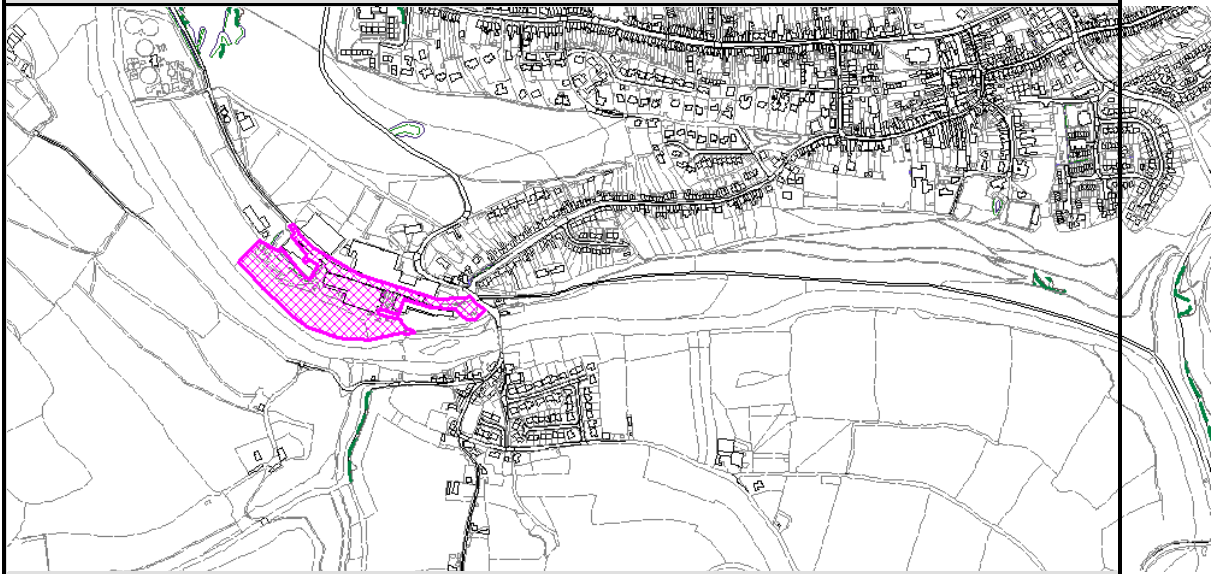


Committee Report – 23.07.2021

Application Number:	1/0526/2020/FULM
Registration date:	23 June 2020
Expiry date:	22 September 2020
Applicant:	International Property Consultancy LLP
Agent:	Lambert Smith Hampton
Case Officer:	Helen Smith
Site Address:	Torridge Vale Ltd, Rolle Road, Torrington, Devon, EX38 8AU,
Proposal:	Erection of 19 dwellings; raising of Rolle Road; new length of highway to serve dwellings south of Rolle Road and existing development to west of site; new bat house and open space including play areas
Recommendation:	Grant



Reason for referral:

The application has been called-in by Ward Member Cllr Cottle-Hunkin for the following reasons:

'I would like to call in these applications to ensure the following issues are agreed if the planning application is to be granted:

It has to be absolutely clear and definite that the old creamery site will be demolished and cleared before any building work can commence on any of the locations on or around the site. Any developer must not be allowed to build on the 'easy' parts of the application sites until this demolition and clearance has taken place.

The derelict buildings are a serious safety issue, with lives at risk (there have already been a number of deaths on the site), and it is a huge burden on our emergency services. This has been exacerbated since lockdown and there have been 28 incidents/call outs so far this year. The owner must ensure optimum safety of the site ASAP. There are currently a number of locations which have no barriers, meaning there is nothing at all to stop trespassers should they wish to enter. As well as improving the physical barriers, the owner should install CCTV with police access which would then act as a deterrent to antisocial behaviour and dangerous activity.

I would also like any approval of the applications to provide the inclusion of a cycle route link through from the Tarka trail at the Puffing Billy through to Mill St, as this is something which is important to the economic regeneration of the town and currently has funding from the County Council.

On top of this, if at all viable, there should be an element of affordable housing which is much-needed in Great Torrington, and Torridge as a whole.'

Relevant History:

Application No.	Description	Status	Closed
1/0547/1981	RE-HOUSING OF PRESENT MILK PROCESSING PLANT	PER	19.05.1981
1/0499/1983	ERECTION OF BUILDINGS AND PLANT TO PROVIDE NEW SPRAY DRYER BUILDING AND PLANT, NEW MILK RECEPTION BAY AND SILOS AND ALTERATIONS TO EXISTING BUILDINGS AND VEHICULAR ACCESSES TO PROVIDE FOR THE REFURBISHMENT OF	PER	25.04.1984
1/1999/1989	ALTERATIONS AND EXTENSION TO WEST STORE TO FORM ADDITIONAL STORAGE AREA	PER	01.11.1989
1/0959/1990	ERECTION OF A BANK OF THREE SILOS	PER	10.07.1990
1/0960/1990	ERECTION OF A BANK OF TEN MILK INTAKE SILOS	PER	10.07.1990

	AND THREE ADDITIONAL SILOS		
1/0961/1990	ERECTION OF FAT FILLED PLANT BUILDING AND POWDER SILO BUILDING	PER	10.07.1990
1/0456/1994	1.2 X 0.9 METRES HOARDING	PER	25.10.1994
1/1673/1997	PROPOSED CHANGE OF USE FOR STORK 2 BUILDING FROM GENERAL INDUSTRIAL USE TO STORAGE AND DISTRIBUTION AND PROPOSED REDUCTION IN BUILDING HEIGHT	PER	05.01.1998
1/0059/1998	CHANGE OF USE TO MILK PROCESSING AND ASSOCIATED DAIRY PRODUCTS AND THE ERECTION OF PLANS ROOMS AND SILOS	PER	25.03.1998
1/0587/2015/OUTM	Hybrid full application for the erection of 13 dwellings on northern part of site with new access to Limer's Hill, outline application for the erection of up to 136 dwellings, up to 200m2 of retail (A1) floorspace, bat house and adaption of existing building on southern part of the site to accommodate 5 units of B1, B2, B8 or mixed B class uses (approx 1,300m2) with access via the existing 3 other accesses off Limer's Hill together with open space; drainage, road and other infrastructure, all following the demolition buildings and structures on site" (Affecting a Public right of way)	WDN	09.01.2018
1/0039/2016/OUTM	Hybrid full application for the erection of 13 dwellings on northern part of site with new access to Limer's Hill, outline application for the erection of up to 136 dwellings, up to 200m2 of retail (A1) floorspace, bat house and adaption of existing building on southern part of the site to	PER	20.06.2017

	accommodate 5 units of B1, B2, B8 or mixed B class uses (approx 1,300m2) with access via the existing 3 other accesses off Limer's Hill together with open space; drainage, road and other infrastructure, all following the demolition buildings and structures on site" (Affecting a Public right of way) - resubmission of 1/0587/2015/OUTM		
1/0193/2019/FUL	Conversion of existing building to bat house	PER	08.05.2019
1/0194/2019/DIS	Discharge of condition 1,6,15,16,17 and 26 of application 1/0039/2016/OUTM	PER	09.07.2019
1/0525/2020/DIS	Discharge of conditions 7, 8, 9, 10, 14, 17, 18, 19, 20, 22, 23, 24, 27, 28 and 30 of planning permission 1/0039/2016/OUTM	PCO	
1/0528/2020/REMM	Reserved matters application for appearance, landscaping, layout and scale for construction of 71 dwellings and 4 retail units to the north and south of Rolle Road pursuant to 1/0039/2016/OUTM (amended plans, FRA addendum and amended description)	PCO	
1/0661/2020/AEA	Additional Environmental Approval pursuant to permission 1/0039/2016/OUTM: Hybrid full application for the erection of 13 dwellings on northern part of site with new access to Limer's Hill, outline application for the erection of up to 136 dwellings, up to 200m2 of retail (A1) floorspace, bat house and adaption of existing building on southern part of the site to accommodate 5 units of B1, B2, B8 or mixed B class uses (approx 1,300m2) with	PCO	

access via the existing 3
other accesses off Limer's Hill
together with open space;
drainage, road and other
infrastructure, all following the
demolition buildings and
structures on site" (Affecting
a Public right of way) -
resubmission of
1/0587/2015/OUTM

Site Description & Proposal

The Site

The site subject to this full planning application (known as Torridge Vale) comprises an existing industrial building and hardstanding, along with a large area of overgrown scrub which extends down towards the River Torridge. Rolle Road, the improvement of which is included within the overall master plan proposal, is also included within the Torridge Vale site. Rolle Road runs along the northern edge of the Torridge Vale site and is broadly level, finished in concrete.

The site falls partly within flood zones 2 and 3.

