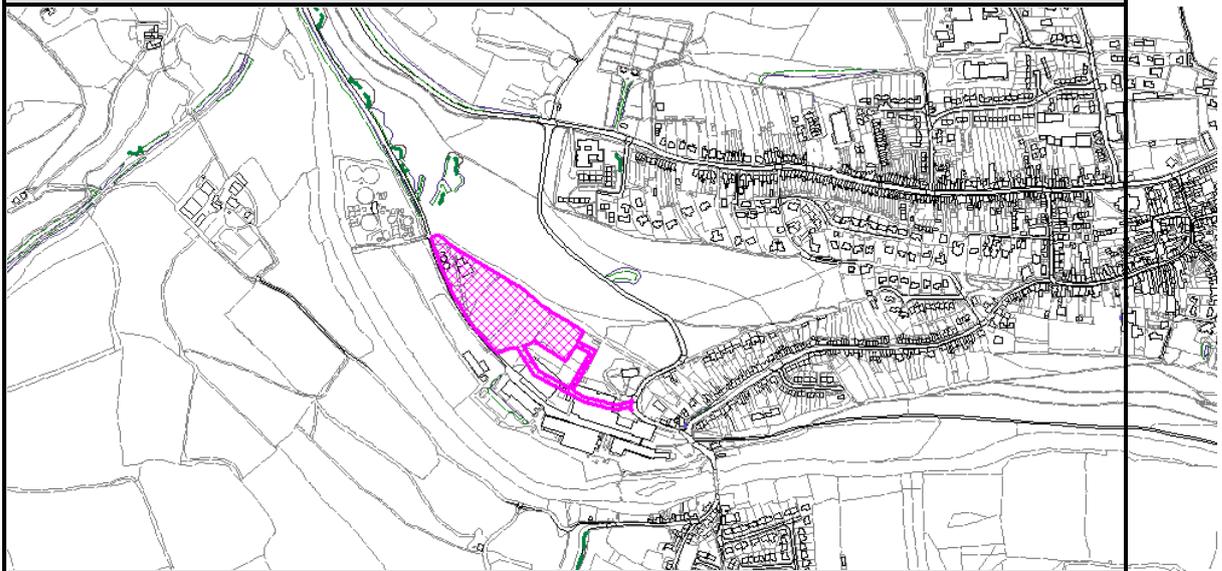


Committee Report – 23rd July 2021

Application Number:	1/1231/2018/OUTM
Registration date:	19 April 2021
Expiry date:	19 July 2021
Applicant:	Peninsula Properties
Agent:	Bell Cornwell LLP
Case Officer:	Helen Smith
Site Address:	Land At Rolle Road, Torrington, Devon,
Proposal:	Outline application for up to 52 no. dwellings and public open space with all matters reserved
Recommendation:	Grant



Reason for referral:

The application has been called-in by Cllr Brown for Plans Committee to consider: access, commons land, sewage, play provision and affordable housing.

Relevant History:

Application No.	Description	Status	Closed
1/0816/1975	EVAPORATOR BUILDING UNIGATE CREAMERY GREAT TORRINGTON	PER	21.08.1975
1/0524/2020/FULM	Erection of 18 dwellings with access off Limers Hill via proposed estate road (amended plans, FRA addendum)	PDE	
1/0525/2020/DIS	Discharge of conditions 7, 8, 9, 10, 14, 17, 18, 19, 20, 22, 23, 24, 27, 28 and 30 of planning permission 1/0039/2016/OUTM	PCO	
1/0528/2020/REMM	Reserved matters application for appearance, landscaping, layout and scale for construction of 71 dwellings and 4 retail units to the north and south of Rolle Road pursuant to 1/0039/2016/OUTM (amended plans, FRA addendum and amended description)	PDE	
1/0318/2021/NMAT	Non-material amendment to the wording of conditions 1, 6, 7, 8, 16, 18, 19, 20, 21, 22, 23 and 28; associated with hybrid planning permission reference 1/0039/2016/OUTM	PER	16.04.2021
1/0816/1975	EVAPORATOR BUILDING UNIGATE CREAMERY GREAT TORRINGTON	PER	21.08.1975
1/0524/2020/FULM	Erection of 18 dwellings with access off Limers Hill via proposed estate road (amended plans, FRA addendum)	PDE	
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	

