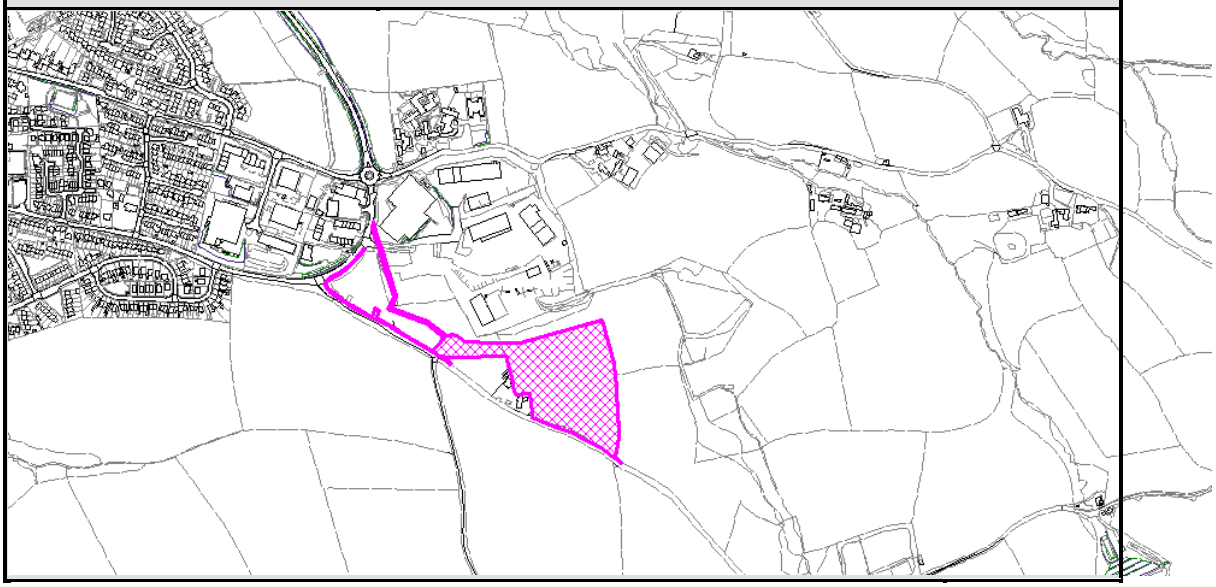
Committee Report – 30 March 2023

Application Number:	1/1141/2022/LA
Registration date:	25 November 2022
Expiry date:	24 February 2023
Applicant:	Torridge District Council
Agent:	Kendall Kingscott Ltd
Case Officer:	James Jackson
Site Address:	Land At Grid Reference 247022 125756, Gammaton Road, Bideford, Devon,
Proposal:	Erection of building for the processing of household recycling materials and food waste, provision of vehicle workshop, office and welfare and all ancillary facilities including access roadway
Recommendation:	GRANT



Reason for referral:

The applicant is Torridge District Council.

Relevant History:

Application No.	Description	Status	Closed
1/0180/1977	NEW RESIDENTIAL ESTATE OF 20 HOUSES, O.S.9878 GAMMATON ROAD, BIDEFORD	REF	02.05.1977
1/1116/2007/FUL	Installation of roads, sewers, soakaways, landscaping, change of use of land from agriculture to B1,B2,B8 uses, erection of 2 units on site 5 with associated works	PER	23.01.2013
1/1140/2008/FUL	Industrial letting units for B1 B2 and B8 uses - Plot 6	PER	27.02.2009
1/0030/2011/EXTM	Extension of time of Planning Permission 1/1116/2007FUL - Installation of roads, sewers, soakaways, landscaping, change of use of land from agriculture to B1,B2,B8 uses, erection of 2 units on site 5 with associated works	PER	22.03.2011
1/1207/2015/FULM	Business letting units car parking lots, access, drainage and landscaping (Plots 3)	PER	19.01.2017
1/0896/2019/DIS	Discharge of Condition 4 of Planning Approval 1/1207/2015/FULM	PER	14.11.2019
1/0863/2022/LA	Formation of construction access	PER	04.11.2022

Site Description & Proposal

Site Description

The application relates to part of an undeveloped field which comprises semi-improved grassland. The site slopes away from its southern boundary, where it is bounded by the Gammaton Road public highway. The eastern boundary is formed from a mature hedgerow for the majority of its length, with the northernmost part of the boundary open to the remainder of the field. The northern boundary is also open, beyond which lies the complex of commercial buildings and yards that are in use by Evans Transport. To the immediate west of the main body of the site is an existing residential dwelling known as Bay View.

Also within the red line boundary is a strip of land located to the north of the existing dwelling which as proposed would accommodate the access to the site. Two further strips of land within the red line relate to the proposed widening of the Gammaton Road public highway and the provision of foul and surface water drainage connections to existing public mains infrastructure.

On the opposite side of Gammaton Road are further undeveloped fields that are allocated within the North Devon and Torridge Local Plan 2011-2031 (the 'NDTLP') under BID04, for approximately 600 dwellings, a 420 place primary school, a park and strategic planting. Further to the north west of the site lies the existing developed area of East-the-Water, which predominantly comprises residential, commercial, leisure and educational uses. Beyond the Evans Transport site to the north is an assisted living facility known as Kingsley House, adjacent to which is a residential development site that is currently being built out by Devonshire Homes in accordance with a previously granted planning permission. Further to the east and south of the site are undeveloped agricultural fields, scattered agricultural buildings and dwellings, as well as Gammaton Reservoir to the south east, approximately 1km distant from the site.

The site is located within the defined development boundary for Bideford.

Proposed Development

The application seeks full planning permission for the erection of a building for the processing of household recycling materials and food waste, provision of vehicle workshop, office and welfare and all ancillary facilities including access roadway and construction of temporary construction access.

The proposed facility would enable the collection of recyclable waste from approximately 32,500 homes and process, sort and recycle approximately 7,000 tonnes of household material per annum (excluding black bag waste).

The site would be accessed via a newly formed access from Gammaton Road with visibility splays along the public highway equal to 150m to the east and 160m to the west. Gammaton Road would be widened to the east to 5.5m, with a 1.5m wide concrete footway and 1.5m grass verge. The proposed access road to provide access to the main body of the site would be 9m wide and would lead to the northern edge of the site.

The main part of the site would be laid out with the proposed processing hall (gross internal area 2022m^2) sited within the eastern part of the site. The other primary building that is proposed is a two storey office and vehicle workshop, which would be sited within the south western part of the site. The main area for parking for recycling and refuse vehicles is located to the south of the processing hall, within the south eastern corner of the site. Between this parking area and the processing hall is located external green waste bays, Household + WEE + Fabric storage area (electrical items, textiles small pieces of furniture, etc.) and external bales compound. A smaller parking area is located to the north of the processing hall, as is the fire suppression tank and pump house, and storage areas for household containers. A staff parking area for staff operating the recycling and refuse vehicles is also located within the northern part of the site, within close proximity to the access road. A further vehicle parking area dedicated to office staff is located to the immediate west of the office / workshop building. A secure cycle store is also proposed in this part of the site. To the north of this is a part of the site that is set aside for potential future expansion. Other ancillary functions such as a weighbridge and vehicle wash-down facilities are also located within close proximity to the processing hall.

