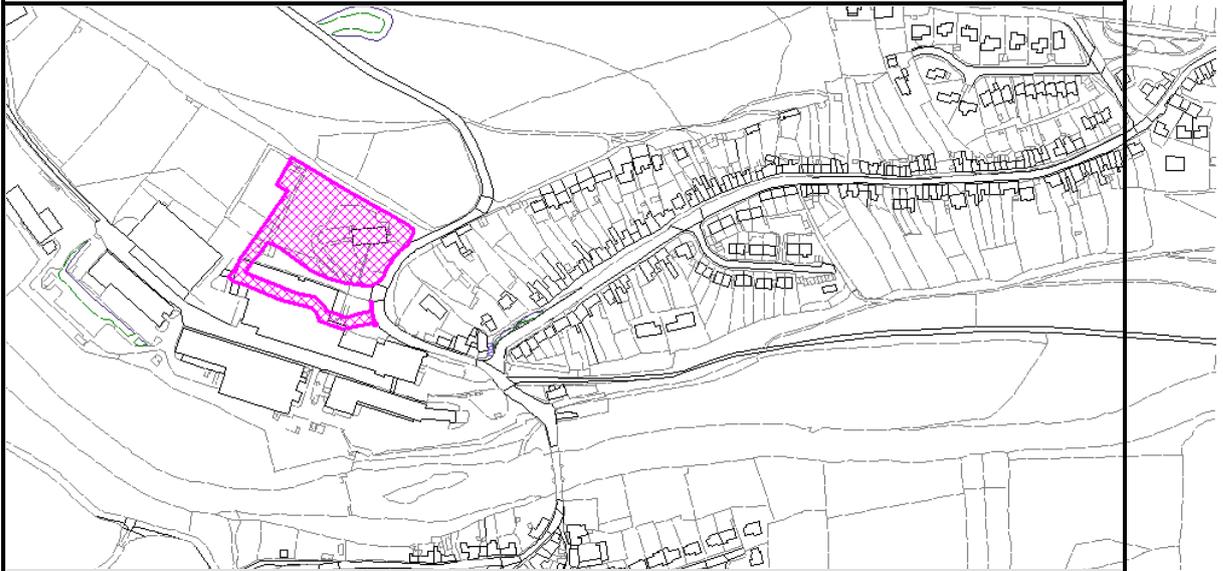


Committee Report – 23.07.2021

Application Number:	1/0524/2020/FULM
Registration date:	23 June 2020
Expiry date:	22 September 2020
Applicant:	International Property Consultancy LLP
Agent:	Lambert Smith Hampton
Case Officer:	Helen Smith
Site Address:	Highbridge House, Limers Hill, Torrington, Devon,
Proposal:	Erection of 18 dwellings with access off Limers Hill via proposed estate road
Recommendation:	Grant



Reason for referral:

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

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

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

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

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

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

Relevant History:

Application No.	Description	Status	Closed
1/0816/1975	EVAPORATOR BUILDING UNIGATE CREAMERY GREAT TORRINGTON	PER	21.08.1975
1/1231/2018/OUTM	Outline application for 50 no. dwellings, allotments, open space and up to 700sqm of B1 floorspace, with all matters reserved	PCO	
1/0528/2020/REMM	Reserved matters application for appearance, landscaping, layout and scale for construction of 71 dwellings and 4 retail units to the north and south of Rolle Road pursuant to 1/0039/2016/OUTM (amended plans, FRA addendum and amended description)	PCO	
1/0525/2020/DIS	Discharge of conditions 7, 8, 9, 10, 14, 17, 18, 19, 20, 22, 23, 24, 27, 28 and 30 of	PCO	

Site Description & Proposal

The Site:

The application site comprises a vacant building, Highbridge House, surrounded by overgrown scrub. The site is bordered by Limer's Hill to the east, a bridleway track to the north and the Reserved Matters (RM) site (subject to application 1/0528/2020/REMM) to the south and west. The site is bordered on three sides by hedges and trees, and a wall and fence to the south.

