



Friday, 1 April 2016

## **DEVELOPMENT MANAGEMENT COMMITTEE**

A meeting of **Development Management Committee** will be held on

**Monday, 11 April 2016**

commencing at **2.00 pm**

The meeting will be held in the Grace Murrell Suite, Riviera International Conference Centre, Chestnut Drive, Torquay

### **Members of the Committee**

Councillor Kingscote (Chairman)

Councillor Barnby  
Councillor Cunningham  
Councillor Darling (S)  
Councillor Manning

Councillor Morey  
Councillor Robson  
Councillor Stringer  
Councillor Winfield

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For information relating to this meeting or to request a copy in another format or language please contact:

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01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

[www.torbay.gov.uk](http://www.torbay.gov.uk)

# DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (To Follow)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 14 March 2016.
3. **Declarations of Interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**  
To consider any other items that the Chairman decides are urgent.
5. **Former Wall Park Holiday Centre, Wall Park Road, Brixham (P/2015/0057/MPA)** (Pages 4 - 14)  
Full application for the partial revision of the layout approved under P/2013/0785 to replace 10 dwellings with 18 dwellings and change an open market dwelling to affordable housing, together with landscaping, parking and associated works.
6. **Land West Of Brixham Road, Paignton (P/2015/1126/MRM)** (Pages 15 - 31)  
Approval of appearance, landscaping, layout and scale in relation to 217 dwellings and associated development.

7. **Torquay Academy, Cricketfield Road, Torquay (P/2016/0056/MPA)** (Pages 32 - 40)  
New multi use hall, dining area extension and refurbishment of existing drama space to provide additional classrooms.
8. **Land Off Newton Road And Riviera Way, Torquay (P/2016/0078/MPA)** (Pages 41 - 59)  
Construction of a new railway station to include the following:  
Two single sided station platforms, provision of a footbridge between platforms, elevated walkway and access ramps, car park facility for 28 car parking spaces (as amended)(including four reduced mobility parking spaces), motorcycle parking and 12 cycle spaces, extended footpath along Riviera Way, lighting and CCTV, and platform furniture to include shelter and signage.
9. **101 Braddons Hill Road East, Torquay (P/2016/0139/VC)** (Pages 60 - 62)  
Variation of condition P1 pursuant to P/2015/0897: Amendments to elevational treatment comprising replacement of hipped roofs to semi detached dwellings with gabled roofs and changes to fenestration facing Museum Road. Inclusion of additional car parking space to serve dwelling 5. Changes to approved scheme to construct 9 two storey dwellings with 9 car parking spaces and partial demolition of stone boundary wall fronting Museum Road to create vehicular and pedestrian access.
10. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.
11. **Site visits**  
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 6 April 2016. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.

# Agenda Item 5

**Application Number**

P/2016/0057

**Site Address**

Former Wall Park Holiday Centre, Wall Park Road, Brixham

**Case Officer**

Carly Perkins

**Ward**

**Description**

Full application for the partial revision of the layout approved under P/2013/0785 to replace 10 dwellings with 18 dwellings and change an open market dwelling to affordable housing, together with landscaping, parking and associated works

**Executive Summary/Key Outcomes**

Full planning consent was granted in 2015 under reference P/2013/0785 for 165 dwellings, caravan site including a facilities building and managers accommodation, community sports pitch including changing and shower facilities, landscape and ecological enhancements including a bat barn, hedgerow planting and footpaths, vehicular access on to Centry Road and widening of access on to Wall Park Road. The proposal was for the redevelopment of the former Wall Park Holiday Centre in Brixham and surrounding land. The site is in part a brownfield site however it is in a highly sensitive location within the Area of Outstanding Natural Beauty (AONB) and within close proximity to the greater horseshoe bat roost at Berry Head, which is part of the South Hams Special Area of Conservation (SAC) protected by national and European legislation.

The application that is subject to this report is for full planning permission for the partial revision of the layout approved under P/2013/0785 to replace 10 dwellings with 18 dwellings and the change of one open market dwelling to an affordable dwelling together with landscaping, parking and associated works. In total the application relates to 19 dwelling houses.

This application accommodates a higher proportion of two and three bedroom units over the previously approved full planning applications. The access arrangements remain the same as previously approved with access via to the residential element being via Wall Park Road.

