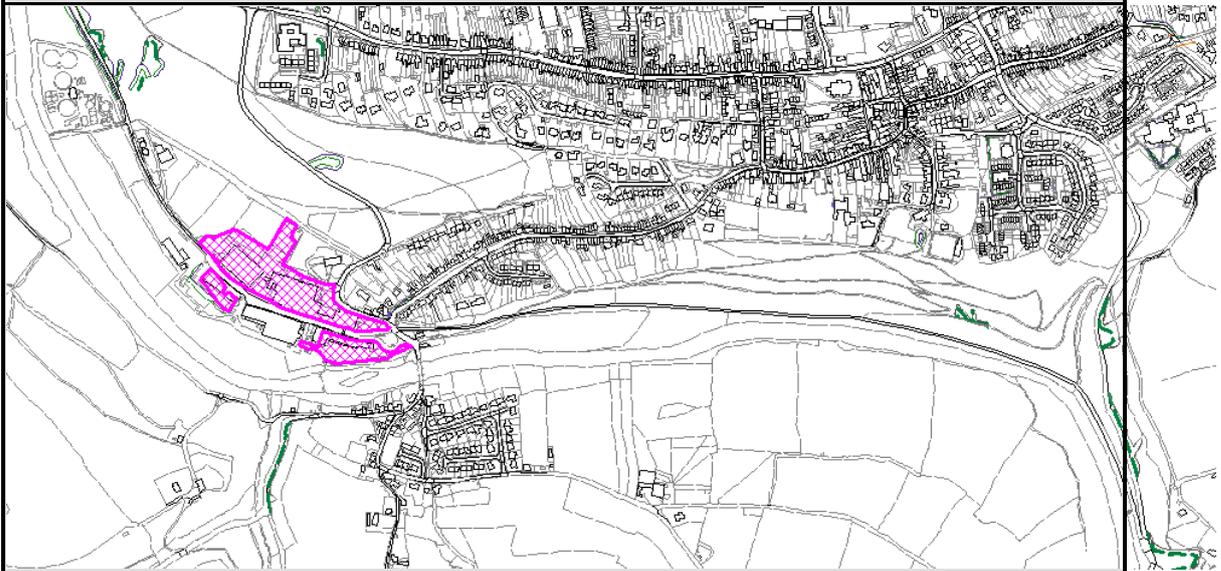


Committee Report – 23-07-2021

Application Number:	1/0528/2020/REMM
Registration date:	24 June 2020
Expiry date:	23 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:	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
Recommendation:	Grant



Reason for referral:

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 AND THREE ADDITIONAL SILOS	PER	10.07.1990

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 200m ² 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 1,300m ²) 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 200m ² 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	PER	20.06.2017

	(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	
1/0526/2020/FULM	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 (Affecting a Public Right of Way). (amended plans, FRA addendum, Written Scheme of Investigation)	PDE	
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 access via the existing 3	PCO	

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 the subject of this reserved matters application (RM) currently benefits from a hybrid planning approval (Ref: 1/0039/2016/OUTM) and comprises the former Creamery buildings and associated hard standing areas. The site features several substantial derelict buildings and concrete hard standing areas.

The RM site is covered almost entirely with existing buildings and hardstanding areas and features a substantial north-south cross fall, with an average change in level of approximately 8 metres from north to south. Where the RM site extends north alongside the site subject to application 1/0524/2020/FULM, the existing ground levels continue to rise at a gradient of approximately 1:8. For the most part, the substantial changes in level are reconciled with large retaining walls within the existing buildings.

The existing buildings on the site are substantial; in some places, the flat roof level is 38 metres above Rolle Road to the south. The existing buildings are in exceptionally poor condition and need to be demolished as a priority on health and safety grounds.

The site is dissected by "Rolle Road" which is in the ownership of the Torrington Commons Conservators. This is the former route of the Rolle Canal and is now a public right of way that provides a popular link between Taddipport, Town Mills to the east and the Tarka Trail to the north, joining the trail at the former railway station (Puffing Billy). The site adjoins the River Torridge to the south and in the south-east corner, the historic bridge is adjacent to an area of open space which borders the river. To the south of the site are operating employment units (Torridge Vale site subject to application 1/0526/2020/FULM), with a transport depot to the west, both of which are outside the red edge to the site but use Rolle Road as their access road.

The site is not subject to any landscape or heritage designations however there are listed buildings sited to the northeast and southeast of the site. The site falls within Flood Zones 1, 2 and 3.

The Proposal

Following the grant of the Hybrid (full and outline) planning permission (1/0039/2016/OUTM) Condition 3 of the decision notice required an application detailing the following reserved matters:

- . Layout;
- . Scale;
- . Appearance; and,
- . Landscaping.

Access from Limer's Hill was approved under permission 1/0039/2016/OUTM. The red line for this RM application is smaller than that for the Hybrid permission and omits Rolle Road. It does include an area at the southeast corner of the site up to the River Torridge where it is proposed for surface water attenuation to be sited to serve both this application site and the developments proposed under applications 1/0524/2020/FULM and 1/0526/2020/FULM.