The site covers 0.58 hectares in area and slopes from north to south, with an overall change in level of approximately 7 metres creating a fall across the site in the region of 1:8. The site includes a single large building, access road, parking and overgrown landscape areas.

The site forms part of a wider site allocated under Policy GTT01 (the Former Creamery Site) and is not subject to any heritage or landscape designations. The whole site is located within Flood Zone 1. The bridleway track to the north is identified as falling within a County Wildlife Site and land to the immediate northwest falls within the Great Torrington Commons and Conservator Lands (Policy GTT06).

The Proposal:

The application is made in full and seeks planning permission for 18 dwellings. The dwellings would all be set over 2-storeys and of a traditional design faced in either render or brick. The development would be provided as 5 x 2-bed dwellings and 13 x 3-bed dwellings. The design approach is summarised within the Comprehensive Agenda Report (CAR). At least two parking spaces would be provided for each dwelling and the site would be accessed via a new vehicular access from Limer's Hill through the site subject to application 1/0528/2020/REMM.

Consultee representations:

Great Torrington Town Council:

First Response:

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

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

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

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

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

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

Second Response:

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

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

Third Response:

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

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

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

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

DCC Archaeology Section:

I refer to the above application and your recent consultation. The proposed development site appears to have been disturbed in the later 20th century by the construction of the extant building and associated hardstanding access, as such, the Historic Environment Team has no comments to make on this planning application.

Conservation Officer:

No comments.

Environment Agency:

First Response:

Thank you for consulting us on the above planning application.

We recommend that the application is not determined until it has been confirmed that the development will be served by a suitable surface water drainage scheme, which is located outside of the floodplain. Whilst the development site itself is located entirely within Flood Zone 1, if it is reliant on the proposed SUDS pond within Flood Zone 3, then this should be revised.

We have raised concerns about the location of the SUDS pond in Flood Zone 3 in our response to the associated planning applications 1/0528/2020/REMM and 1/0526/2020/FULM. This will need to be addressed before we are satisfied that the development will satisfy the Exception Test.

Further detail about our flood risk concerns can be found in our response to planning applications 1/0528/2020/REMM and 1/0526/2020/FULM. Advice on contaminated land, pollution prevention and waste is set out below.

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 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

The application should not be determined until the applicant has supplied information to demonstrate that the flood risks posed by the development can be satisfactorily addressed. We would like to be re-consulted on any information submitted to address our concerns and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

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

Second Response:

We now have no objections on flood risk grounds.

The design for the SUDs pond that has been altered in the associated planning application is acceptable to us.

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:

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

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

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

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

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

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or

downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Devon County Council (Highways):

First Response:

Observations:

With regards to the access for the development, the applicant has met the condition that was included at the 'outline' stage. I have no issue with this.

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 Roas 1 and Road 3
2. The intersection of Road 2 and Road 3
3. The turning had "Road 2TU".

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.

However, in the first instance, I require the drawings noted above.

Second Response:

Observations:

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

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

Recommend approval subject to conditions.

Planning, Transport & Environment Group Devon County Council:

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

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement.

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

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

Chief Education Officer:

Apologies, I have updated the previous response to include Early Years education. The new response is below.

We note that the proposed 18 family type dwellings will generate an additional 4.50 primary pupils and 2.70 secondary pupils which would have a direct impact on Great Torrington Bluecoat Church of England Primary School and Great Torrington School.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

The designated primary school for this development is Great Torrington Bluecoat Church of England Primary School. When factoring in approved but not yet implemented developments in the area we have forecast that the school is over capacity and therefore a contribution towards new primary education provision in the area would be required. The contribution sought towards primary would be £87,376 (based on the DfE new build rate of £19,417 per pupil). This contribution will relate directly to providing education facilities for those living in the development.

In addition, as a new primary school is required, we would also need to request a proportionate land contribution of 10sqm per family-type dwelling. Based upon a land value of £440,000 per hectare, this land contribution would equate to £7,920 and would be used to assist in the procurement of the new school site.