The Proposal

This full planning application seeks permission for 19 dwellings and a number of associated works, which would include:

- . A new length of highway (to serve dwellings and existing development to the west);
- . 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; and
- . Open space (including play areas).

The dwellings would be provided as 16 x 2-beds and 3 x 3-bed in a linear form to the south of Rolle Road and a new vehicular highway.

The site overall will be re-profiled (to "fit" with the Reserved Matters details in relation to the extant permission) and this involves the raising of Rolle Road by approximately 1.3 - 1.5 metres. A dedicated area of landscaping will be provided between Rolle Road and the new access road.

Consultee representations:

Great Torrington Town Council:

First Response:

Yesterday Great Torrington Town Council held a Planning Committee meeting at which they reviewed applications 1/0524/2020/FULM, 1/0526/2020/FULM and 1/0528/2020/REMM: all of which relate to The Creamery site in Great Torrington.

Due to the nature of these three applications being interlinked, Members chose to review them as a group rather than individually, and as a result, the comments outlined below are applicable to all 3 applications referenced above. During their review Members gave full consideration to presentation made by the public and took into account the length of time the site has been derelict and the impact this is having on the local area and emergency services.

Members voted not to object to the 3 applications subject to the following:

- i. The proposal is considered as one application and that no development should commence until the site has been cleared and any contamination removed. The northern part of the application site should not be given full planning permission in isolation from the rest of the site.
- ii. Any development of this scale demands a reasonable level of affordable housing. Members commented that although they would prefer the development to include affordable housing, they realise that this may not be a viable proposition.
- iii. Members actively support local employment opportunities at the site, therefore to satisfy the need

for local employment requirements, consideration should be given to live-work units as well as retaining the existing commercial facilities.

iv. Land outside of the development site is protected, in particular Rolle Road. This area is of local environmental importance and will form an important part of the future development of local amenities for both tourists and local residents.

v. Devon County Council Highways satisfies itself that the proposed access/egress to all parts of the site is safe for existing road users of Limer's Hill and the proposed development.

vi. Although signage has already been placed at the bottom of Mill Street at the junction with Limer's Hill restricting access to Mill Street for HGVs, this restriction must be enforced during the construction phase of the development. Members also suggested DCC Highways should be asked to consider the need to restrict access into Mill Street for access only in the longer term.

vii. Members raised concerns at the location and size of the recreation sites.

viii. The views of the Commons Conservators must be considered with due weighting regarding aspects of the application which may impinge on the Commons.

ix. The Environment Agency and Devon County Council's Flood Risk teams are satisfied with the recommendations proposed to mitigate against flooding.

x. The applicant submits an Active Travel Plan to address Members' concerns regarding an over-reliance on car travel to- and from- the site and the unrealistic walking/cycling times quoted in the Transport Assessment.

Please do not hesitate to contact us if you have any queries about the above comments.

Second response

Following the recent publication of the Viability Assessment for the above-named planning applications associated with The Creamery site in Great Torrington, Members of Great Torrington Town Council's Planning Committee reviewed the document during a Planning Committee Meeting yesterday, 16th September 2020.

Members noted that the Viability Assessment concludes that the scheme is marginal and that there is no surplus available for developer contributions and/or Affordable Housing. The report also outlines the profit estimated to be generated as a result of this proposed development which has been set at 18.5% of gross development value: the national Planning Practice Guidance makes the assumption that 15-20% of gross development value may be considered a suitable return to developers. Members requested that as the estimated profit for this development is at the higher end of this range, the developer be asked to reconsider the inclusion of Affordable Housing and/or Section 106 Contributions by reducing the profit margin for the development.

Third Response:

Due to the nature of these applications, Members chose to review them as a group rather than individually and as a result the comments outlined below apply to all 3 applications.

Members voted not to object to the 3 applications subject to the following considerations:

- i. The proposal is considered as one application and that no development should commence until the site has been cleared and any contamination removed. The northern part of the application site should not be given full planning permission in isolation from the rest of the site.
- ii. Any development of this scale demands a reasonable level of affordable housing. Members requested that although it may not currently be deemed a viable proposition to include affordable housing in this development, this situation is reassessed throughout the demolition and construction of this site in order to determine whether affordable housing can be considered at a later stage.
- iii. Members actively support local employment opportunities at the site, therefore to satisfy the need for local employment requirements, consideration should be given to live-work units as well as retaining the existing commercial facilities.

- iv. The views of the Commons Conservators must be considered with due weighting regarding aspects of the application which may impinge on the Commons, including Rolle Road. This area is of local environmental importance and will form an important part of the future development of local amenities for both tourists and local residents.
- v. Devon County Council Highways satisfies itself that the proposed access/egress to all parts of the site is safe for existing road users of Limer's Hill and the proposed development.
- vi. Although signage has already been placed at the bottom of Mill Street at the junction with Limer's Hill restricting access to Mill Street for HGVs, this restriction must be enforced during the construction phase of the development. Members also suggested DCC Highways should be asked to consider the need to restrict access into Mill Street for access only in the longer term.
- vii. Members raised concerns at the location and size of the recreation sites.
- viii. The Environment Agency and Devon County Council's Flood Risk Team are satisfied with the recommendations proposed to mitigate against flooding.
- ix. The applicant submits an Active Travel Plan to address Members' concerns over an over-reliance on car travel to- and from- the site and the unrealistic walking/cycling times quoted in the Transport Assessment.

DCC Archaeology Section:

First Response:

I refer to the above application and your recent consultation. This planning application is supported by a Historic Impact Assessment prepared by L.P. Archaeology (report ref: LP2798-HIAv1.1, dated September 2019) and the Historic Environment Team would concur with the recommendations set out in paragraphs 6.1.3.9 and 7.6 of this document that the archaeological mitigation for the proposed development can be secured by the application of an appropriately worded condition applied to any consent that may be granted.

Alternatively, the application could be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to

determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines. I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant <https://new.devon.gov.uk/historicenvironment/development-management!> to:

Second response

I can confirm that the programme of archaeological works as described in the revised Written Scheme of Investigation (WSI) submitted by your organisation - L P Archaeology - (document ref: LP3759B-WSI-vl.4) is acceptable to the Historic Environment Team.

The acceptance of the WSI by this office does not represent the discharge of the condition that may be applied to the consent granted.

However, should this document be submitted in support of this planning application prior to its determination by the Planning Authority the Historic Environment Team would withdraw its previous advice and instead recommend to the Planning Authority that any consent that may be granted by the Planning Authority should be conditional upon the following worded condition:

'The development shall proceed in accordance with the Written Scheme of Investigation prepared by LP Archaeology (document ref: LP3759B-WSI-vl.4) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason; To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development' I will be happy to discuss this further with you, the applicant or their agent.'

Devon County Council (Highways):

First Response:

Observations:

With regards to the access for the development, given the speed/volume count that was provided, I am satisfied with what has been included and I would be able to offer a condition accordingly.

Further clarification is required in terms a swept path analysis for the turning head at the western most part of the site. This is required to ensure turning manoeuvres are achievable for a vehicle up to the size of a standard refuse vehicle.

I note on the drawings that a "reinforced soil slope" runs adjacent to Rolle Road as well as along the southern boundary of the dwellings numbered 100 to 128. Bearing in mind its proximity to the highway, if these features are in excess of 600mm in height then an Approval in Principle (AIP) will be required and the applicant should make an approach to the relevant DCC department to ensure this process is undertaken.

I note the intention is to have a 'loading bay' opposite the retail unit. At Section 38 stage, recommendations will need to be provided as to how this will remain free of regular parking, although I believe it would be pertinent to discuss these options at this point.

I understand the intention is for the internal highway layout to be offered for adoption.

However, I would add that the Highway Authority would only adopt the internal spine road and adjacent footways. Private arrangements will need to be made for the ongoing maintenance any trees, 'green areas', private drives and parking areas.

As it stands, I require the drawing noted above to demonstrate suitable turning options.

Second Response:

Observations:

Further to my previous recommendation, I can confirm receipt of the swept path analysis for this proposed development. These are acceptable.

As a result, and notwithstanding the comments in my previous recommendation, I can confirm that I am satisfied that the proposed development offers 'safe and suitable' access and that the cumulative impact of the development is not 'severe', as are the tests of the National Planning Policy Framework (NPPF).

Recommend approval subject to conditions.

Environmental Protection Officer:

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

The phase 1 contamination survey is very detailed and comprehensive, identifying areas of the wider locality that contain contaminated materials as well as other areas, including the application site, that will require further investigation. Given the former contaminative use of the wider locality and the confirmed presence of contamination, the Environmental Protection Team concurs with the recommendations for further intrusive ground works, incorporating the application site, to confirm or otherwise the presence of contamination. A scheme of remediation will be required should any contamination be identified to ensure the application site is suitable for habitable use. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the Authority's full standard contaminated land condition.

