

Background:

This Comprehensive Agenda Report (CAR) seeks to set out and explain the planning strategy being pursued to bring forward a viable redevelopment of the Former Torrington Creamery. A comprehensive masterplan development of 173 dwellings is being proposed however this is made up of 4 separate planning applications, each of which need to legally be determined individually but considered and secured comprehensively. Due to these applications being linked and tested via an overall viability assessment and having shared infrastructure and open space provisions, it is necessary for the overall combined development to be understood. Given this, your Officer has prepared this CAR which seeks to describe and assess the masterplan development in its totality. This approach not only avoids repetition but recognises that the submitted drawings and supporting reports that make up the four applications have been developed for the overall masterplan rather than the various land parcels in isolation. Each individual agenda report will refer back to this summary report on considerations of a strategic nature, e.g. viability, housing mix, open space, ecology, drainage etc.

The Former Torrington Creamery ceased operations in circa 1993 with the loss of over 100 jobs. Since then, it has been largely derelict and is now a dangerous site and an “eyesore” (Planning Inspector, January 2008). The now redundant buildings are generally in a poor state of repair with much of the site derelict, although small adjoining parts remain operational supporting commercial activities. The North Devon and Torridge Local Plan (NDTLP) recognises the site to represent an underused resource by virtue of its potential at a sensitive riverside location with immediate access to the Great Torrington Commons and the Tarka Trail. It does however also acknowledge that it presents a development challenge as a consequence of its industrial heritage and the significant flood risk present on the southern portion of the site. There are also significant health and safety and contamination concerns associated with the redundant Creamery buildings.

Hybrid planning permission was secured in 2017 (reference 1/0039/2016/OUTM) for residential led redevelopment comprising 13 dwellings (in full) on a northern part of the masterplan site and 136 dwellings in outline together with up to 200 sqm of retail floorspace, a bat house and employment uses (1,300 sqm). This consented development has not however proved financially and physically viable to deliver hence the site still remains derelict; this is despite the permission securing 0% affordable housing and no off-site financial contributions. This Hybrid Permission has however been implemented and one of the applications before the Plans Committee for consideration is a reserved matters pursuant to this. With new impetus since 2017 the Applicant has been seeking to assemble the allocated site and additional adjoining land to bring forward a comprehensive redevelopment on the basis that this would enable a deliverable scheme to come forward. The individual landowners are now working together to bring forward a comprehensive redevelopment.

The site is allocated, together with land not part of the Hybrid Permission, for 190 dwellings in the North Devon and Torridge Local Plan (NDTLP) under Policy GTT01. The allocation seeks to deliver a range of uses with a focus on housing with strategic leisure/recreation provision and employment to meet local needs. Policy GTT01's supporting text acknowledges that the substantial cost of redevelopment requires a significant proportion of enabling residential development although this should be minimised to that required to achieve development viability. The supporting text further recognises that the nature of the site necessitates a flexible approach towards its development.

The comprehensive masterplan proposes 173 dwellings and is made up of the 4 planning applications for determination as follows:-

- Reserved Matters 1/0528/2020/REMM - 71 dwellings and retail units pursuant to Hybrid permission 1/0039/2016/OUTM (which secured full permission for 13 dwellings);
- Full application 1/0524/2020/FULM - 18 dwellings (DCC land known as Highbridge House)
- Full application 1/0526/2020/FULM - 19 dwellings and a second bat house (Torridge Vale)
- Outline application 1/1231/2018/OUTM – 52 dwellings (SWW land).

The conclusions of the submitted Viability Assessment (VA) mean that the applications include no employment provision, no affordable housing and no off-site financial contributions. An element of retail use is retained, pursuant to the Hybrid Permission (discussed below under application 1/0528/2020/REMM), together with a strategic public open space to serve the masterplan running down to the southern river frontage and allotment provision indicatively shown within outline application 1/1231/2018/OUTM.

Deliverability and viability are particular issues with this wider masterplan and the approach leads to the 4 separate applications being interrelated and a need for them to come forward comprehensively. For example, the majority of the on-site public open space is provided within the red line boundary of application 1/0526/2021/FULM. This means that the other 3 applications, if considered on their own, would be in conflict with NDTLP Policy DM10 (Green Infrastructure). Similarly, applications 1/0524/2020/FULM, 1/0526/2020/FULM and 1/0528/2020/REMM all rely on each other with a strategic surface water drainage strategy. The VA assesses the overall masterplan scheme comprehensively, confirming that this comprehensive scheme is deliverable but unable to provide affordable housing or any off-site contributions. 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 masterplan site that could come forward separately to this, most notably the 13 dwellings approved in full via the Hybrid Permission and the SWW site subject to application 1/1231/2018/OUTM. Therefore, should permission for the overall scheme be granted via the approval of the individual applications, then it is necessary for an overarching Section 106 Agreement to tie all of the applications together to secure a comprehensive phasing and demolition plan to ensure proper development of the sites.

Third party representations and the comments of statutory consultees are set out within each individual agenda report along with the usual assessment of planning considerations, however, matters of a strategic nature are considered below. A comprehensive planning balance is carried out within this CAR.

The Masterplan Site:

The site comprises four parts. The northernmost part comprises a previously undeveloped but distinct and enclosed field (the full permission part of the extant Hybrid Permission). The middle and southern parts (immediately either side of Rolle Road and Rolle Road itself) comprise a large, derelict, brownfield site used formerly as a Creamery since the 1920s although the current buildings date from redevelopment in the late 1940s and after, a derelict former day care centre owed by DCC and vacant building occupied by Torridge Vale creamery. The majority of the Creamery buildings are part of the extant Hybrid site while the DCC site has no extant permission. The southern part, south of the building immediately south of Rolle Road, is currently open and undeveloped.

The site is located on the southwestern edge of Great Torrington within the context of a transport yard to the west and a sewage works further to the west all accessed via Rolle Road. The river Torridge flows immediately to the south (and there is a flood constraint

associated with this) and there are open fields to the west and Common land to the northwest and north. The eastern boundary is defined by Limer's Hill (from which there are three existing long established vehicle accesses) and established predominantly residential development to the east. The southern part of the site south of Rolle Road is within flood zone 3. Although there are no listed buildings on the site, there are listed buildings in the wider vicinity to the east and south east (including Taddiport Bridge). There is a well-established footpath network in the area (in addition to Common land) with routes running east west along the river, along Rolle Road and along a route between the northern and middle application parcels. The land slopes steeply north to south and the existing derelict buildings are cut into this slope. Made ground and contamination associated with past uses are therefore additional technical constraints.

The Masterplan Proposal:

The comprehensive masterplan proposes 173 total dwellings. Public open space proposals include children's and youth play areas within a total area of approximately 2 hectares at the southern part of the site. This public open space falls across applications, 1/1231/2018/OUTM (allotment provision indicatively shown), 1/0528/2020/REMM and 1/0526/2020/FULM. A second bat house is proposed via the conversion of an extant derelict building between the buildings south of Rolle Road and the river Torridge.