The designated secondary school for this development is Great Torrington School. When factoring in approved but not yet implemented developments in the area we have forecast that the school is over capacity and therefore Devon County Council will seek a contribution directly towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought towards secondary would be £60,785 (based on the DfE extension rate of £22,513 per pupil). This contribution will relate directly to providing education facilities for those living in the development.

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £4,500 (based on £250 per dwelling). This will be used to provide early years provision for children likely to be generated by the proposed development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 prices and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122. In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Natural England:

Natural England has no comments to make on this application.

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

Natural England and the Forestry Commission have also published standing advice on ancient

woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

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

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

South West Water:

I refer to the above application and would advise that South West Water has no objection.

For information a public sewer lies within the site as shown on the attached which will require diversion if development is proposed within 3m of it or the intention is to have it retained in private areas.

Environmental Protection Officer:

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

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

The application site is located in close proximity to existing residential properties which may be adversely affected from noise and dust during construction works should planning consent be granted. A Construction Environmental Management Plan should be produced by the applicant that demonstrates measures that will be adhered to during construction to prevent or minimise disturbance to neighbouring dwellings. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

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

- a) measures to regulate the routing of construction traffic;
- b) the times within which traffic can enter and leave the site;
- c) the importation of spoil and soil on site;
- d) the removal /disposal of materials from site, including soil and vegetation;

- e) the location and covering of stockpiles;
- f) details of measures to prevent mud from vehicles leaving the site and must include wheel-washing facilities
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression
- h) impact assessments and associated mitigation measures in relation to noise, vibration, dust and lighting. (Assessments must be carried out by suitably qualified persons and the plan should demonstrate the adoption and use of best practice to reduce impacts)
- i) details of any site construction office, compound and ancillary facility buildings
- j) specified parking arrangements for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed

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

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

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 0526 and 0528 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 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

The 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, boundary treatments are mentioned within 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.

Site Specific Recommendations.

. The need for access to and from the adjoining public space and bridleway is understood. However, with the above in mind I do not support the proposed location of the footpath between plots 80 & 81. Given the topography and the likely boundary treatments, 1.8m fencing or wall, there will be little or no surveillance of the path. Without suitable lighting the path will be a dark and uninviting link, which residents are unlikely to use for fear of crime and ASB. This will leave these 2 plots, 80 & 81 and associated vehicles increasingly vulnerable to crime, nuisance and anti-social behaviour.

I recommend the path be moved in line with the Road 3 to form a natural extension of this primary route. This would increase surveillance and encourage genuine use by residents and visitors.

. The rear boundaries of plots immediately adjacent to the public bridleway will require substantial defensive planting. A wide range of specimens can be planted along the boundary of a property, which offer attractive planting characteristics of colour and form, whilst containing sharp thorns to dissuade intruders.

Should you or the applicant require any clarification in respect of the above requirements, please do not hesitate to contact me.

Representations:

Number of neighbours consulted:	57	Number of letters of support:	0
Number of representations received:	7	Number of neutral representations:	0
Number of objection letters:	6		

The letters of representation raise the following matters:

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

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

GTT (Great Torrington Spatial Vision and Development Strategy); GTT01 (The Former Creamery Site); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST05 (Sustainable Construction and Buildings); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST08 (Scale and Distribution of New Development in Northern Devon); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST17 (A Balanced Local Housing Market); ST18 (Affordable Housing on Development Sites); ST23 (Infrastructure); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); DM10 (Green Infrastructure Provision); DM13 (Safeguarding Employment Land); ST01 (Principles of Sustainable Development);

Government Guidance:

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

Great Torrington Neighbourhood Plan:

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

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

Planning Considerations

The main planning considerations of relevance to this proposal are:

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

Please note, a full summary of the relevant policies is contained in the CAR.

Principle of Development

The site falls within the development boundary of Great Torrington and forms part of NDTLP allocation Policy GTT01, which seeks residential-led redevelopment of the wider former Creamery site. Policy ST06 identifies Great Torrington as forming a Main Centre where development will be supported within the development boundary.