The submitted floor plans show that proposed processing hall would be split into a number of distinct areas, with the majority of the ground floor accommodating bays to separate card, paper, plastic and tin, glass and food waste. The remainder of the ground floor would be set aside for sorting, bailing and storage. The building would provide for vehicular access via a series of large roller shutter doors, with pedestrian access facilitated by a series of smaller doors. The external walls to the proposed building would be formed from concrete panels with light grey metal vertical profiled cladding above. The roller shutter doors would be formed from dark grey metal. The roof covering would be

constructed from dark grey single profiled steel rolled sheet. The proposed building is of a simple dual pitched roof design, with a ridge height of 9.4m and an eaves height of 7.8m (at its northern end) and 6.5m (at its southern end).

The ground floor of the office and vehicle workshop building would be split into two main areas. The southern part of the ground floor would accommodate four bays for the servicing of the fleet of recycling and refuse vehicles and would account for approximately 3/5 of the ground floor area. The remaining, northern part of the ground floor space would accommodate offices, breakroom, store rooms, a plant room and ablution facilities. The first floor would provide a conference room, offices, kitchen, ablution facilities and a mezzanine storage area. The amount of floorspace at first floor level would be restricted by the vehicle workshop area, which would extend from ground floor level to the roof. The building's external walls would be formed from light grey metal vertical profiled cladding, with a roof covering of dark grey single profiled steel rolled sheet. Fenestration would be formed from dark grey aluminium. The proposed building is of a simple dual pitched roof design, with a ridge height of 9.0m and an eaves height of 8.0m.

The entirety of the proposed development would be dug down into the site, with embankments created at its perimeter.

A comprehensive landscaping scheme is also proposed.

Surface water at the site would be managed by an attenuation tank located within the northern car parking area. The tank would discharge to the mains sewer.

Foul water would be discharged to the mains sewer.

A total of 76 full time equivalent employees would be employed at the site.

The application is supported by the following documentation:

- Design and Access Statement incorporating Planning Statement
- Noise Impact Assessment
- Flood Risk Assessment and Drainage Strategy
- Hedgerow Survey
- Biodiversity Net Gain Assessment
- Transport Statement
- Energy Statement
- Visual Appraisal
- Landscape Management & Maintenance Plan

It is anticipated that the proposed development would facilitate the closure of the existing processing facilities at Bideford, Torrington, Holsworthy and Appledore.

Consultee representations:

Bideford Town Council:
RESOLVED: That the application is approved with the following provisos:

'There is an existing dust issue due to vehicular movement which is a problem. With more vehicles using the site this will be exacerbated and steps must be taken to mitigate this.'

'There are conflicting reports as to whether food waste is going to be handled on this site this needs full clarification.'

Devon County Council - Flood Risk Management:
First Response
Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:
The applicant has proposed to manage surface water within an underground attenuation tank before discharging into a sewer.

The applicant should submit correspondence from the owner of the sewer to confirm that they will allow a connection into their system. The applicant should also depict the route of this sewer on a plan.

The area included within the storage area is lower than the area used within the greenfield runoff rates. These areas should be the same (unless an area is being included for urban creep).

Above-ground surface water drainage features should be considered within this site. A SuDS Management Train can provide opportunities for treatment and interception losses.

Green roofs, living walls and rainwater harvesting could all be incorporated into the development.

Exceedance flows are proposed to be routed northwards. The applicant should ensure that these flows are not routed towards buildings adjacent to the site.

Second Response
Recommendation:
Our objection is withdrawn, and we have no in-principle objections to the above planning application at this stage.

Observations:
Following my previous consultation response (FRM/TE/1141/2022; dated 15th December 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant must resubmit the plans showing the connection into the system within the Environment Centre. Unfortunately, I cannot find these plans.

The applicant has confirmed that they will reuse some rainfall, but not for the entire site.

Green roofs could be constructed for sections of the roof instead of the entire roof, if the applicant wishes.

DCC Archaeology Section:
I refer to the above application and your recent consultation. Previous archaeological investigations here have demonstrated that the site has a low potential for the presence of any significant heritage assets. As such, the Historic Environment Team has no comments to make on this planning application.

Designing Out Crime Officer - DC&D Police:
Thank you for this application, having reviewed the Design & Access Statement and Proposed Site Plan (200664- 1301 P02), I have no objections in principle to the proposal from a Designing Out Crime & Anti-Social Behaviour (ASB) perspective.

The proposed boundary treatments and gates, which I assume can be closed and locked when the site is not active, are noted and supported.

It is recommended any roller shutter doors providing access to the processing hall and workshops be certificated to a minimum of LPS 1175 Issue 8, Security Rating 3 and any roof light aperture be protected by roof lights certificated to LPS 1175: Issue 8, Security Rating 1 or above. Doors and

windows should be to PAS 24:2022 as a minimum. Sitewide lighting must provide uniform lighting levels with good colour rendition and be sufficient to cater for lawful after dark activity around the industrial or warehouse unit and site. It should not cause glare or light pollution and should support both formal and informal surveillance of the site. The inclusion of bollard lights is useful for way finding purposes, however this type of lighting fails to properly model the facial features of pedestrians and are vulnerable to vandalism and vehicle collision. Therefore, their use from a security perspective is discouraged. The overall design of any lighting scheme should be compatible with any proposed CCTV system and proposed landscaping whilst still providing for safe pedestrian and vehicular movement around the site.

It is recommended an appropriate monitored CCTV and alarm system is installed as part of the overall security package for each unit. However, they should not be seen as a universal solution to security problems per se. They can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless monitored continuously and appropriately recorded, alarm and CCTV systems will be of limited value in relation to the personal security of staff and visitors. That being said, given the type of equipment and tools within the facility, the provision and effective use of these systems fits well within the overall framework of security management and are most effective when forming part of an overall sitewide security plan. The bicycle should must have a door locking system must be easily operable from the inner face by use of a thumb turn and some form of internal lighting provide safe use during hours of darkness. Access into staff only and sensitive areas, for example, offices, staff rooms, plant rooms, stores and workshops must have enhanced access control to help prevent unauthorised access. Refuelling facilities must also have appropriate access control and monitoring to reduce incidents of unauthorised use.

Care needs to be taken with regard to planting/landscaping, where applicable, so as to not create hiding places, areas of concealment for vehicle interference or impede surveillance opportunities. To reduce the opportunity for anti-social and criminal activity, there should be no 'open' access to areas that are not overlooked, including ground floor windows and doors to the sides or rear of the buildings.

Please do not hesitate to contact me if any clarification is sought or I can assist further.

The Environment Agency:
Thankyou for consulting us on the above proposal.

ENVIRONMENT AGENCY POSITION:
No objections, advice and informative only:

Pollution prevention:
Our records show no watercourse or vulnerable receptors likely to be impacted by this site so have no objections to the proposal.

Waste:
proximity to sensitive receptors may prove problematic for the applicant -Close proximity of residential properties (160m to the West) may give rise to odour and noise complaints under future operations.

