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Date: 23 March 2023

MEETING OF PLANS COMMITTEE

Town Hall - Bridge Street, Bideford, EX39 2HS

Thursday 30 March 2023 at 9.30 am

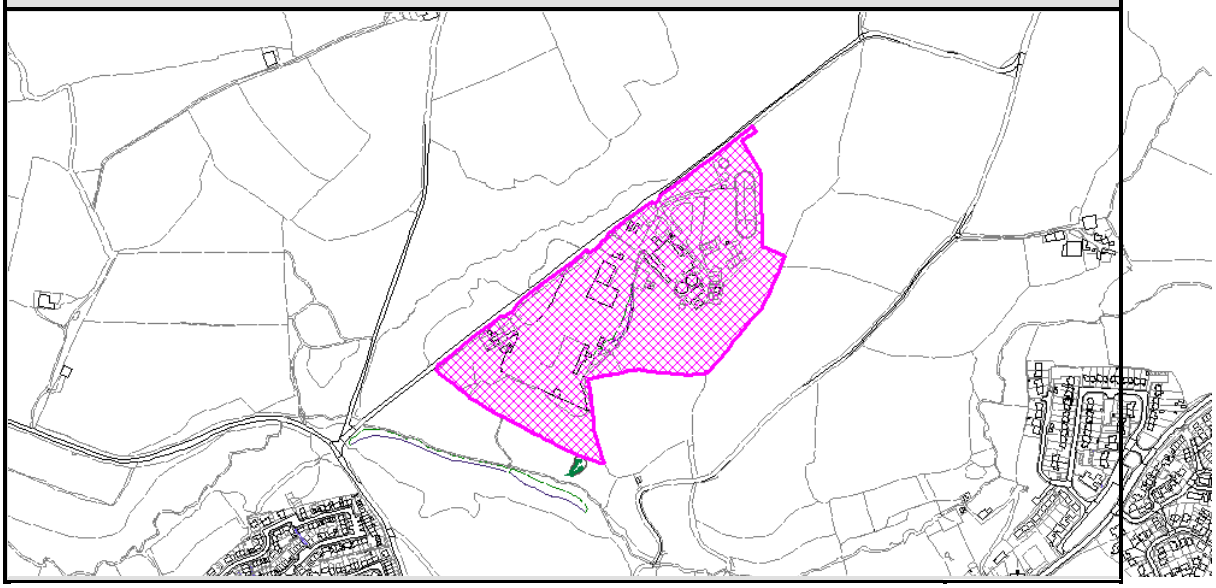
SUPPLEMENT

(f)	**Application No. 1/0511/2021/OUTM** (Pages 3 - 82)
	Hybrid application consisting of a full application for 59 dwellings and an Outline application for up to 141 dwellings with up to 1500sqm commercial space (B1, B2 or B8). (Affecting a public right of way) (Amended Plans and Documents) - Land At Grid Reference 249644 119976, Torrington, Devon

Agenda Item 7f

Committee Report – 30th March 2023

Application Number:	1/0511/2021/OUTM
Registration date:	21 May 2021
Expiry date:	20 August 2021
Applicant:	Clayewater Homes Ltd
Agent:	BDW Trading Ltd
Case Officer:	Sarah Boyle
Site Address:	Land At Grid Reference 249644 119976, Torrington, Devon,
Proposal:	Hybrid application consisting of a full application for 59 dwellings and an Outline application for up to 141 dwellings with up to 1500sqm commercial space (Use Class E (g) (i), (ii), (ii); B2; B8).
Recommendation:	GRANT subject to a Legal Agreement



Reason for referral:

The application has been called in by Councillor Bright, if minded to approve, for the following reasons:

'*There are concerns around the proposed footpath through jubilee woods which include: suitability, lack of consultation with the relevant interested parties, and safety concerns based on the fact that the only way to use the proposed footpath is for residents to cross to the path access which is in the centre of a junction, on a corner with low visibility, inside a 60 zone. There is also a matter of where these additional residents will be crossing to in order to walk safely to the main development. Would they need lighting to cross safely, as lighting will look severely out of place in an area with naturally beautiful environment. Concerns have also been raised to ensure that the proposed sewage system for this development is sufficient.'*

Relevant History:

Application No.	Description	Status	Closed
1/1057/1979	CONSTRUCTION OF A CAR PARK THE ABATTOIR, SCHOOL LANE, TORRINGTON	PER	31.07.1979
1/1165/2017/OUTM	Outline application for erection of up to 143 dwellings, 1040 square metres of commercial freehold land for B1, B2 and B8 employment and public open space	PER	13.09.2018
1/1051/2021/REM	Reserved matters application for appearance, landscaping, layout & scale pursuant to outline application 1/1165/2017/OUTM - Erection of up to 143 dwellings, 1040 square metres of commercial freehold land for B1, B2 and B8 employment and public open space	PCO	

Site Description & Proposal

Site Description

The application site is located within the countryside and is located to the north of Great Torrington, which is designated as a 'Main Centre' in the adopted North Devon and Torridge Local Plan (NDTLP). The site consists of a parcel of land which is a brownfield site utilised by the Former meat factory and Peninsula Proteins, Great Torrington. Whilst predominately brownfield the eastern and southern fringes of the site are greenfield (undeveloped). The site is approximately 8.5 hectares and the buildings on site are considered no longer fit for purpose.

The site also benefits from a previous outline permission (1/1165/2017/OUTM) which is still extant through the submission of a reserved matters application which is still being considered by the Local Planning Authority under reference 1/1051/2021/REM. Outline permission 1/1165/2017/OUTM allows

the erection of up to 43 dwellings, 1040 sqm of commercial floorspace and public open space. The associated legal agreement secured the following:

- 40% affordable housing (to be pepper potted across the site in clusters of up to 10 affordable dwellings) with a mix of tenures being not less than 55% social rented housing and 45% intermediate housing.
- Education contributions as follows - Early Years education to secure delivery of provision for 2, 3 and 4-year olds at a rate of £250.00 per family dwelling; a new primary school contribution of £4,005.00 per family dwelling; and a new primary school land contribution of £440.00 per family dwelling;
- Formal and informal on-site open space: play space consisting of LAP, LEAP, NEAP and a MUGA with management company; and
- Creation of a footway on School Lane.

The site is well-related to the main built form of Great Torrington which as a Main Centre *'will support appropriate levels of growth that will increase the towns' capacities to increase self-containment, to meet their own needs and those of surrounding.'*. The application site is bounded on its northern side by an un-named road to Darracott and also includes a terrace of three residential properties known as Beara Cottages (former workers dwellings). Protected common land abuts the site on the southern and western boundaries. The site boundary is formed by existing hedgerows and an element of metal security fencing on the road frontage. The sites topography slopes form south to north and there are level changes east to west which any scheme would need to take into account when creating the layout and design for the proposed development.

The site currently benefits from three existing points of vehicular access onto the main, unclassified highway.

Proposed Development
The application is a hybrid application consisting of a full element for 59 dwellings and an outline application for up to 141 dwellings with up to 1500sqm commercial space (Use Class E (g) (i), (ii), (ii); B2, B8).

The full element for 59 dwellings will be seen as Phase 1 of the development and alongside the dwellings will create the access for the site and a LEAP provision along with open space and landscaping provision and associated infrastructure. The breakdown of house types and sizes is provided below:

House types
Batherm 2B/4P – 8
Creedy 2B/4P – 4
Culm 3B/5P - 6
Exe 3B/5P - 6
Lowman 3B/5P - 5
Somer (2.5 storey) 3B/6P - 8
Taw 4B/7P - 4
Halberton 4B/7P - 8
Lyner 4B/8P – 10

This results in 20% 2-bedroom properties, 42% 3-bedroom properties and 37% 4-bedroom properties.

The outline application is for 141 dwellings with up to 1500sqm commercial space (Use Class E (g) (i), (ii), (ii); B2, B8) with all matters reserved. An indicative masterplan has been submitted detailing the different areas of employment and residential on the outline section of the proposed scheme alongside the public open space, Play (youth) mini-MUGA, allotments, orchards and biodiversity net gain.

Consultee representations:

Great Torrington Town Council:
16th March 2023
Following a meeting of Great Torrington Town Council's Planning Committee yesterday I am writing to provide you with Members' feedback regarding the latest amendments to application 1/0511/2021/OUTM:

Members carefully considered the amendments to this application versus comments provided in January 2023 following the last review of this development. Members acknowledged that some of their concerns had been addressed but were disappointed that not all of them had been responded to sufficiently. Members therefore continue to have concerns about this development:
i. No response was provided about concerns Members raised in January about whether the capacity of local health services is sufficient to cope with the addition of up to 141 dwellings. Members noted that the developers are awaiting feedback from the Chief Education Officer regarding the capacity of local schools and reiterated their concerns about whether the local schools will have enough space to accommodate this development, particularly when considered against other developments approved for the parish.
ii. Members noted that the developer is working with DCC Highways to look further at the installation of street lighting and reducing the speed limit along School Lane via the S278 process. However, Members remain concerned that even a reduction of the speed limit to 40mph, as suggested in the letter from Barratt Homes dated 16 February 2023, would still be too fast along a road which will be narrowed further to facilitate a pedestrian footpath. Members felt strongly that the speed limit should be reduced further.
iii. Although the developer has commissioned a Highway and Transportation Peer Review, Members were still very concerned about the impact this development will have on traffic at the junction with School Lane and were in agreement with the comments made by the DCC Highways Officer in his recent assessment. The Highways Officer raised concerns that the assessment did not take into consideration the seasonal nature of traffic, was unclear whether other committed developments had been taken into account and that the assessment was not accurately calibrated to the existing situation in order to predict accurately the future scenario.
iv. In their previous comments, Members raised concerns over a lack of public transportation provision to the new development. There is no reference to this in the amended documentation, aside from DCC Highways recommending a new bus stop be positioned at the bottom of School Lane, however there is no regular bus service to this location. Members have therefore requested that a Travel Plan be submitted by the developer to address their concerns about the sustainability of this site given the poor links with public transport currently in existence.
v. Members previously requested 30% affordable housing for this development: this comment was not addressed in the amended documentation. Members therefore requested a Viability Study be undertaken to determine whether the inclusion of affordable housing is feasible for this site.
vi. The amended documentation does not address Members' previous comments regarding the sewerage provision for the new development: please could Torridge District Council confirm with South West Water that the existing sewage works can cope with the significant extra capacity this new development will require.

Members recommended that Torridge District Council conducts a site visit to this development and School Lane to facilitate understanding of the challenges posed by this application.
Members voted by a majority to OBJECT to this application due to the fact that concerns raised previously have not been fully addressed.

5th Jan 2023
At a meeting of Great Torrington Town Council's Planning Committee yesterday, Members considered application 1/0511/2021/OUTM. Members noted the changes presented in this updated set of plans. Following careful consideration of the proposals, Members continue to have the concerns outlined below:

- There appears to be no mention in the documentation provided regarding the anticipated additional capacity required within the local health services and schools.
- Although Members are pleased the proposed footpath from the development site to the town centre has now been relocated from Jubilee Wood to run along School Lane, they do still have concerns regarding the safety of a footpath along such a narrow and fast road. In particular, Members were concerned about children of school age and parents with buggies/prams walking along this stretch of road. Members would therefore like assurances that the speed limit along this stretch of School Lane and the unnamed road be reduced and that appropriate lighting will be installed along the footpath.
- Members are concerned that this development will result in a significant increase in traffic joining New Street (A386) at the junction with School Lane, which is already a challenging junction for emerging traffic, with limited visibility for drivers on School Lane looking west as they reach the junction.
- Members raised concerns over a lack of public transport provision to the new development.
- Members could see no reference in the amended documentation to affordable housing provision. Members requested 30% affordable housing for this development.
- Members requested reassurance regarding the sewerage provision for the new development: please could Torridge District Council confirm with South West Water that the existing sewerage works can cope with the significant extra capacity this new development will require.

Members are supportive of this development in principle, on condition that the above concerns are addressed by the developers in consultation with the District Council and other relevant agencies.

1st July 2021
Members of the Environment Committee have requested that I write to you in relation to current concerns about the inclusion of a "path way" within a recent planning application for the old meat factory site.

The Plans include a path which crosses across Jubilee Wood/Meadow to Trafalgar Drive. This whole area is and continues to be a site of significant ecological value and natural beauty.

This land was passed to the Town Council in 2016 and a hand-over ceremony took place on 30’h November 2016. There is a plaque situated at the site and newspaper reports confirm this event. We were advised at the time that due to work pressures; the transfer of deeds had not been completed, however, would be as soon as possible. For the press’s benefit, the Leader handed our mayor an empty envelope to symbolise the exchange.

The Town Council has therefore assumed responsibility for this site since this exchange and has acted as “owned' whilst waiting on the official transfer of deeds.

During this time Town Council has invested significantly in Jubilee Wood/Meadow. This investment has been financial, in time and in attempts to bring community onboard so that the area Is used as a community resource. We have joined with other groups and volunteers from within the community to develop this site into a natural habitat to be enjoyed by the community at large. We do regular updates in the local CRIER magazine and Jubilee Wood/Meadow is a regular agenda item at various Environment Committee meetings.

During the past 4-5 years the Town Council has remedied the sewerage spill over with South West water, cut natural paths, created a gate and a link to common land, engaged with schools and planted trees and bushes, sowed meadow seed and generally worked on the development of this site. In addition, we have received funding/trees from various community projects as being the owners and in charge of this land.

During this past year there has been 200 plus hours of volunteer time, not including work by the town council's Technicians.

When I re-joined the Town Council in late June 2018 Andrew Waite, Property Manager, visited and we discussed whether the deed transfer had ever been finalised. Andrew looked into this and sent an e-mail to TDC's property manager, copying in the council's solicitor and confirmed the following;

"I have checked our files and this appears to have been missed somehow since 20J4,
we even had a handover ceremony on site for the Jubilee with Jenny and Jane.

TDC agreed to transfer the whole title to GTTC, however, I can't find any confirmation of this happening and Legal don't seem to have a file.

Transfer is for £1 with a restriction of no building on site. NB there is a sewer outfall on one field."

There still remained little movement in this matter and by chance I mentioned this matter at the Mayors and Clerks meeting with TDC in November 2020. It appeared that the work had once again slipped off the radar. Not only this, but TDC had had initial discussions with the developer about this path.

Following a number of e-mails TDC advised the Town Council that they had ceased all activity with the developer and would arrange for the deed transfer to be actioned as soon as possible. A draft document was produced and is currently with the Town Council's solicitor, who is in liaison with TDC's solicitor.

Members have asked me to stress how important this matter is to the Town Council and the community at large. We have not been approached by the developer of this site and are very concerned at assumptions made. The Town Council's Planning Committee objected to the development and the Environment Committee also want to lodge their concern at the "proposed" path, which has no permission.

I trust you understand the importance of this matter to the Town Council and you will take all of this into account when considering this application.

24th June 2021
Following a meeting of Great Torrington Town Council's Planning Committee yesterday, I am writing to provide you with Members' feedback on application 1/0511/2021/OUTM. Members welcomed the inclusion of affordable housing at the site; however, they raised a number of concerns regarding the application:

- Transport & Access: Access to the town on foot and via public transport was raised as an area for concern. Although the plans include a proposed footpath from the development, which would cross School Lane and continue through Jubilee Wood to Trafalgar Drive, Members felt that this would not be a regularly used path, particularly during hours of darkness as there are no proposals to light the footpath in the application. There are no proposals to extend the bus service to the development site, meaning that residents would have to walk 1.5km to the nearest bus stop. Members raised concerns over the proposal that pedestrians would be required to cross School Lane to access the proposed improved public footpath in Jubilee Wood: this is a national speed limit road and a blind corner for pedestrians exiting Jubilee Wood therefore Members have concerns over pedestrian safety at this location.
- Public Rights of Way: Members commented that there has been no consultation with the landowners of Jubilee Wood or the Great Torrington Commons, over which there are proposals to install new/improved public footpaths and no permissions have been granted.
- Highways: the documentation provided by the developer indicates that they do not foresee an increase in traffic at the junction of School Lane and New Street in Great Torrington. Members strongly disagree with this assessment and recommend that a new assessment be undertaken as the volume of traffic in Great Torrington has increased significantly since this report was completed.
- Out of date, contradictory & insufficient data: Members were unhappy with the quality of the documentation provided with this application and felt there was insufficient detail. The overall feeling was that an abundance of unnecessary and repetitious data had been provided. More specifically, they highlighted that in several places contradictory information was provided in relation to distances

to key locations in the town centre within the same document. In addition, the documentation incorrectly states that there are 4 banks in the town centre: there are currently no banks in the town centre, with the last bank having closed approximately 4 years ago. Members considered that despite lengthy written documents, detail was sparse.
• Impact on wildlife: Members noted that wildlife surveys have shown there to be limited wildlife on the proposed site, however they did still raise concerns over the impact the whole application could have on wildlife in the surrounding area. Whilst the proposed path via the Commons and through Jubilee Wood has been mentioned above; Members wanted to re-enforce the fact that NO permissions have been granted by the current landowners. Jubilee Wood/Meadow is in the process of being transferred to 2 Great Torrington Town Council and this Council also has NOT given any permission for the proposed path; nor have the Common's Conservators.

NHS S106:
No response received.

Designing Out Crime Officer - DC&D Police:
28th February 2023
Thank you for this application, the relevant amendments and additions regarding defensive planting and boundary treatments which resolve my initial concerns are noted and supported.

19th December 2022
Thank you for this application, I have no objections in principle to the revised layout and previous comments regarding the principles and practices of Crime Prevention Through Environmental Design (CPtED) remain valid for the proposed amendments.

The additional information and drawings detailing dwelling boundary treatments, rear access gates, defensive planting, communal areas and play space is noted. The intention to define front and side boundaries adjacent to the public realm is welcomed.

Plots with rear boundaries adjacent POS must have enhanced defensive planting, with this in mind, the boundaries of any existing must also be considered to prevent undermining safety and security. To reduce vulnerability, I recommend the additional side gate access from the garden of plot 56 to the green link footpath be removed and a solid boundary provided. I assume the development will be fully adopted and lit as per normal council standards? Will this include the greenlink footpaths eg adjacent to plots 56, 38 & 57.

Please do not hesitate to contact me if I can assist further.

22nd June 2021
Outline application
It is not possible for me to comment in any detail on the Illustrative Masterplan as, at this stage it does not reveal any of the features that would specifically be of concern or interest to the police from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective. In a proposed development of the size, areas of concern tend to be in relation to defensible space, clear ownership of property including parking spaces, defensible planting preventing conflict with youths and ball games etc, desire lines, and unwarranted permeability allowing potential offenders to wonder unchallenged.

Please note the following information, initial advice and recommendations, given from a designing out crime, fear of crime, antisocial behaviour (ASB) and community conflict perspective.
All relevant planning applications should demonstrate, generally within the Design and Access Statement (DAS), the principles of Crime Prevention through Environmental Design (CPtED) and how they have been considered and incorporated into the design and layout of all new developments.
The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community and in addition to the layout the physical security is now a consideration.
• Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.

• Structure: Places that are structured so that different uses do not cause conflict
• Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.
• Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community
• Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019
• Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
• Management and maintenance: Places that are designed with management and maintenance in mind, to discourage crime and ASB.

Routes for pedestrians, cyclists and vehicles should be integrated to provide a network of supervised areas to reduce crime and anti-social behaviour. Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. If a footpath is essential to give access to the rear of properties, they must be gated. The gates must be placed at the entrance to the footpath, as near to the front building line as possible, so that attempts to climb them will be in full view of the street.

