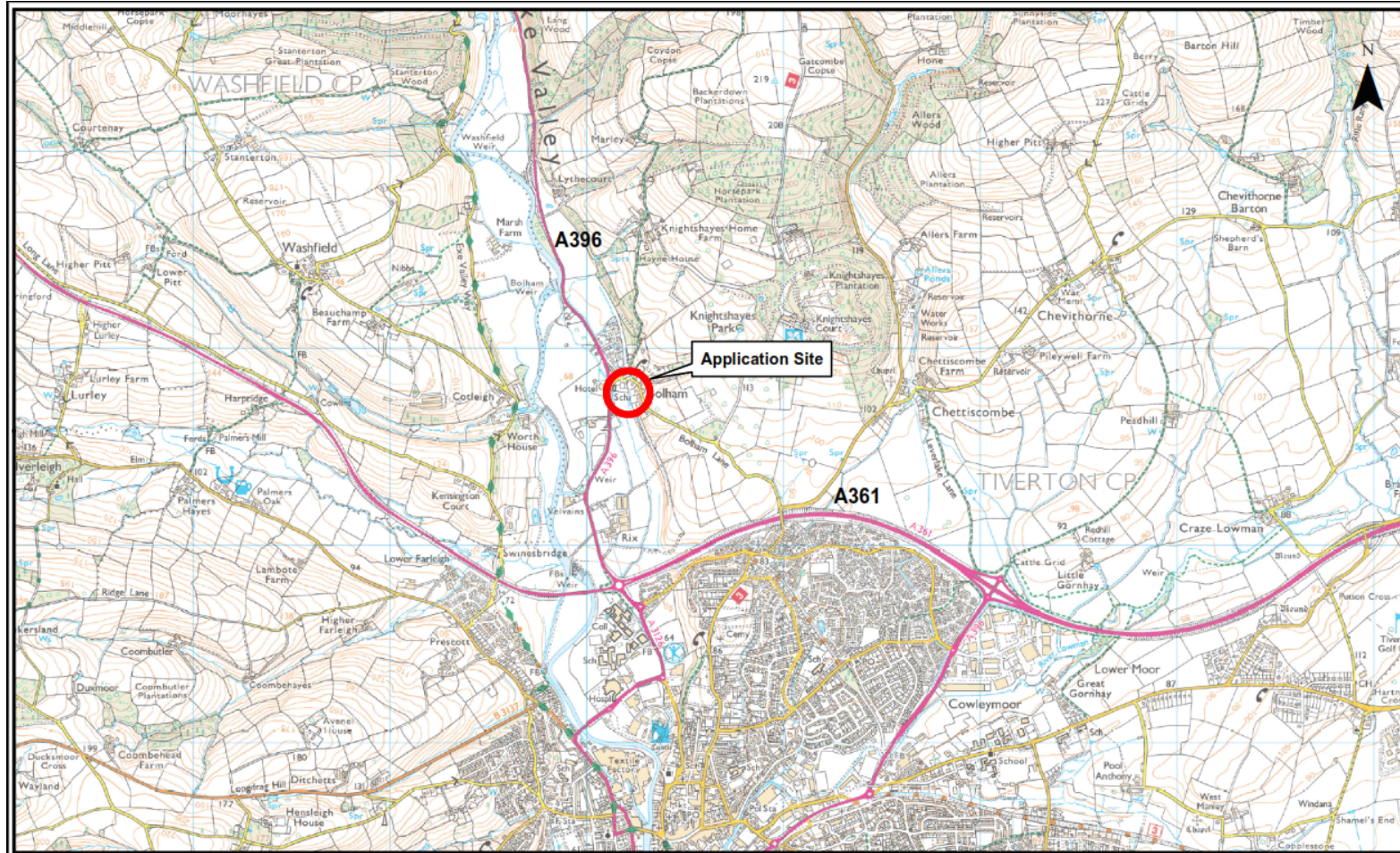
Address: County Hall, Exeter, Topsham Road, Exeter


kb030424dma

sc/cr/Change of use private garden to educational use Bolham Primary School Tiverton