As discussed above in the CAR, the Applicant has justified the proposed uses, including the lack of employment uses, through the submission of a Viability Appraisal and Employment Land Demand statement. A comprehensive approach to development is being promoted and this site forms part of an overall masterplan along with applications 1/0526/2020/FULM, 1/0528/2020/REMM and 1/01231/2018/OUTM; this approach is considered to comply with the aspirations of Part 1 of Policy GTT01.

The further material planning considerations are set out below.

Layout, Design and Impact on Character

The application is supported by a comprehensive Design and Access Statement (DAS) and a Landscape and Visual Impact Assessment (LVIA).

A detailed assessment of the design and layout of the proposal and its impact on landscape character is set out in the CAR. This site forms a relatively small component part of the overall masterplan, proposing 18 dwellings. As indicated in the CAR, the overall approach to design and layout is supported with the development proposal promoting a high quality scheme that relies on retained and enhanced natural boundaries and interesting elevations to the dwellings through a mixture of facing materials and architectural features.

The existing hedgerow/tree boundaries to Limer's Hill and the bridleway will be retained, which will soften and screen the development. A condition is recommended to secure these boundaries in perpetuity and prevent additional openings being created via the proposed rear gardens. Additional tree planting is proposed within the new housing development, which will help create a quality living environment. The proposal will result in the loss of existing trees; however, this is unfortunately inevitable to facilitate redevelopment. A condition requiring tree and hedgerow protection measures is recommended to ensure retained features on the boundaries are protected during construction and retained in perpetuity.

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

On matters of crime and disorder, the Designing Out Crime Officer (DOC0) has commented that he approves of many facets of the design. He notes that the general layout will provide overlooking and active frontages to the new internal streets. The DOC0 does however raise concern over the siting of the pedestrian footway linking to the development to the north (13 dwellings approved under the Hybrid Permission) and recommends this be re-sited to tie in with the access road. He further requests robust and significant boundary treatments along the northern boundary of the site. A condition is recommended to secure details of all boundary treatments, with specific reference to the plots raised by the DOC0. In regards to the pedestrian link, this is an important feature to ensure permeability and connectivity for the 13 dwellings that benefit from full planning permission. Relocating this footway further west would reduce the permeability of the overall development and it is considered that appropriate measures can be secured via condition to reduce the potential for anti-social behaviour.

In summary, the application is promoting good design, seeking to achieve a quality place for future residents as part of a comprehensive development. Inevitably the character of the locality will change from the current overgrown shrub/trees to a housing development. The removal of the redundant building and its redevelopment as part of a comprehensive proposal will lead to an overall enhancement to the wider context. The existing boundary trees and hedges will be retained to soften the appearance of the development from Limer's Hill. The scale, massing and design of the new dwellings is considered acceptable and the proposal is considered to meet the requirements of NDTLP policies ST04, ST14, GTT, GTT01, DM04 and DM08A as well as the relevant sections of the NPPF and Policies ENV1, H1, H3, T1, T2 and T3 of the GTNP.

Impact on Residential Amenities:

The proposed layout has been carefully considered to assess the potential for impacts on the amenities of the residents of the future development. Within the new development the separation distances between dwellings are considered appropriate with rear to rear distances being around 21 metres and the orientation and siting of dwellings ensures adequate spacing so as not to cause an overbearing impact and no scope for harmful overlooking.

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

In the longer term, it is not considered that the increase in traffic movements and general day-to-day activities associated with 18 dwellings would give rise to an unacceptable level of disturbance to

residents so as to justify refusal, nor would this be the case with the overall masterplan proposal for 173 dwellings, particularly when combined with the disturbance and impacts that could be expected were the site to be brought back into optimal employment use. This position is supported by the EPO who is raising no objection in this regard.

Through comprehensive redevelopment of the wider masterplan site, the existing employment uses will be removed and the phasing of this will be secured via a Section 106 obligation. This therefore means that the site will be adjoining compliant land uses in terms of residential amenity.

Given the above, it is not considered that the proposed development would result in a harmful impact on the residential amenities of neighbouring occupiers, providing the conditions recommended by the EPO are included on any planning decision.

Accordingly, the proposal is considered to be in accordance with the provisions of Policies DM01, DM02, DM04 and GTT01 of the NDTLP.