Cars should either be parked in locked garages or on a hard standing within the dwelling boundary. Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view of active rooms within these homes. The word ‘active’ in this sense means rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms.

Rear car parking courtyards are discouraged for the following reasons: • They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated • In private developments such areas are often left unlit and therefore increase the fear of crime • Un-gated courtyards provide areas of concealment which can encourage anti-social behaviour Communal areas, such as playgrounds and seating areas have the potential to generate crime, the fear of crime and anti-social behaviour. They should be designed to allow supervision from nearby dwellings with safe routes for users 2 to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.
Where and how does the proposed development interact with the public right of way? With the proposed employment sites in mind, from a crime and disorder perspective commercial units can be vulnerable to burglary, theft and unwanted trespass, therefore life should be made as difficult as possible to prevent unauthorised access, as such it is recommended that any development gives consideration to the principles of Secured by Design (SBD) as detailed in SBD Commercial Developments 2015 version 2.

Full Application
There are no objections in principle, the proposed site layout would appear to provide both, active frontages and good overlooking to the new internal streets which is welcome. The use of back to back gardens and on plot parking where possible is also noted and supported. However, as there is no mention within the Design & Access Statement of security or crime prevention measures per se, it is not known if these key matters have been considered for the scheme or where they have been implemented. Therefore, it is considered that the level of detail submitted for the full application is too limited to provide reassurance or enable an informed response at this time. Therefore, it is respectfully requested the following information/detail is provided;- Dwelling Boundaries • Front, side and rear boundaries • Access gates to rear gardens • Defensive planting Communal areas and play space Lighting Bin/cycle stores

Chief Education Officer:
4th Jan 2023

Devon County Council previously responded to this application on 22/06/2021. In December 2021 our Section 106 policy was updated and therefore we have updated our previous response to reflect the new rates within the policy. Regarding the above planning application, Devon County Council has identified that the proposal of up to 200 dwellings will generate an additional 50.00 primary pupils and 30.00 secondary pupils which would have a direct impact on primary and secondary schools within Great Torrington. We note that this is an unallocated site and as such additional development to that within the joint Local Plan. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below: As this development is a major application, contributions will be sought for Special Education provision. Approximately 2.0% of the new school population require a specialist school place. The proposed development of 200 dwellings equates to 1.60 pupils, (1.00 primary and 0.60 secondary), who will have a Special Educational Need (SEN). The SEN contribution rate is £81,274 per pupil. Therefore, a total SEN contribution is sought for £130,038. This equates to a per dwelling rate of £650.19. When factoring in both approved but unimplemented housing developments and Local Plan allocations we have forecast that the local primary school does not have capacity for the pupils coming forward from this development. DCC will not seek additional primary contributions on SEN pupils and therefore will only calculate contributions towards the remaining 49.00 pupils expected to be generated from this development. As the existing primary school, Great Torrington Bluecoat, cannot be expanded further, new primary provision to serve the development is required. The primary contribution sought would be £994,945 (based on the DfE new build rate of £20,305 per pupil). This equates to a per dwelling rate of £4,974.73. This contributions will be used to provide additional primary education infrastructure. In addition, DCC also need to request a proportionate land contribution of 10sqm per family-type dwelling. Based upon a land value of £440,000 per hectare, this land contribution would equate to £88,000 and would be used to assist in the procurement of the new school site. Great Torrington School is also at capacity and therefore contributions towards secondary education would also be sought. DCC will not seek additional secondary contributions on SEN pupils and therefore will only calculate contributions towards the remaining 29.40 pupils expected to be generated from this development. The contribution sought towards secondary provision would be £692,076 (based on the DfE extension rate of £23,540 per pupil). This equates to a per dwelling rate of £3,460.38. This contribution will be used to provide additional secondary education infrastructure. In addition, a contribution towards Early Years provision will be requested to ensure delivery of additional statutory provision for 2, 3 and 4 year olds. A contribution of £50,000 would be required (based on a calculation of £250 per CAUTION: This email originated from outside Torridge District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe. 2 dwelling). This contribution will be used to provide additional early years provision for children likely to be generated by the proposed development. All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to contributions requested should be applied from this date. The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122. In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

22nd June 2021

Regarding the above planning application, Devon County Council has identified that the proposal of up to 200 dwellings will generate an additional 50.00 primary pupils and 30.00 secondary pupils which would have a direct impact on primary schools and secondary schools within Great Torrington. Devon County Council understands that planning application 1/1165/2017/OUTM for 143 dwellings was approved on this site on 13th September 2018 and this permission remains extant. The response below recognises that contributions attached to the previously approved application would not come forward and contributions attached to the new application would effectively replace the previously approved development. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below: As this development is a major application, contributions will be sought for Special Education provision. Approximately 1.5% of the new school population require a specialist school place. The proposed development of 200 dwellings equates to 1.20 pupils, (0.75 primary and 0.45 secondary), who will have a Special

Educational Need (SEN). The SEN contribution rate is £77,890 per pupil, (as per Department for Education Guidance Notes:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843957/Devel oper_Contributions_Guidance_update_Nov2019.pdf). Therefore, a total SEN contribution is sought for £93,468. This equates to a per dwelling rate of £467.34 When factoring in both approved but unimplemented housing developments and Local Plan allocations we have forecast that the local primary school does not have capacity for the pupils coming forward from this development. DCC will not seek additional primary contributions on SEN pupils and therefore will only calculate contributions towards the remaining 49.25 pupils expected to be generated from this development. The primary contribution sought would be £956,287 (based on the DfE new build rate of £19,417 per pupil) This equates to a per dwelling rate of £4,781.44. This contributions will be used towards additional primary education infrastructure. In addition, would also need to request a proportionate land contribution of 10sqm per family-type dwelling. Based upon a land value of £440,000 per hectare, this land contribution would equate to £88,000 and would be used to assist in the procurement of the new school site. We have forecast that Great Torrington secondary school is also at capacity and therefore contributions towards secondary education would also be sought. DCC will not seek additional secondary contributions on SEN pupils and therefore will only calculate contributions towards the remaining 29.55 pupils expected to be generated from this development. The contribution sought towards secondary provision would be £665,259 (based on the DfE extension rate of £22,513 per pupil). This equates to a per dwelling rate of £3,326.30. This contributions will relate directly to providing additional education facilities for those living in the development. 2 In addition, a contribution towards Early Years provision will be requested to ensure delivery of additional statutory provision for 2, 3 and 4 year olds. A contribution of £50,000 would be required (based on a calculation of £250 per dwelling). This contribution will be used to provide additional early years provision for children likely to be generated by the proposed development. All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 rates and any indexation applied to contributions requested should be applied from this date. The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122. In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Conservation Officer:
No response received.

South West Water:
24th February 2023
I refer to the above application and submitted amended plans, and would advise that South West Water has no objection and no further comments.

For clarity, the drawings referred to are AVO-21101 – CIV-116 Revision A07 dated 15.02.2023 and AVO-21101 – CIV-115 Revision A04 dated 02.02.2023, contained within the Drainage Strategy Report Part 2.

13th February 2023
I refer to the above application and submitted amended plans, and would advise that South West Water has no objection and no further comments.

For clarity, the drawings referred to are AVO-21101 – CIV-116 Revision A05 dated 02.02.2023 and AVO-21101 – CIV-115 Revision A04 dated 02.02.2023, contained within the Drainage Strategy Report Part 2.

21st December 2022
I refer to the above application and would advise as follows:

On the amended drainage layout, there is a note which indicates “For continuation of off-site drainage refer to drawing AVO-21101-CIV-115”. This does not appear to have been provided at this time.

However, provided that this continuation drawing shows that surface water will discharge to an existing watercourse as per Drawing 20758/SK/DR/100 (dated 10.05.10) in Appendix H of the FRA, then the method proposed is acceptable and meets with the Run-off Destination Hierarchy.

Please note that easements associated with adoptable sewers should exclude all structures within the easement strip, including embankments for SuDS structures. For advice on the adoption of surface water drainage with SuDS elements including attenuation ponds, the applicant should contact South West Water regarding the layout to ensure our requirements (in line with the Design & Construction Guidance Appendix C and Ciria SuDS manual) are met.

24th June 2021
I refer to the above application and can confirm that South West Water has no objection subject to the surface water being managed by means of a soakaway/watercourse, as indicated on the application form.

Devon County Council (Highways):
3rd March 2023
Observations:
Further to previous plans and work by the applicant I am satisfied that a footway can be provided between the site and the existing footway provision on School Lane, subject to detailed design that will overcome the issues I have previously raised. This will be similar to, but not exactly the same as, the path approved for the previous housing permission on the site. This must be a minimum of 1.2m wide, narrowing to an absolute minimum of 1.0m for only 6m in length.

The applicant has submitted further information regarding the operation of the junction of the A386 with School Lane in the form of a ‘Highways Technical Note’ which concludes that no improvements are needed to be made to the junction in question, however, there are a number of matters within this report that concern me.

Under heading AMA Response 4 this note discussed new surveys that were undertaken in February 2023 from which traffic modelling has been undertaken using industry standard software (junctions 9). There are three issues with this information and the modelling:
- With this data being from February it does not consider the seasonal nature of traffic in northern Devon contrary to Local Plan Policy ST10 (2) (f).
- It is not certain which Committed Development has been included, for example have the ‘Creamery’ sites, ‘Burwood’ site and ‘Hatchmoor’ site all been included in the assessment?
- The report states that queues were observed in the February traffic count, however the report also states that ‘the modelling output would not accurately replicate the observed queue lengths at the T-junction.’ The gradient of the junction has also not been considered in the assessment. Therefore the base model is not accurately calibrated to the existing situation in order to extrapolate the future traffic situation, and thus is not considered an adequate prediction of the future scenario.

In discussions with highway designers involved in the application a number of small improvements that could be made to the junction in question have been discussed and preliminarily drawn up, however they have not been submitted as part of the proposals.
These works include:
- A new bus stop at the bottom of School Lane to provide a new stop for users of the site; and
- Amending the single yellow lines at the top of School Lane to double yellow lines to stop parking near the junction at all times; and
- Providing the existing pedestrian crossing of the top of School Lane with tactile paving; and
- Moving the give way line across the top of School Lane further out into the A386 with associated changes to lining, kerbs and drainage in order to provide better visibility from and of traffic using this junction.

Considering the fallback position of the site, with permission for residential development, I would be willing to accept the limited improvements being made as discussed above prior to the occupation of 60 dwellings (likely the first in 'phase 2') without the need for further work on assessment to the junction. However, if these improvements are not agreed by the applicant or if the fallback position disappears (for example if the current reserved matters application is refused), then a revised transport assessment is required to satisfy the three issues raised above.

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

16th December 2022
The proposal now seeks a footway up School Lane, as per the previously approved application but without use of third party land. A design for that path has been submitted and is supported by a road safety audit. However, the applicant has not submitted plans / uploaded to the website for the revised scheme following road safety audit comments dated 17th March 2022, and the designers response to the road safety audit has not been uploaded.

I note the site plan for the proposed internal layout has been revised, and also note the gap between the proposed road and footway into the site and the existing parking arrangements for the existing houses at the site entrance. Details of how the new road and path will affect the existing properties is required to ensure that they remain with adequate access if permission is given and built.

9th July 2021
Observations:
The proposed residential development is not acceptable in terms of the pedestrian links between the site and local facilities and is considered likely to have a severe cumulative impact on the junction of the A386 and School Lane in terms of vehicle traffic.

The proposed development is located outside of the built form of the town of Great Torrington. The number of dwellings proposed would make the site larger than a number of the villages surrounding Great Torrington such as Beaford, but without any on site facilities such as shop, school, pub, church or village hall.

Between the site and the town is 'open space' which is Common Land protected in law as such. The Commons Law 2006 prohibits the laying of tarmac or concrete etc. on the Common Land, and street lighting would also not be allowed. Therefore, no safe and suitable walking route can be built directly between the site and services and facilities in the town.

The applicant proposes that the road accessing the site running east-west between the site proper and School Lane be narrowed in places and verges used to create a path which would then cross School Lane and continue on a public right of way on Common Land and into an area known as Jubilee Field and onwards to Trafalgar Drive. From here pedestrians would need to walk along Linden Close and then up School Lane to get to the town centre and/or local services and facilities.

The proposal of new footway between the site proper and School Lane could be acceptable, subject to design, and this has a previous permission for footway along this road. However, from School Lane into Jubilee Fields is Common Land, and currently unmetalled, steep and bordered by trees and tree roots (see picture below). Any works to improve this path would not be permitted under the Commons Law 2006, and to make it suitable for pedestrians all year round would require street lighting. Any such lighting and hard surfacing of the path would result in the removal of trees on this path. Additionally, the visibility splays for people walking to the site, from the public right of way onto School Lane is severely limited by trees and the hedge on School Lane. There is not adequate visibility from passing vehicles to see pedestrians emerging or of passing vehicles by emerging pedestrians. School Lane in this location is two lanes wide and subject to the national speed limit.

Public right of way proposed to be used as pedestrian access viewed from School Lane.

Further along the proposed route, through Jubilee Field, a hard surfaced and street lighted path would need to be provided. Limited detail of this proposal has been provided.

From Jubilee Field the route would continue through Trafalgar Drive, there is a cut through between some houses, but this has a significant number of steps to navigate and is not suitable for people with wheelchairs, perambulators, mobility scooters etc. The route which therefore must be considered is around the estate up the hill and passed Dartington Crystal on Linden Close and back onto School Lane. This route is 417m further than simply walking up School Lane.

The distance for pedestrians to walk to access various facilities has been provided in the Transport Assessment. These are however incorrect, and not measured accurately using the route that would need to be used, if possible to be built safely notwithstanding the above issues.

The Institution of Highways and Transportation's 'Guidelines for Providing for Journeys of Foot' sets out the acceptable walking distances to different local facilities and services to plan for pedestrian movements and promote walking as part of all developments. This guidance gives the following suggested walking distances:

	Town Centres (m)	Commuting/School (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Maximum	800	2000	1200

I have used Google Maps to measure from the approximate centre of the site along the proposed walking route to various locations in the town and have measured the following distances:
Swimming Pool: 1.45km
Post Office: 1.67km
Co-op: 1.74km
Primary School: 2.3km
Secondary School: 2.24km
Pannier Market (town centre): 1.74km
Lidl: 1.94km
Doctor surgery: 1.94km

This clearly shows that all services and facilities are in excess of not only the desirable and acceptable walking distances, but also the maximum distances. The distance to the town centre is nine times the desirable distance, four times the acceptable and more than twice the maximum.

When coupled with the steep gradients on the route, even if street lighting and surfacing is provided, there is no realistic chance that anybody but the fittest person would ever walk into the town from this site, and if they did, it would like be via the shorter and more direct route straight up School Lane. However, this has no footway or street lighting for a significant length north of Linden Close, and a lack of forward visibility around the bends in the road coupled with the gradient and national speed limit on this road would mean that there would be significant conflict on this road between vehicles and pedestrians and this route is not considered to be safe for walking in its current form.

The Transport Assessment considered the vehicle impact of the proposal on the highway network. This is however flawed in its approach based on the issues with the pedestrian accessibility to the site mentioned above. The trip generation figures analysed do not take into account the location of the site and lack of walking route, and therefore there will be more vehicular traffic entering and exiting this site as there are no other realistic choices to travel to nearby facilities and services. This was raised in the pre-application advice (as evidence in the appendix to TA showing pre-application comments) but not amended for the submission of the application.

Regarding the assessment of the impact on the highway network, it is unclear why the committed development 1/0095/2020/FULM is shown as taking trips off the network. That application was land which was a car park, but that existing use does not generate traffic, the people parking there are still travelling on the network, but will need to find somewhere else to park after the car park is removed. The car park was also already closed at the time of the 2017 traffic counts on which the traffic figures are based.

The modelling of the junction of School Lane with the A386 is not accepted, as the width of the A386 (east) is given as 9.2m wide, which is not correct. This modelling also does not consider the gradient of School Lane on the approach to the A386.

In conclusion, the proposal would result in an unacceptable impact on highway safety for pedestrians walking on either School Lane without a footway or on the proposed walking route which has inadequate, unsafe and unsuitable surfacing and gradient and substandard unsafe visibility onto

School Lane. Additionally, the impact of the proposal has not been adequately demonstrated to be acceptable such that there is not a severe cumulative impact in terms of congestion and delay at the junction of School Lane with the A386. The proposal is contrary to NPPF paragraphs 108, 109 and 110 (a, b & c) and Local Plan policy DM05 and should be refused.

Recommendation:
THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS
1. The proposal would result in an unacceptable impact on highway safety for pedestrians walking on either School Lane without a footway or on the proposed walking route which has inadequate, unsafe and unsuitable surfacing and gradient and substandard unsafe visibility onto School Lane contrary to NPPF paragraphs 108, 109, 110 (a, b & c) and Local Plan policy DM05.
2. The impact of the proposal has not been adequately demonstrated to be acceptable such that there is not a severe cumulative impact in terms of congestion and delay at the junction of School Lane with the A386 contrary to NPPF paragraphs 108, 109, 111 and Local Plan policy DM05

Devon County Council - Flood Risk Management:
13th March 2023
Recommendation:
Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:
For those parts applied for in full:
• No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
(b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
(c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
(e) A plan indicating how exceedance flows will be safely managed at the site.
(f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

For those parts applied for in outline:
• Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
(b) A detailed drainage design based upon the approved Flood Risk Assessment and the results of the information submitted in relation to (a) above.

(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
(e) A plan indicating how exceedance flows will be safely managed at the site.
(f) Evidence there is agreement in principle from the landowner/DCC highways/SWW to connect into their sewer. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:
Following my previous consultation response (FRM/TO/0511/2021; dated 6th July 2021), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, via email, for which I am grateful.

The applicant has confirmed that they can construct the surface water outfall into the Ordinary Watercourse within their land ownership.

The applicant has also confirmed that Phase 2 will use above-ground surface water drainage features to provide opportunities for treatment and interception losses.

The current outfall route from Phase 2 might require confirmation from DCC Highways.

The applicant has revised the discharge rates from Phases 1 and 2. The overall discharge rates from the site will be restricted to the relevant Qbar rate. The applicant has confirmed that the flow control (currently proposed to be a Hydro-Brake) will need to be replaced as the additional Phase 2 is constructed. This might need to be done multiple times if Phase 2 will not be constructed entirely at once.

The applicant has highlighted various bodies which might maintain parts of the surface water drainage systems.

The applicant has proposed to further assess infiltration. As the site is steep, the applicant should assess re-emergence of groundwater (if infiltration is viable).

6th July 2021
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:
It is understood that this planning application is a hybrid planning application. The application appears to consist of a full planning application in the west of the site and an outline planning application in the east of the site.

The applicant has assessed previous infiltration testing for the site (completed in 2008) but has also proposed to further assess infiltration. The applicant should further assess infiltration. The applicant should also further assess groundwater. Groundwater appears to be at or near to ground level.

The applicant must confirm why some SuDS Features within the SuDS Matrix (in Appendix I of the Flood Risk Assessment and Drainage Strategy) have not been discussed and proposed.

The Landscape Mitigation Plan (dated 10th May 2021) appears to propose slightly different features to the Foul & Surface Water Drainage Strategy (dated 10th May 2020).

Full Planning Application
The applicant has assessed an attenuation based method of managing surface water. The applicant has proposed to further assess multiple above-ground features at the next stage of planning. However, as this is a full planning application, these features should be assessed at this stage. The applicant should design a SuDS Management Train to manage surface water.