This RM proposes only residential development and 4 retail units. The employment element approved by the Hybrid Permission is not brought forward on the basis of market, marketing and viability considerations (discussed above in the CAR and below in the planning considerations).

The RM proposes 71 dwellings broken down as follows: 14 x 1-bed, 26 x 2-bed and 31 x 3-bed. Most of these residential units will be traditional 2-storey dwellings however the 14 1-bed flats and retail units are proposed within a key building to be sited at the eastern part of the site with a frontage onto Limer's Hill and Rolle Road. This building will be set out 3 storeys, however, will take the appearance of a 2-storey building from Limer's Hill due to the change in levels. This building seeks to reference the historic employment use of the site and would be constructed in brick under a flat roof. Retained date stones from the main Creamery site are to be installed on the south elevation of this building as required by Condition 26 of the Hybrid Permission. A dedicated car park for the flats (1.5 spaces per flat) is provided adjacent to the building with direct access from Limer's Hill. Car parking and servicing for the retail units (9 spaces) is provided to the south of Rolle Road within the boundary of application 1/0526/2020/FULM.

The public open space that is required by the legal agreement associated with the Hybrid Permission is not being provided within this RM site and, instead, a comprehensive strategic open space provision of an alternative form is included within application 1/0526/2020/FULM with the required allotment provision within application 1/1231/2018/OUTM.

Consultee representations:

Great Torrington Town Council:

First Response:

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.

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.

Devon County Council (Highways):

First Response:

Observations:

With regards to the main access for the development, I am satisfied that this offers safe and suitable access for the spine road through the development. I have no issue with this.

However, it appears that there is an additional access proposed that would allow access for the parking area to the north of the flats/retail units. These spaces would be for the dwellings numbered 59 to 72. No details have been provided for this access and I would expect this to be included in the application. I await details.

I am also concerned that the parking area for the dwellings number 59 to 72 can only be reasonably accessed to other parts of the development by links that include steps. This requires amendment to ensure those with mobility issues can successfully access the wider community.

Having looked at the drawings, I believe further clarification is required in terms a swept path analysis for two of the internal junctions and a turning head. These are required to ensure turning manoeuvres are achievable for a vehicle up to the size of a standard refuse lorry.

These points, denoted on drawing number: ACL.1151.206 are:

1. The intersection of Road 1 and Road 3
2. The intersection of Road 2 and Road 3
3. The turning head to the western end of the site.

I note on the drawings that a "reinforced soil slope" runs adjacent to Rolle Road. Bearing in mind its proximity to the highway, if this feature is 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 have concerns to how pedestrians will access Mill Street, which is probably the most logical route for walking to the town centre. As it stands, pedestrians will need to exit Rolle Road and walk along the highway in order to cross to the steps opposite. A short section of footway on the development side of Limers Hill would act as a safe waiting point and allow safer crossing movements. This should be included in the drawings.

I note the two groups of dwellings (dwellings 95 - 100 & 120 - 126 on drawing number:ACL.1151.205) to the south of the site are not reached via the access and internal spine road with this Reserved Matters application. I would ask for the Planning Authority to ensure any phasing of the overall site takes this into account so access can be made for these dwellings.

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.

At this stage, I require clarification on the above points before a decision raising no highway objections can be raised.

Second response

Please accept the following comments as a further response to my previous recommendation.

Although I was satisfied with the proposed development's primary access, details had not previously been provided relating to the access for the car parking area for the dwellings numbered 59 to 72. However, I note this information has now been included and I can confirm that this is acceptable.

Similarly, I can also confirm receipt of swept path analysis drawings, which are also acceptable. I had previously raised concerns regarding the ability for pedestrians to access Mill Street from the site. The inclusion of a footpath adjacent to the site boundary has overcome this issue.

I have also raised the issue of the use of attenuation crates and their proximity to the public highway. It appears that the applicant has accepted these comments as no crate system lie within 5 metres of any highway that is intended for adoption.

Notwithstanding the other points I noted in my previous response, I am satisfied that the issues that I have raised have been satisfied. As a result, I believe that the proposed development offers 'safe and suitable' access and that the cumulative impact would not be 'severe', as are the tests of the National Planning Policy Framework (NPPF).

No objections.

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.

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.

It is noted that the industrial units previously proposed to the west of the application site have been removed and proposed dwellings now occupy this area. It is worth mentioning that the area immediately to the west of these dwellings, specifically plot 95, is currently used as an HGV parking

area. Although it is acknowledged that the proposed dwelling (plot 95) has no openings associated to habitable rooms that face towards the HGV parking area, there is the potential for some disturbance to arise at the property. It would be prudent to further investigate possible measures to mitigate any potential adverse impact.

Strategic Enabling Officer:

The applicant presented a case at the outline application stage that the provision of affordable housing on this scheme would make the scheme unviable. Evidence to support this position was submitted by the developer in the form of a development appraisal which was assessed on behalf of Torridge District Council by the District Valuation Office.