Vehicular access is proposed via three junctions to Limers Hill. One new junction serves the 13 dwellings on the northernmost plot (already permitted via the extant permission); a vehicle access in the location of the middle access to Limers Hill (in the location of one the extant accesses to the derelict Creamery and Highbridge House (DCC land); a reconfiguration of the extant vehicle access that serves both the derelict Creamery, the Torridge Vale buildings, other extant industrial buildings and the SWW sewage treatment works and, finally the access that is Rolle Road itself and which is an existing footpath, and which will be closed to vehicle traffic with the construction of a new road.

The site slopes north to south. Following demolition elements, the site will be raised (including Rolle Road) by between 1.3 - 1.5 metres. This is illustrated on section drawings submitted to support the application. The land south of Rolle Road is liable to flooding and this is mitigated by the raising of the level of the land and the finished floor levels of dwellings proposed and appropriate back garden levels and design.

The ecological interest is mitigated part by translocation of reptiles (ongoing); part by re-provision of bat roost facilities (two new bat houses) and part by landscape mitigation and enhancement planting and management. Demolition and development will only proceed following the grant of appropriate ecology licenses.

The following documents are submitted to cover the four applications:

- Design and Access Statement;
- Transport Assessment;
- Ecological Impact Assessment;
- Landscape and Ecological Management Plan;
- Land Demand and Employment Letter;
- Draft Heads of Terms;
- Planning and Regeneration Statement;
- Flood Risk Assessment and Drainage Strategy;
- Statement of Community Involvement;
- Heritage Impact Assessment;
- Landscape Visual Impact Assessment;
- Viability Appraisal;

- Contamination Assessment;
- Noise Assessment (in relation to application 1/1231/2018/OUTM).

Policy Context and Summary:

North Devon and Torridge Local Plan 2011-2031:

GTT (Great Torrington Spatial Vision and Development Strategy); GTT01 (The Former Creamery Site); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST05 (Sustainable Construction and Buildings); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST08 (Scale and Distribution of New Development in Northern Devon); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST17 (A Balanced Local Housing Market); ST18 (Affordable Housing on Development Sites); 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); DM13 (Safeguarding Employment Land); ST01 (Principles of Sustainable Development);

Government Guidance:

WACA (Wildlife & Countryside Act 1981); NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); CROW (Countryside and Rights of Way Act 2000); JLCA (Joint Landscape Character Assessment 2000); LST (Landscape Sensitivity for Torridge 2011);

Great Torrington Neighbourhood Plan:

Great Torrington Town Council submitted the Great Torrington Neighbourhood Plan (GTNP) proposal, which relates to the identified Neighbourhood Area, to Torridge District Council in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in December 2018 and it was subject to formal consultation in February - March 2019. Subsequently it has been subject to formal examination, with the examiner's report received on 8th December 2019. Torridge District Council made a decision at a meeting on 2nd November 2020 that the neighbourhood plan meets all statutory requirements and may proceed to referendum; with the outcome formally recorded on a Decision Statement. Subsequently, a referendum was held on the 17th June 2021, with the result concluding that Torridge District Council should use the Neighbourhood Plan for Great Torrington to help it decide planning applications in the neighbourhood area. A report recommending that the neighbourhood plan be 'made' will be taken to a meeting of the Council in due course. In accordance with paragraph 48 of the National Planning Policy Framework, relevant policies of the draft Neighbourhood Plan may be a material consideration in determining planning applications; with planning practice guidance indicating that a plan that has reached the status of the Great Torrington Neighbourhood Plan can be given significant weight in decision-making, so far as the plan is material to the application.

The following policies are considered material and should be afforded significant weight: ENV1: Landscape Protection; ENV2: Wildlife Enhancement; ENV3: Enhance the Green Infrastructure of the Parish; ENV4: Dark Skies; H1: Housing Types; H3: Design and Layout; T1: Parking; T2: Pedestrians and Cyclists; T3: Residential Parking; CF1: Community Facilities.

Summary of Relevant Development Plan Policies:

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.

Given the nature of the comprehensive approach being taken across the 4 submitted planning applications that are before the Plans Committee for determination, there is an overlap between these proposals in respect of applicable policies. Therefore, to avoid repetition, the policies of relevance are highlighted and summarised below. The individual agenda reports will refer to these policies in the assessment of the planning considerations:

Policy ST02 of the North Devon and Torridge Local Plan 2018 (NDTLP) seeks to ensure that development makes a positive contribution towards the social, economic and environmental sustainability of northern Devon and its communities while minimising its environmental footprint by: (a) reducing greenhouse emissions by locating development appropriately and achieving high standards of design; (b) conserving and enhancing the natural, built and historic environment through the prudent use of key resources including land, buildings and energy...; (c) ensuring a balanced mix of uses where development takes place in environmentally, socially and economically sustainable locations by reducing the need to travel, especially by car, and facilitating a step-change towards the use of sustainable modes of transport including walking, cycling and public transport; and (e) redeveloping previously developed land and reducing, reusing and recycling resources....

Policy ST06 of the NDTLP identifies Great Torrington as forming a Main Centre, where appropriate levels of growth 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, will be supported. **Policy ST06** is clear that development will be supported within the development boundaries of the Main Centres. The majority of the masterplan site falls within the development boundary of Great Torrington. A small section of the southernmost part of the site (included within the red line for application 1/0526/2020/FULM), which adjoins the river, is technically outside of the development boundary and in the 'Countryside' where **Policy ST07** requires development to 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.

NDTLP **Policy ST08 (1)** requires that '*development will be focused at the Sub-regional, Strategic and Main Centres to increase self-containment through sustainable growth that provides balanced housing markets within environmental limits and increases access to jobs, health, education, leisure, culture and community facilities*'. Part 2 of this Policy sets out minimum housing and employment requirements with 632 dwellings balanced with 4 hectares of employment land being identified for Great Torrington up to 2031.

NDTLP **Policy GTT** (Great Torrington Spatial Vision and Development Strategy) sets the ambition for the town to '*develop as a self-sufficient local service centre with a vibrant, independent retail and employment offering. Great Torrington will be enhanced and promoted through tourism and leisure utilising its unique cultural heritage as well as the natural environment of the Commons. 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. A creative and dynamic community will be fostered through improved access to arts, culture and leisure facilities.*' **Policy GTT** states that Great Torrington's future will be supported through small to medium scale housing development. Part (b) indicates that a minimum of 632 dwellings will be provided and part (c) confirms that this will be secured through redevelopment opportunities

on brownfield sites within the town and modest urban extensions to the east and south. **Policy GTT** (a) supports 'high quality, sustainable development secured in appropriate locations that maintain the integrity of the settlement's setting within the Great Torrington Common'. **GTT**(f) states 'regeneration opportunities will be actively pursued including at the former Creamery site to the southwest of the town.'

As indicated above, the application site forms part of allocation **Policy GTT01** (The Former Creamery Site) and the proposed 18 dwellings, when considered in the context of the comprehensive masterplan **Policy GTT01** states: '(1) A site of about 6.9 hectares at the former Creamery site, as defined on Policies Map 5, is allocated for comprehensive development that includes:

- (a) About 190 dwellings, the type, size and tenure of which will be reflective of local needs;
- (b) Strategic recreation provision; and
- (c) Employment development that meets local needs.