	planning permission 1/0039/2016/OUTM		
1/0318/2021/NMAT	Non-material amendment to the wording of conditions 1, 6, 7, 8, 16, 18, 19, 20, 21, 22, 23 and 28; associated with hybrid planning permission reference 1/0039/2016/OUTM	PER	16.04.2021
1/0707/2018/SCR	Request for screening opinion	SCRP	03.08.2018

Site Description & Proposal

The Site:

The South West Water site subject to this planning application features a modest collection of buildings at the far north-western corner of the masterplan site. The rest of the site comprises 3 fields, which fall with a consistent 1:9 gradient from north to south with a level difference of approximately 12 metres across the site.

The site is bordered by hedgerows and trees throughout, and existing hedgerows breakdown the overall site into the various fields.

The site is not subject to any landscape or heritage designations.

The Proposal:

The application is made in outline with all matters reserved and proposes the erection of up to 52 dwellings. The site would be accessed via the associated masterplan sites to the east. The submitted indicative layout demonstrates that the allotment requirements (0.5 hectares) of the wider masterplan development could be provided within this site.

Consultee representations:

Great Torrington Town Council:

Yesterday, Members of Great Torrington Town Council's Planning Committee considered the amendments to application 1/1231/2018/OUTM. Members had no objections to the application subject to the following provisos:

- The viability of the development is reassessed during the course of the work in order to determine if affordable housing can be incorporated into the development.
- All flood risk concerns are addressed appropriately by the developer in accordance with any conditions set out by the relevant agencies.
- Sufficient play area space is provided for the wider development and that all equipment is suitable for an area of land subject to intermittent flooding.

Devon County Council - Flood Risk Management:

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment & Drainage Strategy Addendum, Land North of Rolle Road Great Torrington AT2452 dated March 2021.

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

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

(d) A plan indicating how exceedance flows will be safely managed at the site.

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

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

Observations:

The proposal comprises draining the runoff via under drained permeable paving under the driveways as well as two grassed swales and underground attenuation which will discharge at restricted rates into the River Torridge. There are two potential options for the discharge of surface water; either through 3rd party land via S98 agreement through the sewer requisition process or through the waste water treatment works compound and onto the river.

The applicant has indicated how any potential exceedance flows will be safely managed within the site and provided information on the future maintenance/adoption of the proposed surface water network.

DCC Rights Of Way:

Second Response:

Devon County Council have asked that I comment on the above planning application (re-submission with amendments). Having reviewed the application, it would appear that the amendments do not relate to the Public Rights of Way which affect the application, therefore my original comments would still apply. I would remind the applicant that should actions be proposed that might affect the Public Rights of Way network to make prior contact with DCC to ensure all protocols and legislations are adhered to.

First Response:

Devon County Council have asked that I comment on the above planning application.

Please note the application will affect footpaths Torrington fp 2 and fp 17. After investigation it appears that the footpaths will not be directly affected, though they skirt the development area to the south, west and north. Should it be considered that any form of link from the development site to the adjacent Rights of Way be considered, we would ask that the Applicant make representation to DCC so we can ascertain suitability.

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

Chief Education Officer:

Regarding the above planning application, Devon County Council has identified that a development up to 52 family type dwellings will generate an additional 13 primary pupils and 7.8 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:

We have forecast that the nearest primary and secondary schools have currently not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure to serve the address of the proposed development.

The contribution sought towards primary is £208,247 (based on the DfE new build rate at 2018 of £16,019 per pupil). The contribution sought towards secondary is £170,983 (based on the DfE extension rate at 2018 of £21,921 per pupil). These contributions 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 £22,880 and would be used to assist in the procurement of the new school site.

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 £13,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils 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 2015 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.