Through this assessment, the District Valuation Office concluded the provision of Affordable Housing on this development is not a viable proposition and as a result no Affordable Housing was secured through the associated outline planning application with reference 1/0039/2016/OUTM. This position remains unchanged and therefore no affordable housing can be sought through this application.

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 0526 respectively.

It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour. Based on the area in question, neighbouring sites, evidence of previous criminal and anti-social activity in the locale, and by examination of all other available factors to forecast any potential future problems, recommendations are made below. 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.

0528/2020 Site Specific Recommendations.

-The front/side boundaries of plots 14 & 58 will require clear definition with for example either hedging or railings to prevent unwanted access.

- 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.

Residents access to the flats must have access control with no tradesperson or timed- release mechanisms.

The parking provision of 1.5 spaces per flat is noted. It is vital that the parking provision is both enough, when balanced against the schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles, and so designed that it is convenient and practical to use, for example, side by side parking as opposed to tandem style parking, as this will encourage its use and reduce the level of unplanned parking elsewhere. It is the 'elsewhere parking' that can introduce a source of conflict and rancour amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets.

The resident's car park should be lit to the relevant levels as recommended by BS 5489-1:2013. Consideration should be given to gating the resident's carpark to prevent miss-use by patrons of the retail units and those looking to park while using the adjacent public open spaces and footpaths.

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 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 basin 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 cannot 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.

Observations:

Following my previous consultation response FRM/TO/0528/2020, 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 required diversion if development is proposed within 3m of it or the intention is to have it retained in private areas.

DCC Archaeology Section:

I refer to the above application and your recent consultation. The consent granted for the outline application 1/0039/2016/OUTM is conditional upon a programme of archaeological work being undertaken - Condition 16.

To date, while a written scheme of investigation has been approved and submitted to your Authority, these work have yet to be undertaken. I would be grateful if you could make the applicant aware of the outstanding requirement for these works to be undertaken.

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 building 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:

First Response:

We were consulted on 10th July on the following applications:

- . 1/0528/2020/REMM
- . 1/0525/2020/DIS

Both of these applications relate to one hybrid application (1/0039/2016/OUTM).

Condition 30 of the decision notice for 1/0039/2016/OUTM states:

'A waste audit statement shall be submitted as part of the reserved matters application for this development. 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.'

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.

Application 1/0528/2020 doesn't appear to have any such statement submitted as part of the reserved matters and therefore one should be requested. As highlighted above, this document is required to be submitted as per condition 30 on the decision notice of the hybrid application 1/0039/2016/OUTM.

In relation to 1/0525/2020/DIS, condition 30 is referenced here, however, we cannot locate the Waste Audit Statement on your website. Could you please confirm if one has been provided, and if so send us a copy?

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>

Second Response:

Apologies, I didn't notice the Waste Audit Statement within the Design and Access Statement.

I have reviewed the statement provided for the planning applications:

- 1/0526/2020/FULM
- 1/0524/2020/FULM
- 1/0528/2020/REMM

The applicant has made good initial attempt at addressing the issues of how waste is managed in accordance with the waste hierarchy. However, no specific details have been provided about how this will be achieved during the construction and operational phase of the development.

It is noted that the statement mentions full details will be provided in the Construction Management Plan prior to the commencement of works and will likely be a condition of any consent. We are content for this additional information to be provided at a later date and as such request a pre-commencement condition to be attached to any consent to require the submission of a more detailed waste audit statement in advance of the commencement of development. Our preference is for the waste audit statement to be provided as a separate document to the Construction Management Plan as it will need to cover the operational phase of development as well as during construction.

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-wastepolicy/supplementary-planning-document>

Natural England:

Natural England currently has no comment to make on the approval of reserved matters. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

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/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.

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 6 (Contaminated land) and 15 (CEMP) of outline consent 1/0039/2016/OUTM remain in force (or are replaced with equivalents) and conditions are added 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;

The suggested wording for these additional 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

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>.

Representations:

Number of neighbours consulted:	55	Number of letters of support:	0
Number of representations received:	13	Number of neutral representations:	3
Number of objection letters:	9		

The letters of representation raise the following material planning matters:

- The retail/flats building is of a poor design quality.
- The date plaques should be retained in the new development.
- The Torrington Commons must be protected.
- Concerns over surface water and flood risk impacts to neighbouring land.
- The uses proposed at RM stage are not in line with the hybrid permission.
- Housing numbers have changed compared with the hybrid permission.
- There has been no design review of the proposal.
- The BfL12 assessment is inaccurate/incorrect.
- There is no reference to sustainability and climate emergency.
- The open space proposal is inadequate.
- The retail/apartment building will harm the setting of the listed buildings on the opposite side of the road and cause amenity harm by reason of overshadowing and overlooking.

A number of matters raised in letters of objection concern planning considerations that were material at the outline stage or relate specifically to conditions on the outline planning permission. Such comments include:

- 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.
- Appropriate health and safety measures must be put in place during construction.
- Construction times must be restricted.
- Additional capacity should be provided at local schools, health centres etc.
- The development will be highly dependent on car usage and not enough is being done to promote walking and cycling.
- The Transport Assessment is flawed.
- 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 works.
- 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 development should provide uses other than just housing.