The applicant will be required to apply for a permit to carry out these activities and the EA Permitting Team will screen for this and expect satisfactory mitigation measures to be taken, if they are to decide a permit can be issued. As such please add this informative to any permission:

Informative – Environmental Permitting (Waste)
'The applicant will need to have an Environmental Permit in place before the new facility comes into operation. Permitting information can be found here: Waste: environmental permits - GOV.UK (www.gov.uk)

Environmental Protection Officer:
The following consultation response is provided by the Environmental Protection Team in relation to the above application.

It is understood that noise and air quality impact with regards the operations of the proposed development will be assessed independently and as such, the Environmental Protection Team will not comment on this matter.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity during the construction phase of the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends that a Construction Environmental Management Plan is submitted that outlines appropriate mitigation measures for preventing or minimising disturbance to neighbouring amenity. Subsequently, the Environmental Protection Team recommends the imposition of the following condition:

Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall include:
a) measures to regulate the routing of construction traffic;
b) the times within which traffic can enter and leave the site;
c) the importation of spoil and soil on site;
d) the removal /disposal of materials from site, including soil and vegetation;
e) the location and covering of stockpiles;
f) details of measures to prevent mud from vehicles leaving the site and must include wheel-washing facilities;
g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
h) mitigation measures in relation to noise, vibration, dust and lighting;
i) details of any site construction office, compound and ancillary facility buildings;
j) specified parking arrangements for vehicles associated with the construction works and the provision made for access thereto;
k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.
The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

In addition to the above, the Environmental Protection Team recommends the imposition of a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

South West Water:
First Response
With reference to the above application, South West Water will require additional information in order to conduct a review and provide comment.

Please advise the applicant to provide information on the following:

- Clean Water In order to advise on an appropriate connection onto the water main network, please provide the expected peak flow rate for facility;
- Wastewater Please provide further details of the proposed on-site drainage. I would advise that the vehicle washing yard's drainage collection should include an interceptor for oil and grease, and must be connected to the foul drainage and not to the surface water drainage.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Second Response
With reference to the above application, South West Water has the following update to the advice contained in the correspondence dated 9th December 2022 (attached again for reference):

Please advise the applicant to provide information on the following:

- Clean Water Based on the 1.22l/sec predicted flow rate, and the future expansion prediction, we expect that the 150mm distribution main will provide the required clean water services for the development.
- Wastewater We will require further details of the proposed on-site drainage in order to be able to comment at planning. The applicant should continue to liaise directly with South West Water to clarify the design and point(s) of connection.

Should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Third Response
In principle the surface water drainage strategy (to a private surface water sewer which will ultimately discharge to a public surface water sewer in Manteo Way, or to a watercourse) is acceptable.

Fourth Response
As discussed, we are satisfied with respect to clean water (as per our comments below) and with the proposed surface water drainage strategy. I am currently awaiting feedback from the business with any specific comments we may wish to make with respect to foul flows.

Natural England:
Thank you for your consultation on the above dated 25 November 2022 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.
Sites of Special Scientific Interest
Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones
The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Devon County Council (Highways):
First Response
Observations:
Site access visibility splays are shown as 43m in both directions from 2.4m behind the carriageway edge, however at this location Gammaton road is subject to the speed limit. In the absence of any speed surveys, in light of the road being widened, and based on my driving the road, I estimate that vehicle speeds are likely to be significantly higher than 30mph on this road. Given the large nature of vehicles that will be using the access, which will take considerable time to leave the access and 'get up to speed' on this road, this is likely to result in a highway safety issue if the splays are not increased.

The proposed site access road is 9m wide, but Gammaton Road shown only widened to 5.5m. Swept path analysis should be provided to demonstrate how vehicles enter and exit the site safely.

At 9m in width, at the junction to Gammaton Road, crossing this access will be over 9m for a pedestrian to cross. Consideration should be given to the need for an island for pedestrians to cross here. The path onwards into the site proper within the site boundary is noted.

The 1.5m wide path and additional 1.5m verge are acceptable. Being in concrete or otherwise is a matter later consideration and subject to detailed design including but limited to including a steel mesh layer within the slab, ST5 or higher concrete, expansion joints at regular intervals and a brushed finish across the footway.

The Transport Statement (TS) supporting the application indicates that the local highway network is acceptable to accommodate the additional traffic generated, other than at the junction of Barnstaple Street and Manteo Way, and makes multiple references to this junction implying that this will be an issue. As part of the County Council's Transport Infrastructure Plan, and the evidence of the applicant in the TS, the junction of Manteo Way with Barnstaple Street needs improving to a roundabout junction to accommodate allocated development and this proposal. A contribution of £65,000 is therefore sought from this development towards the improvement of the junction, in particular to allow the Highway Authority to carry out a detailed design of the junction for future upgrading. Upgrade to this junction is identified in the Transport Infrastructure Plan which forms part of the evidence base supporting the Local Plan.

Recommendation: THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

Second Response
Observations:
Further to my previous response, the applicant's Transport Consultant has provided additional information in the form of a rebuttal of the request for a contribution towards improving the junction of Manteo Way with Barnstaple Street. I do not agree with the conclusion of that work. Additional plans have also been provided regarding the access and footway proposals, which I do find acceptable.

While the proposal, if used only as a local authority waste site, is likely to operate with the majority of vehicle trips to and from the site being outside of the peak traffic flows, some vehicles will be within the peak hour. The applicant's work shows this.

The applicant's Transport Statement shows that the junction of Manteo Way with Barnstaple Street is operating at a ratio of flow to capacity (RFC) of 1.0. Junctions should operate at approximately an RFC of 0.85, and a ratio of 1.0 indicates that the junction is at capacity during this time.

The Transport Assessment does not consider collision statistics for this junction, which indicate 7 recorded personal injury collisions within the past ten years. A ten year period being relevant to take account of low traffic during the COVID-19 pandemic. Before the pandemic Devon County Council had identified this junction as the only collision cluster site in all of Torridge that warrants measures to improve it.

The additional 300 houses currently under construction, and further houses and employment allocated in the Local Plan will result in additional traffic using this junction and along with this proposal, such development makes it necessary to improve the junction.

Based on the junction being at capacity and the addition of vehicle trips through it during the peak period, without mitigation the junction will be worsened in terms of its capacity and safe operation, which is considered a severe impact. It is therefore necessary for this application to mitigate its impact on this junction by contributing towards its improvement.

Requesting that the application must improve the junction itself, at a likely cost far in excess of one million pounds, would not be reasonable or related in scale to the proposal, and therefore a financial contribution towards the junction improvement is requested. The previous request of £65,000 may also be considered unreasonable due to the likely number of vehicle trips associated with the proposal during the peak time. Therefore, I now request a more appropriate amount of £25,000 as mitigation of the severe impact of the proposal.

Without the application providing the requested contribution as described above, the application should be refused as it would be contrary to NPPF (2021) paragraphs 110 and 111.

Recommendation:
THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Third Response

As per previous responses, in the absence of the requested contribution the application should be refused, conditions for approval would be:

1 The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the approved drawings where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be as shown on the approved plans.

REASON: To provide a satisfactory vehicle access to the site and to provide adequate visibility from and of emerging vehicles.

2 The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

3 Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

4 Prior to any use hereby approved coming into use the footway works shown on the approved plan shall be constructed and made available for public use.

REASON: In the interest of accessibility and highway safety.