The application site is located in close proximity to existing residential properties which may be adversely affected from noise and dust during construction works should planning consent be granted. A Construction Environmental Management Plan should be produced by the applicant that demonstrates measures that will be adhered to during construction to prevent or minimise disturbance to neighbouring dwellings. 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 CMP 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 wheelwashing facilities
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression

h) impact assessments and associated mitigation measures in relation to noise, vibration, dust and lighting. (Assessments must be carried out by suitably qualified persons and the plan should demonstrate the adoption and use of best practice to reduce impacts)

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, operating hours (construction works and deliveries) should be restricted to Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours only with no works on Sundays and Bank Holidays in order to protect residential amenity.

The application site contains buildings which will be demolished as part of the proposed development. The Phase 1 Report alludes to the presence of asbestos containing materials, whether within existing building structures or fly tipped, throughout the application site and adjacent land. Asbestos is potentially very harmful to human, particularly if asbestos fibres are released to air when damaged or removed and subsequently inhaled or ingested. Given the significant amount of asbestos that potentially exists within the application site and wider locality, an appropriate survey must be undertaken to identify asbestos containing materials and the subsequent measures to remove and dispose of such materials. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

Prior to demolition of the existing buildings, the structures and land shall be surveyed by a competent person for the presence and identification of materials containing asbestos. The removal and disposal of asbestos containing materials must be carried out in accordance with the Control of Asbestos Regulations 2012, HSG248 and other relevant guidance by a suitably qualified contractor with an appropriate waste carrier licence.

Designing Out Crime Officer - DC&D Police:

Thank you for this application, 1 of 3 pertaining to the former Torridge Vale Ltd site, the other 2 being 0524 and 0528 respectively.

The general layout proposed will provide both active frontages and good overlooking to the new internal streets which is welcome.

The inclusion of a brief Crime & Disorder Statement (Section 13 of Design & Access Statement) is noted.

The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to conservation areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 - 2016 or equivalent.

To assist the process in ensuring compliance with the requirements of ADQ it is recommended that all doors and windows are sourced from a Secured by Design (SBD) member company. SBD requires that doors and windows are not only tested to meet PAS 24 (2016) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus reducing much time and effort in establishing the provenance of non SBD approved products. SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.

Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Limited on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Environmental Design, as follows, in conjunction with appropriate physical security measures.

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 managed to prevent creating 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 2016

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.

Generic Advice

Boundary treatments are mentioned but there is no detail as to heights and type proposed across the development.

Perimeter security is one of the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments must be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. Close boarded fencing or walls would be deemed appropriate. If more surveillance is required or 1.8m would feel too closed in for smaller gardens, then a 1.5m solid structure with a .3m trellis topping would be acceptable. It is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass.

An early point to consider is that if existing hedgerow is likely to comprise new rear garden boundaries, as appears will be the case, then it must be fit for purpose. Hedges should be of a height and depth to provide a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

Routes for pedestrians, cyclists and vehicles should be integrated and assist easy, intuitive wayfinding through the application of inclusive design by increasing activity and therefore natural surveillance, a proven deterrent to crime and anti-social behaviour.

Public footpaths should not run immediately next to doors and windows, therefore defensive space should be created to separate a path from a building elevation. This is particularly important in areas with a known graffiti or anti-social behaviour problem.

0526/2020 Site Specific Recommendations.

The front boundaries of plots 99 & 100 will require clear definition with for example either hedging or railings to prevent unwanted access by users of the public open space, LEAP and LAP. I note the proposed rear boundaries are an ornamental hedge atop the reinforced soil slope. I have serious concerns that this leaves the rear of these dwellings vulnerable and will likely result in residents installing their own boundary protection. In line with advice given above, I recommend that this boundary be secured with fencing, for example 1500 close board with a 300mm trellis.

I recommend both the LEAP and Lap are moved back towards the centre of the open space. This would increase the surveillance from the nearby dwellings and reduce potential noise issues.

Fencing at a minimum height of 1200mm around the play areas can often discourage casual entry, provide a safe clean play area and reduce damage to the equipment.

Devon County Council - Flood Risk Management:

First Response:

Recommendation:

At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy ST03 of North Devon and Torridge Local Plan 2011 - 2031. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The proposed attenuation basins should be located outside of the flood zones. The drawing indicating the Predicted Flood Extents With Development illustrates that at least the eastern basin falls into Flood Zone 3.

The applicant should confirm if the intention is to discharge at 319 l/s for all return periods? We would expect to see a significant betterment, more than 50%, for each return period event for example 1 year, 30 year and 100 year.

The applicant should provide further information on the design of the detention basins for example, details of side slopes and freeboard. We would expect side slopes to be maximum 1 in 3 and less steep if possible and a freeboard of 300 mm above the design water level (100 year plus 40%). The applicant should also state whether a sediment forebay is being proposed within the basin.

It appears that not all the appendices to the Flood Risk Assessment and Drainage Strategy have been uploaded. I am unable to check the calculations but note that the report states that the IH 124 method was adjusted for the known impermeable site conditions in Section 7.1.9. We do not support altering of soil values in calculations, although I can not actually see any calculations with the submission.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

Second response

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:

. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(b) Proposals for the adoption and maintenance of the permanent surface water drainage system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (b) 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/0526/2020, dated 31.07.2020, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- . Great Torrington, The Creamery, Drainage Strategy Drawing Number AT2395 106A
- . The Creamery, Limers Hill, Great Torrington Redevelopment, Flood Risk Assessment & Drainage Strategy Addendum dated 2nd December 2020
- . Great Torrington, The Creamery, Foul & Surface Water Drainage Layout Torridge Vale East, Drawing Number AT2395 114A
- . Great Torrington, The Creamery, Foul & Surface Water Drainage Layout Torridge Vale Central, Drawing Number AT2395 113A
- . Great Torrington, The Creamery, Foul & Surface Water Drainage Layout Torridge Vale West, Drawing Number AT2395 112
- . Great Torrington, The Creamery, Foul & Surface Water Drainage Layout Creamery East Drawing Number AT2395 111
- . Great Torrington, The Creamery, Foul & Surface Water Drainage Layout Creamery West Drawing Number AT2395 110

The applicant has removed the basin due to the presence of the flood zones and it has been replaced with a box culvert to provide surface water attenuation at the site. The runoff will be treated via vortex separator upstream of the attenuation device. The runoff will be restricted to provide at least a 30% betterment on all return periods and will discharge into the river. The applicant has submitted model outputs to demonstrate that the proposed surface water drainage strategy is designed for up to the 1 in 100 year plus 40% event in line with national and local guidance.

The applicant has also produced exceedance overland flow route plans indicating how exceedance events, very rare events above the design standard, will be safely managed at the site. There is a flow exceedance route down a footway between plots 48 and 49 on the Great Torrington, The Creamery, Foul & Surface Water Drainage Layout Creamery East Drawing Number AT2395 111. The flow route / footpath should not be modified or altered in any way in the future as it is essential for flood routing purposes.

South West Water:

I refer to the above application and would advise that South West Water has no objection. For information a public sewer lies within the site as shown on the attached which will require diversion if development is proposed within 3m of it or the intention is to have it retained in private areas.

Chief Education Officer:

We note that the proposed 19 family type dwellings will generate an additional 4.75 primary pupils and 2.85 secondary pupils which would have a direct impact on Great Torrington Bluecoat Church of England Primary School and Great Torrington School.

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:

The designated primary school for this development is Great Torrington Bluecoat Church of England Primary School. When factoring in approved but not yet implemented developments in the area we have forecast that the school is over capacity and therefore a contribution towards new primary education provision in the area would be required. The contribution sought towards primary would be £92,230 (based on the DfE new build rate of £19,417 per pupil). This contribution will relate directly to providing education facilities for those living in the development.

In addition, as a new primary school is required, we 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 £8,360 and would be used to assist in the procurement of the new school site.

The designated secondary school for this development is Great Torrington School. When factoring in approved but not yet implemented developments in the area we have forecast that the school is over capacity and therefore Devon County Council will seek a contribution directly towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought towards secondary would be £64,162 (based on the DfE extension rate of £22,513 per pupil). This contribution will relate directly to providing education facilities for those living in the development.

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £4,750 (based on £250 per dwelling). This will be used to provide 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 prices 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) and 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:

The proposal to replace the mix of buildings at the creamery is the re-use of this edge of settlement industrial site and has been agreed in outline under the reference 1/0039/2016.

The principal of redevelopment on this site has been accepted.

The buildings as constructed were contemporary in their time and the current proposal seeks a contemporary design to sit opposite the cluster of listed buildings at the bottom of Mill Street and nearby Toll House and Bridge.

