

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

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.

## **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.

### 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 2<sup>nd</sup> 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

**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:**

Name: Rowan Quick

Telephone: 01392 383000

Address: County Hall, Topsham Road, Exeter

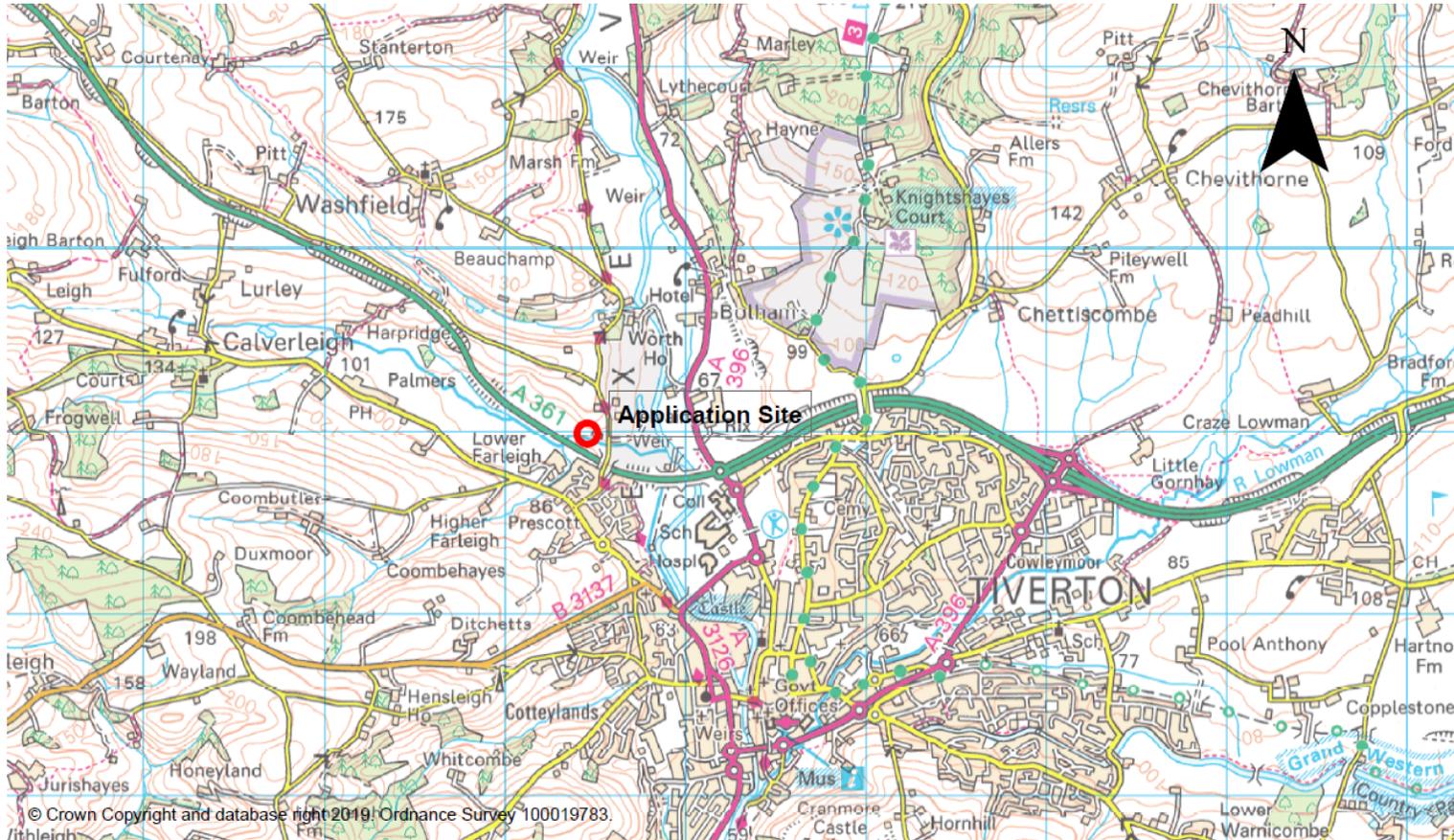
rq200324dma

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

Cottage Washfield Tiverton

03 150424

# Location Plan



Development Management Committee

date

April 2024

scale

1:27,379

Application No:

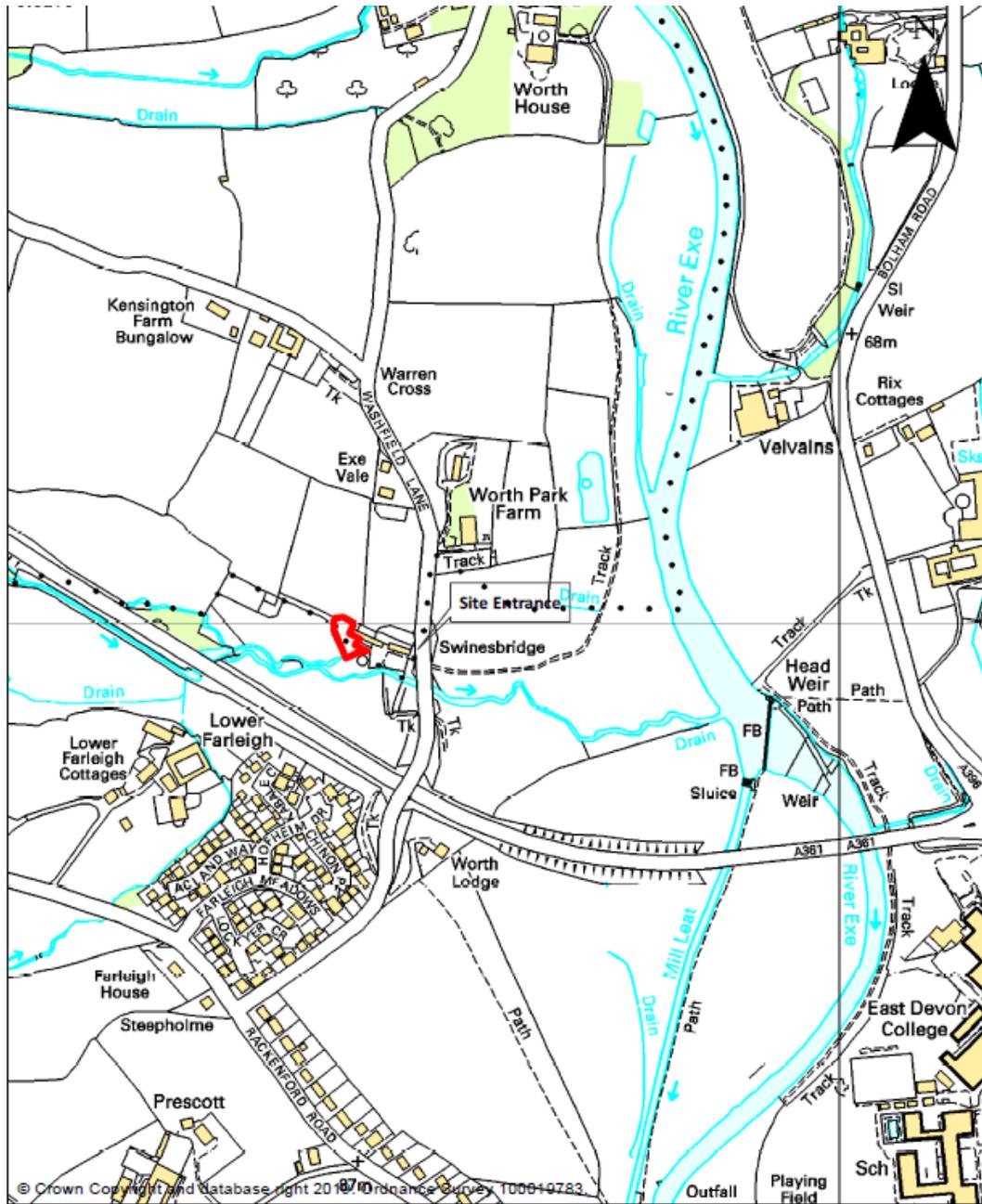
23/01590/DCC



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

**Site Plan**  
**To CET/24/32**



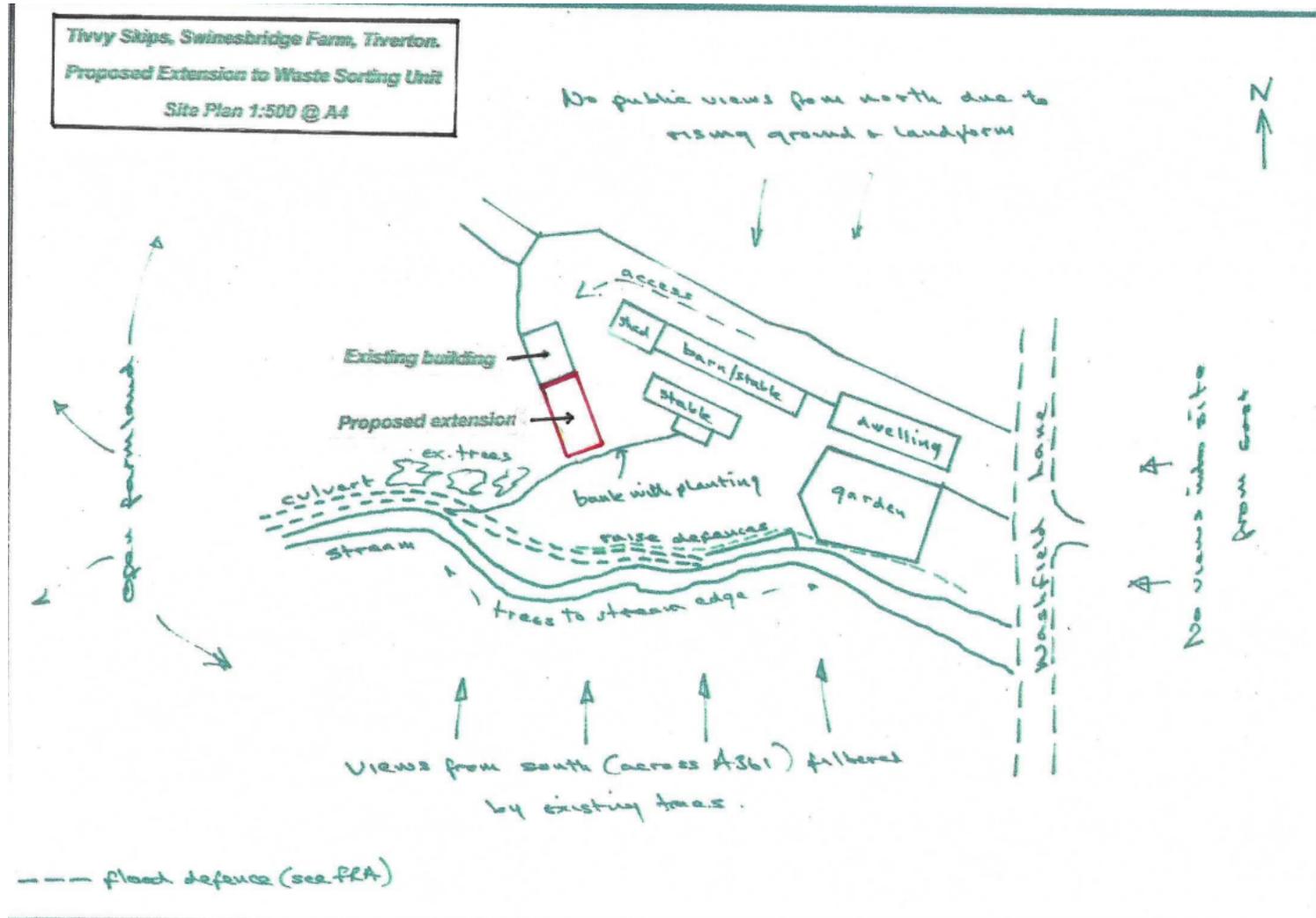
Head of  
 Climate Change,  
 Environment and  
 Transportation

Development Management Committee  
 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

date  
 April 2024  
 scale  
 1:5,063

Application No:  
 23/01590/DCC

Site Plan 2



## **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.

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.