The applicant has proposed to discharge surface water to a Ordinary Watercourse to the northwest of the site. It is understood that the outfall will need to be agreed with the landowner. The outfall may also require removal of trees. The applicant should confirm the plausibility of the outfall at this stage.

The applicant has proposed to mange the long-term storage volume within an overflow basin. However, the long-term storage volume should be managed first. The applicant should design the system to manage the long-term storage volume first. The applicant must demonstrate this long-term storage volume management within the MicroDrainage model outputs.

The applicant must confirm the proposed freeboard level within above-ground features. The applicant must also confirm the maximum side slopes for above-ground features.

The basin should have varying side slopes. The applicant should confirm the proposed landscaping of the proposed basin.

The applicant must submit maintenance details for the proposed surface water drainage system.

The applicant must demonstrate how exceedance flows shall be managed.

Outline Planning Application
The applicant has assessed the surface water discharge rates and volumes. The applicant has also discussed some features which could be constructed. However, the applicant should illustrate these features on a plan to confirm that these features can fit within the site boundary. The applicant should also depict a potential outfall route and discuss the viability of this outfall.

The applicant must demonstrate the long-term storage volume management within the MicroDrainage model outputs.

The applicant must confirm the proposed freeboard level within above-ground features.

The applicant should submit maintenance details for the proposed surface water drainage system.

The applicant should demonstrate how exceedance flows shall be managed.

DCC Archaeology Section:
6th March 2023
I refer to the above application and your recent re-consultation. The Historic Environment Team has no comments to make on this planning application.

1st July 2021
I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.

The Historic Environment Team has no comments to make on this planning application.

North Devon Biosphere:
Having reviewed the information attached and provided by applicants ecological consultant, I can confirm that I am satisfied that the site has the potential to provide the net gain as set out in the plan.

Whilst this is an outline application as I understand, the conditions need to ensure that a Local Environment Management Plan is robust and fit for purpose to guarantee the biodiversity net gain.

Natural England:
11th January 2023
Thank you for your consultation on the above dated 16 December 2022 which was received by Natural England on 16 December 2022.

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 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.

28th June 2021
Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals

The Environment Agency:
23rd February 2023

Thank you for consulting us on this application.
The Environment Agency's position remains unchanged following our original response on 02/07/2022 as outlined below:

'We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition:
Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A site investigation scheme, based on the information gained in the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and risk assessment (1) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority.

Condition – Unsuspected Contamination
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Reason - For the protection of controlled waters We have reviewed the Geotechnical and Geo-environmental Assessment report. Report No. 11576, dated February 2021 submitted in support of this application. We note that a large part of the site was covered by buildings/ tanks during the investigation. Hence, we agree with the recommendation in Section 9 of the report. Further Works "As a large part of the site was covered by buildings/ tanks during the investigation, it is recommended that some further sampling is undertaken from a geo-environmental perspective once the existing structures have been demolished. This will assist with forming a more robust geo-environmental assessment for the site.'

The amended documents don't appear to include an updated geotechnical report for us to review and comment on as such our comments remain as before. However, please reconsult us in the future if the required amended plans/documents are available.
20th December 2022
Thank you for your email.

The Environment Agency's position remains unchanged following our original response on 02/07/2022 as outlined below:

'We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition:
Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the information gained in the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and risk assessment (1) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority.

Condition – Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination End 2 shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Reason - For the protection of controlled waters We have reviewed the Geotechnical and Geo-environmental Assessment report. Report No. 11576, dated February 2021 submitted in support of this application. We note that a large part of the site was covered by buildings/ tanks during the investigation. Hence, we agree with the recommendation in Section 9 of the report. Further Works “As a large part of the site was covered by buildings/ tanks during the investigation, it is recommended that some further sampling is undertaken from a geo-environmental perspective once the existing structures have been demolished. This will assist with forming a more robust geo-environmental assessment for the site.’

The amended documents don’t appear to include an updated geotechnical report for us to review and comment on as such our comments remain as before. However, please reconsult us in the future if the required amended plans/documents are available.

2nd July 2021
Environment Agency Position
We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the information gained in the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and risk assessment (1) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority.

Condition – Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - For the protection of controlled waters
We have reviewed the Geotechnical and Geo-environmental Assessment report. Report No. 11576, dated February 2021 submitted in support of .this application.
We note that a large part of the site was covered by buildings/ tanks during the investigation. Hence, we agree with the recommendation in Section 9 of the report.
Further Works
"As a large part of the site was covered by buildings/ tanks during the investigation, it is recommended that some further sampling is undertaken from a geo-environmental perspective once the existing structures have been demolished. This will assist with forming a more robust geo-environmental assessment for the site."

We look forward to reviewing this updated geo- environmental assessment before we can comment on if the risk assessment is appropriate and covers all our groundwater quality concerns.

Environmental Protection Officer:
23rd February 2023
The following consultation response is provided by the Environmental Protection Team further to previous comments.

It is noted that the Multi-Use Games Area will consist of an open play space and 'informal kickabout' area. It is assumed that the 'kickabout' area will be a hard court surface and enclosed, resulting in an activity zone for use for various ball games. As previously mentioned, such facilities can be detrimental to residential amenity and it is imperative that they are designed in accordance with guidance such as Fields in Trust 'Guidance for Outdoor Sport and Play' and Sport England 'Artificial Grass Pitch Acoustics'. Should planning consent be granted, the Environmental Protection Team recommends the imposition of a condition stipulating that the MUGA is designed in accordance with the aforementioned guidance in order to protect residential amenity.

The Environmental Protection Team acknowledges the applicant's comments that the amenity impacts arising from the 'Commercial Development Area' will be addressed in a subsequent Reserved Matters application. The Environmental Protection Team also acknowledges the applicant's request to impose a condition requiring a Construction Environmental Management Plan to be provided. As previously mentioned, the official surrender of the site permit pertinent to the Peninsula Proteins site is required.

16th January 2023
The Environmental Protection Team would like to provide additional comments in relation to the above outline application.

It is noted that a Multi Use Games Arena (MUGA) has been proposed in the north east area of the application site. A MUGA can cause detriment to residential from the noise and light pollution associated with such facilities. Guidance exists, namely Fields in Trust 'Guidance for Outdoor Sport and Play' and Sport England 'Artificial Grass Pitch Acoustics', that outlines good practice design and mitigation measures for preventing or reducing any potential adverse impact on residential amenity. For example, guidance recommends a minimum separation distance of 30 metres from the activity zone of a MUGA to the boundary of neighbouring residential properties. Having regard for the site plan, the recommended separation distance does not appear to be achieved and there is limited information on the hours of operation and lighting. The applicant will need to provide further detailed information on the proposed MUGA that addresses amenity concerns. At this time, the

Environmental Protection Team would not support a proposal that does not accord with relevant recognised guidance.

In addition to the MUGA, the application site consists of an area to the north designated for commercial use. The presence of commercial and/or industrial units has the potential to adversely impact residential amenity from noise and air emissions associated with business activity and operations (eg. plant, traffic movements). No detailed information has been provided on the types of business or building design that will occupy the 'Commercial Development Area' which makes it difficult to assess any potential amenity impact. The Environmental Protection Team acknowledges the fact that the types of business are currently unknown however, measures are required to ensure their presence does not significantly impact the residential amenity of neighbouring dwellings. The previous comments in relation to the submission of a Construction Environmental Management Plan and the official surrender of the site permit remain relevant.

16th December 2022
Further to the submission of the amended information, the Environmental Protection Team refers to its consultation response dated 25 June 2021 in relation to the need for a Construction Environmental Management Plan and the surrender of the site permit.

25th June 2021
In relation to the above application, the Environmental Protection Team has no objections in principle.

Residential Amenity
Due to the existence of neighbouring dwellings in close proximity to the south of the application site, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Given the size and scale of the proposed development, a Construction Environmental Management Plan (CEMP) would be required outlining measures to prevent or minimise disturbance to neighbouring residential properties. Should planning consent be granted, 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, should planning consent be granted the Environmental Protection Team recommends 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.

Land Quality
The Environmental Protection Team is aware of the former industrial and commercial use of the application site. Having reviewed the Geotechnical and Geo-environmental Assessment, although no significant contamination has been identified, the report indicates that further investigative works are required to ascertain the true extent of any potential contamination in areas where buildings are currently located. The Environmental Protection Team concurs that further intrusive groundworks will be required. Should planning consent be granted,, the Environmental Protection Team recommends the imposition of the Authority's full standard contaminated land condition.

It is also worth mentioning that the application site still has an existing permit issued by this Authority. The permit has not yet been officially surrendered but a condition of surrendering the permit is that the site is returned to its former status. Clearly this will not possible given the proposed development but the site will need to be appropriately remediated to ensure it is suitable for its intended sensitive end use and the permit surrendered.

Devon County Council Minerals and Waste:
24th February 2023
Thank you for consulting us on the submission of revised documents for the above application.

We note that a waste audit statement has not been submitted as part of the revised documents. Therefore, our previous comments still stand (dated 05/01/2023).

5th January 2023
Thank you for consulting us on this application.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at the reserved matters stage.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planningdocument.

Please do not hesitate to get in touch should you have any queries in relation to our comments.

Representations:

Number of neighbours consulted:	120	Number of letters of support:	0
Number of representations received:	12	Number of neutral representations:	2
Number of objection letters:	10		

10 objection comments and 2 neutral representations have been submitted for the application.

Below will be a summary of the reasons detailed within the representations, all of which will be discussed in the relevant sections:

Objection comments

- Environmental
- Traffic or Highways
- Connection to Great Torrington with a new footway to run along the northern boundary towards the western corner of the site, then proposes to cross School Lane, an unrestricted road at the three-way junction with the road – on Common Land
- No consultation or permission on Common Land
- Footpath through Jubilee Wood
- Lighting detrimental to nature
- Safety of Pedestrians - Unsafe to walk up School Lane
- Impact on Ecology/ Local Wildlife
- 'Safe and Suitable' Access
- No details on retaining walls could be very urban and out of character for this area.
- Employment land detailed too low in relation to the 200 residential properties planned
- Demand for small industrial units
- Jubilee Wood allocated in the Neighbourhood Plan as Local Green Space.
- Policy Reasons
- Highway Safety – NPPF
- Local Needs Requirement
- Noise
- Residential Amenity
- Impact on 'Torrington Commons'
- Local Schools over subscribed or at capacity, same for Dentist and Doctors
- Not providing adequate infrastructure.

Neutral comments

- In favour of brownfield site development but this is an unusual residential development as it is separated from the town by open countryside.
- Concern over vehicular and pedestrian access
- The Great Torrington Commons Conservators note that the amended plans no longer propose a footpath across common land. As the neighbouring landowner, the Conservators remain available for consultation.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
ST01 (Principles of Sustainable Development); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST17 (A Balanced Local Housing Market); ST18 (Affordable Housing on Development Sites); ST21 (Managing the Delivery of Housing); ST23 (Infrastructure); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); DM10 (Green Infrastructure Provision); GTT (Great Torrington Spatial Vision and Development Strategy);

Great Torrington Neighbourhood Plan:
T1 (Car Parking); T2 (Pedestrians and Cyclists); T3 (Residential Parking); T4 (Visitor Parking); ENV2 (Wildlife Enhancement); CF1 (Community Facilities); ENV1 (Landscape Protection); ENV3 (Enhance the Green Infrastructure of the Parish); H1 (Housing Types); H2 (Allocation of Affordable Housing); H3 (Design and Layout); EM1 (Employment Uses on Urban Brownfield Land); EM4 (Opportunities for Employment);

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 planning considerations if a planning application was to be submitted for the proposed development are:

1. Principle of Development
2. Design, Layout and Impact on Character & Appearance
3. Impact on Amenity
4. Access and Parking
5. Drainage
6. Ecology
7. Contamination
8. Infrastructure and Planning Obligations
9. Planning Balance

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.

In policy terms, the entire site is located within the open countryside. Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) states at part (4) that *'in the countryside, beyond local centres, villages and rural settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location'*. It should however be noted that the site is located to the north of Great Torrington, which is identified as a Main Centre under NDTLP Policy ST06 where appropriate levels of growth will be supported that will increase the towns' capacities to increase self-containment, to meet their own needs and those of surrounding communities where such is sought through the local vision.

Policy ST01 of the NDTLP sets out principles of sustainable development and requires that '*the Councils will always work proactively with applicants and local communities to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*. Supporting paragraph 3.1 encourages the reuse of previously developed land and paragraph 3.6 states the '*reuse and redevelopment of previously developed land will be encouraged where available and environmental constraints allow'*.

The NPPF defines previously developed/brownfield land as:
'*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'.*

Paragraph 119 of the NPPF states: '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the*

environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.' However, associated footnote 47 clarifies that this shouldn't be where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity. Paragraph 120(c) states that planning policies and decisions should '*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs'*. As indicated above, the application does not fall within an identified settlement, however it is located reasonable near to a Main Centre.

NDTLP Policy GTT sets out the Great Torrington Spatial Vision and Development Strategy and states that '*its future will be supported through small to medium scale employment and housing development and the successful regeneration of key sites and buildings both within the historic town centre and urban fringe'*. Policy GTT supports *'(a) high quality, sustainable development secured in appropriate locations that maintain the integrity of the settlement's setting within the Great Torrington Common; (b) provision of a minimum of 632 dwellings, including affordable and supported homes, to meet all the communities housing needs, with associated development and infrastructure; (c) delivery of the housing requirement will be secured through redevelopment opportunities on brownfield sites within the town and modest urban extensions to the east and south'*. Part (e) concerns the Meat Factory site and states: '*additional employment land, approximately 4 hectares to the east of the Hatchmoor Industrial Estate, and the safeguarding of employment activity at the former abattoir site will enhance job opportunities for residents and limit commuting to larger settlements for employment'*. Paragraph 10.225 concerns employment land and states '*the land supply is provided solely by a large extension to Hatchmoor Industrial Estate, however other opportunities for employment development exist at the Former Creamery Site (Policy GTT01) and the former abattoir to the north of town'*.

Paragraph 10.216 notes that '*Great Torrington provides a range of local employment opportunities, which are focused at the Hatchmoor Industrial Estate, at the former Creamery to the south west and the former abattoir to the north. Additional employment is also offered as part of the provision of services and facilities found throughout the town. Just over half the town's working residents work in and around the town and there is therefore a high level of economic out commuting to other employment centres. Significant employment losses have occurred since the mid-1990's from which it has been difficult to regain the live and work balance previously provided. Opportunities for future employment will be required to be provided to address a current limited supply of available employment land'*.

Given the NDTLP's direction for the wider site to offer employment opportunities, and the current use of the site, Policy DM13 (Safeguarding Employment Land) is of particular relevance. This policy states: '*in order to maintain a range of suitable and available sites and buildings for employment, non-employment development uses will not be supported on allocated sites or in buildings previously used for employment or in buildings currently used for employment unless: (a) there is sufficient quality and quantity of employment sites available in the local area to provide opportunities for local employment uses; or (b) it can be demonstrated through appropriate marketing that the site no longer provides a realistic prospect for employment uses; or (c) the existing use is causing harm to surrounding uses and the new use will not cause harm for the existing neighbouring uses; and in all cases (d) a sequential test has been applied for redevelopment of the site based on the following order of preference: (i) employment based redevelopment; (ii) mixed use including employment generating redevelopment; (iii) non-employment generating redevelopment'*.

A further policy consideration is the Great Torrington Neighbourhood Plan (GTNP), although this makes limited reference to the Meat Factory/Peninsula Proteins sites noting that there are employment opportunities whilst accepting that a mixed-use scheme could come forward. At paragraph 7.6, the GTNP commits that the '*Plan will make sure that existing employment sites are kept in employment use.'* GTNP Policy EMP1 states: '*Economic development proposals on previously developed land within the continuous built-up form of the town of Great Torrington will be supported where there are no substantial adverse impacts on neighbouring uses.'*

Against this policy context, whilst both the NPPF and NDTLP seek to secure the redevelopment of previously developed land, this must be within sustainable locations within built up areas or in relation

to sites on the Council's brownfield register – the part of the site subject to outline permission is identified on Part 1 of the Council's Brownfield Register. The NDTLP seeks to protect the site for employment uses so the loss of employment floorspace must be justified against Policy DM13, particularly on the Peninsula Proteins site. Furthermore, the site is outside of the development boundary for Great Torrington, where under the NDTLP unrestricted residential development would not be supported. Notwithstanding the conflict in principle with policy, your Officer recognises that a significant part of the site benefits from a 2018 outline planning permission (kept live by virtue of an undetermined reserved matters) for up to 143 dwellings and 1040 square metres of employment space, granted at a time when the Council couldn't demonstrate a five-year land supply of housing. It is also acknowledged that the acquisition of the adjoining Peninsula Proteins site was in part to remove significant amenity concerns held at the time by the Environmental Protection Officer.

The Applicant has advised that, whilst it is acknowledged that the site was in former employment use, it remains unallocated and extant planning permission for residential development exists where the principle of a change of use was justified and accepted. In addition, the existing employment uses on the application site have been redundant for a considerable period before either the Meat Factory or Peninsular Proteins sites were acquired by the Applicant. The Applicant suggests there are further restrictions with regards the legal use of the Peninsular Proteins site for its originally intended use. Coupled with the ability to provide 1500sqm of new employment space, the Applicant suggests that the loss of the wider site for employment use is outweighed by the clear benefits that the scheme will bring, not only with regards to employment uses but also the direct economic impacts from the construction of up to 200 dwellings.

Whilst the position of the Applicant holds some weight, your Officer still considers there to be conflict with Policy DM13 a-c in the strictest sense as no robust evidence has been provided to address the various criteria. Your Officer does however acknowledge there are material considerations such as the extant outline permission, the environmental protection requirements around possible amenity harm arising from the Peninsula Proteins site, and the fact there is an area to the east of the Town allocated for employment (Policy GTT02) where development has not come forward. In any event, the proposal does broadly comply with Policy DM13 (d) (ii) insofar as a mixed-use including employment generating redevelopment across the application site, albeit your Officer's view is that the quantum of employment space has not been properly justified.

Notwithstanding the above, as a result of the Burwood Appeal (APP/W1145/W/19/3238460), the Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites (5YHLS); with the appeal concluding that there is a supply of 4.23 years across Northern Devon. By virtue of not being able to demonstrate a five year supply of deliverable housing sites (footnote 7, NPPF), there is a need to apply the presumption in favour of sustainable development (the 'Presumption') (paragraph 11(d), NPPF) as a material consideration in determining planning applications for housing.

Paragraph 11 (d) notes:
'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, Local Planning Authorities should grant planning permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance (National Parks, AONB, SSSI, Heritage Assets, Habitat Sites) provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

For the purposes of the Presumption, policies of the development plan are not considered to be automatically out-of-date by virtue of not being able to demonstrate a 5YHLS. Whether a policy of the development plan is out-of-date is a matter for the decision taker, in light of their substance and considering their conformity with the NPPF. As the NDTLP was adopted relatively recently, none of the policies are generally considered to be out-of-date for the application of the Presumption.

The Presumption is set out in two parts by Paragraph 11 (d) of the NPPF, however, as this proposal is not considered to harm a 'protected area' so as to warrant a clear reason for refusal, the decision taker/s in this case needs to consider the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits - the so-called tilted balance (Paragraph 11(d)(i), NPPF).

Against this background, due to the lack of a 5YHLS, the planning considerations will need to be weighed up within the planning balance with the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits as a material consideration.