If this application reaches the stage of preparing a Section 106 agreement, it is considered that the contribution can be allocated in accordance with the pooling regulations set out in the CIL Regulation 123.

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.

The Environment Agency:

Environment Agency position

Following review of the amended plans and, in particular the Flood risk Assessment and Drainage Strategy Addendum (dated 26th March 2021), we consider that our previous comments set out in our letter dated the 21st December 2018 are still relevant to the application. For clarity, we have no objection to the proposed development subject to the inclusion of conditions on any permission granted relating to both contaminated land and flood risk. The suggested wording for these conditions and the reason for this position is provided below.

Condition - Contaminated Land

No development approve by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. The strategy will include the following components:

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

3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.
Reason - For the protection of controlled waters

Condition - Unsuspected Contamination

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

Reason - For the protection of controlled waters.

Condition - Land Raising

The detail design of the site shall submitted to, and approved in writing by Local Planning Authority. The detail design shall ensure there will be no land raising or built development within the area that is less than 0.5m (vertical height) above the level of Rolle road.

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Reason for position

Contaminated Land - Following review of the submitted Phase One Desk Study report (dated August 2017), we note that the risk associated with the water treatment works north-west of the site has not been fully assessed as a result of lack of access into this area. We agree with the recommendations in chapter 4.1.4 of the report that an intrusive investigation be carried out to confirm the preliminary level of risk identified at the site. With this in mind, we consider that planning permission should only be granted to the proposed development as submitted if planning conditions are included on any permission granted. Without these condition, the proposed development on this site poses an unacceptable risk to the environment.

Flood Risk - Although the site is not located within flood zone 2 or 3 (medium or high risk of flooding), Rolle Road (the road to the sewer treatment works) could flood during the design flood event, which includes the effects of climate change. There should therefore be no development (building or raising of land levels) within the area that is less than 0.5m (vertical height) above the road. This is to reduce flood risks to the new development and prevent any negative effects on third parties in line with the National Planning Policy Framework (NPPF). The proposed footpath connections will be acceptable, if land is only lowered.

Environmental Protection Officer:

Original Comments:

In relation to the above application, the Environmental Protection Team provides the following comments:

Land Quality

The 'Phase 1 Desk Study Report' is comprehensive and indicates, given the information available, that the risk of contamination at the application site is low to medium. The report suggests that further intrusive ground investigation is recommended to confirm the extent and subsequent risk of any contamination. Having regard for the industrial use of the application site, as well as the identification of potential contamination, further intrusive ground investigation is considered essential given the sensitive end use (ie. dwellings with gardens/amenity areas). If planning permission is granted, the Environmental Protection Team recommends the imposition of the Authority's standard contaminated land condition (copy attached separately).

Amenity Impact (Noise)

The noise assessment, within its Executive Summary, is somewhat confusing and contradictory suggesting that nearby commercial and industrial premises have both a negligible and adverse impact

on the proposed development. Furthermore, the final section of the Executive Summary discusses mitigation measures to avoid a significant adverse impact. The confusion may be due to the application of different noise guidance. It would appear that the 'ProPG: Planning and Noise' guidance has been adopted in the main for the purpose of this assessment although British Standard BS4142:2014 'Methods for rating and assessing industrial and commercial sound' is also included. For the avoidance of doubt, ProPG relates to transportation or road noise and specifically indicates that commercial and industrial noise should be assessed using BS4142:2014. The noise sources identified in the assessment are of a commercial/industrial nature and a full BS4142:2014 assessment should be undertaken accordingly.

Although MC Rentals and the SWW water treatment works have been identified, other sources of noise such as LJ Developments (HGV/aggregates depot) and JDW Carpentry (timber frame construction) immediately to the south of the application site have been omitted from the assessment.

Unfortunately the presentation of noise data in the graphs (pages 8-11) makes it difficult to extrapolate meaningful information. It would appear that the reported background levels have been measured during the operation of the noise sources and subsequently, the background levels will be elevated. In the absence of the reported commercial/industrial noise, the locality would undoubtedly experience low background levels. This is important as the methodology of BS4142:2014 relies on the difference between the specific noise and background levels to evaluate the likely noise impact.