The mass and scale of the buildings have been designed to be similar to those removed however are relocated within the site.

The routeway following Rolle Road is being retained within the site and so the layout and form of the site will be similar to that which exists given that as an industrial site the buildings were adapted and replaced over time. Photographs show the modernisation of the site post war and the increase in the scale of the industrial buildings on site. The scale of the development will be lessened by the demolition of the current buildings and while there are additional dwellings on the extended site it is the setting of the listed buildings which are under consideration in this consultation.

The proposal to reuse historic elements such as the date stone, of the dairy building are welcome and add some reference to the previous use of the site.

The current building complex which forms the gateway to the site via Rolle road as stated, is very clear in its post war style and while the current proposal does not make such an architectural statement, the scale and design are no more harmful on the setting of the cluster of listed buildings than the current state of the existing. The listed cottages and the pub have always been closely related to the use of the land adjoining in occupancy and use. The cottages were owned by Lord Rolle and the land behind by Mr Sandford who are both historic figures associated with the application site. The setting of the listed buildings will alter but the listed cluster of buildings are experienced as part of

the industrial site and defined by the sense of enclosure that occurs with the cottages, warehouse and pub on the higher side of the road and the industrial buildings on the lower side.

The significance of the buildings as structures in relation to each other will not be altered by this scheme.

Planning, Transport & Environment Group Devon County Council:

I am contacting you in the County Council's role as the Waste Planning Authority with regard to the above planning 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.

The application is not supported by any such statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.

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-planning-document>

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

Natural England:

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.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006:

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. 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 is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

The Environment Agency:

First Response:

Thank you for consulting us on the above planning application. Given the overlaps between applications 1/0528/2020/REMM and 1/0526/2020/FULM, we have provided the same response for both applications.

Environment Agency position

We object to this proposal on grounds that insufficient information has been submitted to demonstrate that the proposed development will be safe from flooding over its lifetime and will not increase flood risk elsewhere. We recommend that the application is not determined until a satisfactory Flood Risk Assessment (FRA) has been submitted.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied for the additional residential development in accordance with the NPPF if you have not done so already. To aid your Authority, areas of the site proposed for new houses are a mixture of flood zones 2, 3a and 3b.

The reason for this position is set out below, together with advice on contaminated land, biodiversity, pollution prevention and waste.

Reasons - Flood Risk

We met the consultants in May 2019 and, according to our notes, we stated that we had issues with development on the river side of Rolle Road. We also informed them that there were technical issues with our modelling through the site, which means the results needed to be interpreted and not taken as 100% accurate. This does not seem to have been taken on board in the current design.

We discussed some principles of possibly making development around Rolle Road (north and south) safe from flooding by raising finished floor levels and site levels, incorporating multi-layer gardens and providing safe access and egress routes. However, such principles could only be assessed after agreement had been reached on the design flood level and the required freeboard. At our meeting, we agreed that the agent would need to suggest design flood levels for us to agree, however we have had no correspondence on this matter following the meeting in May 2019.

To satisfy the Exception Test, it would need to be demonstrated that the proposed design would not increase flood risk to third parties. We consider that for the currently proposed level of change, this would need to be demonstrated by detailed modelling to show any impacts. The current cut and fill volumes (section 4.6 FRA) are not sufficient for the proposed degree of change to the floodplain.

To overcome our objection, and subject to agreeing a design flood level and minimum floor and site levels, we have the following main issues with the current design:-

- o The proposed new houses extend out beyond the building line, on the river side of Rolle road. Our principle has always been to return the land south of the road, as much as possible, to floodplain, and to smooth out the brownfield development.
- o Plots 120-126 narrow down the floodplain, extending out beyond the current building line and are likely to have a detrimental effect on flood flows.
- o There are significant works proposed in the functional floodplain (south of Rolle Road) with road raising, SUDS ponds, reinforced walls, multi-level garden/opens spaces, and play areas with very limited details on current and proposed site levels.
- o We and the LLFA are unlikely to permit a SUDS pond in flood zone 3.
- o The FRA discusses that the decking and void space of the proposed houses, must remain accessible to flood flows throughout the lifetime of development. The council would have to be able to enforce this, so will need to confirm that they can or are willing to carry this out.
- o We require adaption of our flood modelling to show pre and post flood depth and velocities change. Simply lowering an area of the floodplain does not necessary compensate for the full range of storms, and the impacts on third parties that will result from the development proposal.

At the current time we are unable to advise that the proposed development would be able to satisfy the second part of the Exception Test, which requires new development to be safe from flooding over its lifetime, not increase flood risk elsewhere and, where possible, reduce flood risk overall. If the Exception Test cannot be satisfied we are likely to maintain our objection to the application. Production of a revised FRA will not in itself result in the removal of an objection.

Advice - Contaminated Land

We have reviewed the submitted Phase 1: Preliminary Contamination Assessment Report for the above site Reference: CR/TN/SR/17341/PCAR, dated 21/10/2019 by Ruddlesden geotechnical.

The details of the report are comprehensive regarding the contamination on site and the off-site area. We agree with the recommendations made in section 5.3 of the report that an intrusive investigation be carried out to further quantify the risks identified. Should our flood risk concerns be resolved we would recommend that a condition is included within any permission granted to secure this further investigation.

Advice - Biodiversity

We have reviewed the Ecological Impact Assessment by Ecological Surveys Ltd dated September 2019. We are satisfied with this report with regard to biodiversity matters within our remit, subject to the recommendations set out below. However, we recommend that you consult with Natural England to determine whether they are comfortable with the noted biodiversity loss (3%) as a result of the development, taking into account the proposed species enhancements.

There is a protected species present in the river at this location which will be particularly sensitive to any pollutants including sediments that enter the watercourse. We would recommend that any surface water drains are marked as leading to the river so that residents are aware during the operational phase.

In terms of maintenance, we would recommend that the proposed fence adjacent to the river incorporates a gate (locked) to allow for management of trees and/or Himalayan Balsam. We would recommend that the fence is no closer than 5m from bank top to allow for a healthy riparian zone to develop and protect the river bank from erosion. We would also recommend an inspection of tree health prior to the fence being constructed, this is primarily because the report mentioned Ash being included in the line of trees and we are seeing a lot of Ash dieback along our rivers. Trees become brittle and difficult to fell, as well as a potential issue to erosion or public safety should they fall of their own accord. Felling infected trees prior to the fence being installed, and suitable compensatory planting will also ensure maximum protection of the river habitat.

Advice to applicant - Pollution Prevention

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 - Works and maintenance in or near water and PPG6 - Working at construction and demolition sites. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

We recommend that a Construction Environment Management Plan (CEMP) is produced to pull together and manage the pollution control and waste management requirements during the construction phase. A CEMP is best prepared with the main Contractor. It is a management system showing how the environmental risks are managed through the construction phase, in a similar way that Health and Safety risks are managed. We recommend that the CEMP is drafted using the guidance from PPG6.

<https://www.gov.uk/government/publications/construction-and-demolition-sites-ppg6-prevent-pollution>

Advice to applicant - Waste

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

Use of waste on-site

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction

activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

The applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. Should a permit be required, they should be aware that there is no guarantee that it will be granted.

Movement of waste off-site

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/uploads/system/uploads/attachment_data/file/54444/waste-duty-care-code-practice-2016.pdf

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

Advice to the LPA

We will maintain our objection until the applicant has supplied information to demonstrate that the flood risks posed by the development can be satisfactorily addressed. We would like to be re-consulted on any information submitted to address our concerns and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Second response

Thank you for re-consulting us on the above planning application following the receipt of further information.

Environment Agency position

The development will only be acceptable if the flood risk Sequential and Exception Tests have been fully satisfied (see advice section below). If you are minded to approve the application following the application of these Tests, we recommend that conditions are included within any application granted in respect of:

- . Detailed design of the landscaping, site levels and road design south of Rolle Road;
- . Construction Method for works south of Rolle Road;
- . Site investigation and Remediation;
- . Unsuspected contamination; and
- . Construction Environment Management Plan (CEMP).

The suggested wording for these conditions and advice on flood risk, the Sequential and Exception Tests and Environmental Permitting is provided below. Please see our letter dated 30 July 2020 for advice relating to contaminated land, biodiversity, pollution prevention and waste.

Condition - Detailed design of the landscaping, site levels and road design south of Rolle Road
The development hereby permitted shall not be commenced until such time as the detailed design of the landscaping, site levels and road design in the part of the site located south of Rolle Road have been submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented and subsequently maintained in accordance with the agreed details.

Reason: To ensure that flood risks are not increased to third parties.