In addition to the 'tilted balance', weight can be given to Policy ST21 of the NDTLP which relates to managing the delivery of housing. In particular, Policy ST21 (2) is relevant, which supports development outside the settlement limits (where completions are below 90% of the annual requirement). The Burwood Appeal Decision determined that ST21 (2) is currently engaged, which requires assessment of any proposal to be in a location, of a scale, and nature commensurate with the deficit in required housing (a), demonstrate the ability to contribute in a timely manner to addressing the deficit in housing supply (b), be broadly consistent with the plans spatial strategy/vision along with the relevant settlement vision and development strategy (c), and be compliant with the remaining plan where relevant (d).

Dealing with each of these points in turn:

(a) The deficit of housing within Northern Devon is clearly substantial as a 5YHLS supply cannot be proven. This proposal is for 200 dwellings (although recognising 143 are already consented) so could assist greatly in the contribution towards the 5YHLS.

(b) The application has been submitted in hybrid form so the detailed element (59 dwellings) can be implemented sooner.

(c) The proposal is located in the countryside but is relatively near to the development boundary of Great Torrington, which is a Main Centre. The Great Torrington Spatial Strategy (Policy GTT) states: *its future will be supported through small to medium scale employment and housing development and the successful regeneration of key sites and buildings both within the historic town centre and urban fringe'*. Policy GTT supports *'(a) high quality, sustainable development secured in appropriate locations that maintain the integrity of the settlement's setting within the Great Torrington Common; (b) provision of a minimum of 632 dwellings, including affordable and supported homes, to meet all the communities housing needs, with associated development and infrastructure; (c) delivery of the housing requirement will be secured through redevelopment opportunities on brownfield sites within the town and modest urban extensions to the east and south'*. Part (e) concerns the Meat Factory site and states: '*additional employment land, approximately 4 hectares to the east of the Hatchmoor Industrial Estate, and the safeguarding of employment activity at the former abattoir site will enhance job opportunities for residents and limit commuting to larger settlements for employment.'* Given the status of Great Torrington as a Main Centre, the NDTLP intends for it to meet wider than local needs and the increased residential population will support the sustainability of existing facilities in line with the Strategy. The application proposal complies with Policy GTT insofar as it promotes the redevelopment of a brownfield site for mixed use development.

(d) The remaining planning considerations will be discussed in the next section of this agenda report.

Great Torrington Neighbourhood Plan

The application site falls within the Great Torrington Neighbourhood Area, designated in accordance with Section 61G of the Town and Country Planning Act 1990 (as amended) on 6th March 2017; with Great Torrington Town Council identified as the Relevant Body for Neighbourhood Planning purposes.

Subsequently, a referendum was held on the 17th June 2021, with the result concluding that Torridge District Council should use the GTNP to help it decide planning applications in the neighbourhood

area. The GTNP was made by the Council on 1st August 2021 and therefore forms part of the statutory development plan for Torridge District Council when determining planning applications.

The GTNP Policies of relevance to the application proposal are set out under the Policy Context Section above and will be considered under the relevant planning considerations below.

Given the application site falls within an area subject to a neighbourhood plan, Paragraph 14 of the NPPF should be considered which effectively enables the presumption in favour of sustainable development (the so-called tilted balance) to be 'reversed' for applications involving the provision of housing in certain circumstances where there is a made neighbourhood plan in place; transposing to a position whereby *the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits*. In order for an application to be considered with this *reverse tilted balance*, the provisions of national planning policy require compliance with four criteria:

a. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made
b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement
c. the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
d. the local planning authority's housing delivery was at least 45% of that required over the previous three years.

For the avoidance of doubt, to benefit from the adverse tilted balance all four criteria are required to be met. In terms of Great Torrington, the following position is reached in regard to each criterion, whilst having regard to the relevant provisions of national planning practice guidance:

a. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made **PASS**

b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement **FAILS**

c. the local planning authority has at least a three year supply of deliverable housing sites **UNCERTAIN**
The last published position (as per the Burwood Appeal) demonstrated a 4.23 year supply, however this is now based on dated evidence.

d. *the local planning authority's housing delivery was at least 45% of that required over the previous three years.* **PASS**

It is therefore concluded that applications for housing within the GTNP area are not able to benefit from the '*adverse tilted balance'* as per paragraph 14 of the NPPF, by virtue of the GTNP not containing policies and allocations to meet its identified housing requirements.

Paragraph 105 of the NPPF makes clear that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It further notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision taking. This is further reinforced through Policy DM05 of the NDTLP. As detailed the site is in reasonably close proximity to Great Torrington and its services thereby considered a relatively sustainable site.

The material planning considerations are set out below.

2. Design, Layout and Impact on Landscape Character

The NDTLP encourages good design, which reflects guidance contained within national policy. Policy ST04 notes: "*Development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Designs will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in Policy DM04."*

NDTLP Policy DM04 then proceeds to detail 14 design principles which should be taken into consideration within any new development. The crux of DM04 requires new developments to be of high-quality design, including being well related to their surroundings, be of an appropriate scale, include quality materials, and to be sympathetic to the character and appearance of the local area.

Policy DM08A of the NDTLP relates to landscape character and notes that developments should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes. Policy ST14 (g) seeks to protect and enhance local landscape character.

The application adjoins the Great Torrington Commons and Conservator Lands to the north and west and Policy GTT06 identifies this as Local Green Space where development will be permissible only where necessary to: (a) to preserve the common; or (b) to enhance the area's contribution to the local biodiversity network; or (c) to enhance opportunities for outdoor recreation. The application proposal does not affect the Local Green Space / Commons so there is no conflict with this policy.

The NPPF also supports the creation of well-designed places through Part 12 (Achieving well designed places), which lists 6 design principles to ensure that developments achieve well designed places. Additionally, Paragraph 126 and 132 of the NPPF states that development should respect local character, history and reflect the identity of local surroundings.

In addition to this, the National Design Guide is the most up to date national guidance in relation to design. The design guide addresses the question of how we recognise well-designed places and outline and illustrate the priorities for well-designed places and provides ten characteristics that should be considered in any forthcoming design and decision making.

Impact on Landscape Character:

The application site is not located within any special designated landscapes and falls, within Landscape Type 3A (Upper Farmed and Wooded Valley Slopes) and 3H (Secluded Valley), as identified within the Joint Landscape Character Assessment for North Devon and Torridge Districts.

The landscape character types are noted as including: Strong pattern of medium-scale fields of medieval and post-medieval origin enclosed by species-rich Devon hedges with flower-rich banks; Dispersed historic villages and hamlets clustered on hilltops with farmsteads distributed throughout, linked by a network of winding rural roads and steep sunken lanes crossing watercourses over stone bridges; Strong local vernacular of whitewash and white/cream rendered cottages with painted window and door frames and slate roofs. Some buildings constructed of exposed stone with red brick detailing; and Square church towers form strong local landmark features peeping through the rolling hills, many of which are Grade II* Listed. The landscape also brings unspoilt, secluded and secretive character, important wildlife havens and a rich mosaic of water, hedges, small fields and woodland.

The main forces for change are identified as being hedgerow removal on more elevated land and the 20th Century expansion of some ridgeline settlements, with white/cream dwellings standing out in a linear form on the skyline.

Policy ENV1: Landscape Protection of the GTNP emphasises the requirement to protect and enhance the distinctive rural landscape, settlement pattern and historical assets of the town. Policy ENV4 states: '*development which respects the area's dark skies, takes account of the town's position in the landscape and light pollution will be supported*.'

The application is supported by a Landscape & Visual Impact Assessment (LVIA) which concludes in respect of effects on landscape character:
'*The existing character of the Site is generally uncharacteristic of the surrounding landscape, the existing built form on the Site is incongruous with the surrounding built form in terms of scale, style and materials. The Site is a brownfield Site, with damaged and disused buildings and associated infrastructure. The vegetation on Site is generally ruderal and uncharacteristic of the wider landscape.*

The Proposed Development will remove these uncharacteristic features and replace them with built form which is characteristic with the surrounding built form on the edge of Great Torrington in terms of scale, style and finishes. The Proposed Development creates a number of design opportunities as set out in Chapter 7 of this report. If these recommendations are followed, the individual landscape receptors of the Site are anticipated to undergo generally beneficial effects upon completion.'

In respect of effects on views, the LVIA concludes:
'*The majority of visual receptors in the area surrounding the Site can view partial or complete elements of the built form within the Site. This existing built form is a visual detractor in these views, appearing to contrast with both the rural landscape surrounding the Site and the settlement edge of Great Torrington and the predominantly residential built form which is visible in these views.*

The Proposed Development is anticipated to have a generally beneficial effect upon views experienced by these visual receptors, replacing a visual detractor within these views with built form which appear in character with other built form within these views and which can be designed to be less visually intrusive.

The mitigation opportunities set out in Chapter 7 set out robust mitigation to limit the visual impact of the Proposed Development and assimilate it into views, particularly at a time when the mitigation planting reaches maturity.'

The LVIA concludes: '*there are a number of adverse landscape and visual effects expected on the Site between construction and year 1, all of these adverse effects will be temporary, and no significant adverse effects are expected to be experienced by landscape of visual receptors. By year 15, the mitigation recommendation set out in Chapter 7 of this report are anticipated to resolve the majority of these adverse effect and result in residual beneficial effects on the majority of both visual and landscape receptors.'*

Chapter 7 of the LVIA sets out proposed mitigation measures to remove or reduce effects on the landscape and these measures are illustrated on the associated Landscape Mitigation Plan (TL-21 -001-LF-007 P01).

It is noted that the topography of the land on the site is a factor when considering the layout of the scheme and therefore the design and layout must work with the levels and make sure that the development flows and is not contrived due to the challenges of the sloping land. It is noted the site contains many characteristics of the LCT, but its closeness to the built form of Great Torrington, and the material consideration that it is a brownfield site, brings into question the impact that the development of the site would have on the wider landscape character of the local area.

The application is seen in two parts; the detailed full element for 59 dwellings which is supported by detailed drawings and plans and then the outline element which is detailed on the overall masterplan as an indicative scheme.

Full Application:
The proposed layout has been carefully developed within the context of the identified site constraints, and the existing built form and wider characteristics of Great Torrington.

The full element is predominantly on the green-field site which brings its own topography constraints when considering the impact that the development would have on the landscape. The dwellings have been positioned so they include an open space buffer on the south western, north western and south eastern boundaries. The buffer includes a green corridor which will help link to the main areas of

public open space. The green and open nature of this site has been transferred into lining the streets with trees and keeping the frontages open by utilising landscaping features. In addition to the retention of landscaping, there will be 1.8 metre high close boarded fences and 1.8 metre high 'green wall' which comprises of a close boarded timber fence with instant hedge.

Whilst it is recognised that there is an extensive use of boarded fences for the rear gardens, it is reasonable to expect this on a residential development site of this scale and nature to provide such a boundary treatment between plots as the uses of hedges and planting in the early occupation of the properties would not provide an appropriate level of private amenity and the maintenance thereafter of such boundaries. Therefore, it is considered appropriate on the scale proposed to be utilised as boundary treatments for the rear gardens of the properties.

Outline Application:
In terms of the outline section, an indicative plan has been put forward showing the way that the employment will sit in one section to the north of the site and the remainder of the site will include the 141 dwellings plus the remaining landscaping and green infrastructure which is triggered by the scheme. The proposed layout of the site can be supported, and it is considered that any reserved matters application needs to make sure that it addresses the constraints of the site and puts landscaping at the forefront of any scheme to make sure that the openness which has been established on the full element is transferred through into this section of the scheme.

Taking account of the above it is considered that if a landscape driven scheme which works with the topography of the site could create a betterment to the existing site which is a dis-used brownfield site. The detailed element of the application does achieve a sensitive landscape approach in line with the LVIA and it is recommended that the further submissions made pursuant to the outline element should be directed by the LVIA mitigation proposals.

Design and Layout
Policy H3: Design and Layout of the GTNP, has regard to site character and context, residential development shall, where practicable, provide: a) domestic curtilage/garden in the form of private amenity space screened from public view at a level commensurate with the size of the dwelling it serves, and; b) parking space between buildings which ensures such provision does not dominate the street scene.

As part of the full element, the proposed layout includes a Local Equipped Area for Play (LEAP) which is located to the south east of the dwellings within the scheme and then there are green link corridors and other landscaping areas which will connect into the outline element. In terms of both schemes, the proposals go beyond the quantum required through Policy DM10. The submission includes technical details, in relation to the design and equipment that is proposed for the LEAP however, timing of implementation and full details of the arrangement for the maintenance and management thereof have not been submitted. Consequently, it is recommended a requirement for an open space scheme through a legal agreement is included in the granting of any planning permission to make sure the right mix of equipment for the intended user is installed on site and the correct implementation for users. The indicatively shown on-site public open space would meet the requirements of GTNP Policy CF1.

Another key design for this scheme is the use of key buildings to give natural surveillance and to allow a natural flow and link from the access to the north of the proposed site and throughout the scheme. This has been developed throughout the iterations of the proposed full scheme and as such your Officer is satisfied that this has been achieved and will create a clear orientation around the proposed development and through connectivity to adjoining sites. It is therefore important that any reserved matters application that is submitted for the outline application continues this design feature. It is an element that would be required to distinguish clearly defined routes through the next phase of residential when it will be in context of the employment use to the north.

The Police Designing Out Crime Officer was consulted on the proposed development and their initial response said that they had no objections in principle to the full application but had a few comments that could be addressed. In terms of the outline, they note it is hard to comment on an indicative plan

but gave comments for this section of the site. On their final response they commented the following: '*Thank you for this application, the relevant amendments and additions regarding defensive planting and boundary treatments which resolve my initial concerns are noted and supported.'*

Public representations have been received by the Council, of which some have raised concerns in relation to the design and impact on the wider character of Great Torrington. The Parish Council have not objected to the scheme in terms of design and layout (apart from the delivery of affordable housing) but mainly on technical details to do with highways and drainage.

The submitted plans and documents propose a design approach which works with the surrounding landscape and topography of the site. There are green buffers on the boundaries of the site and therefore the dwellings are centred in the site. The proposed materials have been selected to create a cohesive scheme throughout the varying house types. The use of two different bricks and then two different renders on the elevations, along with a touch of stone will be reflective of the existing palette of materials seen in Great Torrington. A condition to ensure that samples of the materials proposed are provided prior to their installation is recommended, together with a requirement for the agreed materials to be used and retained thereafter. Along with the material palette the scheme will bring forward a mix of house types, including terraced, semi-detached and detached properties with varying rooflines and features which distinguish and create interest and key buildings in the site.

Policy H3 of the GTNP requires car parking to be provided between buildings which ensures such provision does not dominate the street scene. The detailed element of the proposal provides a mix of parking both between dwellings but also to the front of the dwellings. Where parking is proposed to the front, landscaping has been secured to soften the streetscene and, on balance, it is not considered that the proposed layout gives rise to a dominance of cars.

A Building for a Healthy Life Assessment has been submitted by the applicant in support of the development which indicates they consider the development would predominantly have a green score with one amber consideration. In general, the Council would agree with some of this assessment, although there are a few elements that could be seen to be amber in terms of facilities, meeting housing requirements etc. The amber score they have detailed relates to Parking on site. It states that resident and visitor parking should be sufficient and well-integrated so that it does not dominate the street.

Policy ST17 of the NDTLP relates to 'A Balanced Housing Market'. The crux of ST17 is to ensure that the scale and mix of dwellings are appropriate for the site and the proposed housing mix would need to be addressed to fall in line with the core evidence document - Housing and Economic Needs Assessment (HEDNA). Policy H1 of the GTNP requires: '*Development providing four or more residential units shall provide a mix of housing types which reflects identified housing needs.*'

The HEDNA report, produced in May of 2016, assessed the housing and economic development needs for the area of Torridge and North Devon. More specifically, the table which can be found on page 180 identifies the proportion of 1 bed, 2 bed, 3 bed and 4+ bed houses necessary in order to meet the district's housing needs as a whole (please see table below). This evidence is considered to be a material planning consideration, and therefore housing sites will have to adhere to the proportions identified below, unless suitably and robustly justified otherwise.

	1-bed	2-bed	3-bed	4+ bed
Market	5-10%	30-35%	40-45%	15-20%
Affordable	30-35%	35-40%	20-25%	5-10%
All dwellings	15%	35%	35%	15%

Core Evidence Document 21, P.180, Housing and Economic Needs Assessment prepared by GL Hearn, May2016 –

The proposed development that has come forward for the full application is not HEDNA compliant and has no affordable housing which has been justified through the Viability Assessment of the scheme.

The scheme will therefore provide no 1 beds, an under provision of 2 beds, the correct amount of 3 beds and then an over provision of 4 beds, all meeting the square footage of the units equates to the correct measurements under NDSS guidance (Nationally Described Space Standards).

Although the full element of the scheme is not HEDNA compliant it is considered that this is justified through the layout of the scheme and the transition of this boundary and therefore green buffer into the outline application. It has been detailed that there is a drive to get a HEDNA compliant scheme over the whole site and therefore any reserved matters application submitted would need to address the shortfalls in terms of house types and a condition is recommended to agree housing mix prior to submissions of the detailed scheme.

Taking account of the above, the proposed design approach for the development of the full application for 59 dwellings and the indicative layout for the outline application is considered to be in keeping with the design and layout vision of Great Torrington and the backdrop of residential schemes in Great Torrington. The site is currently a disused brownfield site and therefore introducing the development proposed will create a visual enhancement and betterment through a variation to the site which reflects the topography and existing setting of the wider area. Therefore, your Officer considers the proposal to be to be compliant with the policies detailed above in the NDTLP and GTNP, notwithstanding the element of conflict with Policy DM08A in regard to landscape impact.

3. Impact on Amenity
Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:

a) It would not significantly harm the amenities of any neighbouring occupiers or uses; and
b) The intended occupants of the proposed development would not be harmed as a result of existing or allocated uses

Policy DM04 (i) requires development to ensure the amenities of existing and future neighbouring occupiers are safeguarded. One of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The development seeks the provision of residential development in an area which is not characterised by residential dwellings. The proposed development is seen in the context of residential schemes but is separated from the main built-up form of Great Torrington. The scheme is a hybrid application of which the full element is for 59 dwellings and the outline part is 141 dwellings with up to 1500sqm commercial space (B1, B2 or B8).

10 objectors have written representations and 2 general comments have been submitted for the application. A number of representations were received by the Council which have mainly raised concerns on matters that sit outside the main residential amenity of the proposed development.

The main amenity issues that would arise from the proposed development is the proximity of the employment section, and proposed MUGA in relation to the residential properties, mainly on the outline application but also the full application. In terms of noise and construction management, the Environmental Protection Officers has been consulted on the proposed scheme and in the last consultation response detailed the following:

'…..Should planning consent be granted, the Environmental Protection Team recommends the imposition of a condition stipulating that the MUGA is designed in accordance with the aforementioned guidance in order to protect residential amenity.

The Environmental Protection Team acknowledges the applicant's comments that the amenity impacts arising from the 'Commercial Development Area' will be addressed in a subsequent Reserved Matters application. The Environmental Protection Team also acknowledges the applicant's request to impose a condition requiring a Construction Environmental Management Plan to be provided. As previously mentioned, the official surrender of the site permit pertinent to the Peninsula Proteins site is required.'

The full application has been designed to create natural surveillance across the scheme and proposed LEAP and all dwellings have therefore been designed and positioned to take account of the impact on residential amenity and the topography of the site to make sure that all dwellings have adequate private amenity space and the relationship between the dwellings and public open space would not give rise to significant amenity harm in relation to noise, overlooking or overshadowing.