Representations:

Number of neighbours consulted:	47	Number of letters of support:	0
Number of representations received:	32	Number of neutral representations:	0
Number of objection letters:	32		

32 objections have been received, including a petition comprising 173 signatures. The following issues have been raised:

- Highway safety / capacity issues (x29)
- Pollution (x11)
- Impact on house sales (x2)
- Overdevelopment (x2)
- Odour (x24)
- Noise (x21)
- Vermin / pests (x16)
- Proposals not clear
- Dust (x5)
- Wrong location (x12)
- Adverse impact on businesses (x3)
- Adverse impact on mental health (x4)
- Environmental impact
- Landscape impact (x3)
- Biodiversity impact (x6)
- Impact on house value (x6) (not a material consideration)
- Site should be woodlands
- Adverse impact on privacy (x7)
- Structural damage to property
- Views would be obstructed (not a material consideration)
- Loss of light
- Site is open countryside
- Adverse health impacts (x2)
- Not needed
- Insufficient consultation (x4)
- No EIA undertaken

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); BID (Bideford Spatial Vision and Development Strategy); ST11 (Delivering Employment and Economic Development); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); ST04 (Improving the Quality of Development); DM04 (Design Principles); DM08A (Landscape and Seascape Character); ST10 (Transport Strategy); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST05 (Sustainable Construction and Buildings); DM02 (Environmental Protection);

Government Guidance:
NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The main considerations pursuant to this application are:

- Principle of Development
- Residential Amenity
- Design, Character and Appearance
- Highways
- Biodiversity
- Sustainability
- Surface and Foul Water Drainage

1. Principle of Development

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

The site lies within the defined development boundary of Bideford. Policy ST06 of the North Devon and Torridge Local Plan 2011-2031 (the "NDTLP") clarifies that the Strategic Centre of Bideford will provide a focus for housing and employment development; that significant levels of development will be accommodated in Bideford consistent with its scale and its complementary role to Barnstaple; and that sustainable development opportunities will be secured to increase self-containment and achieve balanced development to enable the town to meet its own needs and those of the surrounding area.

Policy BID of the NDTLP sets out the spatial vision and development strategy for Bideford and emphasises the role of Bideford as a focus for growth whilst protecting environmental assets such as the setting of the settlement and landscape quality. In addition, the policy seeks to enhance the range of services and facilities to meet the needs of its residents and hinterland and aims to provide a diverse range of local employment supported by a skilled workforce with strong linkages to enhanced educational infrastructure.

The Spatial Development Strategy at Policy BID clarifies the following:

Over the period to 2031, the Local Plan will enable significant growth of high quality development which is supported by necessary infrastructure that will meet the needs of Bideford and its surrounding communities and to strengthen Bideford's role as a Strategic Centre. Achieved development will be delivered having regard to the setting of the town in the landscape and its special character provided by the coastal location.

The policy proceeds to list nine types of development that will be supported, specifically:

(a) provision of a minimum of 4,127 dwellings including affordable and supported homes to meet all of the community's housing needs, with associated development and infrastructure;

(b) in addition to existing commitments, new site allocations, including capacity provided by previously developed sites, will be required to provide approximately 2,815 dwellings;

(c) urban extensions to the west and south-west of Bideford and to the south of East-the-Water (as part of the provision of new site allocations) will accommodate strategically significant levels of housing growth of approximately 2,130 dwellings that is supported by required social and physical infrastructure;

(d) employment capacity will be maintained and enhanced on established industrial estates and additional provision made to develop the town's role as a locally significant employment centre. Additional employment capacity will be provided on new site allocations: approximately 8 hectares to the south of the Caddsdown Industrial Park and 5 hectares for commercial development on Atlantic Park as part of the Bideford West urban extension;

(e) support for initiatives within Bideford town centre and environs that improves the town's functionality and vitality through an expansion and enhanced range of appropriate uses. To achieve the objectives of the Bideford Regeneration Framework, regeneration and revitalisation schemes at the former Livestock Market, the Pill, Bridge Street and East-the-Water Wharves will provide the focus for town centre, quayside and waterfront improvements;

(f) social and community facilities, will be required to support new development including an expansion of educational capacity at primary and secondary levels and new and expanded sports and recreation facilities, including the hub site at Victoria Park;

(g) deliver economic growth through capitalising on enhanced levels of assistance offered by the Assisted Areas status;

(h) new developments will meet their own infrastructure requirements and will contribute to sustainable movement into and around Bideford and Northam, including the promotion of public transport use and improved routes and facilities for cycling and walking. Improved capacity at the Heywood Road roundabout will also be required to accommodate increased traffic movements from Bideford and Northam; and

(i) provision of enhanced Sustainable Drainage Systems on sites which fall within or feed into the Bideford 'Critical Drainage Area' and improvements to the Kenwith Flood Risk Defence Scheme.

Policy ST11 provides in principle support for the delivery of employment and economic development. The policy advises that employment growth will be supported to deliver quantitative and qualitative improvements in job opportunities throughout northern Devon and goes on to list 7 criteria that set out more detail as to how this policy aim will be met. It is noted that the site is not allocated for employment uses, however it is clear that the proposed development is a key element of infrastructure that will support the planned increase in residential development across the plan period.

Policy ST14 seeks to protect and enhance northern Devon's natural environment and sets out 12 criteria that development must contribute towards, as follows:

(a) providing a net gain in northern Devon's biodiversity where possible, through positive management of an enhanced and expanded network of designated sites and green infrastructure, including retention and enhancement of critical environmental capital;

(b) protecting the hierarchy of designated sites in accordance with their status;

(c) conserving European protected species and the habitats on which they depend;

(d) conserving northern Devon's geodiversity and its best and most versatile agricultural land;

(e) conserving the setting and special character and qualities of the North Devon Coast Areas of Outstanding Natural Beauty whilst fostering the social and economic well being of the area;

(f) ensuring development conserves and enhances northern Devon's local distinctiveness including its tranquillity, and the setting and special qualities of Exmoor National Park including its dark night skies;

(g) protecting and enhancing local landscape and seascape character, taking into account the key characteristics, the historical dimension of the landscape and their sensitivity to change;

(h) recognising the importance of the undeveloped coastal, estuarine and marine environments through supporting designations, plans and policies that aim to protect and enhance northern Devon's coastline;

(i) conserving and enhancing the robustness of northern Devon's ecosystems and the range of ecosystem services they provide;

(j) increasing opportunities for access, education and appreciation of all aspects of northern Devon's environment, for all sections of the community;

(k) meeting the Nature Improvement Area's strategic objectives; and

(l) improving failing water bodies and preventing deterioration of water quality.

The proposed development would process, sort and recycle in excess of 7000 tonnes of household waste per annum. This would be restricted to household recycling materials and food waste and would not include 'black bag' waste. In addition, it would bring the recycling activities of the district to one central location and negate the need for the existing satellite locations within the district. Given the strategic nature of the proposal, and the policy direction of NDTLP policies ST06 and BID, it is clear that a site within the Bideford development boundary is an appropriate location in principle.

Given that the proposals would enable the closure of existing processing sites within the district, it is unlikely that there would be a significant increase in the number of full time employees as a result of the proposals. Notwithstanding, the proposals would deliver an economic benefit in respect of the efficiencies that would be realised as a result of the provision of a modern, centralised processing facility. In addition, the construction phase of the development would also deliver economic benefits in relation to the various trades that would be required, as well as the purchase of various good and services.