Condition - Construction Method for works south of Rolle Road

The development hereby permitted shall not be commenced until such time as a detailed construction method statement, for the demolition/construction phase works in the part of the site located south of Rolle Road, has been submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented and subsequently maintained in accordance with the agreed details.

Reason: To ensure that flood risks are not increased to third parties

Condition - Site Investigation and Remediation

No development approved by this planning permission shall take place until a remediation strategy that includes the following components 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 preliminary risk assessment which has identified:

- . all previous uses
- . potential contaminants associated with those uses
- . a conceptual model of the site indicating sources, pathways and receptors
- . potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

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.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition - Construction Environment Management Plan (CEMP)

No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints

and risks of the site. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority. Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

Advice - Flood Risk

The revised site layout and FRA addendum (Dec 2020) addresses the majority of our flood risk concerns. However, there are still two issues that must be addressed.

1. The application for the new development south of the 'old' Rolle Road, needs to satisfy the Sequential Test. This site is in within flood zone 3a (plus flood zone 2), and the public open space aspects are within functional floodplain 3b.
2. Subject to passing the Sequential Test, the Exception Test also needs to be satisfied. We consider that the second part can be satisfied based on the revised design and subject to the above-mentioned planning conditions.

The removal of plots 120-126 has addressed our concerns regarding the negative impact of such development on the floodplain. In addition, the proposed additional land lowering between the plot gardens and the river, as well as the design of the gardens, decking and housing edge shape, is likely to result in a small betterment from the new design compared to the existing situation.

A condition(s) which provides a means to agree the detail design and construction method for the works South of Rolle Road, is required to ensure that flood risks are not increased to third parties. We have suggested that this can be split into 2 conditions, i.e. for demolition/construction phase and permanent works phase), but must be agreed before any works start on that phase.

Advice - Flood risk sequential and exception tests

The site is located within Flood Zone 3 and therefore the Sequential Test must be applied in accordance with the NPPF (paragraphs 157-158). The aim of this test is to steer new development to land with the lowest probability of flooding (i.e. Flood Zone 1). Your Authority will need consider the Sequential Test and conclude whether there are any other sites for the development or whether there are any overriding reasons for the development of this site. Further guidance is set out in the Planning Practice Guidance (<http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/> - see 11, 12, 13 and 14).

If your Council are content that the Sequential Test can be satisfied, consistent with wider sustainability objectives, the Exception Test would then need to be applied and passed (see NPPF paragraphs 159-161). Your Authority will need to consider the first part in respect of whether the development offers any wider sustainability benefits that outweigh flood risk and we will advise you on the second part which requires the submission of a satisfactory FRA to demonstrate that the development will be safe over its lifetime. The NPPF states that both parts of this test should be satisfied for development to be permitted.

Informative - Flood Risk Activity Permit

This proposal is located adjacent to a watercourse which is designated a main river at this location. Under the terms of the Environmental Permitting (England and Wales) Regulations 2010 a flood risk activity permit is required for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the river.

We advise the applicant that any works south of Rolle Road be they permanent (final landscaping level, road design, house/gardens) or part of the temporary works (demolition, site safety, construction areas) will require a permits, in addition to any planning permission required. Further details and guidance on how to apply are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

DCC Rights Of Way:

Devon County Council have asked that I comment on the above planning application. Please be aware that the application could affect footpaths Torrington 2 (Rolle Road) and 17 (section along the river bank).

After investigation it will be apparent that both these footpaths could be affected by the development with a definite effect on footpath 2 Rolle Road. Please be aware Devon County Council is working with Great Torrington Commons Conservators with regard to a cycle link scheme of which, we plan to incorporate sections of footpath 2 and we would not want this jeopardised. This proposal is a significant project for the area and could have serious ramifications for the immediate and wider footpath network, therefore, I would urge the applicant to contact Devon County Council, Public Rights of Way Planning Officer and Highways Development Team to ensure that legislation is met regarding Rights of Way and that any existing schemes can be safeguarded and if necessary incorporated in the development.

However, in the short term, we would remind the applicant that should the application be successful, that Planning Permission does not grant the right to close, alter or build over a Public Right of Way, in anyway, even temporarily. Therefore, the applicant must ensure that the way remains open and available to the public at all times, including during the period of construction activity such as with buildings materials, or spoil and contractor's vehicles and plant etc. Should it be necessary to permanently divert the path to enable development to take place, this can be achieved by the Local Planning Authority through section 257 of the Town and Country Planning Act 1990. If a temporary diversion or closure is required during construction works then the applicant may apply to DCC for a temporary closure order.

Representations:

Number of neighbours consulted:	59	Number of letters of support:	0
Number of representations received:	10	Number of neutral representations:	4
Number of objection letters:	5		

The letters of representation raise the following matters:

- The need for the site to be cleared before any houses are built;
- Affordable housing should be provided or a review mechanism put in place;
- There should be no development to the south of Rolle Road;
- Appropriate health and safety measures must be put in place during construction;
- The Torrington Commons must be protected;
- Construction times must be restricted;
- Additional capacity should be provided at local schools, health centres etc;
- Concerns over surface water and flood risk impacts to neighbouring land;
- The development will be highly dependant on car usage and not enough is being done to promote walking and cycling;
- The Transport Assessment is flawed;
- There has been no design review of the proposal;
- The BfL12 assessment is inaccurate;
- There is no reference to sustainability and climate emergency;
- Impacts on residential amenity arising out of increased vehicle movements;
- Inadequate sewer system in the town;
- A full independent ecological review should be undertaken before any work is undertaken;
- The developer should provide a suitably surfaced walking and cycling route along Rolle Road to link Taddipport with the Tarka Trail and a further route linking the development with Torrington Town Centre;
- The access arrangements will be dangerous.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

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); GTT01 (The Former Creamery Site); GTT (Great Torrington Spatial Vision and Development Strategy); ST01 (Principles of Sustainable Development); 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);

Government Guidance:

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

Great Torrington Neighbourhood Plan:

Great Torrington Town Council submitted the Great Torrington Neighbourhood Plan (GTNP) proposal, which relates to the identified Neighbourhood Area, to Torrington 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. Torrington 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 Torrington 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.

A summary of the relevant planning policies is contained in the CAR.

Planning Considerations

The main planning considerations of relevance to this proposal are:

1. Principle of Development;
2. Layout, Design and Impact on Character;
3. Impact on Residential Amenities;
4. Access and Parking;
5. Heritage;
6. Drainage;
7. Ground Conditions and Contamination;
8. Ecology;
9. Viability and Section 106 Obligations;
10. Planning Balance.

Principle of Development

The application site falls to be located both within and outside of the development boundary for Great Torrington. Furthermore, part of the application site falls within Policy GTT01. The proposed 19 resident units would be within the development boundary with the strategic open space for the comprehensive development sitting on either side – the indicative siting for the play areas would be within the development.

As discussed above in the CAR, the Applicant has justified the proposed uses, including the loss of employment uses, through the submission of a Viability Appraisal and Employment Land Demand statement. Given the evidence provided, and the wider aspirations for redevelopment, the loss of the existing redundant employment building is considered acceptable against Policy DM13. A comprehensive approach to development is being promoted and this site forms part of an overall masterplan along with applications 1/0524/2020/FULM, 1/0528/2020/REMM and 1/01231/2018/OUTM, which is considered to comply with the aspirations of Part 1 of Policy GTT01.

Given the above, it is clear that the principle of development is acceptable in this location given the site's position mostly within the development boundary of Great Torrington. The part of the site proposed for residential development is brownfield and within the development boundary. The site holds a strong and connected relationship with the former Creamery site. Part of the public open space would be sited outside of the development boundary, however given there would be no built development in this location this is considered acceptable, particularly in the context of the Council currently being unable to demonstrate a five year housing land supply.

The material planning considerations are set out below.

Layout, Design and Impact on Character

The application is supported by a detailed Design and Access Statement (DAS) and Landscape and Visual Impact Assessment (LVIA), which sets out the context to how the proposed design has evolved with reference to the surrounding context.

A detailed assessment of the design and layout of the proposal and its impact on landscape character is set out in the CAR. This site forms a relatively small component part of the overall masterplan, proposing 19 dwellings. As indicated in the CAR, the overall approach to design and layout is supported with the development proposal promoting a high quality scheme that relies on retained and enhanced natural boundaries and interesting elevations to the dwellings through a mixture of facing materials and architectural features. The LVIA concludes that the proposed redevelopment of the site will lead to a positive enhancement and that is true of this site where it is proposed for a large industrial building to be replaced with 2 storey residential development. The scale and siting of the dwellings, forming a linear development to the south of Rolle Road, is considered appropriate and it will be viewed in the context of the wider masterplan to the north.

The layout allows for at least 2 off-road vehicle parking spaces per dwelling and dedicated space for refuse. The overall housing mix is considered acceptable and justified under NDTLP Policy ST17 and the Building for Life 12 Assessment required by Policy DM04 are considered above in the CAR.