Your Officer is satisfied that through the amendments submitted that both the full and outline applications would not result in a significant adverse impact on the residential amenities of either existing or future occupants, subject to conditions being included on any decision and careful design/layout at the later detailed design stage. As a result, the proposed development would be in accordance with the provisions of the NDTLP and GTNP.

4. Access and Parking

Paragraph 110 of the NPPF indicates that access should be safe and suitable for all users. Paragraph 111 proceeds to advise that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards, allow for the efficient delivery of goods, and access by service and emergency vehicles.

Policy DM05 of the NDTLP relates to highways, and notes:
(1) All development must ensure safe and designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highways users including cyclists and pedestrians.
(2) All development shall protect and enhance existing public rights of way, footpaths, cycle ways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

In addition, policy DM06 of the NDTLP relates to parking provision, and notes that developments will be expected to provide adequate parking depending on the needs of the scheme.

The GTNP has a specific section on Transport and Infrastructure and in relation to this development the following policies need to be complied with: Policy T2: Pedestrians and Cyclists, and Policy T3: Residential Parking which both guide major developments and residential schemes to meet the needs of the proposed pedestrians.

There are several public representations received by the Council along with the Town Council comments which raise concerns in relation to the potential highway impact and highway safety, from the points of vehicular access and the safety of pedestrians walking into Great Torrington from the proposed site.

The site is proposing to utilise the existing accesses on site from the unclassified highway to the north. The north western access will be the main access for the full application and then the second access to the north east will serve the outline element.

During the process of the application there have been various amendments to potential footpaths from the site linking it to the proposed community to the main centre of Great Torrington. Originally the footpath was proposed to go through Jubilee Wood, but this has been altered to create a footway from the site to the existing footway on School Lane.

Devon County Council Highways have been consulted on the application and in their latest response have stated the following:

'Observations:
Further to previous plans and work by the applicant I am satisfied that a footway can be provided between the site and the existing footway provision on School Lane, subject to

detailed design that will overcome the issues I have previously raised. This will be similar to, but not exactly the same as, the path approved for the previous housing permission on the site. This must be a minimum of 1.2m wide, narrowing to an absolute minimum of 1.0m for only 6m in length.

The applicant has submitted further information regarding the operation of the junction of the A386 with School Lane in the form of a 'Highways Technical Note' which concludes that no improvements are needed to be made to the junction in question, however, there are a number of matters within this report that concern me.

Under heading AMA Response 4 this note discussed new surveys that were undertaken in February 2023 from which traffic modelling has been undertaken using industry standard software (junctions 9). There are three issues with this information and the modelling:

- *With this data being from February it does not consider the seasonal nature of traffic in northern Devon contrary to Local Plan Policy ST10 (2) (f).*
- *It is not certain which Committed Development has been included, for example have the 'Creamery' sites, 'Burwood' site and 'Hatchmoor' site all been included in the assessment?*
- *The report states that queues were observed in the February traffic count, however the report also states that 'the modelling output would not accurately replicate the observed queue lengths at the T-junction.' The gradient of the junction has also not been considered in the assessment. Therefore the base model is not accurately calibrated to the existing situation in order to extrapolate the future traffic situation, and thus is not considered an adequate prediction of the future scenario.*

In discussions with highway designers involved in the application a number of small improvements that could be made to the junction in question have been discussed and preliminarily drawn up, however they have not been submitted as part of the proposals. These works include:

- *A new bus stop at the bottom of School Lane to provide a new stop for users of the site; and*
- *Amending the single yellow lines at the top of School Lane to double yellow lines to stop parking near the junction at all times; and*
- *Providing the existing pedestrian crossing of the top of School Lane with tactile paving; and*
- *Moving the give way line across the top of School Lane further out into the A386 with associated changes to lining, kerbs and drainage in order to provide better visibility from and of traffic using this junction.*

Considering the fallback position of the site, with permission for residential development, I would be willing to accept the limited improvements being made as discussed above prior to the occupation of 60 dwellings (likely the first in 'phase 2') without the need for further work on assessment to the junction. However, if these improvements are not agreed by the applicant or if the fallback position disappears (for example if the current reserved matters application is refused), then a revised transport assessment is required to satisfy the three issues raised above.

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.'

In the opinion of the Highway Officer, the proposed layout is considered to provide safe and desirable pedestrian routes throughout the site, which benefit from natural surveillance and improve the access to the countryside and adjoining schemes.

The objection comments and the concerns of the Town Council have been considered and the proposed highway scheme has been assessed by Devon County Council Highways, with weight being given to the extant outline permission, with the outcome that they have recommended conditions if the application is approved. The development is considered to provide an appropriate level of parking for the detailed element, and it is expected that over and above visitor parking could be secured at a later stage within the area subject to outline. It is therefore considered that the conditions meet the relevant tests and in terms of highways the scheme is compliant with the policies outlined in the NDTLP and GTNP, including Policies T2 and T3.

5. Drainage
NDTLP Policy ST03 notes that development should *'adopt effective water management including Sustainable Drainages Systems, water quality improvements, water efficiency measures and the use of rainwater'*. Policy DM02 states that development will be supported where it does not result in unacceptable impacts to pollution of surface or ground water. Policy DM04 requires development to 'provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater'.

A Flood Risk Assessment and Drainage Strategy has been provided with the application. The Environment Agency Flood Zone Map indicates that the development is located in Flood Zone 1 (low risk). This is land designated as having a less than 0.1% annual probability of flooding from rivers or the sea in any year (less than a 1 in 1000 annual probability of flooding). Areas of Flood Zone 2 and 3 are shown to the west however, this is along the line of Common Lake Stream.

The Town Council has raised concerns over sewerage capacity in their consultation response.

The application form details that surface water will be disposed of through a sustainable drainage system and it is intended that a new drainage network will be provided which will discharge to a new foul pumping station designed to serve the whole development. The proposed new drainage network, pumping station and rising main will be offered for adoption to South west Water at detailed drainage stage. In light of the proposed uses of disposal South West Water and DCC Flood Risk Management have been consulted on the application and they have commented the following:

South West Water:
There initial response detailed that *'I refer to the above application and can confirm that South West Water has no objection subject to the surface water being managed by means of a soakaway/watercourse, as indicated on the application form. '*

Their final comments details: '*I refer to the above application and submitted amended plans, and would advise that South West Water has no objection and no further comments. For clarity, the drawings referred to are AVO-21101 – CIV-116 Revision A07 dated 15.02.2023 and AVO-21101 – CIV-115 Revision A04 dated 02.02.2023, contained within the Drainage Strategy Report Part 2.'*

Devon County Council Flood Risk Management:
The initial response from the officer was to object to the application as they concluded that the development proposed did not satisfactorily conform to policy and further information needed to be submitted.

On the submission of further information, the objection was withdrawn and no in-principle objections was submitted assuming that a requested pre-commencement planning condition is imposed on any approved permission.

Taking account of the responses from statutory consultees, your Officer is satisfied that the proposed scheme has a drainage strategy that offers sufficient drainage capacity at the site and therefore is compliant with the policies outlined in the NDTLP and GTNP.

6. Ecology
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). Policies ST14 and DM08 of the NDTLP require that development ensures the protection and enhancement of biodiversity.

Policy ENV2: Wildlife Enhancement of the GTNP emphasises that development will be supported when it enhances ecosystem function and resilience, by: a) improving connectivity between wildlife areas and green spaces; (b) increasing the wildlife value of private and community land, and/or; (c) creating new habitats.

Objection comments and the Town Council have raised concerns regarding the ecology on site in particular to the footpath through Jubilee Wood. During the process of the application this footpath has now been omitted form the scheme.

An Ecological Impact Assessment has been submitted as part of the application and has detailed the following:

'The Site is approximately 9.45ha. The central part of the Site was the location of the North Devon Meat factory and is now brownfield following previous incomplete attempts at redevelopment. Other parts of the Site include areas of semi-improved grassland and marshy grassland. The boundaries are defunct species poor hedges, scrub and fencing. There are several reed beds originally used for water filtration and a small reservoir at the north eastern end of the Site. The Site has a number of buildings, including active offices and warehouses, and derelict structures.

The Site is adjacent to the non-statutory County Wildlife Site (CWS) of Great Torrington Common. There are no statutory designated Sites within 2km. There are potential impacts predicted to the ecology of the adjacent CWS resulting from primarily an increase in recreational pressure.

The baseline habitat units amount to approximately 38.8 and the hedgerow units amount to approximately 4.42. Because the planning application is a Hybrid application, there is not sufficient detail at this stage to complete the assessment. However, this baseline information will be used at a later stage to enable a full Biodiversity Net Gain calculation using the Biodiversity metric 3.0 to enable a net gain of 10% for biodiversity.

The buildings on Site were surveyed for bats and assessed as having negligible suitability. There are no other roosting opportunities on Site. The Site has been assessed as being local value for foraging and commuting bats, with local level (low) significant impacts.

No dormice were recorded during the survey. No further action required.

A small population of slow worms were recorded during the surveys. Mitigation measures are required.

The eDNA results were returned with a negative result for great crested newts. No further action required.

The buildings, hedgerows and other vegetation will support nesting birds during the breeding season (31st March – 1st August). unless checked in the 24 hours prior to clearance works.'

The report to continues to detail the following required actions and recommendations for the site over the full and outline applications:

'Adequate recreational provision within the Site by way of suitable green space, play areas, dog walking routes etc to contain recreational activities within the Site to avoid recreational impacts on the CWS. These measures will be included on any drawn submissions and can be secured via the mechanism of a Landscape Ecological Management Plan (LEMP).

All priority habitat/CWS will be properly protected during the construction phase via the mechanism of a Construction and Environmental Management Plan (CEMP). This will ensure that measures are in place to protect off-site sensitive habitats from damage and disturbance. The CEMP will also protect on-site retained habitats (hedgerows and trees etc).

All hedgerows will be restocked where required via a scheme of planting and appropriate management. The hedgerow will be maintained in 'healthy tall' state. A Construction Exclusion Zone (CEZ) will be established around the Site boundaries to prevent damage and disturbance to these areas.

There are three areas set aside for BNG. These will be incorporated into a comprehensive landscape design which will aim to deliver a minimum of 10% BNG. It is likely that additional habitat will be required to achieve this aim.

Bats: A 10m (minimum) buffer between the Site boundaries and the development. The buffer zone can include back gardens. The hedgerows should be excluded from private ownership by garden fencing to allow for suitable management to enhance the value of the hedgerows and trees for wildlife. Larger gardens with areas for wildlife will be incorporated into the design and re-stocking/enhancement of existing boundaries will be undertaken. Internal native hedgerows and tree planting will be undertaken. A lighting scheme will be designed to minimise impacts on bats.

All new boundary features (e.g. garden fences) must incorporate suitable access points ('hedgehog highways') to allow hedgehogs to move freely around and through the development.

Measures will be put in place to protect badgers from being trapped or injured in open excavations and/or pipes during development work. The measures may include: a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

No vegetation clearance will take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of habitats for active birds' nests immediately before and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on Site.

Provision for bats and nesting birds will be incorporated into the development. This will take the form of integrated bat and bird boxes distributed throughout the development. The types, numbers and locations for the integrated boxes will be determined by the project ecologist at the detailed design stage.

The management of this scheme and its on-going maintenance will be detailed in Habitat Management Plan and/or a Landscape and Ecology Management Plan (LEMP).'

Taking into account the impact of the proposed scheme on the environment and wildlife a scheme should look at providing a Biodiversity Net Gain whether that be on site or as an off-site contribution. The scheme has submitted a Biodiversity Metric which calculates that the scheme will provide an overall on-site net % change plus off-site surplus of 16.39% in terms of habitat units and a 14.58% in terms of hedgerow units. The habitats will all be accounted for on site and will create a mix of habitat group which is reflective of what is currently on site.

The Biodiversity Net Gain report states that '*In summary, the proposed development can deliver a net gain on both the full and outline planning application Sites, including >10% uplift in hedgerows. The final predicted net gain for the outline application Site will need to be determined at the Reserved Matters stage following the production of detailed landscape proposals, but the high-level assessment here predicts that a net gain should be achievable. A 30-year management and monitoring plan will need to be produced and followed, demonstrating how the BNG is progressing towards achieving its objectives for habitat creation and condition.'*

Your Officer is satisfied with the proposed landscaping and biodiversity net gain calculations for the site and believes that the layout has been heavily influenced by the existing and proposed landscaping being put forward for the site. As such, it is concluded that with the imposition of conditions to secure biodiversity net gain and mitigation, the ecological status of the site is compliant with policy as detailed in the NDTLP and GTNP and all other relevant legislation.

7. Contamination
NPPF Paragraph 121 requires planning decisions to ensure that: *'the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.'*

A Geotechnical and Geo-environmental Assessment has been submitted as part of the application the reports states that it was carried out to determine the ground conditions for foundation, retaining structure and pavement design. In addition, an assessment was required from a geo-environmental perspective to include recommendations for any contamination remediation that may be required.

The Environmental Protection Officer has been consulted on the application and has commented that *'In relation to the above application, the Environmental Protection Team has no objections in principle.*

Land Quality
The Environmental Protection Team is aware of the former industrial and commercial use of the application site. Having reviewed the Geotechnical and Geo-environmental Assessment, although no significant contamination has been identified, the report indicates that further investigative works are required to ascertain the true extent of any potential contamination in areas where buildings are currently located. The Environmental Protection Team concurs that further intrusive groundworks will be required. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the Authority's full standard contaminated land condition.

It is also worth mentioning that the application site still has an existing permit issued by this Authority. The permit has not yet been officially surrendered but a condition of surrendering the permit is that the site is returned to its former status. Clearly this will not possible given the proposed development but the site will need to be appropriately remediated to ensure it is suitable for its intended sensitive end use and the permit surrendered.'

Given the previous use, levels of contamination will need to be assessed across the entire site and appropriate remediation agreed and undertaken before redevelopment occurs in accordance with NDTLP Policy DM02 (Environmental Protection).

8. Infrastructure & Planning Obligations
Any shortfall in infrastructure for the proposed development should be funded by developer contributions in accordance with Policy ST23 (Infrastructure) of the NDTLP, which requires development to provide or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific or cumulative impact of these developments.

The application generates the following infrastructure payment requirements which would need to be secured via a legal agreement:

Planning Contributions
Affordable Housing: vacant building credit adjusted 24% affordable housing (48 units)
Education: SEN provision £93,468.00
Education: Primary £956,287.00
Education: Secondary £665,259.00
Education: land provision £88,000.00
Education: Early years £50,000.00
Built facilities contribution £249,751.42
Green Infrastructure in line with Policy DM10 plus maintenance arrangements – On site / management company

Totalling: £2,102,765.42

The Town Council has sought clarification on healthcare capacity. The NHS was consulted on the application however no request for contributions towards healthcare has been made.

Viability Assessment:
The Applicant has submitted a comprehensive Viability Appraisal (VA) that demonstrates, a policy compliant level of contributions, would be unviable.

NDTLP Policy ST18 allows for negotiation to vary the scale and nature of affordable housing provision, along with the balance of other infrastructure and planning requirements, on the basis of a robust appraisal of development viability. The District Valuation Office (DV) was instructed to independently verify the submitted VA information and the assigned DV Officer has provided a written report to the Council, which is appended to this Committee Report for Member's ease of reference.

The conclusion of this viability process is that the application proposal is unviable when assuming a policy compliant level of planning obligations.

The DV concludes and recommends as follows:

'It is my considered and independent opinion that:

The above scheme assessed with regards to full planning policy requirement (comprising vacant building credit adjusted 24% affordable housing (48 units), and s106 contributions of £2,102,765) is not financially viable.

It is my independent conclusion that a reduced policy scheme comprising of no on-site affordable housing, together with other section 106 contributions totalling £1,224,183 is financially viable in current market circumstances.

It is notable that in their latest assessment, the applicants conclude that the development scheme as proposed is not financially viable and is in substantial financial deficit even with no s106 contribution whatsoever. In the light of this, your Authority may wish to consider the deliverability of the scheme as part of its deliberations.'

It goes on to say:

'Further to my conclusion above and the advice that your Council's full planning policy requirements will not be met; a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. DVS can advise further on this should you so require.

The council may consider it appropriate to make it a pre commencement condition that viability is reviewed if construction does not start within a prescribed period of time.'

In noting the findings, the DV Officer recommends that if the Council is minded to grant permission on the basis of less than policy required contributions, that a timescale for delivery is agreed which if not met triggers a viability review. It is additionally recommended that an interim review of viability is carried out once the initial demolition and site clearance phase is complete, and the ground conditions are clearer. Were such a review to identify even modest savings or risk mitigation, an additional financial contribution towards the stated planning obligations could be made.

Having regards to the viability appraisal, independent assessment and the significant abnormal costs associated with this brownfield site, the conclusions of the viability appraisal are accepted.

A key matter influencing the costs of the development is the need to demolish and reclaim the redundant site, the cost of which is significant. There are greenfield parts of the site that could come

forward separately to this, most notably the detailed element. Therefore, it is considered necessary to secure a comprehensive phasing and demolition plan to ensure proper development of the site whereby complete demolition takes place prior to the construction of any dwellings.

The lack of development viability does affect the sustainability of the development proposal and lead to a degree of conflict with NDTLP Policies ST23 and ST18. Given the Local Education Authority's request for monies towards both primary and secondary education facilities within the town and the needs generated by Policy ST23 in terms of built facilities contributions, the proposal will only be able to contribute in part to meet its identified needs. This harm must be weighed into the planning balance against the benefits of redevelopment and your Officer highlights that this position is distinctly different to the policy compliant basis for the Plans Committee's original support for the outline application in 2018.

The Ward Members have been informed throughout the application on the viability status and then the outcome of DV report and they have expressed disappointment over the significant change in viability since the 2018 outline. Despite trying on several occasions to have a final meeting with the Ward Members this has been unable to be arranged to discuss the preferred split of financial contributions. For this reason, an agreement has not been reached on how the financial contribution that can be achieved (£1,224,183) should be split across the requested planning contributions. Therefore, if Members are minded to approve the application, it is recommended that the split of planning contributions is delegated for agreement with the Ward Members.

The comments of the Town Council are noted and their request for the development to provide 30% affordable housing however, as set out above, the development has been confirmed as unviable with the delivery of nay affordable housing.

Planning Balance
Paragraph 2 of the 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 is a material consideration in planning decisions.

As discussed above, the Council cannot currently demonstrate a five-year supply of housing land to meet the identified need within the District. It is therefore necessary to consider whether the adverse impact of the proposal would significantly and demonstrably outweigh the benefits (the tilted balance).

In this instance, the proposal would provide a significant contribution of 200 dwellings (Full application – 59 and Outline application 141 dwellings) towards local housing supply on an allocated (partly brownfield) site that is located in a sustainable location near to a Main Centre. The site is therefore within reasonable proximity of a number of key services and facilities as well as public transport routes meaning that future occupants would be less reliant on the private motor car. Given the Council's current lack of a 5YHLS significant weight should be attached to the delivery of housing in this location.

A further significant benefit of the proposal is the redevelopment of a contaminated redundant brownfield site which is harmful to the local townscape with the potential to cause health and safety issues. The redevelopment of brownfield sites within the Town is a priority within the Great Torrington Spatial Vision and Development Strategy however the safeguarding of employment activity at the site is also a priority. Whilst 1500 sqm of employment space would be retained, it must be recognised that there is an overall loss. The resultant development would, however, lead to a positive visual enhancement insofar as the redundant buildings would be moved, which is a significant benefit of the proposal, however this must be balanced against the creation of a housing estate that is physically and visually remote from the main built-up form of the Town.