The above considerations are not relevant at this RM stage where only details of layout, scale, appearance and landscaping are for determination.

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); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST17 (A Balanced Local Housing Market); 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 Torridge District Council in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in December 2018 and it was subject to formal consultation in February - March 2019. Subsequently it has been subject to formal examination, with the examiner's report received on 8th December 2019. Torridge District Council made a decision at a meeting on 2nd November 2020 that the neighbourhood plan meets all statutory requirements and may proceed to referendum; with the outcome formally recorded on a Decision Statement. Subsequently, a referendum was held on the 17th June 2021, with the result concluding that Torridge District Council should use the Neighbourhood Plan for Great Torrington to help it decide planning applications in the neighbourhood area. A report recommending that the neighbourhood plan be 'made' will be taken to a meeting of the Council in due course. In accordance with paragraph 48 of the National Planning Policy Framework, relevant policies of the draft Neighbourhood Plan may be a material consideration in determining planning applications; with planning practice guidance indicating that a plan that has reached the status of the Great Torrington Neighbourhood Plan can be given significant weight in decision-making, so far as the plan is material to the application.

The following policies are considered material and should be afforded significant weight: ENV1: Landscape Protection; ENV2: Wildlife Enhancement; ENV3: Enhance the Green Infrastructure of the

Parish; ENV4: Dark Skies; H1: Housing Types; H3: Design and Layout; T1: Parking; T2: Pedestrians and Cyclists; T3: Residential Parking; CF1: Community Facilities.

A summary of the relevant planning policies is provided within the CAR.

Planning Considerations

The main planning considerations of relevance to this reserved matters application are:

- The principle of development and the Hybrid planning permission.
- Layout.
- Scale and External Appearance.
- Landscaping.
- Other Matters.

The principle of development and the Hybrid planning permission:

The application site benefits from a hybrid planning permission for 149 dwellings (13 of which were permitted in full), employment uses (5 units of B1, B2, B8 or mixed B uses extending to approximately 1300 sqm), retail (A1 up to 200 sqm) and infrastructure.

The principle of development is therefore established through the outline element of this earlier planning permission. Furthermore, the site forms a significant part of an allocation for mixed use, residential-led development under Policy GTT01. A comprehensive approach to development is being promoted and this site forms part of an overall masterplan along with applications 1/0526/2020/FULM, 1/0524/2020/FULM and 1/01231/2018/OUTM, which is considered to comply with the aspirations of Part 1 of Policy GTT01.

The application proposes the erection of 71 dwellings against an approved outline figure of 136. As a matter of principle, it is important to establish whether this level of development is considered acceptable both in terms of it being pursuant to the outline permission but also in terms of the requirements of Policy GTT01. Policy GTT01 seeks the development of approximately 190 dwellings. Three further applications are being considered comprehensively with this RM site and will bring forward a totality of 173 dwellings, which is not considered to be too far removed from the allocation target to suggest that the aspirations of policy GTT01 are being compromised. As will be discussed further below, the density and scale of development is considered appropriate for this site given the surrounding context in this edge of settlement location. Given this, the proposed level of development is also considered to be consistent with the aims of NDTLP Policy ST02(b) which requires development to conserve and enhance the natural, built and historic environment through the prudent use of key resources including land, buildings and energy, whilst protecting and enhancing the areas biodiversity, geodiversity, landscape, coastline, air, water, archaeology and culture.

The RM seeks to deliver a modest element of retail/commercial uses consistent with the Hybrid permission's requirements however no traditional employment uses are proposed. The Hybrid permission does not require delivery of the approved employment element by a certain point and as discussed above in the CAR, the Applicant has justified the removal of employment uses within the development, through the submission of a Viability Appraisal and Employment Land Demand statement. The RM retail element totals 440.5 square metres and is broken down into 4 separate units. Letters of representation question whether the amount of retail that is now being brought forward is lawful under the Hybrid Permission with reference to the description of development stating, 'up to 200 sqm.' Condition 25 of the Hybrid Permission seeks to protect retail uses in the future development in order to secure a local centre; there is no specific floor area stated. Since the Hybrid permission was issued there has been a change to the Use Classes Order whereby a new Use Class E has come into force which includes both retail uses and the previous B1 employment use class together meaning they can interchange. Therefore, it is considered that uses under Class E of up to 1500 square metres could logically come forward at the RM site meaning that this could take the form of either offices or retail uses. Given this, it is considered that the proposal for 440.5 square metres of retail floorspace is wholly compliant with the Hybrid permission.

Section 106 Agreement Requirements:

The Hybrid planning permission was subject to a Section 106 Agreement that secured on-site public open space in the form of a Local Area for Play (LAP), a Locally Equipped Area for Play (LEAP) and a Neighbourhood Equipped Area for Play (NEAP). In pursuing a comprehensive approach to the wider redevelopment of the site, a large strategic area of open space within application 1/0526/2020/FULM is now proposed to serve the masterplan development. Therefore, the RM proposal includes no public open space meaning the proposal is in conflict with the onsite requirements of the associated legal agreement. Given the need for the 4 planning applications to be considered together with a new linked legal agreement, this matter of conflict can be addressed through appropriate wording.