(2) The site will be developed on a comprehensive basis in accordance with the following site specific development principles:

- (a) development to be of a form, mix and layout that is sensitive to, and avoids harm to established adjoining and proposed new employment and recreation uses;
- (b) highway access to be achieved through the formation of new or improved junction(s) onto the B3227 and the provision of off-site highway improvements as necessitated by development; and
- (c) safeguarding of the route of Rolle Road; and
- (d) strategic landscaping measures to ensure the development respects the sensitivity of the existing landscape setting and adjoining biodiversity interest; and
- (e) delivery of enhanced and new connections to the existing network of local and strategic green infrastructure, through and around the site, including the provision of new footpaths, cycleways, public open spaces, wildlife corridors, formal and informal sport and recreation facilities.

Policy DM13 of the NDTLP seeks to safeguard existing employment land, both in terms of allocated sites and existing uses, unless: (a) there is sufficient quality and quantity of employment sites available in the local area to provide opportunities for local employment; 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. **Policy GTT01** allocates uses that include 'employment development that meets local needs.'

NDTLP **Policy ST17** states that 'the scale and mix of dwellings, in terms of dwelling numbers, type, size and tenure provided through development proposals should reflect identified local housing needs, subject to consideration of: (a) site character and context; and (b) development viability'. Supporting Paragraph 7.13 requires the housing mix to be provided by an individual development proposal to have regard to relevant up-to-date and robust evidence. Paragraph 7.13A indicates that **Policy ST17** recognises that 'the character and context of an individual development site may influence or constrain the types of residential development that are appropriate in individual circumstances'

NDTLP **Policy ST04**: 'Improving the Quality of Development' requires that 'development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the

characteristics of the site, its wider context and the surrounding area'. **Policy DM04** sets out a series of Design Principles which are overarched by a desire for good design to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new development. Paragraph 30 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

NDTLP **Policy ST17** states that *'the scale and mix of dwellings, in terms of dwelling numbers, type, size and tenure provided through development proposals should reflect identified local housing needs, subject to consideration of: (a) site character and context; and (b) development viability'*. Supporting Paragraph 7.13 requires the housing mix to be provided by an individual development proposal to have regard to relevant up-to-date and robust evidence. Paragraph 7.13A indicates that Policy ST17 recognises that *'the character and context of an individual development site may influence or constrain the types of residential development that are appropriate in individual circumstances'*. The Housing and Economic Needs Assessment (HENA) for Torridge and North Devon Councils undertaken by GL Hearn and dated May 2016, concludes based on the evidence, that it is expected for the focus of new market housing provision to be on two and three-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay. The HENA sets the following required housing mix on development sites:

- 1 bed = 15%
- 2 bed = 35%
- 3 bed = 35%
- 4 bed = 15%

NDTLP **Policy DM08A** concerns landscape and seascape character and states in part (1) that 'development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets wherever possible'. **Policy ST14** (Enhancing Environmental Assets) seeks to ensure development conserves and enhances northern Devon's local distinctiveness including its tranquillity (f) and protect and enhance local landscape and seascape character, taking into account the key characteristics, the historical dimension of the landscape and their sensitivity to change (g).

NDTLP **Policy ST15** advises that *'great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment.'* **Policy DM07** requires all proposals affecting heritage assets to be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. Part (2) of **Policy DM07** advises: *'proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.'*

Paragraph 196 of the NPPF requires that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* **Paragraph 193** states *'when considering the impact of a proposed*

development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

NDTLP **Policy DM01** requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, the operation of neighbouring uses, future occupiers, visitors on the site and any local services. **Policy DM02** (2) states development will be supported where it does not result in unacceptable impacts to (a) atmospheric pollution by gas or particulates, including smell, fumes, dust, grit, smoke and soot; (b) pollution of surface or groundwater (fresh and salt) including rivers, canals, other watercourses, waterbodies, wetlands, water gathering grounds including catchment areas, aquifers, groundwater protection areas, harbours, estuaries or the sea; (c) noise or vibration; and (d) light pollution. **Policy DM04** (i) requires development to ensure the amenities of existing and future neighbouring occupiers are safeguarded.

NDTLP **Policy DM05** requires development to have safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians, and that all development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so. **Policy DM06** states that proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs. **Paragraph 108 of the NPPF** requires specific applications for development to ensure that safe and suitable access to the site can be achieved for all users. **Paragraph 109** advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

NDTLP **Policy ST03** requires that development takes account of climate change to minimise flood risk. **Policy DM04** requires development to 'provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rain water'. The site is not within an Environment Agency flood risk zone.

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). **Policy DM08** of the NDTLP concerns biodiversity and requires development to conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance. The policy further requires all development to 'ensure that the importance of habitats and designated sites are taken into account' and to 'consider opportunities for the creation of a local and district wide biodiversity network of wildlife corridors which link County Wildlife sites and other areas of biodiversity importance'. **Policy ST14** seeks to secure a net gain in biodiversity where possible and for development to protect and enhance the natural environment.

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

NDTLP **Policy ST18** (Affordable Housing on Development Sites) sets a requirement for

developments of 11 or more dwellings to provide on-site delivery of affordable housing equal to 30% of the number of dwellings on site. Affordable housing is sought at a tenure split of 75% social rent and 25% intermediate in accordance with the mix specified by the Strategic Enabling Officer.

Policy ST18 (5) states that *'negotiation to vary the scale and nature of affordable housing provision, along with the balance of other infrastructure and planning requirements, will be considered on the basis of a robust appraisal of development viability'*. NDTLP Paragraph 7.31 clarifies that: *'it is however accepted that there may be occasions whereby circumstances conspire to mean that the delivery of affordable housing in line with the policy requirements may compromise development viability. The obligation will lie with the developer to provide a robust financial justification to support any proposals failing to meet identified policy requirements. The local planning authority will consider such requests on the basis of an open book financial appraisal of development viability. The Local Planning Authority will normally require the appraisal to be independently verified, with the developer liable for reasonable costs incurred to the local planning authority in doing so. Where it is demonstrated that scheme viability prohibits meeting the full policy requirements for the provision of affordable housing and/or other planning obligations, the local planning authority will enter into negotiations to vary the proportion and/or mix of affordable housing provision'*.

NDTLP **Policy DM10** states: *'Development will provide new accessible green infrastructure, including public open space and built facilities, to meet at least the green infrastructure quantitative and accessibility standards, as set out in Table 13.1 and Infrastructure Delivery Plan, to meet the needs of its intended occupants'*.

The following Great Torrington Neighbourhood Plan Policies are considered to be of relevance:

ENV1: Landscape Protection – requires development to be supported where it demonstrates sensitivity to the distinctive landscape character of the area by retaining local features, such as mature trees, species-rich hedgerows, ponds and woodland of nature conservation, cultural and landscape value, in accordance with the principles of the mitigation hierarchy, to avoid harm wherever possible, or else mitigate, or compensate where mitigation is not possible.