The proposal would provide a benefit to the local economy in respect of the construction of the development and improve the sustainability of Great Torrington in respect of the viability of local services and facilities. The construction phase would provide opportunities for economic benefits

through job creation, albeit it is accepted this will be on a temporary basis for the construction period. There would be economic benefits arising from the delivery of new fit-for-purpose employment space, albeit on a lesser scale than the existing level of employment on site.

The development will also deliver an over-provision of public open space beyond that which would be required for the level of housing proposed. This will provide a wider community benefit as all residents of the community will be able to access it.

The highways impacts are considered to be acceptable, both in respect of traffic generation and the proposed accesses; the Local Highway Authority is raising no objections to the proposal. Matters of drainage have been satisfied with no objections from statutory consultees and, subject to conditions to secure mitigation and enhancement measures, ecological interests will be protected and enhanced. The proposed level of biodiversity net gain is considered to be a significant benefit of the proposal The development is well designed and will ensure the amenities of existing and future residents of the new development are protected. The housing mix has been justified under NDTLP Policy ST17 and wider compliance with the HEDNA can be secured as the detailed element associated with the outline comes forward. In addition, adherence to Construction Management Plan would be secured via condition to protect residents during the construction phase along with restrictions on hours of operation. The heritage impacts are considered to be neutral. All of these matters lead to neutral impact.

Turning to the adverse impacts, as discussed earlier, due to viability issues, the application is unable to secure any affordable housing and only half of the total amount required for off-site financial contributions towards education or built facilities. The District Valuation Office has confirmed this position. There will therefore be additional pressure put on local services such as schools without any contribution to increase capacity which must be assessed as significant harm.

The overall benefit of the redevelopment of this brownfield site weighs in favour of the comprehensive scheme and it is considered that the wider sustainability and regeneration benefits that would arise combined with the delivery of 200 dwellings outweighs the identified harm in terms of impact on local services and infrastructure and conflict with Policy DM13, although this is much more finely balanced than when the original outline was considered. Equally, it is crucial to ensure that the site can only come forward through achieving the demolition and site clearance prior to the erection of any dwellings.

The proposed development is therefore considered, on balance, to be in accordance with Policies ST01, ST02, ST03, ST04, ST06, ST08, ST10, ST14, ST15, ST17, ST18, ST23, DM01, DM02, DM04, DM05, DM06, DM07, DM08A, DM08 and DM10 of the North Devon and Torridge Local Plan (2018), Policies ENV1, ENV2, ENV3, H1, H3, T1, T2, T3, CF1 of the GTNP and the relevant provisions of the NPPF, however there is conflict in respect of Policies DM08A (in respect of a degree of landscape harm), DM13 and GTT (in terms of loss of employment) and ST18 and 23 (in respect of the scheme being able to deliver a policy compliant level of planning obligation).

Given the above, it is considered, on balance that the identified harm does not significantly or demonstrably outweigh the benefits and consequently approval is recommended subject the conditions listed below and the satisfactory completion of a legal agreement to secure phasing and demolition, delivery of infrastructure/obligations and mitigation measures and review mechanisms as recommended by the District Valuer.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

1. The development to which this permission relates must be begun not 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. Approval of the details of

a) layout,
b) scale,
c) appearance,
d) access,
e) landscaping

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development, other than demolition, on the outline phases of the site is commenced.

Reason: To comply with the provisions of Part 2 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

3. 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.

4. Prior to the commencement of development, a detailed phasing plan for the whole site shall be submitted to the Local Planning Authority for approval in writing. The phasing plan shall include details of:

a) demolition and site reclamation;
b) intended number of market houses for each phase;
b) phasing of key infrastructure including, surface water drainage, green infrastructure and public open space, biodiversity enhancements/net gain, landscaping, boundary treatments, tree and hedgerow protection measures;
c) timing and delivery of the employment land;
d) timing and delivery of the vehicular, cycle and footway linkages.

The development shall be carried out in accordance with the approved phasing plan.

Reason: To enable the development to be delivered in controlled phases and to ensure the proper development of the site.

5. Prior to the commencement of any development in a relevant phase hereby granted planning permission and before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby granted planning permission, site specific details of the specification and position of the fencing for the protection of any retained hedgerows and tree/group of trees shall be submitted to and approved in writing by the Local Planning Authority. These details shall include an Arboricultural Method Statement and Tree/Hedgerow Protection Plan.

The works shall be carried out as approved and the fencing shall be erected prior to the commencement of any of the development of the relevant phase hereby permitted and shall be maintained until the development has been completed and all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure the development does not result in harm to trees within and adjoining the site to thus accord with Policies DM08A and ST14 of the North Devon Torridge Local Plan 2018.

6. Construction works and deliveries shall not take place other than between Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours with no works or deliveries permitted on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development of the types described in Part 1, Class A, B, C and E and Part 2, Class A and B; of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.

Reason: In the interest of the character and appearance of the area.

8. Notwithstanding the details shown on the full application hereby permitted, prior to their installation, details (and/or representative samples) of the colour and texture of the facing and roofing materials to be used in the construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented before the development hereby permitted is brought into use and shall thereafter be retained as such.

Reason: To enable the Local Planning Authority to consider the suitability of the materials to be used for the development.

9. A Waste Audit Statement shall be submitted to the Local Planning Authority for approval prior to the commencement of development. This statement should include all information outlined in the waste audit template provided in the Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods for waste management in accordance with Policy W4 of the Devon Waste Management Plan and the Waste Management and Infrastructure Supplementary Planning Document.

10. Prior to the commencement of development in a relevant phase, 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 number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
c) the times within which traffic can enter and leave the site and the timetable of the works;
d) the importation of spoil and soil on site;
e) the removal/disposal of materials from site, including soil and vegetation;
f) the location and covering of stockpiles;
g) details of measures to prevent mud from vehicles leaving the site and must include wheelwashing facilities;
h) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
i) mitigation measures in relation to noise, vibration, dust and lighting;
i) details of any site construction office, compound and ancillary facility buildings and where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
k) specified parking arrangements for vehicles associated with the construction works and the provision made for access thereto;

l) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.
m) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.
n) the means of enclosure of the site during construction works;
o) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
p) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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: In the interests of residential amenity and highway safety.

11. Unless otherwise agreed by the Local Planning Authority, no development within a phase, other than that required to be carried out as part of an approved scheme of remediation, must commence until sub-conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until sub-condition D has been complied with in relation to that contamination.

A. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:
(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Approval by the Local Planning Authority of the report submitted at this stage will confirm whether there is a need to undertake remediation measures under sub-conditions B, C and E below.

B. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of sub-condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of sub-condition B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with sub-condition C.

E. Long Term Monitoring and Maintenance
Where an approved remediation scheme includes a requirement for a monitoring and maintenance scheme to ensure the long-term effectiveness of the proposed remediation over time, a report setting out monitoring and maintenance requirements must be submitted in writing for the prior approval of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. 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

13. Any proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

14. No other part of the development hereby approved in a phase shall be commenced until:
A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
C) The footway on the public highway frontage required by this permission has been constructed up to base course level
D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Reason: To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

15. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
C) The cul-de-sac visibility splays have been laid out to their final level;
D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

16. No dwelling hereby approved shall be occupied until a footway of desirable minimum width 1.2m and absolute minimum width of 1.0m has been constructed between the site and the existing footway provision on School Lane and a bus stop is provided at the bottom of School Lane.

Reason: To ensure safe and suitable access is available for all people and in the interest of highway safety and sustainable travel.

17. Prior to the occupation of any 60 dwellings hereby approved improvements shall be made to the junction of the A386 with School Lane for which plans and details of the improvements shall be submitted the Local Planning Authority for approval prior to their construction.

Reason: In the interest of highway safety, sustainable travel and to mitigate the cumulative residual impacts of the proposal.

18. For those parts applied for in full:
No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
(b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
(c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
(e) A plan indicating how exceedance flows will be safely managed at the site.
(f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

19. For those parts applied for in outline:
• Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
(b) A detailed drainage design based upon the approved Flood Risk Assessment and the results of the information submitted in relation to (a) above.
(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
(e) A plan indicating how exceedance flows will be safely managed at the site.
(f) Evidence there is agreement in principle from the landowner/DCC highways/SWW to connect into their sewer. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

20. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the information gained in the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and risk assessment (1) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason: For the protection of controlled waters.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: For the protection of controlled waters.

22. The landscaping scheme hereby approved on the plans referenced GL1723 01B and GL1723 02B shall be implemented in full in accordance with the timings to be confirmed via the Phasing Plan

required by Condition 4. 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, in accordance with Policies ST14, ST04, DM04 and DM08A of the adopted North Devon and Torridge Local Plan 2011-2031.

23 The development shall be carried out in strict accordance with the recommendations and mitigation methods outlined in the submitted Ecological Impact Assessment dated December 2021 prepared by Orbis Ecology.

For the avoidance of doubt, the required Construction Ecological Management Plan and Landscape Ecological Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

The construction phase shall be carried out in accordance with the approved Construction Ecological Management Plan at all times and the site will be maintained in accordance with the requirements of the Landscape Ecological Management Plan in perpetuity.

Reason: To ensure the interests of protected species on the site are maintained and to achieve biodiversity enhancement in accordance with North Devon and Torridge Local Plan Policies ST14 and DM08.

24. Prior to commencement of the development hereby approved, a Biodiversity Enhancement Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, the mitigation measures shall be permanently maintained and retained and monitored in accordance with the approved details.

For the avoidance of doubt, the Biodiversity Enhancement Management Plan shall include

• Confirmation of the programme for delivery of the biodiversity net gain measures set out in the submitted Biodiversity Metric – Calculation Tool received 14/03/2023 and the Biodiversity Net Gain Assessment (reference Ref: 1721-BNG-CB) prepared by GE Consulting, dated March 2023, including evidence to demonstrate that a minimum 10% biodiversity net gain is achieved;
• Confirmation of methods for managing these newly created habitats to maximise their benefit for the ecological receptors on site;
• Confirmation of ongoing monitoring and reporting arrangements.

Reason: To ensure the development enhances habitat for protected species in line with the requirements of Policy DM08 of the NDTLP, the objectives of the NPPF and the requirements of 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 a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied of mitigation measures prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk of loss of biodiversity or protected species and their habitat in contravention of the above legislation.

25. The proposed boundary treatments, as shown on approved plan reference 10563 PL04 rev I, shall be implemented in accordance with the Phasing Plan to be secured via Condition 4. The implemented boundary treatments shall not at any time be removed, either in whole or in part other than through direct replacement.

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

26. Prior to their installation, full details (including the specification and location) of any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the development hereby permitted being brought into its intended use and shall thereafter be retained as such.

Reason: In the interests of the visual amenities of the locality and for security purposes.

27. Notwithstanding the provisions of the Town and Country Planning (use Classes) Order 1987 (as amended) and Article 3, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Orders 1995 (or any Order revoking or re-enacting these Orders the commercial floorpsace shall be used only for purposes within Classes E (g) (i), (ii), (ii); B2; or B8 and for no other purpose without the further grant of planning permission. The reserved matters submissions will need to demonstrate that any B2 use can be undertaken without adversely harming the amenities of the proposed residential use with appropriate mitigation measures incorporated.

Reason: To restrict the use of the premises to one which is compatible with the surrounding area and to comply with the development plan.

Plans Schedule

Reference	Received
TL-21-001-L-F-003 P01	21.05.2021
TL-21-001-L-F-004 P01	21.05.2021
TL-21-001-L-F-005 P02	21.05.2021
TL-21-001-L-F-102 P01	21.05.2021
TL-21-001-L-F-103 P01	21.05.2021
TL-21-001-L-F-104 P01	21.05.2021
TL-21-001-L-F-107 P01	21.05.2021
TL-21-001-L-F-109 P01	21.05.2021
TL-21-001-L-F-110 P01	21.05.2021
TL-21-001-L-F-112 P01	21.05.2021
TL-21-001-L-F-114 P01	21.05.2021
TL-21-001-L-F-116 P01	21.05.2021
TL-21-001-L-F-002 P01	21.05.2021
TL-21-001-L-F-006 P01	21.05.2021
TL-21-001-L-F-101 P01	21.05.2021
TL-21-001-L-F-105 P01	21.05.2021
TL-21-001-L-F-106 P01	21.05.2021
TL-21-001-L-F-108 P01	21.05.2021
TL-21-001-L-F-111 P01	21.05.2021
TL-21-001-L-F-113	21.05.2021
TL-21-001-L-F-115 P01	21.05.2021
GL1723 04	25.11.2022
PL30 A	25.11.2022
PL31 A	25.11.2022
PL32 A	25.11.2022
PL33 A	25.11.2022
PL34 A	25.11.2022
PL35 A	25.11.2022
PL36 B	25.11.2022

PL37 A	25.11.2022
PL38 A	25.11.2022
PL39 B	25.11.2022
PL40	25.11.2022
PL41	25.11.2022
CIV-110 A09	16.02.2023
CIV-112 A08	16.02.2023
CIV-116 A07	16.02.2023
CIV-160 A08	16.02.2023
CIV-170 A07	16.02.2023
GL1723 01B	16.02.2023
GL1723 02B	16.02.2023
GL1723 03B	16.02.2023
GL1723 06	16.02.2023
PL01 C	16.02.2023
PL03 I	16.02.2023
PL04 I	16.02.2023
PL05 I	16.02.2023
CGI STREETSCENE 1	28.02.2023
CGI STREETSCENE 2	28.02.2023
10563-SK50C	14.03.2023
1261-SK-003 A	15.02.2022

Statement of Engagement

The National Planning Policy Framework (paragraphs 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.

Valuation Office Agency

DVS Property Specialists for the Public Sector

Viability Review Report
Former Abattoir site
Beara Head
Great Torrington
Devon

Report for:
Helen Smith
Torridge District Council

Prepared by:
W Robert J Gill MRICS
Principal Surveyor
RICS Registered Valuer
DVS

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Case Number: 1794804

Client Reference:
1/0511/2021/OUTM

Date: 19 October 2022

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1.0 Executive Summary

1.1 Proposed Development Details.

This report provides an independent review of a viability assessment in connection with:

Proposed Development	Hybrid application consisting of a full application for 59 dwellings and an Outline application for up to 141 dwellings with up to 1,500sqm commercial space (B1, B2 or B8). (Affecting a public right of way)
Subject of Assessment:	Former Abattoir site, Beara Head, Great Torrington Devon EX38 7AJ
Planning Application Reference:	1/0511/2021/OUTM
Applicant / Developer:	Clayewater Homes
Applicant's Viability Advisor:	S106 Management

1.2 Instruction

In connection with the above application Torridge District Council require an independent review of the viability conclusion provided by the applicant in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made can be relied upon to determine the viability of the scheme.

A site-specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

1.3 Viability Conclusion

It is my considered and independent opinion that:

The above scheme assessed with regards to full planning policy requirement (comprising vacant building credit adjusted 24% affordable housing (48 units), and s106 contributions of £2,102,765) is not financially viable.

It is my independent conclusion that a reduced policy scheme comprising of no on-site affordable housing, together with other section 106 contributions totalling £1,224,183 is financially viable in current market circumstances.

It is notable that in their latest assessment, the applicants conclude that the development scheme as proposed is not financially viable and is in substantial financial deficit even with no s106 contribution whatsoever. In the light of this, your Authority may wish to consider the deliverability of the scheme as part of its deliberations.

1.4 Non-Technical Summary of Viability Assessment Inputs

Policy Compliant Inputs	Agent	DVS Viability Review	Agreed (Y/N)
Assessment Date	6 April 2022 (update 1/6/2022)	19 October 2022	
Scheme Gross Internal Area	18,697 m²	18,697 m²	Y
Site Area	9.36 ha	9.36 ha	Y
Development Period	42 months	42 months	Y
Gross Development Value	£49,487,550	£51,707,950	N
Comprising:			
Market Housing GDV	£42,665,000	£44,647,000	N
Affordable Housing GDV	£5,049,500	£5,287,900	N
Other GDV	£1,773,050	£1,773,050	Y
Planning Policy / S.106 Total	£0	£2,102,765	N
Construction Cost (inc. external works and infrastructure costs)	£39,780,185	£35,519,787	N
Professional Fees %	8% (provisional)	7%	N
Contingency %	5%	5%	Y
Finance Interest and Sum	7% / £1,876,357	6.75% / £1,419,201	N
Sales / Agency / Marketing Fees	2.5%	2.5%	Y
Commercial letting fee / legal letting fee	10% / 0%	10% / 5%	N
Legal Fees	£600 per market residential unit and 1.75% commercial GDV	£600 per market unit and £400 per affordable unit, 0.5% commercial GDV	N
Land Acquiring Costs	SDLT +1.5%	SDLT +1.5%	Y
Profit Target %	17.5% market residential, 6% affordable, 15% commercial (provisional)	17.5% market residential, 6% affordable, 15% commercial	Y
Benchmark Land Value	£4,750,000	£3,000,000	N
EUV	£4,750,000	£2,000,000	N
Premium	£0	£200,000	N
Residual Figure (Land Value)	£0 plus deficit -£11,830,814	£0 plus deficit -£1,110,881814	N

Viability Conclusion Full Policy Scheme	Not viable	Not viable	N
Deliverable Scheme	No commentary	Yes	N

A site-specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

2.0 Instruction and Terms

2.1 The Client is Torridge District Council.

2.2 The Subject of the Assessment is the former Abattoir site, Beara Head, Torrington Devon EX38 7AJ

2.3 The date of viability assessment is 19 October 2022. Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.

2.4 Instructions to proceed with the assessment were received on 20 April 2022, and further requested information was provided on 20 May 2022. An initial (stage 1) report was issued on 13 June 2022. Since this report was issued, the pplicants have submitted further representations dated 1 August 2022. It is understood that Torridge District Council require an independent opinion on the viability information provided by Messrs S106 Management, in terms of the extent to which the accompanying appraisals are fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme. Specifically, DVS have been appointed to:

> Assess the Viability Assessment submitted on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authority's planning website.
>
> Advise Torridge District Council in writing on those areas of the applicant's Viability Assessment which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion, together with evidence. If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, this report will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development.

2.5 Conflict of Interest Statement - In accordance with the requirements of RICS Professional Standards, DVS has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists.

2.6 Inspection - The subject site has been externally inspected as far as accessible on 22 April 2022 by the author. This was partial inspection for valuation purposes and does not constitute a building survey.

2.7 DVS/ VOA Terms of Engagement were issued on 11 April 2022. A redacted version will be attached in my subsequent, redacted report provided for publication.

3.0 Guidance and Status of Valuer

3.1 Authoritative Requirements

The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative mandatory requirements:

The '**National Planning Policy Framework'**, which states that all viability assessments should reflect the recommended approach in **the 'National Planning Practice Guidance on Viability'**. This document is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).

RICS Professional Statement **'Financial viability in planning: conduct and reporting'** (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.

RICS Professional Standards PS1 and PS2 of the '**RICS Valuation – Global Standards'**.

3.2 Professional Guidance

Regard will be made to applicable RICS Guidance Notes, principally the best practice guidance as set out in RICS GN **'Assessing viability in planning under the National Planning Policy Framework 2019 for England'** (effective 1 July 2021).

Other RICS guidance notes will be referenced in the report and include RICS GN '**Valuation of Development Property'** and RICS GN **'Comparable Evidence in Real Estate Valuation'.**

Valuation advice (see Note 1) will be prepared in accordance with the professional standards of the of the '**RICS Valuation – Global Standards'** and the **'UK National Supplement'**, which taken together are commonly known as the RICS Red Book. Compliance with the RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

(Note 1) Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your decision making for planning purposes and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our review assessment and conclusion may be used by you as part of a negotiation.