In addition, given the planned increase in residential development across the plan period within Bideford and the wider district, the need to provide modern waste processing facilities to serve the population of the district is recognised. It is also understood that the existing processing facilities in the district are constrained to the extent that sensitive expansion of existing sites would not be possible.

In respect of the environmental assets of the area, it is noted that the site is not subject to any landscape or ecological designations or protections. The impact of the proposal on visual amenity, landscape character and the biodiversity value of the site is discussed in full in the later sections.

Taking account of the above, it is concluded that the proposal broadly accords with policies ST06, BID, ST11 and ST14.

It is noted that a large area of land to the west of, and within close proximity to, the site is allocated for a mixed use development of approximately 600 dwellings, a primary school, hill top park and strategic planting under Policy BID04 of the NDTLP. Planning permission has not previously been granted pursuant to this allocation. It is considered that the proposed Environment Centre would not prevent the allocation coming forward.

Taking account of all of the above, it is considered that the principle of development is acceptable.

2. Residential Amenity

Policy DM01 of the NDTLP confirms that development will be supported where it would not significantly harm the amenities of neighbouring occupiers or uses or result in harm to the future occupiers of the development from existing or allocated uses. Policy DM04 also aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded.

It is noted that numerous objections received have cited concerns relating to the impact of the proposals on residential amenity. The objections received are summarised earlier, within the 'Representations' section of this report.

As a point of clarification, it should be noted that the proposals do not include the collection or processing of 'black bag' waste.

Noise

A Noise Impact Assessment prepared by Red Twin Limited has been submitted as part of the application. The Council's Environmental Protection Officer has advised that it would not be appropriate for this assessment to be reviewed within the Council, given that the application is submitted by the Council and the need for transparency in relation to the planning process. Accordingly, a private sector consultant (NoiseAir) has been engaged on behalf of the Council in their role as the Local Planning Authority.

The consultant notes in his report dated 14 March 2023 the location of the existing dwelling to the west of the site, and considers that the monitoring position utilised for the noise assessment is an appropriate location. In addition, the methodology used for the assessment is also considered to be appropriate. The report notes that consideration has been given to the layout of the site to ensure that the noisiest uses are located away from the existing dwelling. The proposed office car parking, located to the north of the existing dwelling, has the potential to cause harm, however this parking area is to be used solely for office staff who would not arrive at unsociable times of day. A condition is recommended to control the hours of the use of this parking area to between 08:00-19:00, and the report notes that resultant noise levels would generally be consistent with existing noise levels within the area. The report advises that further mitigation is required to reduce noise impacts to a minimum, as required by the NPPF, and in this regard recommends that a noise management plan for the site should be secured, in relation to (e.g.) vehicle engines to be switched off when not in use, use of broadband reversing alarms, etc. A condition relating to an updated noise assessment in respect of noise emissions from the proposed plant is also recommended. The consultant's report recommends that the development can be approved subject to the recommended conditions.

It is noted that the occupier of the existing dwelling to the west has objected on the basis of noise impact, however given the findings above it is considered that noise can be minimised to an acceptable level. It is noted that the occupiers of other, more distant existing dwellings have also objected on this basis, however given the separation distances involved it is considered that significant harm would not be caused. Existing dwellings on Hillcrest Road are located approximately 500m to the west of the site, whilst the properties on Manteo Way currently under construction are located approximately 400m to the north.

Odour

As set out above, the proposed facility will not collect or process 'black bag' waste. In respect of food waste, this will be collected from the kerbside and transported in stillages within the refuse / recycling vehicles. This is then transferred to a sealed trailer inside the proposed processing hall. A contractor collects the sealed trailer approximately once a week and transports it, still sealed, off site. Given this process, it is considered that odour will not cause significant harm to residential amenity.

No other materials that would give rise to an adverse odour impact are proposed to be processed.

Overlooking

The occupier of the dwelling to the west has also cited overlooking as a concern. In this regard, the submitted plans show that the first floor of the office / workshop building has windows facing the existing dwelling, which relate to the conference room, male and female WCs and a corridor. A condition is recommended to require these windows to be obscure glazed, to ensure that overlooking to the adjacent dwelling would not be possible.

Loss of Light / Shadowing

The proposed office building is to be sited 20m from the boundary of the existing dwelling to the west. In addition, the proposed sections show that the development would be dug down into the site, with the result that the ridge of the office building would be lower than that of the existing dwelling. Consequently, it is considered that the development would not result in significant harm by reason of loss of light or shadowing.

Overbearing

The proposed workshop / office building is of substantial scale, however given the separation distance between it and the dwelling to the west, as well as its ridge height being lower than the existing dwelling, any overbearing impact would not amount to significant harm.

Vermin

Numerous objections have raised vermin as a potential concern. Appropriate management procedures will be employed, such as bait boxes, to control rodents. Buildings will be designed to limit the amount of pigeon roosts. Surface water storage is intentionally below ground, as opposed to an above ground attenuation pond, to limit the opportunities for feeding birds. It is understood that there are no issues in relation to vermin at any of the existing recycling sites.

Dust

Bideford Town Council have advised that there is an existing issue with dust in the area. This presumably relates to the existing industrial estate and so is not an issue that can be mitigated by this proposal, as it relates to land and operations that are outside of the applicant's control. In relation to the proposed development, the nature of the operations proposed would not likely result in the

generation of significant amounts of dust, and the site will be accessed via a sealed accessway. A condition is recommended to secure a Construction Environmental Management Plan (CEMP), which would include measures to mitigate dust impact during the construction phase.

Other impacts

The Environmental Protection Officer has advised that the construction phase has the potential to cause amenity harm. As such, the officer recommends a condition to secure a Construction Environmental Management Plan (CEMP), which would address a range of issues relating to the construction phase. A further condition restricts the hours of construction works and deliveries to between the hours of 07:00-19:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no works or deliveries permitted on Sundays and Bank Holidays.

Conclusion

As discussed above, it is your Officer's view that the impacts that could potentially adversely affect residential amenity can be controlled to within an acceptable level through the use of conditions, or have been minimised through the design of the proposals. It should be noted that the site lies within the Bideford development boundary, where significant levels of development are expected. The site is not located within open countryside, as is suggested by objections received. Neither is the land designated to be woodlands. It is noted that an historic planning permission, reference 1/1116/2007/FUL, granted permission for a number of B1, B2 and B8 uses across a larger site. This permission was extended under reference 1/0030/2011/EXTM, which was granted in March 2011. Condition 3 of the permission required the submission of a scheme relating to tree planting, however it would appear that no details were ever submitted to discharge the condition and due to the time elapsed it is not possible for the local planning authority to enforce any breach of condition.

Taking account of all the above, it is concluded that the proposals adequately safeguard the residential amenities of the occupiers of existing dwellings and that the proposals accord with Policies DM01 and DM04 of the NDTLP.

3. Design, Character and Appearance

Policies ST04 and DM04 of the NDTLP both have a strong design focus and establish the need for development to be appropriate in, and have respect for, its context and setting. In addition, Policy DM08A requires development to respect landscape character of both designated and undesignated landscapes and seascapes.