ENV 2: Wildlife Enhancement - Development will be supported which 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.

ENV 3: Enhance the Green Infrastructure of the Parish - Development proposals providing and/or enhancing green infrastructure that benefits the community and environment will be supported, whether as an essential mitigation justified by the impact of that development or as a standalone green infrastructure proposal.

ENV 4: Dark Skies - Development which respects the area's dark skies, takes account of the town's position in the landscape and light pollution will be supported.

H1: Housing Types - Development providing four or more residential units shall provide a mix of housing types which reflects identified housing needs.

H3: Design and Layout - Having 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.

T1: Parking - Development generating a need for parking shall make: a) adequate provision for on-site parking, to meet anticipated needs.

T2: Pedestrians and Cyclists - All major development shall make adequate on-site and off-site provision for pedestrians and cyclists, creating or contributing to the creation of safe and attractive walking and routes (by enhancing existing or creating new paths) particularly to the town centre, main employment centres and schools.

T3 - a. Residential parking provision should be designed to meet the anticipated needs of residents and visitors alike, well integrated and accessible to encourage maximum usage, based on the following minimum levels per dwelling:

CF1 - Proposals which provide new, replacement and/or enhanced sport and recreational facilities, including allotments, will be supported where: a) they would enhance the range and quality of facilities within the town; b) they would not be detrimental to the character of the area or the amenity of any nearby residential property; c) their flexible design ensures different need groups and activities are accommodated, and; d) any loss of open space, sport and/or recreational facility is replaced to an equivalent or improved standard, whether on or off-site, with no reduction in accessibility, within a reasonable timescale to ensure continuity of use, and; e) where on-site provision is not possible or appropriate, alternative off-site delivery or provision will be sought through financial contributions of broadly equivalent value. Development proposals that affect public rights of way and other recreational routes will be supported only where there is no overall loss of connectivity or reduction in accessibility both of and to the public right of way or recreational route.

Masterplan Planning Considerations:

Each application is subject to a site and proposal specific agenda report and each of these must be considered in terms of the Plans Committee's determination of each individual application. However, given the necessary comprehensive masterplan approach, it is important to firstly understand the planning considerations in the context of the whole development.

Principle of Development and Land Uses:

The sites are allocated for comprehensive redevelopment in the NDTLP. As stated above, Policy GTT01 seeks a mix of uses but the supporting text recognises that the focus should be on housing. 84 of the 173 proposed dwellings benefit from permission under the extant Hybrid Permission, with 71 of these coming forward under reserved matters application 1/0528/2020/REMM pursuant to this. The additional residential development falls within either the remainder of the allocation or the development boundary where Policy ST06 is supportive of residential development in principle.

The comprehensive development proposes approximately 2 hectares of public open space, including two locally-equipped areas for play and allotments, which would be accessible to the local community thus meeting the requirement for 'strategic recreation provision' (GTT01(1)(b)) and GTNP Policy CF1. This level of public open space goes beyond that which would be required to meet the needs of the development and can therefore be considered to meet wider needs of a strategic nature. A significant element of the strategic public open space is located outside of, but adjacent to, the development boundary within land that is technically regarded as 'Countryside'.

Although the site is derelict, it was previously an active employment site and the Hybrid permission includes employment uses. Furthermore, Policy GTT01 seeks to secure '*employment development that meets local needs*' and the GTNP recognises there may be '*limited opportunities*' for '*some employment*' development on the application site. Policy DM13 seeks to protect employment uses however the direction of Policy GTT01 is considered to outweigh any requirement set by DM13 to justify loss of employment uses. That said, it must be recognised that there is conflict with both Policies GTT01 and DM13 and the uses permitted by the Hybrid Permission and an Employment Land Demand (ELD) letter has been submitted to justify the lack of any employment uses being provided within the comprehensive development. The submitted Viability Assessment (VA) also seeks to demonstrate that a viable redevelopment of the comprehensive site can only be achieved on the basis of no employment uses being retained.

The creamery site fell largely into disrepair in the 1990s and has been allocated for residential-led mixed use development. The site subject to application 1/0524/2020/FULM has been derelict since at least 2005. The submitted ELD evidence concludes that '*there is very limited demand for employment land to create units either for owner occupiers or for developers to subsequently lease or sale. What little demand there is tends to decline developing in the Great Torrington area for economic reasons. This is then compounded by the specific physical constraints at the Creamery site and is evidenced by the decline of the existing businesses in this location.*' The ELD further advises that '*any existing units that come to market do not tend to let quickly due to the lack of demand for units in Great Torrington. In terms of smaller units, sub 1500 sqft, demand tends to be for more modern units than great Torrington offers as well as larger towns being the preferred location for most businesses. Those seeking larger units tend to search for premises in either Bideford, Barnstaple or South Molton where recruiting staff is easier, infrastructure is better and suppliers are closer. Many developers have considered Great Torrington over the years in which to undertake a development of commercial units, large or small, but the reality is that if it made economic sense a development would have been undertaken since the last speculative development by English partnerships over 30 years ago.*'

Policy GTT01 is clear in its focus for a housing-led redevelopment and for the level of housing to be established according to a demonstration of viability. The submitted VA, which has been verified by the District Valuer, concludes that an open market residential scheme, including a modest retail element and strategic open space, is deliverable however not viable to provide any planning obligations. It is therefore assumed that incorporation of employment uses would likely tip the scheme into being undeliverable.

Given the above, it is clear that the principle of development is acceptable in this location given the sites' positions predominantly within the development boundary of Great Torrington and forming an allocation for residential-led development. The removal of any employment uses (beyond the retail units) is considered to be justified on the basis of the ELD and viability evidence. Your Officer would also raise that the NDTLP allocates employment land on the eastern side of Great Torrington and that there are consented employment uses at the former Meat Factory site.

The comprehensive development would see delivery of an allocated brownfield site in compliance with NDTLP Policy ST02 and Paragraph 117(c) of the NPPF which '*gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs for housing.*'

Notwithstanding the above acceptance of the principle of development, 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, and notwithstanding the support for the principle of residential in this location within the development boundary of Great Torrington, 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.

The material planning considerations are set out below.

Design and Layout:

The applications are supported by a detailed comprehensive Design and Access Statement (DAS), which sets out how the proposed design has evolved with reference to the surrounding context and how the individual parcels connect and relate to each other.

The DAS identifies that the overall master plan area presents several constraints and opportunities as follows;

- Brownfield site with major health and safety issues in need of redevelopment;
- Improvements to local area through removal of substantial, poor quality and unsafe buildings;
- Potential for ecological gains and habitat creation within brownfield site;
- Improved public space and community benefits along Rolle Road through the removal of buildings and separation of vehicle traffic from public right of way;
- Potential for a large area of riverside public open space;
- Existing ground levels will inform the site layout proposal, with buildings orientated and designed to respond to the existing gradients;
- Flood risk implications on land south of Rolle Road will inform the layout and design of the proposed buildings and public open space along Rolle Road;

The DAS explains that the layout of the masterplan is a direct response to the constraints of the site and the existing topography. The site slopes from the northeast to southwest, so consequently the new access roads have been orientated to run along the contours. Buildings have then been arranged around the access roads to form strong streetscapes and benefit from (for the most part) a south/south-westerly aspect.