Access and Parking:

The application proposes vehicular access via the RM site and the already approved access from Limer's Hill. Pedestrian connections will be provided either side of the site access and to the bridleway to the north connecting with the approved dwellings beyond. As indicated above, car parking will be provided in line with the GTNP requirements for 2 spaces per dwelling.

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

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

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

Drainage:

NDTLP Policy ST03 requires that development takes account of climate change to minimise flood risk. Policy DM04 requires development to 'provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater'.

The application site falls within Flood Zones 1.

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

Devon County Council's Flood Risk Management Team (DCCFRM) and the Environment Agency (EA) initially raised objection to the surface water proposals and requested additional information. The EA, whilst noting that the site is located within Flood Zone 1, raised concern over the detail of the proposed surface water drainage scheme within Flood Zone 3. The surface water drainage strategy was subsequently amended and on the basis of the further submission of details, both statutory consultees are now raising no objection subject to requested conditions being included on any decision notice. The Applicant now proposes an underground attenuation tank in lieu of the previously proposed basin due to the location of the fluvial zones which would compromise the functionality of the basin. There is now a significant betterment in terms of reduction in run-off rates in the region of 30-50% compared to existing in line with best practice. The comprehensive drainage strategy provides the further benefit of removing flows from the combined network which is known to have

capacity issues. DCCFRM flag up that the attenuation tank, which is located within the boundary of the RM site, should be installed at an early stage within the phasing of the masterplan development as the whole redevelopment is reliant on it. This phasing can be secured via the S106 obligation.

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

In light of the above, the application is considered to meet the requirements of NDTLP Policies ST03, DM02 and DM04 and the NPPF

Ground Conditions and Contamination:

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

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

Ecology:

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

The application proposal involves demolition of Highbridge House, where there is evidence of bat activity and roosting. Consideration has been given to the EC Habitats Directive 1992 which requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places in accordance with 3 tests:-

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

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

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

Consideration of the 3 tests:

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

Test 2: Highbridge House provide bat roosts and its not feasible or desirable to retain this, which has limited architectural interest and represents a local eyesore. Its removal will provide an enhancement of the site.

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

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

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

Viability and Section 106 Obligations:

The application generates infrastructure requirements in relation to affordable housing, education, on-site public open space and highway contributions towards improved cycling infrastructure. This application proposal, along with applications 1/0526/2020/FULM, 1/0528/2020/REMM and 1/1321/2018/OUTM, has been comprehensively tested in terms of viability and reviewed by the District Valuer, as detailed in the CAR and summarised in the appended DV Report. This process has concluded that a comprehensive approach to the development of the whole allocation and adjoining land leads to a scheme that is deliverable, however this is only on the basis of 100% open market housing and no off-site financial contributions. A strategic open space provision extending to approximately 2 hectares is included within application 1/0526/2020/FULM, and will serve the needs of this application site.

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

Planning Balance:

As discussed above, the Local Planning Authority cannot currently demonstrate a 5YHLS to meet the identified need within the District. It is therefore necessary to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits (the tilted balance). A comprehensive planning balance is set out in the CAR, however this application feeds into that balance as follows.

In this instance, the proposal would provide a significant contribution of 18 dwellings towards local housing supply on an allocated brownfield site that is located in a sustainable location within a Main Centre. The site is therefore within reasonable proximity of a number of key services and facilities as well as public transport routes meaning that future occupants would be less reliant on the private motor car. Given the Council's current lack of a 5YHLS significant weight should be attached to the delivery of housing in this sustainable location.

The proposal would also provide a benefit to the local economy in respect of the construction of the development and improve the sustainability of Great Torrington in respect of the viability of local services and facilities. The construction phase would provide opportunities for economic benefits through job creation, albeit it is accepted this will be on a temporary basis for the construction period.

The scheme, collectively as part of the comprehensive development, will also deliver an over-provision of public open space beyond that which would be required for the level of housing proposed.

This will provide a wider community benefit as all residents of the community will be able to access it – this is a significant benefit of the proposal when assessed comprehensively. However, were this site to come forward in isolation, it would be in conflict with Policies DM10 and ST23.