Having regard for the noise levels measured for some of the activities at MC Rentals (pages 16 and 26), it would appear that a significant adverse impact, when assessed in accordance with BS4142:2014 may arise given the low background level. Furthermore, the noise modelling provided (pages 22-24) indicates that proposed dwellings will experience noise levels between 60dB and 65dB with mitigation. Again, this would indicate a significant adverse impact when assessed in accordance with BS4142:2014.

Although noise impacts associated with neighbouring commercial and industrial premises may be possible to overcome, it is imperative that an accurate reflection of the noise environment is known in order to assess potential impact and inform the site layout and introduce appropriate mitigation measures where possible. In the absence of an accurate assessment, the residential amenity of future dwellings and their occupants as well as the operations of existing businesses may be at risk.

Ideally a full noise assessment should be provided at the outline stage in order to assess the noise impact and where necessary, assist in informing the site layout and design. However, should planning permission be granted, the Environmental Protection Team recommends the imposition of the following conditions:

A detailed noise assessment in accordance with BS4142:2014 will be undertaken in order to evaluate the noise impact on future dwellings from all neighbouring commercial and industrial premises. The noise assessment will be undertaken by a qualified acoustic consultant with membership of a suitably recognised professional body (eg. Institute of Acoustics).

A noise control scheme shall be submitted detailing appropriate noise mitigation measures. The noise control scheme must be based on the assessment methodology in BS4142:2014 and shall be submitted to and approved by the Local Planning Authority prior to development commencing. All mitigation works, as approved, shall be completed prior to the occupation of any dwellings.

Amenity Impact (Construction)

Although there are no dwellings in close proximity to the application site itself, access to the site is via an entranceway located close to existing dwellings. Subsequently, there is the potential for an adverse impact on residential amenity, due to vehicle movements during development, if adequate control measures are not introduced. In addition, offices and workplaces near the application site may potentially be impacted by construction noise and dust in the absence of any control measures. Should planning permission 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 Management Plan (CMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CMP shall include:-

- a) measures to regulate the routing of construction traffic;
- b) the times within which traffic can enter and leave the site;
- c) the importation of spoil and soil on site;
- d) the removal /disposal of materials from site, including soil and vegetation;
- e) the location and covering of stockpiles;
- f) details of measures to prevent mud from vehicles leaving the site and must include wheelwashing facilities
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression
- h) impact assessments and associated mitigation measures in relation to noise, vibration, dust and lighting. (Assessments must be carried out by suitably qualified persons and the plan should demonstrate the adoption and use of best practice to reduce impacts)
- i) details of any site construction office, compound and ancillary facility buildings
- j) specified parking arrangements for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed

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

In addition, construction works and deliveries to site should be restricted to Monday to Friday 0700-1900 hours and Saturdays 0800-1300 with no working on Sundays and Bank Holidays.

First Response:

In relation to the above application, the Environmental Protection Team refers to its previous consultation responses dated 3 April 2019 and 16 January 2019. The revised site layout appears to have removed the proposed commercial units and located dwellings in closer proximity to the industrial premises to the south. A revised noise assessment will be required to evaluate the impact on the proposed dwellings.

Second Response:

Thank you for forwarding the new noise assessment in relation to the above application.

The noise assessment is very detailed and has been carried out in accordance with the appropriate guidance. The noise assessment indicates that there is the potential for an adverse noise impact on the residential amenity of some of the proposed dwellings, predominantly emanating from the commercial operations to the south/south west of the application site. Significantly, it would appear that the noise impact is during the daytime period with no or very minimal noise disturbance during the night time period. Although an adverse noise impact at some proposed dwellings during the daytime has been identified, the assessment does recommend several suitable mitigation measures that would effectively reduce noise levels and minimise any potential impact. Clearly the application site will require mitigation measures to be implemented in order to ensure suitable living conditions and it is the opinion of the Environmental Protection Team that these can be introduced with careful planning and consideration. Previously, the Environmental Protection Team recommended the imposition of a condition (condition 28) requesting a scheme of works be submitted to and approved by the Local Planning Authority prior to the development commencing. The new noise assessment does provide a range of potential noise mitigation measures but, as the application is outline, the site plan is presumably indicative at this stage and does not contain definitive mitigation measures. It is the opinion of the Environmental Protection Team that the scheme of noise mitigation measures would still need to be provided.