A large area of public open space is proposed at the southern part of the masterplan, comprising approximately 2 hectares of land within the flood plain. This land holds a close relationship with the river frontage and has been identified as the primary area of public open space for the masterplan to serve all 173 dwellings. The DAS explains that the creation of public open space in this area allows for improved connections with existing pedestrian routes with the site being within easy walking distance of the proposed houses throughout the wider masterplan site.

The development layout seeks, as far as is practicable, to work within existing hedgerow lines, trees and planted boundaries. The retention of existing hedgerows is supported as they are an important ecological feature within the site, and serve to define boundaries and break down the overall scale of the masterplan area. The removal and/or relocation of existing hedges has been kept to a minimum and new hedgerows have been included within the area of the site currently occupied by the creamery buildings, both to improve the amount of natural habitat creation in this part of the site and extend 'green corridors' down to the public open space.

The building that is proposed to accommodate the retail units and 1-bedroom flats has been positioned at a key location within the masterplan, where it can form the 'entrance' to the site at Rolle Road as well as a key building corner on Limers Hill. The DAS explains that the positioning of this retail/flats building here not only suits the restricted site width but also allows building frontage to wrap around the junction from Limers Hill to the pedestrian route along Rolle Road. The retail facilities would be sited within a reasonable walking distance to the public open space, car parking access and bus stops whilst still being within reasonable walking distance of the rest of the masterplan. The masterplan seeks to create active street frontages and areas of the public realm are overlooked by buildings to create attractive and safe streets within the masterplan. Where the roads turn around a corner, dual fronted house types ensure that an attractive streetscape is maintained with the security benefits of passive surveillance.

The overall masterplan responds to the constraints and opportunities of the site, as well as the wider built context. The density of the development is considered to sit comfortably with the surrounding built fabric and the detailed element of the Hybrid planning permission previously granted on the land parcel to the north. The overall masterplan includes a varied mix of detached, semi-detached and terraced houses to provide a mix of housing types and building scales as well as an interesting and varied street scene. Variations in roof form and garage position creates a varied streetscape and breaks down the scale of built mass by articulating individual houses and semi-detached pairs.

Policy DM04 (2) requires all major residential proposals to be supported by a Building for Life 12 (BfL12) (117) (or successor) assessment. High quality design should be demonstrated through the minimisation of "amber" and the avoidance of "red" scores. The Applicant has submitted a BfL12 assessment for the masterplan site, which scores with 12 greens. Your Officer would broadly concur with this assessment in the context of the site location and its allocation for residential-led development however there are certain areas that would more likely fall within an amber score.

The housing mix proposed for the total 173 dwellings equates to an overall mix as follows:

- 14 x 1 bed (8.1%)
- 49 x 2 bed (28.3%)
- 86 x 3 bed (49.7%)
- 24 x 4+ bed (13.9%)

As can be seen above, the proposed mix is not in complete accordance with the HENA due to an overprovision of 3-bed dwellings. With regard to the VA and the subsequent review by the District Valuer it can be seen that the viability outcomes are exceptionally poor, and the development is only deliverable on the basis of nil affordable housing and no S106 Contributions. Implementing a unit mix that fully complies with HENA targets would replace a number of larger units with smaller units, which would inevitably worsen the viability position even further. Given the poor viability position for the housing mix proposed, it is accepted by your Officers that the mix can be justified under Policy ST17. All of the proposed dwelling types are broadly in accordance with the National Minimum Space Standards in terms of floor area.

In summary, the masterplan proposal is promoting good design, seeking to achieve a quality place for future residents. The scale, massing and design of the new dwellings is considered acceptable and the proposal is considered to meet the requirements of NDTLP policies ST04, GTT01, DM04 and DM08A as well as the relevant sections of the NPPF and Policies ENV1, H1 and H3 of the GTNP.

Impact on Landscape:

The applications are supported by landscaping plans and a Landscape Visual Impact Assessment [LVIA], which has informed the layout and scale of the development. The LVIA asserts that no direct impacts will result as an outcome of the development. It does note that there are indirect effects, such as on heritage assets, however, much like the conclusions of the Heritage Impact Assessment (see below); the conclusion is that such effects will be positive, not negative.

The proposed development site is not recognised for its value through any landscape relevant designations, although there are landscape relevant designations within the study area including Great Torrington Cemetery Registered Park and Garden to the north. The centre of Great Torrington to the north-east is recognised as a Conservation Area and there are scattered Listed Buildings present, generally focussed within the Conservation Area and immediately to the east and south-east of the site boundary. Ancient Woodlands are also present and add to the overall level of enclosure within the dramatic valley landscape that is characteristic of the study area.

This site comprises the former Creamery with its mixed of industrial buildings and high rise structures. While the masterplan proposal site includes areas of greenfield land on the edge of the site, the majority of the site comprises the industrial site. The derelict creamery buildings dominate the river valley, with these buildings being highly visible from most viewpoints within and above the river valley. The removal of these buildings will bring an immediate improvement in the views through the valley with the commons becoming more visible, which will be a significant benefit.

Through the implementation of a sensitive design, the proposed development will be well enclosed by retained mature vegetation which will help to limit the landscape and visual effects. The proposed masterplan design and layout is considered to respect the wider character and features of the landscape, including the long-term management of the site, as defined within the Torridge Vale character area and the Sparsely Settled Farmed Valley Floors landscape character type and the River Valley Slopes and Combes landscape type descriptions. While the proposed development will still have an impact on the local

landscape character, this impact will be less than the current industrial development. As a result, the proposed development will not disrupt the surrounding and established landscape pattern and offer improvements to the overall landscape character through removal of the existing large-scale and derelict buildings. The importance of the retained hedgerows and new tree planting within the site, the landscaping of the river frontages and the sensitive approach to new boundaries, e.g. through planting of retaining walls and provision of new hedgerows, would enhance the development further.

The LVIA concludes: *'In summary, the proposed development will involve the removal of large-scale derelict buildings associated with the former Creamery works, with associated benefits on landscape character and views from visual amenity receptors. The proposed development will however introduce additional built elements on the fringes of the existing settlement of Great Torrington. The proposed development is largely situated in previously developed land, recognised by Torridge District Council as a potential area for housing, which will be enhanced through the protection and enhancement of existing vegetation and additional extensive planting on the boundaries and within the development which will also have nature conservation and biodiversity benefits. The proposed development although selectively perceived in close proximity will be very well-contained. The proposed development will not dominate or influence the landscape, be out of character with the surroundings or dominate any key views.'*

In summary, the proposed masterplan development will involve the removal of large-scale derelict buildings associated with the former Creamery works, with associated benefits on landscape character and views from visual amenity receptors. The proposed development will not dominate or influence the landscape, be out of character with the surroundings or dominate any key views. The Council's Tree and Landscape Officer concluded in respect of the Hybrid application 1/0039/2016/OUTM that *'Development of the Creamery site will have a positive impact on the landscape character and amenity of this section of the Torridge river valley.'* The Torrington Commons will not be adversely affected by the development.