The site is not subject to any landscape designations. The site lies within Landscape Character Area 3A: Upper Farmed Wooded Valley Slopes (LCA 3A). Key characteristics of LCA 3A include its strong undulating landform of rolling hills and farmland; a pastoral landscape with copses, Devon hedges, small woodlands and small blocks of coniferous plantation; dispersed historic villages and hamlets; and prevalence of whitewash and white cream rendered buildings. The Joint Landscape Character Assessment also notes that the influence of modern development at East-the-Water has eroded levels of tranquillity locally.

The application is accompanied by a Visual Appraisal prepared by Cambium Landscape Architects.

The appraisal includes a Zone of Theoretical Visibility (ZTV), which addresses views of the site from a distance of approximately 1km. The appraisal clarifies that there is an absence of public rights of way within close proximity to the site from where clear views of the site could be achieved. In addition, the report notes that sunken lanes and undulating topography further restrict views. The appraisal notes that there are no key viewpoints from public places of interest such as parks or historic sites.

In addition to the ZTV, the appraisal includes a Visual Envelope (VE) which extends to more than 3km distance from the site. These are classified as long-distance views.

The appraisal includes photographs from a number of viewpoints within the surrounding landscape, the first six of which are taken from within the site. Viewpoints 7-19 are taken from more distant locations, circa 2kms or less from the site.

The appraisal concludes that the proposed development would have an impact on visual amenity. Clearly the character and appearance of the site would change as a result of the proposals and the viewpoints demonstrate that this impact would be greatest from within close proximity to the site. In addition, the viewpoints demonstrate that the proposals would be visible from specific locations to the north, northeast and east of the site, at distances less than 1.5kms to the site. In particular, viewpoints 12, 13 and 14 show this to be the case.

To mitigate the visual impact, the development will be cut down into the site, thereby reducing the height of the two principal buildings that form part of the proposal. This is clearly shown on the proposed sections drawings, where it is evident that the ridge lines of the two principal buildings would be approximately 2m lower than the ridge of the existing dwelling known as Bay View.

It is also noted that the proposal includes a comprehensive landscaping scheme. In particular, the landscaping treatment along the eastern boundary of the site includes planting of native trees with a target height of 10m, which is targeted at the part of the boundary closest to the processing hall building. Native hedgerows are also proposed at the site's boundaries, as well as significant amounts of planting across the site. Once matured, this would have the effect of softening views of the site from both short and longer distance views. A Landscape Management & Maintenance Plan has also been submitted, which sets out appropriate measures to ensure that the benefits associated with the landscaping scheme can be secured on a long-term basis. After one year, responsibility for the management and maintenance will be passed to a management company.

The proximity of the site to the existing industrial estate is also noted and the development will be viewed in this context. The existing industrial estate is a large complex that comprises several buildings of substantial scale, with significant areas of hardstanding and limited soft landscaping.

In addition, it is noted that the land on the opposite side of Gammaton Road is allocated under Policy BID04 of the NDTLP. The policy includes provision for a development of approximately 600 dwellings and a school. Whilst no planning permissions have yet been granted in respect of the allocation, it is clear that there is an expectation within the NDTLP that this site would come forward as allocated. Accordingly, the NDTLP accepts that the character and appearance of the allocated site would be subject to change as a result of the allocation. In the event that this allocation comes forward, the proposed development would be seen in this context.

Whilst it is clear that the character and appearance of the site would be altered by the proposals, the above measures would significantly mitigate the impact of the development. In addition, the proposals must be considered in the context of the surrounding land uses and forms of development. Taking this into account, it is concluded that the proposals are an appropriate design response to the characteristics of the site, immediate surrounding area and wider landscape, with the result that the proposals are considered to accord with the requirements of NDTLP policies ST04, DM04 and DM08A.

4. Highways

Policies ST10 and DM05 of the NDTLP seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well

designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development. Paragraph 111 of the NPPF advises that development should only be refused if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. Paragraph 110 states, inter alia, that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree. Paragraph 110 also requires 'safe and suitable' access to the site to be achieved.

The application is accompanied by a Transport Statement prepared by Clarke Bond dated October 2022.

Further to receipt of a revised access drawing, which shows visibility splays of 160m to the west and 150m to the east, an increased radius on the private carriageway that leads to the site, and the widening of Gammaton Road to 5.5m, the Highways Officer has confirmed that there is no objection to the proposed access. Consequently, it is concluded that the proposals offer 'safe and suitable' access, as required by the NPPF.

The initial consultation response from the Highways Authority makes reference to the existing junction between the Barnstaple Street and Manteo Way public highways and requests a financial contribution of £65,000 towards improvements at the junction. Specifically, the contribution would be used to fund detailed design work to upgrade the junction. The Highways Officer advises that the junction upgrade is identified within the Transport Infrastructure Plan. Planning obligations, including financial contributions, fall to be assessed against Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended). Regulation 122 states that:

> *A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*
>
> *(a) necessary to make the development acceptable in planning terms;*
>
> *(b) directly related to the development; and*
>
> *(c) fairly and reasonably related in scale and kind to the development.*

Taking each of the above in turn in respect of the requested contribution:

> *(a) necessary to make the development acceptable in planning terms;*

The submitted Transport Statement includes an assessment of the capacity of the surrounding highway network, including junctions. It concludes that all junctions within the locality will operate at a Ratio of Flow to Capacity (RFC) value of less than 1, meaning that they will operate effectively, with the exception of the Manteo Way / Barnstaple Street junction. This junction is already over capacity during the peak AM and PM hours (0800-0900 and 1700-1800), with an RFC value above 1. However, it is necessary to consider the likely vehicle movements that would be generated by the proposed development. In this regard, the Transport Statement notes that the majority of vehicle movements would be outside the peak AM and PM times, due to the nature of the operations at the site, i.e., the majority of vehicles would be leaving the site early in the morning and returning in the mid-afternoon. As a result, the Transport Statement advises that only 10 additional two-way traffic movements would be expected at the Manteo Way / Barnstaple Street junction during the peak AM of 0800-0900 (compared with a 2022 5 day average of 317 two way traffic movements), with a further 10 expected during the peak PM time of 1700-1800 (compared with a 2022 5 day average of 464 two way traffic movements). Table 1.3 from the Transport Statement is reproduced below, and shows the

expected vehicle movements that would be generated by the proposal, compared with the existing situation:

Table 1.3: Comparison of Proposed Development Peak Periods with Network Peak Periods

Peak Hour Periods	2015 2-way 5 Day Average	2022 2-way 5 Day Average	Development Generated	2022 Total 2-way Flow	Diff in Peak Hour flows
0600 – 0700	43	49	58	107	220
0800 - 0900	281	317	10	327	
1400 - 1500	270	303	58	361	113
1700 - 1800	413	464	10	474	

Given this extremely minimal increase as a result of the proposed development, it is clear that the capacity issue at this junction during the peak AM and PM times is as a result of previous developments. It is not the responsibility of the development now proposed to mitigate the issues that have been caused by other developments. Further, the expected increase of 10 two-way traffic movements, compared with a 2022 5 day average of 317 movements in the peak AM and 464 in the peak PM, is not considered to be a significant increase. Accordingly, it is your Officer's view that the requested contribution is not necessary to make the development acceptable in planning terms.