The viability of the RM proposal was tested at the time of the consideration of the Hybrid application and it was concluded that the scheme was unable to provide any affordable housing or off-site financial contributions. The current applications are again supported by an overarching viability assessment, which is discussed within the CAR. The conclusion of this process is that the comprehensive masterplan development is also unable to deliver any affordable housing or financial contributions.

Hybrid Permission Planning Conditions

A number of conditions included on the outline planning permission require the submission of details for approval, with some of these being prior to commencement. A number of these conditions have already been discharged via application 1/0194/2019/DIS, including a phasing plan and demolition method statements. There is also a requirement within the associated legal agreement and via condition that the entire Creamery site is demolished prior to any dwellings being erected on the northern site benefiting from full permission for 13 dwellings.

The Applicant has submitted various details as part of a further discharge of condition application alongside this RM to satisfy the requirement to discharge certain outstanding Hybrid conditions. These details include: Flood Risk Assessment (Condition 7), Surface Water Drainage Scheme (Condition 8), road and infrastructure details – Transport Assessment (Condition 9), Garage Hardstanding and Parking Spaces – submitted layout (Condition 10), junction visibility splays – submitted drawings (Condition 14); tree and hedge management plan - LVIA drawings and LEMP (Condition 23); external materials – building finishes drawing (Condition 24), lighting – (Condition 27), noise mitigation – (Condition 28) and Waste Audit Statement (Condition 30).

It is not considered that the scheme for approval conflicts with any of the conditions contained on the Hybrid permission.

Layout:

The CAR provides a detailed assessment of the layout of the proposed comprehensive development. Specifically, it is considered that the RM proposes an acceptable layout at an appropriate density for this location (impacts in respect of scale are considered below) within a carefully considered layout that seeks to retain natural boundaries, provide additional hedgerows and tree planting where possible, create active street frontages and permeability. The layout is therefore considered to meet the aspirations of Policies DM04, DM08A and GTT01 together with Policies ENV1, H1 and H3 of the GTNP.

The public open space to serve the development is now to be provided separately to this RM site, within land subject to application 1/0526/2020/FULM. The 2 hectares of strategic open space would serve the wider masterplan development of 173 dwellings. Normally, developments of 71 dwellings would be expected to have integrated public open space. The approach taken has been justified in order to facilitate a comprehensive scheme that is both viable and deliverable. Therefore, whilst your Officer would normally seek layouts that spread open spaces throughout, in this case, the layout is considered acceptable being mindful of the need to secure a deliverable development

Whilst points of vehicular access and the impact on the wider highway network is not up for re-consideration, Members do have to consider onsite highway matters associated with the layout,

including parking provision, internal street networks and pedestrian routes. The Local Highway Authority is raising no objections to the highway layout which is deemed to be acceptable with regards to both vehicles and pedestrians. In highways terms, the proposal is deemed compliant with Policy DM05 of the NDTLP. The approach to parking provision confirms that each dwelling will have dedicated off-street parking for 2 vehicles, with the exception of the 1-bed flats which would have 1.5 spaces – this has been agreed with the Local Highway Authority. The Designing out Crime Officer (DOCO) has questioned whether the parking levels are adequate, with specific reference to the 1.5 spaces allocated to the 1-bed apartments. These comments are noted however given the proposed layout is compliant with NDTLP Policy DM06 and Policies T1 and T3 of the GTNP, it was not considered reasonable to seek amendments.

In addition to highways layout and parking, another highways consideration is 'connections'. In this case the road layout has been designed so that it can connect through the site from the primary access off Limer's Hill into the internal street hierarchy and with a through-route to access the rest of the masterplan area. Pedestrian links are provided via an improved Rolle Road and onto the public open space (subject to application 1/0526/2020/FULM) and with the northern development of 13 dwellings. It is considered the site is reasonably well connected and is acceptable in this regard.

The DOCO has further commented that *'the resident's car park should be lit to the relevant levels as recommended by BS 5489-1:2013 Consideration should be given to gating the resident's carpark to prevent miss-use by patrons of the retail units and those looking to park while using the adjacent public open spaces and footpaths.'* The Hybrid Permission includes a condition requiring details of lighting so the matter of the car park can be considered via the process. A condition is recommended to secure details of the management and security measures for the operation of the residential car park.

From a residential amenity perspective, the proposed layout ensures appropriate separation between the new dwellings with a distance of approximately 21 metres between 2 storey dwellings. The layout will ensure there is no direct overlooking of gardens (combined with the external appearance discussed below) and each plot is considered to be of an appropriate size with private amenity spaces that are well defined.