Given the above, the masterplan proposal for comprehensive redevelopment would lead to a positive impact on landscape character and provide a significant benefit in that it would secure a viable deliverable scheme that should enable the existing redundant buildings that are an 'eyesore' to be removed. Subject to conditions on the individual permissions to secure detailed landscaping schemes and the retention/protection of hedgerows and trees, the masterplan proposal is considered to be in accordance with NDTLP Policies ST04, ST14, DM04, DM08A, GTT and GTT01 together with Policy ENV1 of the GTNP.

Impact on Heritage:

The masterplan site contains no listed buildings (heritage assets) but there are listed structures in relatively close proximity, these being the following: Chapel of Mary Magdalene, Taddipport; Taddipport Bridge; Toll House, Taddipport; Torridge Inn, Taddipport; former Warehouse, Limers Hill which comprises The Loft, Wayside Cottage and Slade Cottage and finally a number of dwellings in Mill Street.

These protected buildings are all adjacent to the Creamery site and therefore they would all gain the benefit of the redundant buildings being removed. The detailed proposals under application 1/0528/2020/REMM hold the closest relationship to these heritage assets and further detailed consideration is provided in the site specific agenda report below.

The applications are supported by a Heritage Impact Assessment (HIA) which is confined to the significance of heritage assets and the impact of any change on that significance. The HIA includes an archaeological and built heritage assessment to clarify archaeological potential of the masterplan site and assess the level of impact the development proposal

may have on any archaeology present and the designated heritage assets within and around the sites.

The HIA notes that a Written Scheme of Investigation has been prepared to agree a programme of archaeological evaluation. This has been expanded to cover other required areas of the masterplan and Historic Environment Team is raising no objections subject to a condition being included on the relevant decisions to secure any development is carried out in accordance.

The HIA concludes that the built environment will be enhanced by the proposed buildings due to their high quality design, which has been led by the particular context of the application site and the desire to create a new sense of place where residents and visitors can appreciate the local landscape, the tranquillity and the heritage of the Torridge Valley. The HIA states that 'important elements of character and setting will be preserved.' The HIA identifies that there will be some minor change to the setting of two listed buildings as a result of the proposed development but this would have a negligible effect on their heritage significance. This position is supported by the Council's Conservation Officer and a further detailed assessment and summary is provided in the agenda report for application 1/0528/2020/REMM.

The masterplan proposal is considered acceptable when assessed against Policies DM07 and ST15 of the NDTLP and the relevant provisions of the NPPF.

Amenity:

The proposed layout for the masterplan has been carefully considered to assess the potential for impacts on the amenities of existing neighbouring properties and the residents of the future development. Within the new development the separation distances between dwellings are considered appropriate with rear to rear distances being around 21 metres. The distances are considered appropriate to ensure adequate spacing between the new dwellings and so as not to cause an overbearing impact. As set out in the amenity assessment of application 1/0528/2020/REMM, amendments have been made to the proposed retail/apartment building to reduce any harmful impacts on the dwellings opposite.

The Environmental Protection Officer is raising no objection to the individual applications subject to conditions securing a Construction Management Plan and hours of construction being included on any planning permissions. An initial objection was raised to the revised SWW proposal, 1/1231/2018/OUTM, due to potential amenity impacts arising from the existing employment development to the south. The Applicant has provided a revised noise assessment, as summarised in the agenda report below, and the EPO is satisfied subject to a condition to secure a detailed mitigation scheme at reserved matters stage.

Highways:

The overall masterplan features 3 primary vehicular accesses off Limers Hill. The proposed highway access into the site is located in a similar position to the new road approved in the outline approval 1/0039/2016/OUTM and provides access into the main core of the RM site, the DCC site and SWW site. The proposed retail/apartments feature their own access off Limers Hill, again in a similar position to that shown on the outline approval 1/0039/2016/OUTM. The new adopted road to the south of Rolle Road provides access to the proposed new dwellings as well as the commercial premises beyond. All new dwelling houses feature at least 2 off street parking spaces with maximum drive gradients of 1:20. The proposed flats have a parking provision of 1.5 spaces per dwelling located in a shared courtyard. This level of parking is consistent with NDTLP Policy DM06 and Policy T1, T2 and T3 of the GTNP.

There are numerous pedestrian routes into and around the master plan site. The proposed highway access points will feature adopted 2 metre wide footpaths as indicated on the drawings, with footpaths installed on both sides of the carriageway providing access into every house. Pedestrian routes are also included along Rolle Road, with connections at each end of the site and a route up from the public footpath into the core development site. An additional footpath access is included at the far north of the site, providing a connection to the existing bridleway and the development of 13 houses to the north. Connectivity across the masterplan site is considered acceptable.

Letters of representation raise concern over the accuracy of the Transport Assessment and suggest walking/cycling distances to the town centre would be greater. Whilst these comments are noted, it must be recognised that the site is allocated for residential development meaning that it is considered to be a sustainable location for development. In the consideration of the Hybrid application, a request for monies towards an upgraded cycling route linking with the Tarka Trail was requested however due to viability outcomes this was not sought. The position has not changed and given the conclusions of the viability exercise there is no scope to secure improvements to off-site cycling and walking routes and the Local Highway Officer has not made a formal request.

The Local Highway Authority is raising no objection to the application proposals and considers it to provide 'safe and suitable' access and no sever impacts on the highway network.

Drainage:

The site is designated within Flood Zones 1, 2 and 3 and therefore there are areas of both low risk and high risk to flooding as the site drops downwards towards to the River Torridge.

As explained within the individual agenda reports below, initial objections were raised by both the Environment Agency and Devon County Flood Risk. A revised layout and amended drainage strategy were submitted, which addressed these concerns, subject to the inclusion of stated conditions. Both applications 1/0526/2020/FULM and 1/0528/2020/REMM propose new build residential development within Flood Zone 3 and consequently a sequential test analysis has been undertaken which concludes that there are no alternative sites within the search criteria that would be able to deliver this housing. The exceptions test is passed by virtue of the wider sustainability benefits arising out of the development outweighing the flood risk and the fact the EA has confirmed they are satisfied with the flood mitigation proposals.

Contamination:

The site has previously been the subject of a number of contamination assessments. Under the original Hybrid permission and the subsequent discharge of condition application a series of reports (Phase 1 and Phase 2) were submitted. They concluded that elevated levels of lead were noted in conjunction with acknowledgement of the presence of asbestos. No ground water contamination was found. In light of some contamination being noted a set of remedial proposals were suggested, however these were to be further detailed once further testing was carried out post demolition.