The RICS Red Book professional standards are applicable to our undertaking of your case instruction, with PS1 and PS 2 mandatory. While compliance with the technical and performance standards at VPS1 to VPS 5 are not mandatory (as per PS 1 para 5.4) in the context of your instruction, they are considered best practice and have been applied to the extent not precluded by your specific requirement.

3.3 RICS 'Financial Viability in Planning Conduct and Reporting'

In accordance with the above RICS Professional Statement it is confirmed that:

a) In carrying out this viability assessment review the valuer has acted with objectivity, impartiality, without interference and with reference to all appropriate sources of information.

b) The professional fee for this report is not performance related and contingent fees are not applicable.

c) DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.

d) The appointed valuer, W Robert J Gill BSc MRICS is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.

e) Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.

f) The DVS viability review assessment has been carried out with due diligence and in accordance with section 4 of this professional statement

g) The signatory and all other contributors to this report, as referred to herein, has complied with RICS requirements.

3.4 Most Effective and Efficient Development

It is a mandatory requirement of the **RICS 'Financial viability in planning: conduct and reporting'** Professional Statement for the member or member firm to assess the viability of the most effective and most efficient development.

The applicant's advisor has assessed the viability based on private sales to individual owner occupier or investors. Having considered the size and location of the development, the applicant's proposal is considered to be reasonable. The DVS valuer has assessed the viability based upon the same scheme assumptions and passes no comment on whether this is the most effective and most efficient development. The impact on viability of different scheme e.g. build to rent has not been appraised, however should this be pursued another viability assessment may be necessary.

3.5 Signatory

a) It is confirmed that the viability assessment has been carried out by W Robert J Gill BSc MRICS, Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge, skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased review.

b) As part of the DVS Quality Control procedure, this report and the appraisal has been formally reviewed by Pete McGuigan MRICS, Registered Valuer, who

also has the appropriate knowledge, skills and understanding necessary to complete this task.

c) DVS has provided viability assessment reviews for Torridge District Council for more than 2 years.

3.6 Bases of Value

The bases of value referred to herein are defined in the Terms of Engagement and are sourced as follows:

Benchmark Land Value is defined at Paragraph 014 of the NPPG.
Existing Use Value is defined at Paragraph 015 of the NPPG.
Market Value is defined at VPS 4 of 'RICS Valuation – Global Standards'
Market Rent is defined at VPS 4 of 'RICS Valuation – Global Standards'
Gross Development Value is defined in the Glossary of the RICS GN **'Valuation of Development Property'** (February 2020).

4.0 Assumptions, and Limitations

4.1 Special Assumptions

As stated in the terms the following special assumptions have been agreed and will be applied:

That your council's planning policy, or emerging policy, for affordable housing is up to date.
There are no abnormal development costs in addition to those which the applicant has identified, and (for cases with no sq. review) the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.
That the development as proposed is complete on the date of assessment in the market conditions prevailing on the date.

4.2 General Assumptions

The site has been inspected on a partial basis. The below assumptions are subject to the statement regarding the limitations on the extent of our investigations, survey restrictions and assumptions, as expressed in the terms of engagement.

a) Tenure - A report on Title has not been provided. The review assessment assumes that the site is held Freehold with vacant possession.

b) Easements / Title restrictions - A report on Title has not been provided. The advice is provided on the basis the title is available on an unencumbered freehold or long leasehold basis with the benefit of vacant possession. It is assumed the title is unencumbered and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

c) Access / highways - It is assumed the site is readily accessible by public highway and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

d) Mains Services - It is assumed the site is or can be connected to all mains services will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

e) Mineral Stability - This assessment has been made in accordance with the terms of the agreement in which you have instructed the Agency to assume that the property is not affected by any mining subsidence, and that the site is stable and would not occasion any extraordinary costs with regard to Mining Subsidence. I refer you to the DVS Terms of Engagement for additional commentary around ground stability assumptions.

f) Environmental Factors Observed and/or Identified - It is assumed the site will not occasion any extraordinary costs relating to environmental factors over and above those identified by the applicant and considered as part of abnormal costs.

g) Flood Risk - DVS have referred to the Government's Flood map for planning tool which indicates that the proposed development is in flood zone 1. This means it has a low probability of flooding from rivers and the sea.

h) Asbestos - It is assumed any asbestos present will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

5.0 Proposed Development

5.1 Location / Situation

The property is located immediately to the North of the market town of Great Torrington, Devon. It is within the post code BA14 8HW, with principal vehicular access off the made up and adopted public highway to the Northern boundary of the site.

5.2 Description

The property comprises previously commercially developed land (former meat factory and Peninsula Proteins). The site is secured against public access however it is apparent that various commercial buildings remain on the site and are indicated by the applicant as extending to 4884 square metres gross internal area. Limited access is available to the site, and it has not been possible to verify this figure. Whilst within approximately 500 metres from the built area of Great Torrington, the site is bound by agricultural and common land, with public highway to the North, and a small development of residential cottages to the West.

5.3 Site Area

It is understood that the gross site area extends to 9.36 ha (23.13 acres) or thereabouts.

5.4 Schedule of Accommodation/ Scheme Floor Areas

DVS make no comment about the density, design, efficiency, merit or otherwise, of the suggested scheme. The accommodation details have been taken from schedules of accommodation (source: planning application documents) and the S106 Management report, and are summarised below:

House type	Number	Unit m²	Total m²
2-storey 2-bed	29	58	1682
2-storey 2-bed	26	58	1508
2-storey 3-bed	19	77.1	1464.9
2-storey 3-bed	17	77.1	1310.7
2-storey 3-bed	25	79.4	1985
2.5-storey 3-bed	22	102.8	2261.6
2-storey 4-bed	22	100.8	2217.6
2-storey 4-bed	15	113.8	1707
2-storey 4-bed	25	122.4	3060
Total:	**200**		**17,196.8**
Commercial element			**1,500**

Measurements stated are in accordance with the RICS Professional Statement **'RICS Property Measurement' (2nd Edition)** and, where relevant, **the RICS Code of Measuring Practice (6th Edition).**

As agreed in the terms, any office and/or residential property present has been reported upon using a measurement standard other than IPMS, and specifically Gross Internal Area has been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2nd Edition)'.

I understand that you requested this variation because this measurement standard is how the applicant has presented their data, is common and accepted practice in the construction/ residential industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis.

5.5 Planning

The property lies to the North of Great Torrington and is a previously commercially developed site. Prior to the current application, It has been the subject of planning applications in recent years as detailed below. The extant and established use is understood to be industrial.

It is contended that the proposed scheme is not financially viable in current market circumstances when providing current planning policy required contributions.

5.6 Policy Requirements for the Scheme

The North Devon and Torridge local plan 2018 sets out (in policy ST18) the expected affordable planning contribution of 30% on-site units. It is understood that this provision should comprise a mix of 75% units for social rent, and 25% shared ownership.

In regard to claimed vacant building credit, I understand that your Council has requested justification to support the position and that it will apply in this case. I note that the applicants calculate this as reducing the policy required number of affordable units from 60 dwellings to 16.8 (8.4%). This calculation is based on a claimed existing floorspace of 4,884 m² against a proposed residential floorspace of 17,197 m². The resulting credit of 28% appears to have been erroneously applied as a proportion of the policy requirement of 60 units rather than a deduction from the 60 units.

There is no supporting information/evidence to demonstrate that the level of floorspace indicated is accurate, including plans and measurements of the existing buildings. In the light of this, I have for the purposes of my assessment assumed that the claimed 4,884 m² is correct. I disagree with the calculation carried out for the applicants however. In my assessment, I have assumed a credit based on 4,884 m² existing, less 1,500 m² proposed commercial space; net therefore 3,384 m², being a proportion of 19.68% of the proposed 17,197 m² residential floorspace. Applying this as a discount against 60 units yields an adjusted and rounded requirement of say 48 units of affordable housing, or 24% of the whole residential scheme.

I have assumed for the purposes of this report that this revised calculation is correct and accepted by your Authority. My assessment will need to be revised if your Authority concludes that a different credit (or none at all) will apply.

It is understood that the following additional s106 contributions are sought:

SEN education provision	£93,468
Primary Education	£956,287
Secondary Education	£665,259
Education land provision	£88,000
Education: Early years	£50,000
NHS CCG	£0
Biodiversity Net Gain/POS contribution	£0
Built facilities contribution	£249,751.42
Total (rounded):	**£2,102,765**

It is understood that further clarification is being sought in regard to potential NHS and biodiversity net gain/public open space contributions. Planning policy requirements should be factual and agreed between the LPA and the applicant. If the review assessment adopts an incorrect figure and/ or a (significantly) different figure is later agreed the viability conclusion should be referred back to DVS.

5.7 Planning Status

I am aware that 2 relevant planning applications have been made on the subject site in recent years, and these are tabulated as follows:

1/1165/2017/OUTM 11/2017 Approved 13/09/2018	Outline application for erection of up to 143 dwellings, 1040 square metres of commercial freehold land for B1, B2 and B8 employment and public open space
1/1051/2021/REM Dated 6 September 2021 and yet to be determined	Reserved matters application for appearance, landscaping, layout & scale pursuant to outline application 1/1165/2017/OUTM - Erection of up to 143 dwellings, 1040 square metres of commercial freehold land for B1, B2 and B8 employment and public open space

I note that in regard to the outline permission, a section 106 agreement was entered into confirming provision of 40% affordable housing, together with other financial contributions.

6.0 Summary of Applicant's Viability Assessment

6.1 Report Reference

DVS refer to the Financial Viability Assessment prepared by Messrs S106 Management dated 6 April 2022 titled 'Financial Viability Appraisal', and the appraisal(s) therein. This has been re-considered in the light of an updated addendum assessment dated 1 August 2022.

6.2 Summary of Applicant's Appraisal

In summary S106 Management's appraisals have been produced using HCA software and follows established residual methodology. This is where the Gross Development Value less the Total Development Costs Less Profit, equals the Residual Land Value, and the Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance, to establish viability.

The applicant outlines in their latest submission the following:

> The proposed scheme with no affordable housing provision or other s106 contributions produces a Residual Land Value of £0 and a financial deficit of -£2,944,527.
> The Benchmark Land Value is £4,750,000 based upon an assessment of EUV without a premium.
> As a residual below their opinion of Benchmark Land Value arises, the applicant seeks to demonstrate that a scheme with no affordable housing or other s106 contribution is unviable.

To review the reasonableness of this conclusion, the reasonableness of the applicant's appraisal inputs is considered in the next sections.

7.0 Development Period/ Programme

7.1 The development period adopted by the applicant's advisor is 42 months comprising:

3 months for site purchase
3 months pre-construction/ site preparation
30 months for construction
18 months for sales starting at month 24

For the purposes of finance calculation, S106 Management have disregarded the purchase and pre-construction/site preparation period.

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7.2 This sales rate is considered optimistic. The development period adopted for the DVS viability review is also 42 months, however comprising:

1 month for site purchase
3 months pre-construction / site preparation

34 months for construction
30 months for sales starting at month 12

8.0 Gross Development Value (GDV)

In the case of a wholly open market scheme including 200 residential units and 1,500 m² commercial space, S106 Management has adopted a GDV of £55,368,050.

This comprises:

Market Housing GDV	£42,665,000
Affordable Housing GDV	£5,049,500
Commercial	£1,773,050
Total GDV	£49,487,550

I have reviewed the GDV proposed with regards to RICS Guidance Notes '**Assessing viability in planning under the National Planning Policy Framework 2019 for England'** and '**Comparable Evidence in Real Estate'** and my conclusions are set out below.

8.1 Market Value of Private Dwellings

The VOA database contains details of sales of residential properties including accommodation details, age of property number of bedrooms, reception rooms, age, floor areas and so forth as well as transactional information such as new build sales, part exchange shared ownership or connected party sales etc. We also have access to Energy Performance Certificates which enables further analysis. I have also considered sales information about current and forthcoming schemes. All of this enables me to confirm or dispute the applicant's evidence.

Following my original investigations and research, the applicant's evidence and analysis was considered fair at the date of the initial assessment, and Market Values proposed were accepted as suitable for determining scheme viability. Whilst provisionally agreed, it is noted that our original assessment was dated June 2022, and therefore some 4 months ago in an improved market. In the light of this, and the quality of product reflective of a revised build cost assessment (detailed below), I have sought to index the previously agreed values by reference to the Land Registry index for the Torridge location. I have then cross checked the result against latest sales information. My revised assessment is summarised as follows:

House type	Property Type	Type	GIA	June 2022 suggested value	Indexed current value
Batherm / Creedy	Terraced	2-storey 2-bed	58	£210,000	£220,000
Culm / Exe	Terraced	2-storey 3-bedroom	77.1	£255,000	£267,000
Lowman	semi-detached	2-storey 3-bedroom	79.4	£260,000	£272,000
Somer	Terraced	2.5-storey 3 bed	102.8	£310,000	£324,000

Taw	detached	2-storey 4-bedroom	100.8	£310,000	£324,000
Halberton	detached	2-storey 4-bedroom	113.8	£315,000	£330,000
Lyner	detached	2-storey 4-bedroom	122.4	£320,000	£335,000

In the case of a 24% affordable housing provision scheme, my gross development value in respect of 152 open market dwellings is **£44,647,000**, and therefore some 4.4% higher than the applicants.

8.2 Market Value of Affordable Housing Dwellings

Your Council has requested justification to support the position put forward by the applicants in respect of vacant building credit. As discussed above, and subject to your consideration, I calculate an appropriate credit adjusted level adjustment from 30% policy required proportion of affordable housing to 24%, or 48 units. If this assumption is incorrect, it will be necessary to re-assess the scheme.

I have assumed a split of 75% social rented and 25% shared ownership units. I have considered evidence from other schemes in the District and have carried out investment valuations. I am of the view that a fair proportion of current private market value in respect of affordable rent tenure units equates on average to circa 40%. In respect of shared ownership units, I have assumed a rent on unsold equity of 2.75%, and a 40% equity sale. This analysis results in a proportion of private unit market value of circa 65%.

In the case of a 24% affordable scheme, my valuation of 48 affordable units, split as 36 for social rent (25 no. 2 bed, 8 no. 3 bed, and 3 no. 4 bed), and 12 shared ownership (9 no. 2 bed, 2 no. 3 bed, and 1 no. 4 bed) is **£5,287,900**.

It is understood that the applicants accept this assessment methodology, however on the basis of an earlier assessment of market unit value, their overall assessment on a like for like basis is **£5,049,500.**

My latest re-assessment is therefore some 4.5% higher than that of the applicants.

8.3 Market Value of Commercial Element

The proposed scheme includes an element of new B2, commercial space extending to a total of 1,500 m² GIA. In their assessment, S106 Management has indicated a rental value rate of £100 per m² resulting in a current market rental value of £150,000; and applied an investment yield of 8%. This calculates a capital value of £1,875,000, from which purchaser's costs have been deducted resulting in an assessment of **£1,773,050.**

Having regard to recently achieved rental values in respect of industrial and office units in the District, I am of the opinion that S106 Management has fairly stated the achievable rental value of £150,000.

I also agree that an 8% investment yield is appropriate in this case, and is consistent with evidence available to me, both of market transactions and other recent settlements in the region. The indicative capital value is therefore agreed in the sum of **£1,773,050**.

8.4 Other Revenue e.g. Grant Funding

In the absence of any evidence to the contrary, I have assumed that no grant funding to cross subsidise the affordable housing element of the scheme will be available. Should a Registered Provider become involved in this scheme at any point and obtain such funding, this would be a material factor and may alter my conclusions.

There is no allowance for tax reliefs in the applicant's assessment. Tax relief may not be applicable on this site, however there are substantial abnormal costs. If tax reliefs are applicable this may substantially improve the viability of the scheme. You may wish to seek additional guidance in this regard from a tax expert.

8.5 Total GDV

My total for GDV is **£51,707,950.** The applicant's assessment is **£49,487,550.** My assessment is therefore approximately 4.3% higher than the applicant's.

The impact on viability of higher and lower values of up to 5% are reflected upon as part of the sensitivity tests under section 12 of this report.

9.0 Total Development Costs

9.1 Summary of Unagreed Costs

The following cost inputs have not been accepted as reasonable:

(i) Construction, external works, infrastructure and abnormal costs
(ii) Professional fees
(iii) Finance debit/credit rates

Construction costs:

The original construction costs adopted by S106 Management in its appraisals was based on Royal Institution of Chartered Surveyors Build Cost Information Service (BCIS) data. Whilst this methodology is considered reasonable in the context of a necessarily hypothecated development scheme, considerable recent build cost inflation has led to a comprehensive re-assessment, including advice from a Quantity Surveyor.

The total revised build cost is indicated as being £40,180,185, comprising:

Residential build cost	£31,797,800
Commercial build cost	£1,995,485
Externals/infrastructure	£5,986,900
Total:	**£39,780,185**

It is noted that the above assessment includes £400,000 in respect of NHBC warranty costs. These projected costs are separately stated in my assessment.

The assessment has been reviewed by DVS in-house Quantity Surveyor Lee Jackson MRICS. In the light of available information and evidence, he concludes the following costs:

Goss construction cost including external works	£32,571,414
Abnormal site costs	£2,948,373
Total:	**£35,519,787**

His narrative is as follows:

Introduction

In my opinion the information provided was sufficient for overview review at high level but not for the submission of planning and the accuracy of cost necessary. The Applicants is marked as 'Budget Estimate'

Review

I have used Median for Estate Houses Generally in Torrington, 4Q22 based on costs over the last 5 years from BCIS
I have allowed 22.6% for External works, which is reasonable for this type of scheme. I would expect between 20 to 25%
The GIA is 18,697m2 for housing and 1,500m2 for Commercial (unspecified type of building & use)
Abnormal costs appeared on balance to be likely, but could not be tested as no drawings showing the extent of the works were provided
I have applied 12.5% Preliminaries and 4% Main Contractor Overhead & Profit

Results

Proposed Residential Development				
Meat Factory, Great Torrington	**BCIS**		Valuation Office Agency	
DV Order of Cost Estimate	**Median**			
CRAC No: 1794804	**TORRINGTON**			
		changes from DVS tab	4Q22	
SUMMARY				
	GIFA	18,697	m2	
Description	**Submitted Costs**	**DVS**	**Difference**	**% Difference**
Build Cost				
Development including external works	£38,741,700	£32,571,414	-£6,170,286	-16%
Abnormals	£750,000	£2,948,373	£2,198,373	293%
Estimated Construction Cost at 4Q2022	**£ 39,491,700**	**£ 35,519,787**	**-£ 3,971,913**	**-10%**
Build Cost including CSH, External Works, Prelims, OH&P per m²				
Abnormals Cost including Prelims, OH&P per m2				
	£2,112.19	**£1,899.76**	**m2**	

Conclusion

The information for the proposed scheme, suggests that the scheme is ***10% in variance in terms of the costs provided against my review, with my***

***assessment being the lower**. Ideally for an accurate cost review more defined and detailed information is required.*

It is noted that the foregoing QS conclusion is based on an assessment provided with source data from David Wilson Homes, and therefore at the premium product end of the volume housebuilder market. In the light of this, it is reasonable to assume premium completed value, and this lends further support to the indexed values detailed in this report.

The impact on viability of higher and lower costs of up to 5% are reflected upon as part of the sensitivity tests.