Strategic Enabling Officer:

In terms of Affordable Housing, the policy requirement for a proposal of this size in this location is for 30% of the overall housing provision to be provided as Affordable Housing, with 75% provided at a Social Rent level and 25% at an 'intermediate' level - the associated definitions being detailed in the National Planning Policy Framework.

For the Intermediate provision, it is preferable for this to be provided in the form of Shared Ownership Housing or Discounted Market housing. It is important to note that the sales value for such properties is required to be set in line with 3.5 x the average median household income for Torridge. A Section 106 agreement is required to secure the agreed affordable housing in perpetuity. Other forms of 'intermediate' housing may be considered providing they are deemed to be affordable by Torridge District Council.

South West Water:

I refer to the above application and would advise that South West Water have no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy and our previous comments being taken into consideration.

Devon County Council (Highways):

Observations:

With regards to vehicular access, this will be through the site: 1/0039/2016/OUTM, which was approved in 2017. The access onto the B3227 was agreed with this application and I have no further issue to raise with this.

I note that drainage issues have been raised by the DCC Flood Risk Management team, and I will defer to their comments. I acknowledge that there is a link onto Rolle Road (the right of way to the south of the site), which promotes the development as a sustainable site.

However, S106 funding is sought to promote active, safe and sustainable travel from the site to wider local area. This will allow for the surfacing of Rolle Road to be improved to provide cycling and walking links (including push chairs, mobility scooters and wheel chairs) from the proposed development to two destinations. These being, from the proposed site to the Puffing Billy, which in turn will allow wider access to Bideford on the Tarka Trail. The second would be the short stretch of Rolle Road on the Torrington side of the B3227 allowing a link to be made with existing Commons footpaths. To achieve this, a S106 contribution of £2,500 per dwelling will be required.

With this inclusion, I believe the application offers 'safe and suitable' access and I do not believe the proposed development offers an unacceptable impact on highway safety, as is the test of the National Planning Policy Framework (NPPF). As a result, I raise no highway objections to this application.

Recommendation: Grant subject to conditions.

Designing Out Crime Officer - DC&D Police:

Thank you for this application, I would have no serious issues with the revised illustrative overall master plan shown. The enhanced reference to crime and disorder within the revised Design & Access Statement is noted and welcomed. I also refer back to my original comments, which from a crime and anti-social behaviour reduction perspective remain valid.

Original Comments:

Thank you for this application.

I am unable to comment in depth as the available illustrative site layout does not reveal many details that would be of concern to the police. It is appreciated that at this time it is for outline only, however, please note the following initial comments from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

Too much permeability in a development makes controlling crime and anti-social behaviour very difficult as it allows easy intrusion around the development by potential offenders. All planned routes

should be needed, well used by generating adequate footfall, well overlooked and well integrated. Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape. If the existing access points to public footpaths and bridleways are to be retained, as appears to be the case, any new connecting paths must not run to the rear of / between plots or through parking courts.

Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised. Levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence and ownership.

If existing hedgerow is likely to comprise new rear garden boundaries then it must be fit for purpose. They should be of sufficient height and depth to provide both 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.

I would also advise that for all plots, private front gardens are suitably defined. Open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

Parking spaces would preferably be on plot, not be disconnected from the associated dwellings and should be well overlooked by 'active rooms'. Residents should have line of sight to their allotted parking spaces, otherwise the burden of surveillance is placed upon neighbours and other residents. Regrettably, there is overwhelming evidence to suggest that unless a crime directly involves a member of the public, many will not intervene or report it for fear of repercussions.