A Phase 1 Preliminary Contamination Assessment (ref: CR/TN/SR/17341/PCAR) has been submitted in support of both full planning applications (1/0524/2020/FULM and 1/0526/2020/FULM). Whilst one report, it covers both sites as a whole. The EPO has advised that the Phase 1 contamination survey is detailed and comprehensive, identifying areas of the wider locality that contain contaminated materials as well as other areas that will require further investigation. He recommends inclusion of the Council's full contamination condition along with conditions relating to asbestos.

A detailed phasing/demolition plan will be secured via the overarching legal agreement to ensure proper and safe redevelopment

Ecology:

The Hybrid Permission includes a condition (21) that requires development to only proceed in accordance with the recommendations of Ecological Appraisal dated November 2015 by Richard Green Ecology. The condition highlights specific requirements with regards to reptile translocation to the Torrington Commons and the need for the bat house shown on the illustrative plan to be provided. The 84 dwellings that are pursuant to the Hybrid permission must come forward in line with these recommendations.

The two full applications are supported by a site wide Ecological Impact Assessment (EIA) which covers the whole masterplan site, albeit the SWW outline site is not fully addressed in terms of surveys etc and the EIA refers back to the survey originally submitted with application 1/1231/2018/OUTM (discussed below). The EIA is extremely detailed and concludes that a Habitat Regulations assessment is not required. It proposes a series of remedial and preventative measures including avoidance, mitigation, enhancement, monitoring and the need for Construction and Landscape Environmental Management Plans (CEMP and LEMP). The masterplan area is considered to be of a moderate to high ecological value due to the presence of both maternity and hibernation roosts of lesser horseshoe bats, as well as roosts for greater horseshoe bats and at least 3 other bat species. The site also includes species rich hedgerows and grasslands. The EIA recommends a range of enhancements that create new habitats for a wide variety of species in and around the proposed buildings, as well as conserving and enhancing the habitat potential of the species rich hedgerow. The enhancement measures include:

- hedgerow management and creation – the hedgerows will maintain, and create additional where new are installed, habitats for dormice and other species;
- grassland and tree planting – the creation of open space with the retention of trees and additional tree planting will enhance the biodiversity potential south of Rolle Road. Native trees are also proposed to be planted along Rolle Road and around the development to create additional habitat potential. New trees will be planted to aid bat navigation;
- attenuation pond (subject to inclusion in the detailed drainage design);
- bat tubes and bat houses – the masterplan includes creation of two additional bat houses within existing buildings located in the public open space. These dedicated bat houses create a variety of roosting spaces within the basement area, main building and roof volumes. The EIA also recommends 50 of the new dwellings be fitted with inbuilt bat tubes on south or west facing walls, which will create habitats for solitary crevice dwelling bats;
- bird bricks – the EIA recommends the installation of 130 bird bricks throughout the masterplan development. These bird bricks will include a variety of holes to suit different bird types as well as several house sparrow terraces. Bird boxes will be installed on north and/or east facing walls;
- Barn owl nesting – a nesting box will be installed within the public open space where the existing trees are located close to the river;
- Solitary bees – a solitary bee brick will be installed into buildings, garden walls and other structures. Each brick contains multiple cavities for individual bees to nest
- Hedgehogs – five hedgehog boxes will be installed around the site in separate suitable locations to create additional permanent nesting sites.

Application 1/1231/2018/OUTM includes bat survey results which found no evidence of any bat roosts within mature hedgerow trees and no bats were found to emerge or return to any of the buildings within this site. The Ecology Report therefore concluded there to be no indication of important bat roosts being present within the site subject to application

1/1231/2018/OUTM and that the site is not of essential value in maintaining the integrity of local bat populations. Section 5 of the Ecology Assessments sets out recommended mitigation measures which should be conditioned, including the need for a CEMP, LEMP and specified mitigation strategies.

The comprehensive proposal, including the SWW site, does not achieve a net gain in biodiversity. There are a number of enhancement measures proposed however these do not lead to an increase in habitat units, instead causing a minor loss. In order to achieve the target 10% gain, a significant portion of the masterplan site would need to be left undeveloped and/or an off-site contribution secured. Given the viability position neither of these options can be pursued as this would likely result in the scheme being undeliverable.

There is consequently a conflict with Policy DM08 which must be weighed into the planning balance.

Viability / Section 106 Obligations

The masterplan proposal generates the following infrastructure requirements:

Affordable Housing:

NDTLP Policy ST18 sets a requirement for developments of 11 or more dwellings to provide on-site delivery of affordable housing equal to 30% of the number of dwellings on site. Affordable housing is sought at a tenure split of 75% social rent and 25% intermediate in accordance with the mix specified by the Strategic Enabling Officer.

Green Infrastructure:

The application of the provisions of Policy DM10 and associated Table 13.1 of the NDTLP identifies an on-site requirement for circa 1.3 hectares of open space across different typologies for the comprehensive development. The application proposes a total green infrastructure provision of 2 hectares to be secured within application 1/0526/2020/FULM and 0.56 hectares for allotments within application 1/1231/2018/OUTM. The overall level of provision therefore compares favourably to that required by Policy DM10 and would meet the policy aspiration for strategic recreation provision.

The application proposal also generates a need for off-site built recreation contributions, which in line with the approach taken and accepted at the Burwood Inquiry could justifiably secure an off-site contribution towards artificial turf pitch provision in Great Torrington. However, given the significant viability issues, and the exceeding of the required on-site green infrastructure provision, your Officer is not recommending this be sought.

The onsite green infrastructure provision will be secured via the overarching section 106 agreement and phased appropriately through the development in accordance with the required phasing / demolition plan. Suitable management and maintenance arrangements for the open space will also be secured either through a management company or through the transfer to another party (e.g. the Town Council) and associated maintenance contribution. The management and maintenance arrangements will be negotiated through the preparation of the legal agreement.

Education

The Local Education Authority is requesting more than £800,000 in financial contributions towards primary and secondary education from applications 1/1231/2018/OUTM, 1/0524/2020/FULM, 1/0526/2020/FULM.

Highways

The Local Highway Authority is not requesting any financial contributions towards off-site highway infrastructure.

Application 1/0528/2020/REMM seeks detailed consent for 71 dwellings and 4 retail units and any requirement for a contribution towards an improved cycleway would have needed to be secured at the outline stage. The hybrid application was determined by the Council's Plans Committee and the Highway Authority requested the following at that stage: *'To promote the development as a sustainable site, S106 funding is sought to promote active, safe and sustainable travel from the site to wider local area. This will allow for the surfacing of Rolle Road to be improved to provide cycling and walking links from the proposed development to two destinations. These being, from the proposed site to the Puffing Billy, which in turn will allow wider access to Bideford on the Tarka Trail. The second would be the short stretch of Rolle Road on the Torrington side of the B3227 allowing a link to be made with existing Commons footpaths. To achieve this, a S106 contribution of £246, 163.50 will be required.'* The Officer's report to committee advised members that the viability of the development, as assessed and confirmed by the District Valuer, meant that the development could not afford to provide any off-site contributions, hence the DCC Highways requests were not secured.