03 150424

Location Plan

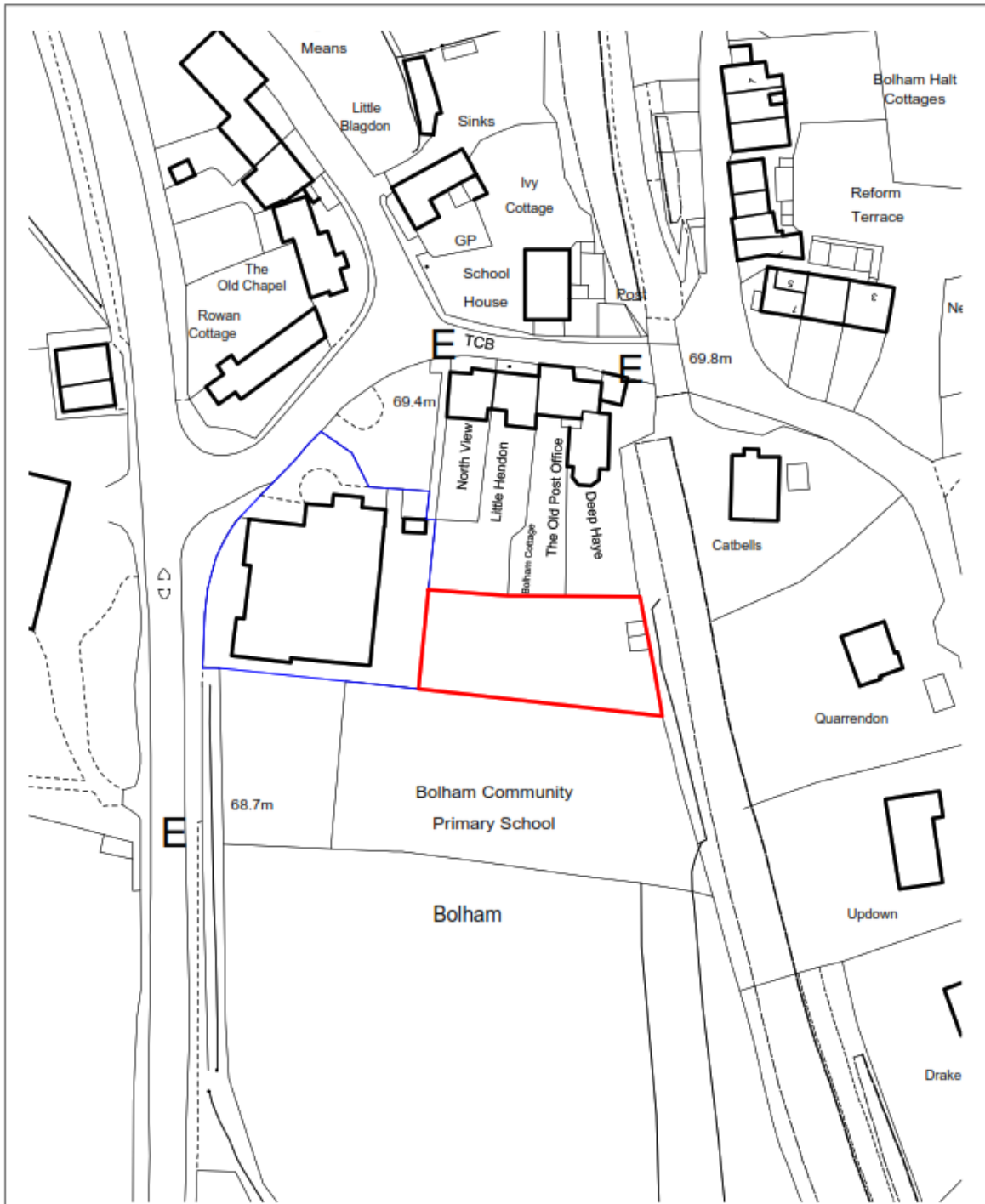



	Head of Climate Change, Environment and Transportation	Development Management Committee	date April 2024	scale 1:24,000
		Location Plan County Council Development Mid Devon District Council: Change of use of land from private garden to educational use in association with the school - Bolham Primary School, Road From Bolham Primary School To Knightshayes Cross, Bolham, Devon, EX16 7RA	Application No: DCC/4371/2023 23/01855/DCC	

Agenda Item 6

Site Plan

To CET/24/33



CLIENT Devon County Council	SCALE 1:1250	DISCIPLINE Building Surveyor	PROJECT NUMBER 000000
PROJECT Bolham Primary School	DRAWING NUMBER SWN-XX-00-D-B-001	REV CODE P2	 <p>South West Norse Venture House 7 Capital Court, Exeter Industrial Estate, Exeter, Devon, EX2 7PB Tel: 01392 913500, Email: info@southwest-norse.co.uk, website: www.southwest-norse.co.uk</p>
TITLE Site Location Plan	STATUS CODE S5	PURPOSE OF ISSUE Planning Approval	

Appendix 1 To CET/24/33

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.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:
 - Site Location Plan - SWN-XX-00-D-B-001 Rev P2
 - Indicative Fencing and Planting Plan – SWN-XX-00-D-B-002 Rev P1
 - Planning, Design and Access Statement – Rev 2 – February 2024
 - Flood Risk Assessment – 0571-FRA-JEG - Rev B – April 2024

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

PRIOR TO OCCUPATION/USE

3. No part of the development shall be occupied or used until the details of the fencing and planting, as set out within section 3.3 of the planning design and access statement (February 2024) and the Indicative Fencing and Planting Plan (SWN-XX-00-D-B-002 Rev P1), have been submitted to and approved in writing by the County Planning Authority. These elements shall be retained for the lifetime of the development. The fencing shall be installed within one month of approval, and planting shall be provided in the first available planting season.