Letters of representation have raised objection to the proposed siting of the retail/apartment building due to it being sited directly opposite existing dwellings on Limer's Hill/Mill Street. The DAS justifies this location as a key location within the masterplan, where it can form the 'entrance' to the site at Rolle Road as well as a key building corner on Limer's Hill. The DAS explains that the positioning of this retail/flats building here not only suits the restricted site width but also allows the building frontage to wrap around the junction from Limer's Hill to the pedestrian route along Rolle Road. The retail facilities would be sited within a reasonable walking distance to the public open space, car parking access and bus stops whilst still being within reasonable walking distance of the rest of the masterplan. The indicative plan previously considered at outline stage identified the commercial uses in this location.

In noting the concerns of third parties, the scheme has been revised to increase the distance between the existing and proposed developments and for windows to be removed and/or obscure glazed so as to prevent window to window visibility at first floor level. It is noted that there will be some harm to the occupants of these dwellings on Limer's Hill/Mill Street insofar as their current outlook will change, however it must be noted that there is no right to a view. Furthermore, the surrounding context and grain of development, most notably within Taddiport and Mill Street, sets a street pattern where dwellings are sited close to the highway and within less than 21 metres of each other. The proposed arrangement is therefore consistent and in keeping with the surrounding pattern of development. The proposed retail/apartment block will have a two storey appearance from Limer's Hill and given the flat roof design will be lower than the opposite dwellings. With reduced scope for direct viewing between windows, along with the fact that the relationship between these dwellings and the existing Creamery buildings already establishes a proximity to the roadside, there is not considered to be such an unacceptable impact as to justify refusal.

Taking into consideration of the above points, your Officer considers that in terms of layout, the proposal will create a high quality environment for future residents that will allow connectivity within the development and beyond. The proposal is considered to be in compliance with NDTLP Policies ST02, ST04, ST06, ST10, ST14, GTT, GTT01, DM01, DM04, DM05, DM06, DM08A and DM10, as well as the relevant national policies within the NPPF and Policies ENV1, H1, H3, T1, T2 and T3 of the GTNP.

Scale and External Appearance:

The proposed elevations and submitted streetscenes demonstrate that the development will be of a quality design and the materials and elevational treatments are considered appropriate for the area. In respect of building heights, the development proposes 2 storey dwellings for the most part, with a 3 storey element for the apartments and retail units (fronting Rolle Road). It can be seen from the submitted plans that split level properties are being used to work with the change in levels. The building heights clearly response to the landscape setting and site levels and the scale of the proposal is considered acceptable from a design and visual impact point of view. The submitted LVIA concludes that there will be an overall positive impact on the landscape after development.

The proposed retail/apartment building has been designed to reference the former use at the Creamery and will incorporate 2 date stones from the original buildings (as required by Condition 26 of the Hybrid permission). The design approach, utilising brick and a flat roof, is welcomed and this building is considered an important and distinctive part of the overall masterplan.

A schedule of accommodation has been submitted which identifies house types and bed spaces. In general, the dwellings are an acceptable size and comply with the DCLG "nationally described spaces standards". The CAR gives detailed consideration to the overall housing mix for the comprehensive scheme and concludes that the balance of dwelling sizes is justified under Policy ST17.

The scale and external appearance of the proposed dwellings has been developed with the amenities of neighbours in mind and the proposal is not considered to give rise to any amenity harm by virtue of overlooking, overbearing impacts or overshadowing. As discussed above, objections have been raised with regard to the impact of the retail/apartment block on the amenities of those living opposite. The elevation fronting Limer's Hill has been amended to prevent direct window to window visibility and a condition will be included to ensure the remaining first floor window on the new building is obscure glazed. The new building will be set lower than the existing dwellings and given their existing relationship with the current Creamery buildings (which are of a much more dominant scale) the application proposal is considered acceptable in its relationship with these existing dwellings. The retail/apartment block is best located in this position in terms of delivering the aspirations of the masterplan and it is not considered that this relationship gives rise to unacceptable harm to amenity in terms of overshadowing or loss of privacy.

Overall, the scale of the proposed dwellings can be considered to be acceptable when taking into consideration surrounding development and the conditions on the outline. The proposed design and use of materials will give rise to a high-quality and interesting development. Taking the policies in the NDTLP into consideration (in particular policies ST04 and DM04 which relate to design), along with the existing character of the area, in the opinion of your Officer, the proposal is acceptable in terms of scale, height, massing, fenestration, materials and relationship to other buildings, and is thus acceptable in terms of scale and appearance.

Landscaping:

It was accepted by the allocation of the site and the granting of the Hybrid permission that the proposal's landscape and visual impact could be acceptable, however, in order for any RM scheme to be acceptable at this site it is important to secure an appropriate form of landscaping, both in terms of the retention of existing features and appropriate new planting. The Hybrid permission includes a landscaping condition.

The proposed landscaping scheme is considered to be sensitive to the surrounding landscape and context of the site and proposes high quality features. As discussed above, the layout of the development is considered to respect the landscape sensitivities of the site, particularly in regards to

the retention of existing hedgerows and trees and the introduction of additional tree planting within the development.

The Designing out Crime Officer (DCO) has commented on the layout as follows:

'-The front/side boundaries of plots 14 & 58 will require clear definition with for example either hedging or railings to prevent unwanted access.