Residents will also look to park as near to their choice of main access point, likely resulting in inappropriate parking on footpaths and verges.

Representations:

Number of neighbours consulted:	13	Number of letters of support:	1
Number of representations received:	9	Number of neutral representations:	2
Number of objection letters:	6		

The letters of representation raise the following matters:

- The proposed development would be detrimental to the integrity of the canal and its environs; there should be no loss of heritage. The fact the route of the Rolle canal crosses the site should be celebrated and featured in any development.
- The Transport Statement Addendum is misleading and no Active Travel infrastructure is proposed. Approval of this application should be contingent upon the developer providing significant Active Travel infrastructure.
- The development will have devastating impacts on wildlife and the environment – the full target of S106 money must be applied to support the environment.
- The full amount of required affordable housing should be secured.
- Brownfield sites should be developed first.
- Traffic joining the B3227 will be on a double blind bend.
- Access cannot be guaranteed along Rolle Road due to ownership issues.
- The site should be developed comprehensive with adjoining land.
- There are ancient and protected trees on site.
- Existing building should be retained and reused before redevelopment.
- A detailed critique of the submitted EIA suggesting it is not adequate – the ecologist responded to these comments confirming its status and advising that no further survey work is required.

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

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

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 1/0524/2020/FULM, 1/0526/2020/FULM and 1/0528/2020/REMM; 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).

The application is made in outline, with all matters reserved. Notwithstanding this, the application is supported by an illustrative masterplan which seeks to demonstrate that an acceptable layout can be achieved at detailed stage, in light of proposed housing numbers and the generated requirements for supporting infrastructure.

A detailed assessment of the indicative design and layout of the proposal and its impact on landscape character is set out in the CAR. This site forms a significant component of the overall masterplan, proposing 52 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 indicative 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 – a condition will be included to secure an appropriate mix at reserved matters stage. The Building for Life 12 Assessment required by Policy DM04 is considered above in the CAR.

On matters of crime and disorder, the Police Architectural Liaison Officer will be involved at the Reserved Matters Stage and the comments raised at this outline stage can be considered in the detailed design.

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 greenfields to a housing development. The removal of the redundant buildings and its redevelopment as part of a comprehensive proposal will lead to an overall enhancement to the wider context.

Against this background, at this outline stage 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:

As the scheme is in outline, there are only indicative layouts that show the relationship of the proposed housing to these existing properties. Indicative plans however do show adequate separation distances between properties and potential for further landscaping to soften boundaries.

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 52 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.

The EPO has raised the proximity of the development to existing commercial uses to the south and requested an updated Noise Assessment, which was provided by the Applicant. The EPO has reviewed this and advised as follows: *'The noise assessment is very detailed and has been carried out in accordance with the appropriate guidance. The noise assessment indicates that there is the potential for an adverse noise impact on the residential amenity of some of the proposed dwellings, predominantly emanating from the commercial operations to the south/south west of the application site. Significantly, it would appear that the noise impact is during the daytime period with no or very minimal noise disturbance during the night time period. Although an adverse noise impact at some proposed dwellings during the daytime has been identified, the assessment does recommend several suitable mitigation measures that would effectively reduce noise levels and minimise any potential impact. Clearly the application site will require mitigation measures to be implemented in order to ensure suitable living conditions and it is the opinion of the Environmental Protection Team that these can be introduced with careful planning and consideration. Previously, the Environmental Protection Team recommended the imposition of a condition (condition 28) requesting a scheme of works be submitted to and approved by the Local Planning Authority prior to the development commencing. The new noise assessment does provide a range of potential noise mitigation measures but, as the application is outline, the site plan is presumably indicative at this stage and does not contain definitive mitigation measures. It is the opinion of the Environmental Protection Team that the scheme of noise mitigation measures would still need to be provided.'* Given this a condition is recommended for inclusion on any decision.

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:

Although reserved for later consideration, the application proposes vehicular access via the RM site and the already approved access from Limer's Hill.