On matters of crime and disorder, the Designing Out Crime Officer (DOCO) has commented that he approves of many facets of the design. He notes that the general layout will provide overlooking and active frontages to the new internal streets and public open space. The DOCO has specifically noted: *'I note the proposed rear boundaries for plots 36 - 58, 95 - 100, 120-126 are an ornamental hedge atop the reinforced soil slope. I have serious concerns that this leaves the rear of these dwellings vulnerable and will likely result in residents installing their own boundary protection. In line with advice given above, I recommend that this boundary be secured with fencing, for example 1500 close board with a 300mm trellis. The front boundaries of plots 99 & 100 will require clear definition with for example either hedging or railings to prevent unwanted access by users of the public open space, LEAP and LAP. I note the proposed rear boundaries are an ornamental hedge atop the reinforced soil slope. I have serious concerns that this leaves the rear of these dwellings vulnerable and will likely result in residents installing their own boundary protection. In line with advice given above, I*

recommend that this boundary be secured with fencing, for example 1500 close board with a 300mm trellis.'

It is recommended that a condition be included on any formal decision to require details of boundary treatments to the proposed dwellings. A careful balance will need to be struck between protecting the amenities of future residents but also ensuring an appropriately high quality and sensitive boundary onto the public open space.

The extensive area of public open space would serve the whole masterplan development, which would be secured via an overarching legal agreement. In accordance with Policy DM10, the legal agreement will secure two equipped play areas, each covering 300 sqm, to cater for the needs of different age ranges. The remainder of the open space will be natural green amenity space which will include benches, bins and paths etc. The level of open space proposed exceeds that which is required by Policy DM10 (for the whole masterplan) and given the relationship with the river and existing footpath/cycleway networks, it is considered that this open space can fulfil the 'strategic recreation provision' requirement set by Policy GTT01.

The legal agreement will require an obligation for a detailed Open Space Scheme however it is also recommended for a condition to be included on any formal decision to secure details of siting, equipment, boundary treatments/landscaping etc. The required details will need to demonstrate that the play facilities are 'flood safe'. The DOCO further states: *'I recommend both the LEAP and Lap are moved back towards the centre of the open space. This would increase the surveillance from the nearby dwellings and reduce potential noise issues. Fencing at a minimum height of 1200mm around the play areas can often discourage casual entry, provide a safe clean play area and reduce damage to the equipment.'* These matters can be considered via the future discharge of condition application and approval of an Open Space Scheme under the legal agreement.

The raising of Rolle Road and associated resurfacing and landscaping will greatly enhance the enjoyment of users of this popular through-route and this is considered a significant benefit of the proposal.

In summary, the application 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, ENV3, H1, H3, T1, T2 and T3 of the GTNP.

Impact on Residential Amenities:

The proposed layout 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. The application proposal sits to the south of Rolle Road and given the proposed intervening vehicular highway and retained Rolle Road, the distance between the dwellings proposed under this application and the RM scheme is acceptable.

It will be important to protect residential amenities from the effect of the construction phase but this does not mean that development should be resisted. Short-term disruption through the build process can be addressed through appropriate conditions and the Environmental Protection Officer (EPO) has recommended conditions to secure compliance with the submitted Construction Management Plan (CMP) and to control hours of construction works.

In the longer term, it is not considered that the increase in traffic movements and general day-to-day activities associated with 19 dwellings would give rise to an unacceptable level of disturbance to residents so as to justify refusal and the same is considered for the impacts of the masterplan proposal of 173 dwellings. This position is supported by the EPO who is raising no objection in this regard.

The use of the land to the south for public open space and this relationship with the rear gardens of these dwellings needs to be carefully considered and a condition is recommended to secure details of this boundary treatment and of the management of this open space and features such as external lighting

Accordingly, the proposal is considered to be in accordance with the provisions of Policies DM01, DM02 and DM04 of the NDTLP.

Access, Parking and PRoW:

The application proposes vehicular access via a newly routed vehicular access along the south of Rolle Road. This access would also serve the neighbouring commercial development to the west. Pedestrian connections will be provided either side of the site access and through a re-graded Rolle Road.

The application is supported by a Transport Assessment (TA), which reviews accessibility associated with the proposal and the likely impact of the proposed development on the local highway network. A review of the highways impacts for the masterplan as a whole is set out in the CAR where it is concluded that the overall impact of the development would provide 'safe and suitable' access and that the cumulative impact of the development would not be 'severe'.

The Local Highway Officer (LHO) initially requested further information be submitted in relation to swept path analysis. On receipt of this, the LHO has confirmed his support for the proposal subject to the inclusion of requested conditions.

The proposal involves the raising of Rolle Road in order to enable the levels across the masterplan site to physically work. These works would provide a benefit in that Rolle Road would move out of the flood risk area and it would allow enhanced public realm with a landscaped buffer to the new vehicular road. The PRoW Officer is not raising objections however he does draw the Applicant's attention to separate legislative requirements.

Given the above, and the support afforded to the scheme by the LHO, the application proposal is considered to be in accordance with NDTLP Policies ST10, GTT01, DM05 and DM06 as well as paragraphs 108 and 109 of the NPPF and Policies T1, T2 and T3 of the GTNP.

Heritage:

There are no listed buildings within this part of the masterplan site or immediately adjoining and it is not located within a Conservation Area. The Council's Conservation Officer has been consulted on the application and is raising no objections.

The Historic Environment Officer is recommending a condition to ensure that the development is carried out in accordance with the submitted Written Scheme of Investigation.

Subject to the inclusion of this condition on any decision, the development raises no concerns in respect of archaeology and the proposal is considered to be in accordance with NDTLP Policies ST15 and DM07.

Drainage:

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 rainwater'.

The application site falls within Flood Zones 2 and 3.

The application is supported by a Flood Risk Assessment and Drainage Strategy. The surface water drainage strategy is proposed to serve this application site along with the RM site (1/0528/2020/REMM) and Torridge Vale (1/0526/2020/FULM).

Devon County Council's Flood Risk Management Team (DCCFRM) and the Environment Agency (EA) initially raised objection to the surface water proposals and requested additional information and amendments to the proposal.

The EA's technical concerns have been addressed further to a revised layout being provided along with an FRA addendum (Dec 2020). The removal of originally proposed plots 120-126 (within the RM site) has addressed their concerns regarding the negative impact of such development on the floodplain. In addition, the proposed additional land lowering between the plot gardens and the river, as well as the design of the gardens, decking and housing edge shape, is likely to result in a small betterment from the new design compared to the existing situation. The EA has noted that the application for the new development south of the Rolle Road, needs to satisfy the Sequential Test. This site is in within flood zone 3a (plus flood zone 2), and the public open space aspects are within functional floodplain 3b.

In regards to the sequential test, the majority of the masterplan site now proposed for residential redevelopment is allocated in the NDTLP under Policy GTT01 and all of the site proposed for housing is within the defined Great Torrington development boundary where development is acceptable in principle. A small element of the proposed masterplan, namely the Torridge Vale element subject of this application, is in the area at risk of flooding from the River Torridge and extends outside the formal allocation. The Applicant has presented their own sequential test analysis to the Local Planning Authority, as set out in Section 5 of the Flood Risk Assessment. Your Officer has undertaken a separate sequential analysis:

In applying the guidance contained within the Planning Practice Guidance, the scope of the sequential test is to consider sites in the context of the following principles:

- Within or on the edge of Great Torrington,
- Previously developed land,
- Key in delivering the spatial vision for Great Torrington; and
- Within 950 metres of Great Torrington Town Centre.

The only site that meets the applied search criteria is the former Meat Factory to the north of the town, which is a brownfield and partly redundant employment site falling within Flood Zone 1. This site however falls to be located outside of the 950 metre distance criteria, it does not have the same visual harm as the Creamery site and the regeneration benefits arising out of its redevelopment would be significantly less. Whilst there could be additional greenfield land around the eastern side of the town to deliver a comparable number of dwellings to the application site, a specific sequential site search has not been undertaken due to any other site not being able to compete with the priority to redevelop this longstanding brownfield site and the likely distance from the town centre.

The sequential analysis notes that the former Creamery is particularly bespoke in terms of its location, constraints, benefits and also its size and the same applies to the small part of the application site that lies outside the current allocation but within the settlement boundary (subject to application 1/0526/2020/FULM). The comprehensive site area and development proposed represents an on-going collaboration between site owners in order to deliver a viable development and thus the redevelopment of this longstanding eyesore. As explained in the CAR, site constraints have also been acknowledged as particularly difficult and for this reason a "flexible approach" has been referred to within Policy GTT01, consistent with NPPF and PPG guidance. Whilst other allocated and potential residential development sites do exist and there is one comparable site with an extant planning permission, none are considered sequentially preferable to the application site being only medium term prospects (subject to viability), unallocated, or greenfield or outside the settlement and largely a greater distance from the town centre.