- 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.'

A condition is recommended to secure details of boundary treatments, with specific reference to the plots raised by the DCO (some of which are covered by application 1/0526/2020/FULM). The boundary treatments in this location will need to be given careful consideration to ensure the privacy of future residents but also to deliver a high quality back drop to the public open space.

Taking into consideration the indicated landscaping scheme, the proposal is deemed to be acceptable in that it will create a reasonable amount of mitigation to assist in reducing the landscape impact of the proposal, and will also help to soften the built form whilst creating a sense of place. Thus, NDTLP policies ST04, DM04, DM08A and GTT01 and GTNP Policy ENV1 are satisfied.

Other matters:

Flood Risk and Drainage

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. A sequential test was undertaken in the consideration of the Hybrid application and due to the indicative masterplan not showing any dwellings to the south of Rolle Road and within Flood Zone 3 it was considered to have been passed. The RM proposal introduces a small number of dwellings within Flood Zone 3.

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 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, a small element of the proposed masterplan, namely the Torridge Vale element subject of application 1/0526/2020/FULM (19 dwellings) and 8 of the 71 dwellings proposed under this RM application, is in the area at risk of flooding from the River Torridge. 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 further 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.

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.

Heritage

Letters of representation have raised concern over the impact of the retail/apartment building on listed buildings that sit opposite the site on Limer’s Hill/Mill Street. The applications are supported by a Heritage Impact Assessment (HIA) which concludes that the built environment will be enhanced by the proposed development due to its high quality design, which has been led by the particular context of the application site and the desire to create a new sense of place where residents and visitors can

appreciate the local landscape, the tranquillity and the heritage of the Torridge Valley. The HIA states that 'important elements of character and setting will be preserved.' The HIA identifies that there will be some minor change to the setting of these two listed buildings as a result of the proposed development but this would have a negligible effect on their heritage significance. This position is supported by the Council's Conservation Officer who has commented as follows:

'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 building 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.'

Given the findings of the HIA and the comments provided by the Conservation Officer, the proposal is not considered to give rise to harm to designated heritage assets and is acceptable when assessed against NDTLP Policies ST15 and DM07.

The reuse of the date stones is noted and welcomed by the CO and a condition is recommended to ensure they are installed prior to the retail/apartment building coming into use.

Ecology:

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

Given the move towards a comprehensive approach to development, a site wide Ecological Impact Assessment (EIA) has been submitted alongside the suite of applications. The EIA is extremely

detailed and concludes that a Habitat Regulations assessment is not required. It proposes a series of remedial and preventative measures including avoidance, mitigation, enhancement, monitoring and the need for Construction and Landscape Environmental Management Plans (CEMP and LEMP). The masterplan area is considered to be of a moderate to high ecological value due to the presence of both maternity and hibernation roosts of lesser horseshoe bats, as well as roosts for greater horseshoe bats and at least 3 other bat species. The site also includes species rich hedgerows and grasslands. The EIA recommends a range of enhancements that create new habitats for a wide variety of species in and around the proposed buildings, as well as conserving and enhancing the habitat potential of the species rich hedgerow. The EIA provides detailed requirements for biodiversity enhancements across the masterplan site so it is considered appropriate that this RM be conditioned to come forward in accordance with the recommendations of the EIA.

Five Year Housing land Supply:

Whilst the principle for development is not for re-consideration, Members of the Plans Committee should have regard to the presumption in favour of sustainable development and fact the Council cannot currently demonstrate a 5-year housing supply within the District. This site would provide a significant contribution to the supply of housing within Torridge.

Conclusion:

The principle of this development including the access and infrastructure requirements have already been agreed. This RM identifies that the proposed layout has been designed in a logical manner using the sites constraints. The design of the scheme and the landscaping are considered to be compliant with the surrounding area and local policy and will ensure a high quality development is delivered. There is not considered to be any significant harm to residential amenity, and the proposed RM details do not conflict with any technical matters that require consideration separately under conditions attached to the outline permission.

As such, approval is recommended subject to the application being included, along with permissions under applications 1/0524/2020/FULM, 1/0526/2020/FULM and 1/1231/2018/OUTM within a comprehensive section 106 agreement to secure appropriate phasing of demolition, infrastructure and housing delivery, public open space along with a viability review as set out within the CAR above. Should application 1/0526/2020/FULM, which includes the strategic public open space provisions and parking/servicing for the retail units, not be considered acceptable, then this RM proposal would not be acceptable.

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 and inclusion in a comprehensive legal agreement alongside applications 1/0526/2020/FULM, 1/0524/2020/FULM, 1/0039/2016/OUTM and 1/131/2018/OUTM to secure public open space, a detailed phasing/demolition programme and viability review mechanisms:

- 1 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.

- 2 Development of the relevant phase 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.

- 3 Development of the relevant phase 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.

- 4 Prior to construction above ground floor slab level of the relevant phase 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 approved 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.

- 5 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 1/0526/2020/FULM 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.

- 6 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 and Rolle Road and Plots 14 and 58, 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, Rolle Road or Limers Hill.