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) is raising no objection subject to 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.

Devon County Council's Flood Risk Management Team (DCCFRM) has been consulted and notes that the proposal comprises draining the runoff via under drained permeable paving under the driveways as well as two grassed swales and underground attenuation which will discharge at restricted rates into the River Torridge. There are two potential options for the discharge of surface water; either through 3rd party land via S98 agreement through the sewer requisition process or through the waste water treatment works compound and onto the river. The applicant has indicated how any potential exceedance flows will be safely managed within the site and provided information on the future maintenance/adoption of the proposed surface water network. On this basis, and subject to inclusion of a condition, DCCFRM has no objections at this outline stage. The Environment Agency has reviewed the revised technical information and is raising no objections subject to requested conditions.

Foul drainage will be disposed of via the existing public sewer; SWW is raising no objection to foul and surface water drainage being managed in accordance with the submitted drainage strategy.

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 Desk Study Report'. The EPO and the EA have reviewed this document and advised that it is very detailed and comprehensive and indicates the risk of contamination is low to medium. 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.

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 which provides a strategic assessment of the site subject of this application along with applications 1/0524/2020/FULM, 1/0526/2020/FULM, 1/0528/2020/REMM. 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 combined with applications 1/0524/2020/FULM, 1/0526/2020/FULM and 1/0528/2020/REMM however when including this application site there could be a reduction. Given the required comprehensive approach this matter is assessed within the CAR and it is recognised there is some uncertainty over the net gain for this site at this outline stage.

In addition, the Ecology Addendum (November 2019) confirms that the original EIA prepared by EPS Ecology in 2017: clearly determines the potential impacts on biodiversity arising from the proposals and provide suitable mitigation (as required under the relevant legislative and planning context, including Section 41 of the NERC Act 2006, the WCA 1981, the Conservation Regs. 2010, ODPM Circular 06/2005 and the National Planning Policy Framework); that the proposed mitigation will reduce these impacts to acceptable levels, and meet the requirements for biodiversity protection and enhancement detailed in Section 11 of the National Planning Policy Framework (March 2012); and that it meets the requirements for ecological surveys as detailed in BS 42020: 2013; including the 'adequacy of ecological information' requirement in Section 6.2 of BS 42020: 2013.

Given the above, 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 being secured via condition and further review at reserved matters stage.

Viability and Section 106 Obligations:

The application generates infrastructure requirements in relation to affordable housing, education, on-site public open space and highway contributions towards improved cycling infrastructure. This application proposal, along with applications 1/0524/2020/FULM, 1/0526/2020/FULM, and 1/0528/2020/REMM, 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. It is indicatively proposed that this site includes the required allotment provision (circa 0.5 hectares) and it has been demonstrated that the site could accommodate this alongside the number of dwellings proposed. An overarching legal agreement will secure this allotment provision and its phasing within the masterplan development.

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 appraisal 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 52 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 without the necessary open space being secured, 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 capable of being 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. 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 will ensure the site is cleared and safe for future habitation. Through condition, the proposal will secure the protection of protected species and there is the potential for habitat enhancement. 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 site's 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. 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 1/0524/2020/FULM, 1/0526/2020/FULM and 1/0528/2020/REMM (and linked 1/0039/2016/OUTM). A comprehensive tilted balance is undertaken for the masterplan comprehensive scheme in the CAR.

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.

Recommendation

GRANT subject to the following conditions and inclusion in a comprehensive legal agreement alongside applications 1/0524/2020/FULM, 1/0526/2020/FULM, 1/0528/2020/REMM, and 1/0039/2016/OUTM to secure public open space, a detailed phasing/demolition programme and viability review mechanisms:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of each phase of the development details of the following matters for that phase (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:
 - (a) Access;
 - (b) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development; and
 - (d) The landscaping of the site;

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

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

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

4. No development in the relevant phase approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. The strategy will include the following components:
 1. A site investigation scheme, based on the information gained in the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and risk assessment (1) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason - For the protection of controlled waters.