Also, while other sites might in their own way contribute to the vision for Great Torrington they are not comparable to the significant contribution the redevelopment of this wider site will make. Based on this assessment there are no other suitable locations, which could provide a similar quantum of development or its contribution to the Vision for Great Torrington as set out in Policy GTT. The part of the RM site to the south of Rolle Road is an essential component of the whole development and can

be brought forward and be safe in flood risk terms without increasing flood risk elsewhere, as confirmed by the EA in regards to the second part of the Exceptions Test. The major social environmental benefit potential to the Great Torrington community is clear and can only be delivered through securing the long awaited removal and redevelopment of the longstanding eyesore to the town which continues to be of grave concern to local residents, and the wider community. The regeneration of this run-down area is long anticipated and deeply desired by Great Torrington and the wider sustainability benefits this comprehensive redevelopment would deliver are considered to outweigh the flood risk.

In order to address DCCFRM's concerns, the surface water drainage strategy was subsequently amended and on the basis of the further submission of details, both statutory consultees are now raising no objection subject to requested conditions being included on any decision notice. The Applicant now proposes an underground attenuation tank in lieu of the previously proposed basin due to the location of the fluvial zones which would compromise the functionality of the basin. There is now a significant betterment in terms of reduction in run-off rates in the region of 30-50% compared to existing in line with best practice. The comprehensive drainage strategy provides the further benefit of removing flows from the combined network which is known to have capacity issues. DCCFRM flag up that the attenuation tank, which is located within the boundary of application 1/0528/2020/REMM, should be installed at an early stage within the phasing of the masterplan development as the whole redevelopment is reliant on it; this can be secured via the phasing obligation in the overarching legal agreement.

Foul drainage will be disposed of via the existing public sewer; South West Water (SWW) is raising no objection to this.

The concerns raised by third parties are noted, however the technical consultees are advising the Local Planning Authority that the proposed provisions are technically acceptable.

In light of the above, the application is considered to meet the requirements of NDTLP Policies ST03, DM02 and DM04 and NPPF and both the Sequential and Exceptions Tests are passed.

Ground Conditions and Contamination:

The application is supported by a 'Phase 1 Contamination Survey'. The EPO and the EA have reviewed this document and advised that it is very detailed and comprehensive. Given the former contaminative use of the wider locality and the confirmed presence of contamination, both the EPO and EA concur with the recommendations for further intrusive ground works incorporating this site. A scheme of remediation will be required should any contamination be identified. The EPO recommends inclusion of the Council's full standard contamination land condition and a condition to require asbestos surveys to be carried out prior to demolition.

The proposal is considered acceptable when assessed against NDTLP Policy DM02.

Ecology:

The application is supported by an Ecological Impact Assessment (EIA) prepared by Ecological Surveys Ltd. This EIA provides a strategic assessment of the site subject of this application along with application 1/0524/2020/FULM, 1/0528/2020/REMM and 1/1231/2018/OUTM. A detailed summary of the assessment, the required mitigation measures and proposals for net gain are set out within the CAR and each respective decision notice will condition adherence to the mitigation and enhancement measures set out in the EIA. On the basis of these measures being secured and followed, the proposal is considered unlikely to adversely affect ecological interests at the site. The EIA indicates that a biodiversity net gain in excess of 10% can be achieved across this site combined with applications 1/0526/2020/FULM and 1/0528/2020/REMM however when including application 1/1231/2018/OUTM this reduces to a net loss. Given the required comprehensive approach this matter is assessed within the CAR.

The application proposal involves demolition of the existing industrial building on site, where there is evidence of bat activity/roosting. Consideration has been given to the EC Habitats Directive 1992 which requires the UK to maintain a system of strict protection for protected species and their

habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places in accordance with 3 tests:-

- in the interests of public health and public safety, and provided that there is
- no satisfactory alternative and
- that favourable conservation status of the species is maintained.

With regards to the "3 tests", the proposal would represent an offense in that existing bat roosts will be destroyed; therefore, these works can only take place under an EPSL. The Council, in order to meet its legal obligations, has to give consideration to the NERC Act and the Habitats Directive 1992, which requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places in accordance with 3 tests:-

1. It is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. That there is no satisfactory alternative,
3. It will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status (FCS) in their natural range.

Consideration of the 3 tests:

Test 1: The proposal has significant benefits in terms of social and economic gains, this being its contribution towards the overall masterplan proposal which will see the removal of the unsightly redundant buildings and the visual enhancement of the site, plus the provision of houses (having regard to the Council's 5 year housing land supply), retail uses and open space.

Test 2: The creamery buildings provide bat roosts and its not feasible or desirable to retain these buildings, most of which have limited architectural interest and representing a local eyesore. The buildings removal will provide an enhancement of the site.

Test 3: The mitigation strategy has been set out within the EIA. The provision of bat boxes, a bat house (which forms part of this application), plus sensitive lighting and landscaping is considered to represent an acceptable mitigation. Further details will be required as set out in the planning conditions, however there is provision set out in this proposal which is considered sufficient to enable the LPA to conclude that this proposal is acceptable in terms of the Directive.

The 3 tests are satisfied and subject to appropriate conditions, the development can proceed without detriment to the bat population. The Council has also fulfilled its duties under the various Acts.

The proposal is considered to be in accordance with NDTLP Policies ST14, GTT01 and DM08 and Policy ENV2 of the GTNP, subject to comprehensive adherence to the mitigation and enhancement measures set out in the EIA being secured via condition.

Viability and Section 106 Obligations:

The application generates infrastructure requirements in relation to affordable housing, education, on-site public open space and highway contributions towards improved cycling infrastructure. This application proposal, along with applications 1/0524/2020/FULM, 1/0528/2020/REMM and 1/1321/2018/OUTM have been comprehensively tested in terms of viability, as detailed in the CAR. This process has concluded that a comprehensive approach to the develop of the whole allocation and adjoining land leads to a scheme that is deliverable, however this is only on the basis of 100% open market housing and no off-site financial contributions. The District Valuer's Report is appended to these committee reports.

A strategic open space provision extending to approximately 2 hectares is included within this application boundary, and will serve the needs of this application site and those of the masterplan.

The viability position is accepted however in regard to this site this is only on the basis of a comprehensive scheme coming forward and the application being included within an overarching legal agreement to secure phasing, demolition and delivery of shared infrastructure. An independent viability of this application in isolation has not been carried,

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 19 dwellings towards local housing supply on a 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.

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 scheme, collectively as part of the comprehensive development, will also deliver an over-provision of public open space beyond that which would be required for the wider 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. A comprehensive landscaping scheme will also be secured along with details of this new public open space which will secure significant visual enhancements.

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. The proposed raising and works to Rolle Road, combined with the surrounding redevelopment and landscaping, would achieve a significantly improved environment which would benefit all users beyond the development itself. 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 and is broadly in line with Policy ST17 with regard to the required mix – this will help to ensure the development provides for local needs. The DOCO has raised concern over boundary treatments and security – a condition is recommended to secure details of boundary treatments. In addition, adherence to Construction Management Plan would be secured via condition to protect residents during the construction phase. There are no objections in principle to the proposed foul and surface water drainage methods and the development of a vulnerable use within Flood Zone 3 has been justified via application of the Sequential and Exceptions Tests. Through condition the proposal will secure the protection of protected species and deliver biodiversity enhancements and includes a further bat house as mitigation for the loss of bat roosts. All of these material considerations are considered to deliver a neutral position post-development.

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 Valuer has confirmed this position. The CAR comprehensive planning balance identifies harm in this regard and weighs this against the significant benefit of securing a viable comprehensive redevelopment of the wider site. The application should, therefore, only benefit from this position if brought forward comprehensively with the other parts of the masterplan area; there has been no site specific assessment of viability. Consequently, the overall benefit of the redevelopment of the Creamery site weighs heavily in favour of the comprehensive scheme, and this sites contribution towards the overall viability must be recognised as a significant benefit. However, equally, it will be important to ensure that this site can only come forward on a phased basis given the reliance on off-site 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 application site is a brownfield site and located within the development boundary of Great Torrington. Therefore, the principle of residential development is acceptable in this location within a Main Centre. The proposed development would make a significant contribution to the District's housing needs and it is understood that there is potentially a developer already on board meaning the proposal would support the Council's five- year housing delivery in a timely manner. The site is considered to be in a sustainable location.