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

- 7 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.

- 8 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 1/0526/2020/FULM. The agreed details shall be implemented prior to occupation of the affected dwellings hereby approved and retained thereafter as such.

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

- 9 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 at plots 95-100 and 120-121 without the further grant of planning permission.

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

- 10 The first floor kitchen window on the north elevation of the flats shall be obscure glazed in accordance with approved drawing ACL.1151.279 B. The obscure glazing shall be installed prior to occupation and retained as such thereafter.

Reason: In the interests of neighbouring amenity.

- 11 The retail units hereby approved shall not come into use until the associated delivery layby and short-term parking approved under application 1/0526/2020/FULM and shown on drawing A.C.L1151.207 B have been provided.

Reason: In the interests of highway safety and to ensure adequate provision for traffic that is likely to be attracted to the retail units.

- 12 The retained date stones, as agreed via condition 26 of permission 1/0039/2016/OUTM, shall be installed on the retail/apartment building in accordance with approved drawing ACL.1151.279.B prior to it coming into use and retained thereafter.

Reason: To ensure the historic reference to the previous use of the site in accordance with the hybrid permission.

- 13 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 43 metres in the either direction.

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

- 14 The residential 1-bed apartments shall not be occupied until full details of the on-going operation and management of the associated car park have been submitted to and approved in writing by the Local Planning Authority. These details shall include measures to restrict public use of the car park. Thereafter, car park shall only be used in accordance with the approved details.

Reason: To ensure adequate parking is available for the 1-bed apartments.

Plans Schedule

Reference	Received
ACL 1151 002 A	24.06.2020
ACL 1151 007	24.06.2020
ACL 1151 209	24.06.2020
ACL 1151 215	24.06.2020
ACL 1151 216	24.06.2020
ACL 1151 217	24.06.2020
ACL 1151 218	24.06.2020
ACL 1151 221 A	24.06.2020
ACL 1151 224	24.06.2020
ACL 1151 225 A	24.06.2020
ACL 1151 226	24.06.2020
ACL 1151 227 A	24.06.2020
ACL 1151 228 P1	24.06.2020
ACL 1151 233	24.06.2020
ACL 1151 235	24.06.2020
ACL 1151 236	24.06.2020
ACL 1151 237	24.06.2020
ACL 1151 238 A	24.06.2020
ACL 1151 239	24.06.2020
ACL 1151 240	24.06.2020
ACL 1151 241 A	24.06.2020
ACL 1151 242	24.06.2020
ACL 1151 243	24.06.2020
ACL 1151 244	24.06.2020
ACL 1151 245	24.06.2020
ACL 1151 246	24.06.2020
ACL 1151 247	24.06.2020
ACL 1151 248	24.06.2020
ACL 1151 255	24.06.2020
ACL 1151 257	24.06.2020
ACL 1151 258	24.06.2020
ACL 1151 259	24.06.2020
ACL 1151 260	24.06.2020
ACL 1151 261	24.06.2020
ACL 1151 266	24.06.2020
ACL 1151 267	24.06.2020
ACL 1151 268	24.06.2020
AT2395 111	24.06.2020
AT2395 112	24.06.2020

AT2395 125	24.06.2020
AT2395 126	24.06.2020
AT2395 129	24.06.2020
AT2395 130	24.06.2020
AT2395 133	24.06.2020
AT2395 134	24.06.2020
AT2395 135	24.06.2020
AT2395 136	24.06.2020
AT2395 137	24.06.2020
AT2395 139	24.06.2020
AT2395 140	24.06.2020
AT2395 141	24.06.2020
AT2395 144	24.06.2020
ACL.1151.275	21.01.2021
AT2395 145	08.03.2021
ACL.1151.276	21.01.2021
ACL.1151.278	21.01.2021
ACL.1151.280	21.01.2021
ACL.1151.277	01.02.2021
ACL.1151.279 B	13.05.2021
Figure 1A	18.12.2020
Figure 1B	18.12.2020
Figure 1C	18.12.2020
Figure 1D	18.12.2020
AT2395 121 A	03.12.2020
AT2395 123 A	03.12.2020
AT2395 124 A	03.12.2020
AT2395 127 A	03.12.2020
AT2395 132 A	03.12.2020
AT2395 138 A	03.12.2020
AT2395 142 A	03.12.2020
AT2395 143 A	03.12.2020
ACL.1151.204 A	01.12.2020
ACL.1151.205 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.1151.231 A	01.12.2020
ACL.1151.232 A	01.12.2020
ACL.1151.254 B	01.12.2020
ACL.1151.256 A	01.12.2020
ACL.1151.262 B	01.12.2020
ACL.1151.263 B	01.12.2020
ACL.1151.270 A	01.12.2020
ACL.1151.271 B	01.12.2020
ACL.1151.272 A	01.12.2020

AT2395 107 A	01.12.2020
AT2395 109 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
ACL.1151.284	27.05.2021
ACL.1151.285	27.05.2021
ACL.1151.287	27.05.2021
ACL.1151.288	27.05.2021

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.