REASON: To ensure the impact on residential amenity is reduced, in accordance with Policy DM1 (High Quality Design) of the Mid Devon Local Plan 2013-2033, and Paragraph 180 of the National Planning Policy Framework, 2023.

4. No part of the development shall be brought into use until an updated emergency procedure and escape strategy for Bolham Primary School, which shall include the application site, has been submitted to and approved in writing by the County Planning Authority.

REASON: To ensure that any risk can be managed safely, and safe access and escape routes are provided, in accordance with Paragraph 173 of the National Planning Policy Framework, 2023.

Agenda Item 6

FUTURE DEVELOPMENT ON THE LAND

5. Notwithstanding the provisions of Part 7 - Non-domestic extensions, alterations etc, *Class M – extensions etc for schools, colleges, universities and hospitals*) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), there shall be no development or activity at this site additional to that specified in this planning permission without the prior approval of the County Planning Authority.

REASON: To enable the County Planning Authority to adequately control the development according to the submitted application and approved detail.

CET/24/34

Development Management Committee
24 April 2024

Delegated Schedule – 24 April 2024 - Summary

District	Location	Application Number	Proposal	Electoral Division	Decision
Teignbridge District Council	Trood Lane Landfill Site, Trood Lane, Matford, EX2 8XX	DCC/4275/2021	The temporary retention of the existing construction, demolition and excavation waste recycling facility and the retrospective and proposed importation and landfilling of 350,000 cubic metres of inert waste materials and temporary retention of associated infrastructure including drainage infrastructure and altered vehicular access, and the proposed change of use of land to Suitable Alternative Natural Green Space (SANGS)	Exminster & Haldon	Conditional Approval
East Devon District Council	Land between Mosshayne Lane, Exeter and Shercroft Close, Broadclyst	DCC/4336/2023	Creation of a new 1.5km stretch of shared use trail from Shercroft Close, running parallel with the railway and business centres, to Mosshayne Lane, linking Cranbrook to Exeter. The scheme involves a 3.5m wide pathway with a section of boardwalk and a bridge over the River Clyst	Broadclyst	Conditional Approval
Teignbridge District Council	Land On North Side of West Golds Way, Newton Abbot, Devon TQ12 2TS	DCC/4375/2023	Variation of Conditions 4, 9, and 11 of permission DCC/4131/2019 (Provision of a new link road connecting the A382 to West Golds Way at Land between the A382 and West Golds Way near the Newton Abbot Hospital, TQ12 2TS)	Newton Abbot North	Conditional Approval
East Devon District Council	Venture Hall, Moor Lane, Budleigh Salterton, Devon, EX9 6QE	DCC/4379/2023	Change of use of building and associated land from community use (Class F2) to educational use in association with the adjacent primary school (Class F1) with ancillary community use	Exmouth & Budleigh Salterton Coastal	Conditional Approval

South Hams District Council	Headon Works, Tolchmoor Gate To Quick Bridge, Cornwood, Devon, PL21 9PW	DCC/4382/2024	Certificate of Lawfulness for Proposed Development for the installation of a High-Density Hydro Energy Storage System at Headon Quarry	Bickleigh & Wembury	Permitted Development - Part 17 (A) (Mining & Mineral Expln)
Teignbridge District Council	A382, Stover School Junction, TQ12 6QG	DCC/4383/2024	Alterations to widen a section of the A382 highway to accommodate a new improved access to Stover School. Construction of a shared use path with crossing, and any associated landscaping, drainage and earthworks	Bovey Rural	Conditional Approval
East Devon District Council	Kilmington Primary School, Whitford Road, Kilmington, Devon, EX13 7RG	DCC/4385/2024	Demolition of the Devon Lady, single storey classroom at Kilmington Primary School and construction of a modern equivalent of the same dimensions	Whimble & Blackdown	Conditional Approval
South Hams District Council	Marlands Park, Newton Road, Totnes, TQ9 6LS.	DCC/4386/2024	Variation of condition 1 of planning permission reference DCC/4265/2021 (3517/21/DCC) (Waste transfer, processing and recycling of builders, excavation and demolition wastes together with use of residual arisings for the restoration of previous landfill site) to extend the time limit for the completion of the phased restoration.	Dartmouth & Marldon	Conditional Approval
Teignbridge District Council	A382 from Drumbridges Roundabout (SX830751) to the junction with Greycoat lane (SX843732)	DCC/4377/2023	Variation of Conditions 4 and 10 of DCC/3851/2016 to allow vegetation clearance to be undertaken at the correct time of the year so as not to impact on any protected species and other wildlife including seasonal constraints as part of a dormouse licence.	Newton Abbot North	Withdrawn after Validation

South Hams District Council	Deep Lane B3416 Overbridge, Plympton, Plymouth, PL7 1XU	DCC/4381/2024	Construction of pedestrian cycle bridge, earthworks and associated alterations to adjoin existing footpath to the north	Bickleigh & Wembury	Withdrawn after Validation
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