The Highways Officer has advised that there have been 7 collisions in the past 10 years at the Manteo Way / Barnstaple Street junction, 4 of which were 'serious' and 3 'slight'. The Highways Officer has advised that this is classified as a collision cluster site, the only one in Torridge. Whilst the recorded incidents at the junction are a cause for concern, these are as a result of existing traffic flows. Again, such a modest increase as a result of the proposed development is not considered to justify a financial contribution.

In respect of the off-peak hours at the junction, when the majority of vehicle movements would be generated by the development, it is clear that the junction would operate within its capacity.

(b) directly related to the development; and

As noted above, it would appear that the vehicle movements associated with the proposal can be accommodated at the Manteo Way / Bartnstaple junction during the off-peak times. In addition, the Transport Statement clarifies that the RFC value at the junction is already above 1 during peak hours. As such, it is clear that the capacity issues at the junction are as a result of development that has previously been permitted and built out within the area. Taking this into account, it is your Officer's view that the contribution is not directly related to the development, as the capacity issues are as a result of previously permitted development.

(c) fairly and reasonably related in scale and kind to the development.

Given that in your Officer's view the requested contribution does not accord with the first two tests, it follows that it is not fairly and reasonably related in scale and kind.

For the reasons set out above it is concluded that the requested contribution does not meet the requirements of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and is therefore not justified. It is noted that the Highways Authority has since reduced the requested contribution to £25,000, however the points set out above apply equally to the revised request.

The Highways Officer has highlighted that if planning permission is granted, any commercial operator could occupy the site, which may result in significantly different vehicle movements, including a

greater number within the AM and PM peak times. It is agreed that this could be an issue, and accordingly a condition is recommended to make any forthcoming planning permission personal to the applicant. This would be appropriate, as it would ensure that the highways related impacts at the junction of Manteo Way / Barnstaple Street would be controlled to within acceptable levels.

It is noted that the Highways Officer does not raise any concerns in respect of the proposed on-site parking provision, and accordingly this is considered to be acceptable as proposed.

The site is well located within close proximity to public transport options, and the provision of a footpath on Gammaton Road will provide employees with travel options other than private motor vehicles.

Taking account of all of the above, it is considered that the proposals accord with the above NDTLP policies and the relevant sections of the NPPF, subject to the conditions suggested by the Highways Authority and a further condition to ensure that the permission is personal to the applicant.

5. Biodiversity

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is also supported by Policy DM08 of the NDTLP. Policy ST14 of the NDTLP seeks to deliver biodiversity enhancement through development.

Natural England has been consulted in respect of the proposals and has confirmed that it has no objection to the application.

The application is accompanied by a Hedgerow Survey dated October 2022 and Biodiversity Net Gain Assessment dated November 2022, both prepared by Orbis Ecology.

The Hedgerow Survey assesses the section of hedge that would be affected by the creation of the new access from Gammaton Road and the widening of the carriageway. The report notes that the hedgerow does not meet the criteria to be classified as 'important', as defined by the Hedgerow Regulations 1997. It does however have the potential to support nesting birds, and the report accordingly recommends that no works should be undertaken to the hedgerow between 1 March and 31 August. No other species are anticipated to be affected by the proposed works to the hedgerow. The new hedgebank to be created should follow the recommendations of the Devon Hedge Group and as proposed will be comprised from native species.

The Biodiversity Net Gain Assessment notes that the proposals would result in a biodiversity net gain at the site in excess of 10% (28.29% habitat units and 165.18% hedgerow units). The report notes that the site is currently formed from modified grassland and 250m of Priority Habitat native hedgerows. These existing hedgerows will be unaffected by the proposals. New hedgerows equal to 320m length would be created as part of the proposals, as well as areas of copse planting, flowering lawn and meadow, and areas of sealed surfaces and built areas. The report notes that a condition should be used to secure the measures set out within the submitted Landscape Management & Maintenance Plan, to ensure that the net gain is realised and maintained.

Taking account of the above, it is concluded that the proposals would deliver significant net gain, and that the proposals accord with the above-mentioned policies and legislation.

6. Sustainability

Policy ST02 of the NDTLP establishes that development will be expected to make a positive contribution to sustainability and proceeds to list six measures as to how this can be achieved. Policy ST03(g) of the NDTLP seeks to ensure that development is resilient to the impacts of climate change. The policy cites the effective use of renewable resources, passive heating and cooling, natural light and ventilation as ways that this can be achieved. Policy ST05 follows a similar policy direction in relation to sustainable construction and buildings.

The application is accompanied by an Energy Statement dated November 2022 prepared by Hoare Lea.

The document sets out the design principles that have been adopted within the proposals. The strategy for the development is to follow the energy hierarchy; 'be lean, be clean, be green'. The development incorporates the following specific measures:

- Buildings to be heated using underfloor heating and an air source heat pump;
- Ventilation to be provided by mechanical ventilation heat recovery (MVHR) units;
- Hot water provided at point of use to reduce energy losses;
- Energy efficient lighting;
- Photovoltaic system incorporated on roofs of buildings; and
- Energy efficient materials to be used in construction.

It is considered that the above measures in combination would contribute positively to the sustainability credentials of the development and ensure that the proposals accord with the above-mentioned NDTLP policies.

7. Surface and Foul Water Drainage

Policy DM02 of the NDTLP requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water, whilst Policy DM04 establishes that water management must be addressed by development. Policy ST03 requires development to manage flood risk.

The site is located within Flood Zone 1.

The Lead Local Flood Authority (LLFA) and South West Water have been consulted and further to the receipt of further information have confirmed that they have no objection to the proposals.

The application is accompanied by a Flood Risk Assessment & Drainage Strategy dated November 2022 and Technical Note dated January 2023, both prepared by Clarke Bond. The submission proposes that surface water at the site would be attenuated on site using attenuation tanks, before being discharged to the existing sewer. The submission clarifies that above ground attenuation is not possible due to the topography and layout of the site, which is accepted by the LLFA. Similarly, green roofs are not feasible due to the use of roof spaces for photovoltaic panels and issued relating to the insurance of the site, and living walls and rainwater harvesting cannot be incorporated within the proposals as they cannot practicably be incorporated into the detailed design of the site.

Foul water is proposed to be discharged to the mains sewer, which is also considered acceptable. South West Water have confirmed they have no objection to the proposals.

The proposals are considered to accord with policies ST03, DM02 and DM04.

8. Other Matters

The Environment Agency has been consulted and confirms that it has no objection to the proposals. They also advise that an Environmental Permit would be required in respect of the proposals. The Environment Agency also notes the proximity of the existing dwelling to the west of the site and advises that the proposed operations may give rise to noise and odour complaints and would expect satisfactory mitigation measures to be taken as part of the permitting process. An informative has been added to advise the applicant that an Environmental Permit would be required.

The proposed development has been screened to determine if it should be considered as EIA development, as required by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The screening opinion concludes that the proposals do not amount to EIA development, and accordingly an Environmental Statement is not required as part of the planning application. The screening opinion is available to view on the public application file.

9. Conclusion

As discussed above, the principle of development is considered acceptable. The site is located within the defined development boundary for Bideford, which the NDTLP designates as a strategic centre in recognition of its scale and the range of services and facilities that are offered within the settlement. The NDTLP also recognises that development within Bideford will meet the needs of the town itself and those of the surrounding area. The proposals would provide a modern, centralised facility that would facilitate the closure of existing satellite locations that are constrained and are therefore difficult to expand to meet modern requirements and to manage the increases in the amount of waste that is to be recycled going forward.