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

Reason - For the protection of controlled waters.

6. The detailed design of any land raising at the site shall submitted to, and approved in writing by Local Planning Authority. The detailed design shall ensure there will be no land raising or built development within the area that is less than 0.5m (vertical height) above the level of Rolle Road.

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 7 Prior to commencement of the development of the relevant phase, a proposed dwelling mix for the development shall be submitted to and agreed in writing with the Local Planning Authority. The proposed dwelling mix shall be in broad accordance with Table 114 of the North Devon and Torridge Housing and Economic Needs Assessment (2016), which requires the following: 1 bed – 5-10%; 2 bed – 30-35%; 3 bed – 40-45%; 4 bed - 15-20%. Any deviation from this mix shall be justified in accordance with Policy ST17(a). The reserved matters shall come forward in accordance with the agreed mix.

Reason: To ensure an appropriate housing mix is provided to reflect identified local needs in accordance with Policy ST17 of the North Devon and Torridge Local Plan.

- 8 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 Management Plan (CMP) 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
- 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.

9. A noise control scheme shall be submitted detailing appropriate noise mitigation measures. The noise control scheme must be based on the assessment methodology in BS4142:2014 and shall be submitted to and approved by the Local Planning Authority prior to development commencing. All mitigation works, as approved, shall be completed prior to the occupation of the relevant dwellings.

Reason: To protect the amenities of occupants of the approved development in accordance with North Devon and Torridge Local Plan Policies DM01, DM02 and DM04.

10. A waste audit statement shall be submitted as part of the first reserved matters application. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

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

11. 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.

12. 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 in the relevant phase 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.

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

- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

- 14 When once constructed and provided in accordance with condition 13 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

- 15 The following garaging and vehicle parking spaces shall be provided and maintained thereafter:
- A) one garage/hardstanding and one parking space per dwelling where provided within the curtilage of individual dwellings
 - B) two parking spaces per dwelling where provided in communal parking areas.

Further details of the design shall be submitted to the Local Planning Authority and the development hereby approved shall not be occupied until this provision has been made to the written satisfaction of the Local Planning Authority.

Reason: To minimise the extent of on street parking that may result as a consequence of the development.

- 16 Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.

17. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the approved Flood Risk Assessment & Drainage Strategy Addendum, Land North of Rolle Road Great Torrington AT2452 dated March 2021.
 - (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.

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

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

Approval by the Local Planning Authority of the report submitted at this stage will confirm whether there is a need to undertake remediation measures under 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.

19. Construction works shall not take place other than between 0700 and 1900hrs on Mondays to Fridays, Saturdays between 0800 and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

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

Reason: To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development.

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

21. Prior to the commencement of any development within the relevant phase and before any equipment, machinery or materials are brought onto the site for the purposes of the phase, site specific details of the specification and position of the fencing for the protection of any retained tree/group of trees, a tree constraints report and plan in accordance with the recommendations in BS5837:2012, together with a site specific arboricultural impact assessment and arboricultural method statement 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 to be retained on this site from damage before and during the course of development.

22. 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 prepared by Ecological Surveys Ltd and the Ecological Impact Assessment dated September 2018 prepared by EPS Ecology Ltd.

Prior to the commencement of development in the relevant phase, both a Construction and Ecological Management Plan (CEMP) to detail measures to ensure habitat and species protection during construction and a Landscape and Ecological Management Plan (LEMP) to detail how retained and proposed habitats will be managed in the long term, will be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include Mitigation Strategies for: nesting birds, reptiles and badgers. The required management plans and strategies shall include conservation audit and monitoring provisions to measure the success or otherwise of their implementation.

The approved mitigation measures shall be implemented both during and post construction in accordance with the approved details. Post construction mitigation measures shall be maintained in perpetuity.

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

- 23 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.

Plans Schedule

Reference	Received
ACL.1246.001	15.04.2021

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 following the consultation process in respect of a number of material planning issues, including highways, amenity (noise and amenity), ecology, green infrastructure and viability. 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.