Given the above, the application is recommended for approval as the benefits would outweigh the identified harm, however this is only on the basis of the proposal coming forward comprehensively with applications 1/0524/2020/FULM, 1/0528/2020/REMM (and linked 1/0039/2016/OUTM) and 1/1231/2018/OUTM. A comprehensive tilted balance is undertaken for the masterplan comprehensive scheme in the CSR.

On the basis of the application coming forward under the comprehensive approach and overarching legal agreement set out in the CAR, 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.

A comprehensive tilted balance is undertaken for the masterplan comprehensive scheme in the CAR.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

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

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

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

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

- 3 No development hereby permitted shall commence until proposals for the adoption and maintenance of the permanent surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details.

Reason: The above condition is 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.

- 4 The development hereby permitted shall not be commenced until such time as the detailed design of the landscaping, site levels and road design in the part of the site located south of Rolle Road have been submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented and subsequently maintained in accordance with the agreed details.

Reason: To ensure that flood risks are not increased to third parties.

- 5 The development hereby permitted shall not be commenced until such time as a detailed construction method statement, for the demolition/construction phase works in the part of the site located south of Rolle Road, has been submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented and subsequently maintained in accordance with the agreed details.

Reason: To ensure that flood risks are not increased to third parties.

- 6 No development approved by this planning permission shall take place within the relevant phase until a remediation strategy that includes the following components 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 preliminary risk assessment which has identified:

. all previous uses

. potential contaminants associated with those uses

. a conceptual model of the site indicating sources, pathways and receptors

. potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

- 7 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.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from

previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

- 8 No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

- 9 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the requirements A to D have been complied with. If unexpected contamination is found after development of the relevant phase 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 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: o human health, o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, o adjoining land, o groundwaters and surface waters, o ecological systems, o 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 conditions B, C and E below.

B. Submission of Remediation Scheme

A detailed remediation scheme of the relevant phase 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 is 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 of the relevant phase 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 is 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 condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 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 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.

- 10 A waste audit statement shall be submitted to and approved by the Local Planning Authority prior to the commencement of development of the relevant phase. This statement shall include all information outlined in the waste audit template provided in 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 of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document.

- 11 Prior to the commencement of any development of the 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.

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 protect the trees and hedgerows to be retained on this site from damage before and during the course of development.

This pre-commencement condition is required to ensure that the Local Planning Authority is satisfied of the proposed tree and landscaping works prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the loss of existing trees and/or hedges which are of amenity value.

- 12 Prior to the commencement of development of the 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 CMP 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 wheelwashing facilities
 - g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression
 - h) impact assessments and associated mitigation measures in relation to noise, vibration, dust and lighting. (Assessments must be carried out by suitably qualified persons and the plan should demonstrate the adoption and use of best practice to reduce impacts)
 - 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
 - l) detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

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

Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and the free flow of traffic and to safeguard the amenities of the area in accordance with Policies DM01, DM02 and DM04 of the North Devon and Torridge Local Plan.

- 13 Construction works shall not take place other than between 0730hrs and 1800hrs on Mondays to Fridays, Saturdays between 0900hrs and 1700hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

- 14 Prior to demolition of the relevant buildings, the structures and land shall be surveyed by a competent person for the presence and identification of materials containing asbestos. The removal and disposal of asbestos containing materials must be carried out in accordance with the Control of Asbestos Regulations 2012, HSG248 and other relevant guidance by a suitably qualified contractor with an appropriate waste carrier licence.

Reason: In the interests of public safety.

- 15 Prior to construction above slab level, full details (including species, type and size at time of planting) of all proposed tree planting and landscaping and the proposed times of planting, have been approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the agreed scheme and at those times specified. If within a

period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the visual amenities of the area.

- 16 Prior to construction above ground floor slab level of the relevant phase a plan identifying the location of public open space, amenity areas and play areas shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall define the boundaries and shall include details of the intended future uses of each area, in particular the user age groups of play areas together with the features and items of play equipment it is proposed to install. The open space details shall be considered comprehensively with the development approved under application 1/0528/2020/REMM and in line with the Open Space Scheme required by the associated legal agreement.

Reason: To ensure a satisfactory provision of different forms of open space throughout the development in the interests of the amenity of future residents.

- 17 Notwithstanding the details shown in the application hereby permitted, prior to their installation, full details of all boundary types shall be submitted to the Local Planning Authority for approval. Specific consideration should be given to the rear boundaries that adjoin the public open space, to reduce the potential for antisocial behaviour. The approved boundary treatments shall be installed prior to occupation of the associated dwelling and not at any time be removed, either in whole or in part. For the avoidance of doubt, no new points of pedestrian access shall be created directly onto the public open space.

Reason: In order to confirm the specification and design of the boundary treatments in the interests of the character and appearance of the development and to prevent crime and disorder.

- 18 Notwithstanding the details shown in the 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.

- 19 The development shall proceed in accordance with the Written Scheme of Investigation prepared by LP Archaeology (document ref: LP3759B-WSI-v1.4) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development.

- 20 The development shall be carried out in strict accordance with the recommendations and mitigation methods outlined in the submitted Ecological Impact Assessment dated September 2019 and the Landscape and Ecological Management Plan dated October 2019, both prepared by Ecological Surveys Ltd.

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.

- 21 Details of the numbers and locations of new biodiversity net gain features (including bat tubes, bird bricks, solitary bee bricks, barn owl nest box, hedgehog houses), as recommended within the Ecological Impact Assessment Ecological Impact Assessment dated September 2019 and prepared by Ecological Surveys Ltd, shall be submitted to and agreed in writing by the Local Planning Authority. This provision should be considered comprehensively along with the development consented under applications 1/0524/2020/FULM and 1/0528/2020/REMM. The agreed details shall be implemented prior to occupation of the relevant dwellings hereby approved and retained thereafter as such.

Reason: In the interests of the ecology and biodiversity interests of the site.

- 22 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.

- 23 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, D-F and Part 2, Class A of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.

Reason: To ensure that flood risks are not increased to third parties.

- 24 The vehicular site access visibility splays shall be constructed, laid out and maintained for that purpose at the site accesses in accordance with the Drawing Number: AT2395 121A prior to the commencement of onsite work.

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

- 25 Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with Drawing Number: AT2395 121A where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 42 metres in the western direction and 22.8 metres in the other direction.

Reason: To provide adequate visibility from and of emerging vehicles.

- 26 The site access road to any housing phase shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway prior to commencement of any other part of that phase of development.

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

- 27 No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning areas, parking spaces and garage/hardstanding, access drives and surface water drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 28 In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, 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

- 29 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.

- 30 No part of the development hereby approved 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

- 31 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 on site facilities are available for all traffic attracted to the site, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

- 33 When once constructed and provided in accordance with the conditions above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that these highway provisions remain available.

Plans Schedule

Reference	Received
ACL.1151.204 A	01.12.2020
ACL.1151.207 B	01.12.2020
ACL.1151.208 A	01.12.2020
ACL.1151.210 A	01.12.2020
ACL.1151.211 A	01.12.2020
ACL.1151.212 A	01.12.2020
ACL.1151.213 A	01.12.2020
ACL.1151.214 A	01.12.2020
ACL.1151.264 A	01.12.2020
ACL.1151.265 A	01.12.2020
ACL.1151.270 A	01.12.2020
ACL.1151.271 B	01.12.2020
AT2395 109 A	01.12.2020
AT2395 107 A	01.12.2020
AT2395 110 B	01.12.2020
AT2395 113 A	01.12.2020
AT2395 114 B	01.12.2020
AT2395 128 B	01.12.2020
AT2395 145	08.03.2021
ACL 1151 004 A	23.06.2020
ACL 1151 007	23.06.2020
ACL 1151 209	23.06.2020
ACL 1151 221 A	23.06.2020
ACL 1151 222	23.06.2020
ACL 1151 223	23.06.2020
ACL 1151 229	23.06.2020
ACL 1151 230	23.06.2020
ACL 1151 233	23.06.2020
ACL 1151 234	23.06.2020
7177 A01	23.06.2020
ACL 1151 269	23.06.2020
AT2395 111	23.06.2020
AT2395 112	23.06.2020
AT2395 121	23.06.2020
AT2395 124	23.06.2020
AT2395 125	23.06.2020
AT2395 126	23.06.2020
AT2395 127	23.06.2020
AT2395 129	23.06.2020
AT2395 130	23.06.2020

AT2395 132	23.06.2020
AT2395 133	23.06.2020
AT2395 134	23.06.2020
AT2395 135	23.06.2020
AT2395 136	23.06.2020
AT2395 137	23.06.2020
AT2395 138	23.06.2020
AT2395 139	23.06.2020
AT2395 140	23.06.2020
AT2395 141	23.06.2020
AT2395 142	23.06.2020
AT2395 143	23.06.2020
AT2395 144	23.06.2020

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 and changes to be made 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.