The highways impacts are considered to be acceptable, both in respect of traffic generation and the proposed accesses; the Local Highway Authority is raising no objections to the proposal. The development is well designed and will ensure the amenities of existing and future residents of the new development are protected. The housing mix has been justified under NDTLP Policy ST17. The DOCO has raised concern over the siting of the pedestrian link to the north and a condition has been recommended to secure details of the boundary treatments in this location. In addition, adherence to a Construction Management Plan would be secured via condition to protect residents during the construction phase along with restrictions on hours of operation. There are no objections in principle to the proposed foul and surface water drainage methods, subject to conditions, and the Council's full standard contamination condition and an asbestos survey condition will ensure the site is cleared and safe for future habitation. Through condition, the proposal will secure the protection of protected species and the Applicant will need to separately secure an EPSL to enable demolition of Highbridge House. All of these material considerations are considered to deliver a neutral position post-development.

Turning to the adverse impacts, as discussed earlier, due to viability issues, the application is unable to secure any affordable housing or off-site financial contributions towards education, built facilities and highway improvements. The District Valuer has confirmed this position. The CAR comprehensive planning balance identifies harm in this regard and weighs this against the significant benefit of securing a viable comprehensive redevelopment of the wider site. The application should, therefore, only benefit from this position if brought forward comprehensively with the other parts of the masterplan area; there has been no site specific assessment of viability. Consequently, the overall benefit of the redevelopment of the Creamery site weighs heavily in favour of the comprehensive scheme, and this sites contribution towards the overall viability must be recognised as a significant benefit. However, equally, it will be important to ensure that this site can only come forward on a phased basis given the reliance on off-site infrastructure and the viability position only being on the basis of the high costs associated with demolition and clearing of the wider site being shared amongst all of the 4 applications.

There will be a limited element of landscape/townscape harm through the redevelopment of the site for housing together with the loss of trees within the centre of the site. Overall, however the proposal will facilitate redevelopment of a brownfield site and provide a component to the wider sustainable redevelopment of the former Creamery, which has been redundant since the 1990s.

The application site forms the residential allocation GTT01 and therefore the principle of residential development is acceptable in this location within a Main Centre. The proposed development would make a significant contribution to the District's housing needs and it is understood that there is potentially a developer already on board meaning the proposal would support the Council's 5YHLS in a timely manner. The site is considered to be in a sustainable location, as reflected in its allocation for residential development.

Given the above, the application is recommended for approval as the benefits would outweigh the identified harm, however this is only on the basis of the proposal coming forward comprehensively with applications 1/0526/2020/FULM, 1/0528/2020/REMM (and linked 1/0039/2016/OUTM) and 1/1231/2018/OUTM. A comprehensive tilted balance is undertaken for the masterplan comprehensive scheme in the CSR.

On the basis of the application coming forward under the comprehensive approach and overarching legal agreement set out in the CAR, the proposed development is therefore considered to be in accordance Policies ST01, ST02, ST03, ST04, ST06, ST08, ST10, ST14, ST15, ST17, ST18, ST23, GTT, GTT01, DM01, DM02, DM04, DM05, DM06, DM07, DM08A, DM08 and DM10 of the North Devon and Torridge Local Plan (2018), Policies ENV1, ENV2, ENV3, H1, H3, T1, T2, T3, CF1 of the GTNP and the relevant provisions of the NPPF.

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.

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Conclusion

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Recommendation

GRANT subject to the following conditions and inclusion in a comprehensive legal agreement alongside applications 1/0526/2020/FULM, 1/0528/2020/REMM, 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 to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

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

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

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

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

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

- 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the requirements A to D have been complied with. If unexpected contamination is found after development of the relevant phase has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local

Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

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

The report of the findings must include:

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

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, of the relevant phase, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

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

E. Long Term Monitoring and Maintenance

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

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

- 5 A waste audit statement shall be submitted to and approved by the Local Planning Authority prior to the commencement of the relevant phase. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