An updated viability appraisal has been submitted which considers the viability of all applications comprehensively and this has again been assessed by the District Valuer. The outcome of this exercise has confirmed again the position that the redevelopment of this site is very challenging in terms of viability backing up the inability for the scheme to provide any off-site contributions. The Highway Authority has not made any requests for off-site contributions from applications 1/0524/2020/FULM, 1/0526/2020/FULM, and 1/1231/2018/OUTM towards cycle improvements and they are aware of the viability position not having changed.

Viability Assessment:

The Applicant has submitted a comprehensive Viability Appraisal (VA) that demonstrates for the comprehensive scheme, a policy compliant level of contributions, would be unviable. The VA, prepared by Alder King, is available for Members of the Plans Committee to view on the Council's website, in line with the requirements of the National Planning Policy Practice Guidance (NPPG).

As indicated above, 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 comprehensive proposal is unviable when assuming a policy compliant level of planning obligations. The DV was informed of changes to the number and sizes of dwellings proposed so the appended report is accurate and up-to-date. The Hybrid permission secured no planning obligations on the basis of an earlier VA and review by the DV, so the 84 dwellings pursuant to this are established without any affordable housing or off-site contributions. Given this previous position, both the Applicant and the DV have only tested viability on the basis of market housing only.

There are significant infrastructure and 'extra over' costs associated with the comprehensive redevelopment of the site and these are broadly in line between the parties. The DV Officer has assumed a total infrastructure cost of £3,077,206, which includes £1,410,428 for demolition and contamination.

The Town Council has in one of their responses questioned whether a lower developer profit percentage could be applied to enable some planning gains to be secured. The most recent

government guidance suggests an industry norm of between 15% and 20% on market gross development value (GDV). The Applicant has included developer return at a stated rate of 18.5% of GDV in their assessments. The DV recognises that the application site is challenging in terms of abnormal costs, which should arguably justify a target profit level at the upper end of the profit range. In light of this, the DV supports the Applicants suggestion at 18.5% to be reasonable in this case, on the assumption that no affordable housing is included.

The DV has initially assessed the proposed comprehensive 173 residential unit development scheme, reflecting planning policy required section 106 contributions other than affordable housing. In common with the Applicant, and in the light of previous findings of a lack of financial viability, the DV has initially assessed the proposed scheme on the basis of no affordable housing contribution. The DV Officer's appraisal summary sheet in this regard is attached at appendix A to his report and shows that with the stated assumptions, the comprehensive scheme generates a deficit in the region of -£1,133,000. Given this finding of a lack of financial viability, the DV Officer has additionally assessed the proposed comprehensive scheme on the basis of no planning contributions. His appraisal summary sheet in this regard is attached at appendix B to his report and it shows that with the same stated assumptions, the scheme is indicated as showing an extremely small financial surplus of circa £23,000 with no planning contributions. The DV Officer advises that this surplus is so small in the context of a £42,500,000 gross development value that it is considered to effectively financially balance, with no 'headroom' for Section 106 contributions.

The DV concludes and recommends as follows: *'I have concluded that the applicant's contention that the 173 unit scheme as proposed cannot viably provide the required section 106 contributions is correct. I do however conclude that the proposed scheme achieves a financial balance with no s106 contributions, based on current costs and values. Notwithstanding their finding of a lack of viability, the applicant however implies that the scheme is deliverable. This would be on the basis of the landowner(s) accepting a lower than benchmark site value; the developer accepting a lower than target return, or a combination of both. My assessment suggests that the scheme is deliverable, however with no affordable housing and without any other s106 contribution.'*

In noting the sensitivity analysis 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, a 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 site, the conclusions of the viability appraisal are accepted. Regard must also be had to the fact that the Hybrid permission allows the development of 84 dwelling without any planning obligations. The recommendation to Plans Committee for the Hybrid application stated: *'Your Officers consider that the key objective of this proposal is to ensure the demolition and clearance of the creamery site and to enable this to occur, they would not wish to recommend additional contributions. The DV has examined the figures and your Officers consider that in view of the phasing of the development, a pragmatic approach to this unique development proposal is required. Accordingly, it is recommended that no off site contributions are sought, with the Section 106 agreement only seeking the implementation and ongoing management of all formal and informal open spaces.'*

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 highway and built facilities contributions, it is clear that the population increase associated with 173 new dwellings will have an impact on services in the local community. This harm must be weighed into the planning balance against the benefits of redevelopment.

It is your Officer's recommendation that the planning applications and resultant comprehensive development be approved on the basis of no affordable housing and off-site contributions being secured. This however should be on the basis of the review mechanisms, as recommended by the DV Officer, being included within the associated legal agreement.

Comprehensive Planning Balance:

As discussed above, the Local Planning Authority 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 impacts of the proposal would significantly and demonstrably outweigh the benefits (the tilted balance). A comprehensive planning balance is set out in the CAR, however this application feeds into that balance as follows.

In this instance, the proposal would provide a significant contribution of 173 dwellings towards local housing supply on an allocated (partly brownfield) site that is located in a sustainable location within 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 sustainable location.

A further significant benefit of the proposal is the redevelopment of a contaminated redundant brownfield site which is harmful to the local townscape and causes significant health and safety issue. The redevelopment of this site is a priority within the Great Torrington Spatial Vision and Development Strategy. The resultant development would lead to a positive visual enhancement which is a significant benefit of the masterplan.

The proposal would also 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.

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 – this is a significant benefit of the proposal and complies with the aspirations of Policy GTT01.

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. The residential development within Flood Zone 3 has been justified via application of the sequential and exceptions tests. 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. 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 or off-site financial contributions towards education, built facilities and highway improvements. The District Valuation Office has confirmed this position. There will therefore be additional pressure put on local services such as schools and healthcare without any contribution to increase capacity which must be assessed as significant harm. In addition, the comprehensive proposal fails to deliver a net gain in biodiversity, contrary to NDTLP Policy DM08 with a likely marginal reduction in habitat units. This gives rise to moderate harm however this must be balanced against the mitigation and enhancement measures that would be secured via condition, albeit failing to deliver a gain. Finally, there is harm identified in regards to the relationship between the proposed retail/apartment building and existing dwellings on Limer's Hill/ Mill Street. As discussed in the agenda report for application 1/0528/2020/REMM, the harm is not considered to be so significant so as to justify refusal on amenity grounds and therefore should only be afforded limited weight.

The overall benefit of the redevelopment of the Creamery site weighs heavily 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 173 dwellings outweighs the identified harm in terms of impact on local services and infrastructure and the lack of a biodiversity net gain. However, equally, it is crucial to ensure that the site can only come forward on a phased basis given the reliance of the 4 applications on shared infrastructure and the viability position only being on the basis of the high costs associated with demolition and clearing of the wider site being shared amongst all of the 4 applications.

The proposed development is therefore considered to be in accordance Policies ST01, ST02, ST03, ST04, ST06, ST08, ST10, ST14, ST15, ST17, ST18, ST23, GTT, GTT01, 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 and approval of the 4 planning applications is recommended subject to them being linked via an overarching legal agreement to secure phasing and demolition, delivery of infrastructure and mitigation measures and review mechanisms as recommended by the District Valuer.