In addition, the above assessment demonstrates that the proposals meet the requirements of the various development management policies. It is noted that objections have been received, which raise a range of concerns in respect of the development. In particular, these concerns relate to highway capacity / safety, noise and odour, however for the reasons set out above it is your Officer's view that these issues are not likely to result in significant adverse impacts. Similarly, the concern of the Town Council in respect of dust is noted, however as set out above the proposals are unlikely to result in significant issues.

Taking account of all of the above, it is concluded that subject to the conditions set out below the proposals accord with the development plan and that there are no other material considerations that suggest that planning permission should be refused. Consequently, it is recommended that planning permission should be granted, subject to the conditions set out below.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT subject to the following conditions:

1. The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

   Reason: To ensure the development is carried out in accordance with the approved plans.

3. The development hereby permitted shall be carried out and operated only by Torridge District Council solely for the purposes of processing of household recycling materials and food waste.

   Reason: To limit the number of vehicle movements within the peak AM (08:00 – 09:00) and PM (17:00 – 18:00) hours.

4. The development hereby permitted shall process only household recycling materials and food waste. General household waste shall not be processed.

   Reason: To safeguard the residential amenities of the occupiers of existing residential properties.

5. The development hereby permitted shall operate only between the hours of 05:00-22:00.

   Reason: To safeguard the residential amenities of the occupiers of existing residential properties.

6. Notwithstanding the requirements of condition 5, the car parking area hereby permitted, to the immediate west of the office / vehicle workshop, shall not be used other than between the hours of 08:00 and 19:00 on Monday - Friday.

   Reason: To safeguard the residential amenities of the occupiers of existing residential properties.

7. Notwithstanding the approved plans, the car parking spaces for use by electric vehicles in the car parking area to the immediate west of the office / vehicle workshop shall be located on the southern side of the car park.

   Reason: To safeguard the residential amenities of the occupiers of existing residential properties.

8. Prior to the development hereby permitted being brought into use, a noise management plan shall be submitted to and approved by the local planning authority. The noise management plan will detail the measures that will be taken to minimise noise impact on nearby residents (e.g., vehicle engines to be switched off when parked, broadband-style reverse alarms, etc.).

   The development shall be operated in accordance with the approved noise management plan at all times.

   Reason: To safeguard the residential amenities of the occupiers of existing residential properties.

9. Prior to the external plant to the south of the vehicle workshop / office building being brought into use, an updated noise assessment or addendum report detailing the noise emissions of the proposed fixed plant and the effect it has on the assessment outcome shall be submitted to and approved by the local planning authority. Additional mitigation measures shall be incorporated within the development if required and retained as such thereafter.

   Reason: To safeguard the residential amenities of the occupiers of existing residential properties.

10. Prior to the vehicle workshop / office building hereby permitted being brought into use, the first floor windows on the west elevation serving the conference room, male and female WCs and corridor shall be obscure glazed and retained as such thereafter.

    Reason: To safeguard the residential amenities of the occupiers of existing residential properties.

11. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the approved drawings where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be as shown on the approved plans.

    Reason: To provide a satisfactory vehicle access to the site and to provide adequate visibility from and of emerging vehicles.

12. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway.

    Reason: To prevent mud and other debris being carried onto the public highway.

13. Prior to the development hereby permitted being brought into use, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway, and shall be retained as such thereafter.

    Reason: In the interest of public safety and to prevent damage to the highway.

14. Prior to the development hereby permitted being brought into use, the footway works shown on the approved plan shall be constructed and made available for public use.

    Reason: In the interest of accessibility and highway safety.

15. The development hereby permitted shall be undertaken in accordance with the mitigation, compensation and enhancement measures set out at Section 6 of the Hedgerow Survey prepared by Orbis Ecology dated October 2022.

    Reason: To ensure the protection of the biodiversity value of the site.

16. Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall include:

    a) measures to regulate the routing of construction traffic;
    b) the times within which traffic can enter and leave the site;
    c) the importation of spoil and soil on site;
    d) the removal /disposal of materials from site, including soil and vegetation;
    e) the location and covering of stockpiles;
    f) details of measures to prevent mud from vehicles leaving the site, which shall include wheel washing facilities if deemed necessary;
    g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
    h) mitigation measures in relation to noise, vibration, dust and lighting;

i) details of any site construction office, compound and ancillary facility buildings;
j) specified parking arrangements for vehicles associated with the construction works and the provision made for access thereto;
k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: To safeguard the residential amenities of the occupiers of existing residential properties.

17. The construction phase shall only be carried out, (including the delivery of construction materials), during Monday to Friday between the hours of 07:00 to 19:00 and Saturday between the hours of 08:00 to 13:00 with no works, (or the delivery of construction materials) being carried out on Sundays and Bank Holidays.

    Reason: To safeguard the residential amenities of the occupiers of existing residential properties.

18. The landscaping scheme hereby approved shall be implemented in full no later than the end of the first planting season following the substantial completion of development. Any trees, shrubs or other plants that are removed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced with the same or similar species in the same location.

    Reason: In the interests of the character and appearance of the development and the surrounding area, and to deliver biodiversity enhancement.

19. The landscaping scheme hereby approved shall be maintained in accordance with the submitted Landscape Management & Maintenance Plan prepared by Cambium dated November 2022.

    Reason: In the interests of the character and appearance of the development and the surrounding area, and to deliver biodiversity enhancement.

20. The external finishing materials shown on the approved plans shall be used in the construction of the development hereby permitted. The materials shall be installed before the development hereby permitted is brought into use and shall thereafter be retained as such.

    Reason: In the interests of the character and appearance of the development and surrounding area.

21. Surface water associated with the development hereby permitted shall be drained to the approved surface water drainage system, which shall be constructed prior to the development being brought into use and retained as such thereafter.

    Reason: To ensure that the development does not increase flood risk.

Plans Schedule

Reference	Received
200664-1000 P06	11.11.2022
200664-1301 P02	11.11.2022
200664-1310 P01	11.11.2022
200664-1311 P01	11.11.2022

200664-1312 P01	11.11.2022
200664-1320 P01	11.11.2022
200664-1321 P01	11.11.2022
200664-1330 P03	18.11.2022
200664-1331 P01	18.11.2022
200664-1332 P01	18.11.2022
200664-1333 P01	18.11.2022
200664-1400 P01	11.11.2022
200664-1401 P01	11.11.2022
200664-1402 P02	18.11.2022
200664-1410 P01	11.11.2022
200664-1411 P02	18.11.2022
200664-1420 P01	11.11.2022
1496-01 C	11.11.2022
1496-02 C	11.11.2022
PLOT 7A 01B	11.11.2022
PLOT 7A 02B	11.11.2022
24307-03 B	17.01.2023
0515 P03	11.11.2022
0516 P03	11.11.2022

Informatives

01. The applicant will need to have an Environmental Permit in place before the new facility comes into operation. Permitting information can be found here: Waste: environmental permits - GOV.UK (www.gov.uk)

Statement of Engagement

The National Planning Policy Framework (paragraph 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.