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

- 6 Prior to the commencement of any development of the relevant phase hereby granted planning permission and before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby granted planning permission, site specific details of the specification and position of the fencing for the protection of any retained hedgerows and tree/group of trees shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 7 Prior to the commencement of development of the relevant phase, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CMP shall include:-
- a) measures to regulate the routing of construction traffic;
 - b) the times within which traffic can enter and leave the site;
 - c) the importation of spoil and soil on site;
 - d) the removal/disposal of materials from site, including soil and vegetation;
 - e) the location and covering of stockpiles;
 - f) details of measures to prevent mud from vehicles leaving the site and must include wheelwashing facilities

- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression
- h) impact assessments and associated mitigation measures in relation to noise, vibration, dust and lighting. (Assessments must be carried out by suitably qualified persons and the plan should demonstrate the adoption and use of best practice to reduce impacts)
- i) details of any site construction office, compound and ancillary facility buildings
- j) specified parking arrangements for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed
- l) detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

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

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

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

Reason: To protect the amenities of neighbouring properties.

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

Reason: In the interests of public safety.

- 10 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.

- 11 The existing boundary hedgerows/trees along the northern and eastern boundaries of the site shall be retained in perpetuity, and shall not at any time be removed, either in whole or in part.

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

- 12 Notwithstanding the details shown in the application hereby permitted, prior to their installation in the relevant phase, full details of all boundary types shall be submitted to the Local Planning Authority for approval. Specific consideration should be given to the boundaries between plots 80 and 81 and the footpath access, and the rear boundaries to the north of the site onto the public bridleway, 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 Bridleway to the north or Limers Hill to the east.

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

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

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

- 14 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

- 15 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 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 1/0526/2020/FULM, 1/0528/2020/REMM and 1/1231/2018/OUTM. The agreed details shall be implemented prior to occupation of the relevant dwellings hereby approved and retained thereafter as such.

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

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

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

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

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

- 18 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.

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

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

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

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

- 21 In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

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

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

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

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

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

- 24 The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base

course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

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

Reason: To ensure that these highway provisions remain available.

Plans Schedule

Reference	Received
ACL 1151 003 A	23.06.2020
ACL 1151 007	23.06.2020
ACL 1151 204 P3	23.06.2020
ACL 1151 209	23.06.2020
ACL 1151 215	23.06.2020
ACL 1151 216	23.06.2020
ACL 1151 219 A	23.06.2020
ACL 1151 220	23.06.2020
ACL 1151 243	23.06.2020
ACL 1151 244	23.06.2020
ACL 1151 258	23.06.2020
ACL 1151 259	23.06.2020
AT2395 101	23.06.2020
AT2395 102	23.06.2020
AT2395 103	23.06.2020
AT2395 104	23.06.2020
AT2395 114	23.06.2020
AT2395 121	23.06.2020
AT2395 123	23.06.2020
AT2395 125	23.06.2020
AT2395 129	23.06.2020
AT2395 130	23.06.2020
AT2395 132	23.06.2020
AT2395 133	23.06.2020
AT2395 134	23.06.2020

AT2395 135	23.06.2020
AT2395 136	23.06.2020
AT2395 137	23.06.2020
AT2395 138	23.06.2020
AT2395 139	23.06.2020
AT2395 140	23.06.2020
AT2395 141	23.06.2020
AT2395 142	23.06.2020
AT2395 143	23.06.2020
AT2395 144	23.06.2020
ACL.1151.204 A	01.12.2020
ACL.1151.206 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.1151.249 A	01.12.2020
ACL.1151.250 A	01.12.2020
ACL.1151.251 A	01.12.2020
ACL.1151.252 A	01.12.2020
ACL.1151.253 A	01.12.2020
ACL.1151.270 A	01.12.2020
ACL.1151.271 B	01.12.2020
AT2395 107 A	01.12.2020
AT2395 109 A	01.12.2020
A2395 110 A	01.12.2020
AT2395 145	08.03.2021
ACL.1151.283	27.05.2021
ACL.1151.285	27.05.2021
ACL.1151.286	27.05.2021
ACL.1151.288	27.05.2021
ACL.1151.220 A	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.