Professional fees:

S106 Management originally adopted a rate of 10% on build costs in respect of professional fees. Whilst reflective of the area wide study, this allowance was considered high in my recent experience, particularly with regard to the scale and nature of the proposed development. In their latest re-assessment, the applicants have provisionally reduced this to 8%, and cited a recent DVS assessment in the District, which is not recognised. Given the scale of the proposed scheme, in-house QS advice, and other recent evidence of similar scale schemes in the District and wider region suggests that 7% of costs is a more reasonable allowance (exclusive of separately stated NHBC warranty costs), and this is maintained in my re-assessment.

Finance debit/credit rates:

The applicants have included a finance debt rate of 7% inclusive of fees in their appraisal. Despite recent increases in base rate, I am of the view that this rate remains high in my recent experience and have used a revised fees inclusive debit rate of 6.75% in my assessment. S106 Management has also not included a finance credit rate on positive balances in their assessment, whereas I have included a rate of 2% in my assessments as is good practise.

9.2 Summary Agreed Cost Inputs

The following cost inputs have been accepted as reasonable and adopted by DVS in the review assessment.

Cost	Agent	Comments
Contingency	5%	DVS confirm that 5% is typical for a previously developed (or brownfield) site.
Marketing and agency costs	2.5%	This assessment is considered reasonable and adopted in my assessment.

Cost	Agent	Comments
Legal fees residential sales		The applicants have provisionally adopted £600 per market unit, and this is considered reasonable. In addition, and in common with recent assessments, I have included £400 per affordable unit in respect of legal transfer costs in my assessment.

Commercial letting fees	10%	This allowance is considered reasonable. In addition, I have included commercial letting legal fees of 5% as is standard practise.
Land acquisition fees	1.5%	Typically, 1.3% -1.75% of (DVS opinion) of the land value.
Stamp Duty Land Tax		at the prevailing (commercial) rate of (DVS opinion) of the land value.

10.0 Developer's Profit

10.1 S106 Management originally included developers return at a rate of 20% of market unit GDV and 17.5% in respect of the commercial element in their assessment. In my most recent experience, developers target return has been set at a range of 17.5% to 20% of market GDV. The most recent government guidance also suggests an industry norm of between 15% and 20% on market GDV. An appropriate target rate of developers' return has been considered against this guidance, recent experience in the region, current market circumstances, and in the light of site-specific factors.

10.2 In the light of my most recent experience of development proposals of this nature, I have rather adopted 17.5% of market residential GDV in my assessment as a reasonable target profit level. Similarly, in the light of my most recent experience, I consider that the target profit level of 17.5% in respect of commercial property is excessive, and I have rather adopted an allowance of 15% in my assessment. In respect of affordable units, I have adopted a target profit level of 6% as is widely adopted and reflecting reduced risk on the basis of a forward sale to a Registered Provider. It is understood that these rates are provisionally accepted and use by the applicant in their latest assessment.

10.3 To accord with the RICS Guidance Note **'Assessing viability in planning under the National Planning Policy Framework 2019',** I can report that the profit level I have adopted of 17.5% market GDV, 6% of affordable GDV, and 15% of commercial GDV is equivalent to 18.81% of Total Development Costs on the assumption of a planning policy compliant scheme.

11.0 Benchmark Land Value (BLV)

11.1 Applicant's BLV

The applicant's surveyor originally adopted a Benchmark Land Value of £7,020,000. In their latest assessment, this has been reduced to £4,750,000. This comprises their opinion of EUV at £4,750,000 with no premium.

The evidence has been considered and the revised EUV is not considered to be reasonably assessed.

In forming my opinion of BLV I have followed the five-step process, which is detailed in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England'** (effective 1 July 2021).

11.2 Existing Use Value (EUV)

Step one is to undertake a valuation to determine EUV. The existing use of the site is as industrial/employment land with a range of buildings in poor condition.

The Applicant's EUV is £4,750,000, and is principally based upon an assessment of value for existing industrial use. Given the scale and nature of the site, I do not consider this revised assessment to be realistic.

My EUV is £2,000,000 and has been approached by consideration of the lawful extant use of the land, reflecting considerable scale, and supported by potential refurbishment and re-use of the existing buildings.

11.3 Alternative Use Value (AUV)

Step two is the assessment, where appropriate, of the AUV. There is an alternative use applicable to this site by virtue of an outline consent for the development of up to 143 houses and 1,040 square metres of commercial space. It is however noted that this is not immediately implementable, as there is an outstanding and underdetermined reserved matters application. Notwithstanding this, I have assessed the indicative residual land value of the outline consented scheme by assessing gross completed value including 40% required affordable housing, and deducting costs of build, infrastructure and external works, contingency, fees, s106 costs (indexed costs indicated in a signed section 106 agreement), sales marketing and legal costs, finance and profit. I have applied these to the smaller outline consented scheme. The resulting residual amount available for land purchase, and therefore indicative alternate use value is circa £3,000,000.

11.4 Cross Sector Collaboration Evidence of BLV and Premium

The RICS GN explains that Step three is to assess a premium above EUV based on the evidence set out in PPG paragraph 016, which is '*the best available evidence informed by cross sector collaboration.* which can *include benchmark land values from other viability assessments' comparisons with existing premiums above EUV'.*

Such premiums, reflecting an incentive for a land owner to release land for alternative development, often ranges from nominal to the region of 30%. In this case, I am of the view that the continuation of the lawful existing use is potentially anachronistic in the context of the site location, scale and condition, and therefore that the potential demand may be limited. In the light of this, I have concluded that a more modest premium of say £200,000 (10% of EUV) would represent a fair incentive in this case.

11.5 Residual Land Value

Step four is to determine the residual value of the site or typology, assuming actual or emerging policy requirements, and this assessment of land value can be cross checked against the EUV+ and/or AUV.

Adopting the inputs described herein this report, the residual land value of the proposed scheme with the indicated policy requirements is £0.

11.6 Adjusted Land Transaction Evidence

Step five is to cross-check the EUV+ approach to the determination of the BLV of the site by reference to (adjusted) land transaction evidence and can also include other BLV of compliant schemes (or adjusted if not compliant).

Due to the heterogeneity of development sites and consequent difficulty in direct comparison as recognised by the RICS, I do not consider that such evidence is

useful in this case. My assessment is based on established and recommended determinants of BLV in development viability testing.

11.7 Purchase Price

The NPPG on viability encourages the reporting of the purchase price to improve transparency and accountability, however it discourages the use of a purchase price as a barrier to viability, stating "*the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan.* And *under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan".*

The PPG does not, however, invalidate the use and application of a purchase price, or a price secured under agreement, where the price enables the development to meet the policies in the plan.

I understand that the applicant has not disclosed the price secured for the site.

11.8 Benchmark Land Value Conclusion

The reasonableness of the applicant's £4,750,000 Benchmark Land Value has been considered against:

The EUV of £2,000,000
Alternative use value £3,000,000
Appropriate premium above the EUV of £200,000 (10% of EUV)
The Residual Land Value of the planning compliant scheme £0
Benchmark Land Values (BLV) adopted in the local plan study for this typology considered not applicable
BLV adopted and agreed between DVS and an applicant's advisor is not considered applicable
Market evidence is not considered applicable
The purchase price is not applicable

It is my balanced and professional opinion having considered all of the above approaches that an appropriate BLV remains as £3,000,000. This comprises an AUV based on an extant outline planning consent.

12.0 DVS Viability Assessment

12.1 DVS Viability Appraisal 1 Policy Compliant Scheme

My viability review assessment has been produced using a bespoke Microsoft Excel software-based appraisal tool.
Appraisal 1 can be found at **Appendix (i)** reflects the combined policy requirements of 24% on-site Affordable housing (48 units) and s106 contributions totalling £2,102,765.

Based on the inputs I have outlined above the residual output presented as the amount available for land which is then compared to the valuer's opinion of the BLV to determine the viability of the scheme. My viability appraisal generates a residual land value of £0 together with a financial deficit of -£1,335,412. This is appreciably below of the BLV of £3,000,000.

It is my independent conclusion therefore that a planning policy compliant scheme is not financially viable.

12.2 DVS Viability Appraisal 2 Reduced Policy Scheme

Given this finding of a lack of financial viability against an assessed BLV, I have sought to test the indicative level of s106 contribution that could be financially supported by the proposed scheme. My appraisal summary sheet in this regard is attached at appendix (ii) to this report. It shows that with the assumptions as stated above, a scheme providing no on-site affordable housing and a general sum of £1,224,183 in respect of a financial s106 contribution generates a residual land value of £3,000,000, equating to the BLV.

It is my independent conclusion therefore that a reduced policy scheme comprising of no on-site affordable housing, together with other section 106 contributions totalling £1,224,183 is financially viable in current market circumstances.

13.0 Sensitivity Analysis

13.1 Further to mandatory requirements within the RICS Professional Statement **'Financial viability in planning: conduct and reporting'**, sensitivity tests are included to support the robustness of the viability conclusion described above.

13.2 I have varied two of the most sensitive appraisal inputs relating to sales revenue and base construction costs. I have adjusted these in upward and downward steps of 2.5% from the base appraisal assumption, and the output is the financial surplus/deficit with a BLV of £3,000,000 included.

13.3 **Sensitivity Test 1 – Appraisal 1 –** Policy Compliant **Scheme** Results

	Sales: revenue				
Construction cost:	5.000%	2.500%	0.000%	-2.500%	-5.000%
-5.000%	-£1,058,687	-£2,351,386	-£3,644,084	-£4,936,783	-£6,229,482
-2.500%	-£1,872,972	-£3,165,671	-£4,458,370	-£5,751,068	-£7,043,767
0.000%	-£2,687,257	-£3,979,956	**-£5,272,655**	-£6,565,354	-£7,858,052
2.500%	-£3,501,543	-£4,794,242	-£6,086,940	-£7,379,639	-£8,672,338
5.000%	-£4,315,828	-£5,608,527	-£6,901,226	-£8,193,924	-£9,486,623

13.4 The base conclusion (surplus or deficit) is shown in bold at the centre of the results table (white cell). The green cells indicate the combination of factors that would give way to a viable scheme, and the yellow cells what would give way to an unviable scheme.

13.5 As can be seen from the Appraisal 1 sensitivity matrix, all of the 25 iterations give way to an unviable scheme. This matrix supports my conclusion that the scheme as proposed cannot viably support planning policy required contributions.

13.6 Further analysis suggests that in order for the scheme to be marginally financially viable with the stated BLV and target developer profit, construction costs would need to decrease by circa 10%, combined with an increase in gross development

value of circa 5%. This combination of market movement is considered unlikely in the short term.

13.7 If your council requires any additional or specific testing for future reports please let me know.

14.0 Recommendations

Summary of key issues and recommendations.

14.1 Viability Conclusion

Following the above testing work It is my considered conclusion that the proposed development is unable to support the full (as adjusted by vacant building credit) planning policy requirements.

It is my independent conclusion that a reduced policy scheme comprising of no on-site affordable housing, together with other section 106 contributions totalling £1,224,183 is financially viable in current market circumstances.

14.2 Viability Review

Further to my conclusion above and the advice that your Council's full planning policy requirements will not be met; a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. DVS can advise further on this should you so require.

The council may consider it appropriate to make it a pre commencement condition that viability is reviewed if construction does not start within a prescribed period of time.

14.3 Commentary

It is notable that in their latest assessment, the applicants conclude that the development scheme as proposed is not financially viable and is in substantial financial deficit even with no s106 contribution whatsoever. In the light of this, your Authority may wish to consider the deliverability of the scheme as part of its deliberations.

In addition, it is noted that in the applicant's view the value of the site in existing or immediately available alternate use is considerably higher than the indicated residual land value for the site arising from the scheme as proposed.

We have necessarily confined our assessment to the scheme as proposed. An alternative residential led scheme could prove to be more financially viable, subject to necessary testing.

15.0 Engagement

15.1 The DVS valuer has not conducted any material discussions or negotiations with the applicant or any of their other advisors.

15.2 Should the applicant continue to disagree with the conclusions of our revised assessment; we would recommend that they provide further information to justify their position. Upon receipt of further information and with your further instruction, DVS would be willing to review the new information and reassess the schemes viability. There would be an additional charge for this service as detailed in our terms of engagement.

15.3 If any of the assumptions stated herein this report and/or in the attached appraisal are factually incorrect the matter should be referred back to DVS as a re-appraisal may be necessary.

15.4 Following any new information and discussions a further stage report may then be produced, however if the conclusion is unchanged, a redacted version of this report including refence to the discussions will be provided.

16.0 Disclosure / Publication

16.1 **This review report is not for publication.**

16.2 The report has been produced for Torridge District Council only. DVS permit that this report may be shared with the applicant and their advisors as named third parties only.

16.3 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party (named or otherwise) who may seek to rely on the content of the report.

16.3 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor reproduce the whole or any part of this initial assessment report, nor make reference to it, in any way in any publication. It is intended that a final report will later be prepared, detailing the agreed viability position or alternatively where the initial review report is accepted, a redacted version will be produced, void of personal and confidential data, and made available for public consumption.

16.4 As stated in the terms, none of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will not bring any claim against any such individuals personally in connection with our services.

16.5 This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

The DVS valuer assume that all parties will restrict this report's circulation as appropriate, given the confidential and personal data provided herein.

If the parties do not wish to discuss or contest this report, a redacted version suitable for publication can be issued following your formal request.

I trust that the above report is satisfactory for your purposes, however, should you require clarification of any point do not hesitate to contact me further.

Yours sincerely

[redacted]

W Robert J Gill BSc MRICS
Principal Surveyor
RICS Registered Valuer
DVS
Date: 19 October 2022

Reviewed by:

[redacted]

Pete McGuigan MRICS
RICS Registered Valuer
Principal Surveyor
DVS
Date: 19 October 2022

17.0 Appendices

(i) Appraisal 1
(ii) Appraisal 2
(iii) Redacted terms of engagement

Appendix 1 – Planning Policy compliant scheme appraisal summary

Property	**Former Abattoir site, Beara Head, Torrington Devon EX38 7AJ**		
Ref:	**1794804**		
Client	**Torridge District Council**	Appraisal	**Planning policy required appraisal**
	WITHOUT PREJUDICE	Date	**19 October 2022**
Appraisal by	**DVS** Property Specialists for the Public Sector		

Receipts:				**No. Units**	**Total GIA**			
				200	**m2**			
	Private Residential	76%		152	14,051	£44,647,000	**£44,647,000**	
	Affordable Housing	24%						
		social rent	75%	36	2,369	£3,443,200		
		shared ownership	25%	12	777	£1,844,700		
				48	3146	£5,287,900	**£5,287,900**	
	Commercial	rental value	£150,000					
		investment yield	8 %			£1,875,000		
		less purchsers costs				£101,950	**£1,773,050**	
TOTAL DEVELOPMENT VALUE								**£51,707,950**
Development Costs								
Acquistion Costs								
	Residual Land Value	9.36 gross hectares	£320,513 per gross ha			£3,000,000		
		23.13 gross acres	£129,709.76 per gross acre					
	Stamp Duty		nil, 2% and 5% tranches			£139,500		
	Agents and Legal Fees		1.50%			£45,000		**£3,184,500**
Construction Costs:								
			GIA	rate £/m				
	Gross build cost (residential and commercial) including external works		18,697	1,742		£32,571,414	£32,571,414	**£32,571,414**
	Abnormal site costs/Infrastructure:					£2,948,373		
			NHBC			£400,000	£3,348,373	**£3,348,373**
Contingency					5%	£1,795,989		**£1,795,989**
Professional Fees:					7%	£2,514,385		**£2,514,385**
Planning Contributions								
	Education: SEN provision					£93,468.00		
	Education: Primary					£956,287.00		
	Education: Secondary					£665,259.00		
	Education: land provision					£88,000.00		
	Education: Early years					£50,000.00		
	Biodiversity net gain/POS					£0.00		
	NHS CCG					£0.00		
	Built facilities contribution					£249,751.42	£2,102,765.42	**£2,102,765**
Disposal costs:								
	Marketing				1.00%		£446,470	
	Agency (housing and commercial)				1.50%		£696,301	
	legal costs market unit sales			£600 per unit			£91,200	
	legal sales fee affordable			£400 per unit			£19,200	
	legal sales fee commercial				0.50%		£8,865	
	Commercial letting fee			of rent	10.00%		£15,000	
	Commercial leeting legal fee			of rent	5.00%		£7,500	**£1,284,536**
Finance:	Interest	credit rate 2.00%		debit rate 6.75%			£1,782,186	**£1,782,186**
Profit:	market residential		on GDV		17.50%		£7,813,225	
	affordable		on GDV		6.00%		£317,274	
	Commercial		on GDV		15.00%		£265,958	**£8,396,457**
TOTAL DEVELOPMENT COSTS								**£56,980,605**
PROFIT								
	Surplus/Deficit							**-£5,272,655**

Appendix 2 – Reduced policy scheme appraisal summary

Property	**Former Abattoir site, Beara Head, Torrington Devon EX38 7AJ**		
Ref:	**1794804**		
Client	**Torridge District Council**	Appraisal	**Reduced planning policy appraisal**
	WITHOUT PREJUDICE	Date	**19 October 2022**
Appraisal by	**DVS** Property Specialists for the Public Sector		

Receipts:

				No. Units 200	Total GIA m2			
Private Residential	100%			200	17,197	£56,093,000	**£56,093,000**	
Affordable Housing	0%							
	social rent		#DIV/0!	0	0	£0		
	shared ownership		#DIV/0!	0	0	£0		
				0	0	£0	**£0**	
Commercial	rental value	£150,000						
	investment yield	8 %				£1,875,000		
	less purchsers costs					£101,950	**£1,773,050**	
TOTAL DEVELOPMENT VALUE								**£57,866,050**

Development Costs

Acquistion Costs						
Residual Land Value	9.36 gross hectares	£320,513 per gross ha		£3,000,000		
	23.13 gross acres	£129,709.76 per gross acre				
Stamp Duty		nil, 2% and 5% tranches		£139,500		
Agents and Legal Fees		1.50%		£45,000		**£3,184,500**
Construction Costs:						
		GIA	rate £/m			
Gross build cost (residential and commercial) including external works		18,697	1,742	£32,571,414	£32,571,414	**£32,571,414**
Abnormal site costs/Infrastructure:				£2,948,373		
		NHBC		£400,000	£3,348,373	**£3,348,373**
Contingency			5%	£1,795,989		**£1,795,989**
Professional Fees:			7%	£2,514,385		**£2,514,385**
Planning Contributions						
	Total available non-ascribed financial contribution			£1,224,182.96	£1,224,182.96	**£1,224,183**
Disposal costs:						
	Marketing		1.00%		£560,930	
	Agency (housing and commercial)		1.50%		£867,991	
	legal costs market unit sales		£600 per unit		£120,000	
	legal sales fee affordable		£400 per unit		£0	
	legal sales fee commercial		0.50%		£8,865	
	Commercial letting fee		10.00% of rent		£15,000	
	Commercial leeting legal fee		5.00% of rent		£7,500	**£1,580,286**
Finance:	Interest	credit rate 2.00%	debit rate 6.75%		£1,564,687	**£1,564,687**
Profit:	market residential	on GDV	17.50%		£9,816,275	
	affordable	on GDV	6.00%		£0	
	Commercial	on GDV	15.00%		£265,958	**£10,082,233**
TOTAL DEVELOPMENT COSTS						**£57,866,050**

PROFIT

Surplus/Deficit	**£0**

Appendix 3 – Redacted terms of engagement