Whilst there are a number of issues relating to landscaping, highways and drainage which require further consideration, subject to these issues being satisfactorily resolved, on balance the proposal is considered to represent an acceptable development that contributes to the supply of housing with Torbay. The proposal is considered to achieve an acceptable level of amenity for the occupants of the proposed development without significantly greater impact in terms of the impact on residential amenity of neighbouring occupiers. The

proposal is not considered to result in greater impact in terms of ecology and green infrastructure when compared to the approved scheme. The proposal is considered acceptable and compliant with both national and local policies of the Torbay Local Plan.

### **Recommendation**

Conditional Approval subject to satisfactory resolution of issues relating to landscaping, highways and drainage, and a variation of the section 106 agreement.

Conditions as considered appropriate are summarised below, however it is recommended that the final drafting and determination of appropriate planning conditions is delegated to the Executive Director of Operations and Finance.

Conditions relating to archaeology, construction, tree/hedgerow protection and landscaping, contaminated land, drainage, materials and building details, ecology, transport plan, cycle and bin storage, parking, secured by design and lighting.

### **Statutory Determination Period**

13 weeks, the determination date is 28th April 2016.

### **Site Details**

Full planning consent was granted in 2015 under reference P/2013/0785 for 165 dwellings, caravan site including a facilities building and managers accommodation, community sports pitch including changing and shower facilities, landscape and ecological enhancements including a barn, hedgerow planting and footpaths, vehicular access on to Centry Road and widening of access on to Wall Park Road. The proposal was for the redevelopment of the former Wall Park Holiday Centre in Brixham and surrounding land. The site is in part a brownfield site however it is in a highly sensitive location within the Area of Outstanding Natural Beauty (AONB) and within close proximity to the greater horseshoe bat roost at Berry Head, which is a Special Area of Conservation (SAC) protected by national and European legislation.

To the south east and east of the development is open countryside and ecological enhancement measures have been secured as part of the original application P/2013/0785.

### **Detailed Proposals**

The application that is subject to this report is for full planning permission for the partial revision of the layout approved under P/2013/0785 to replace 10 dwellings with 18 dwellings and the change of one open market dwelling to an affordable dwelling together with landscaping, parking and associated works. One of the proposed dwelling houses is proposed to be wheelchair accessible. In total the application relates to 19 dwelling houses, resulting in a total of 173 dwelling

houses over the wider residential site.

This application accommodates a higher proportion of two and three bedroom units over the previously approved full planning application. The proposal would result in a reduction of 9 four bedroom houses and an increase in two and three bedroom dwellings. The access arrangements remain the same as previously approved with access via to the residential element being via Wall Park Road.

Each of the proposed dwelling houses includes provision for two parking spaces.

Each of the dwellings subject to this application is two storey. Materials of the external elevations of the dwellings would comprise of render, weatherboarding and some slate hanging on key facades. Roofs are to be slate with white and grey window finishes.

The proposals include some on-site landscaping and open space provision.

### **Summary Of Consultation Responses**

*Arboricultural Officer:* The Wall Park site is located within the Berry Head AONB, defining a critical requirement that the development is sensitive to the landscape of the area and makes ample provision for planting to minimise the visual impact of development and provide sites for wildlife. To achieve this significant tree planting is required of native provenance which can suitably counterpoint more ornate internal trees. The local topography of the site provides potential for the tree planting to be of local and long range visual benefit where massing of the built form can be punctuated by suitable planting, this is amplified by the sites location within the AONB.

The mature tree stock to be retained partially perform this function but are all of an even age and will cease to contribute any long term benefits in a narrow age band.

Study of the plans indicates that opportunity arises to create formal or possibly informal tree avenues along streets by considered design of planting spaces in public and private tenure either staggered or paired oppositely.

It is noted a tree is missing from plan SW020 LS 013 adjacent to unit 134 where it is shown on the layout plan.

Opportunities exist for increased numbers of trees to several boundaries, both in numbers and mature canopy sizes planted as standards within the hedges. The proposed planting is not considered to maximise the potential benefit of the site in terms of internal and external view receptors, longevity of lifespan and suitability to the area.

Larger final canopy sized trees should be used throughout the residential area

wherever possible to allow the integration of the new development in to the AONB in conjunction with various height trees to produce a layered effect where viewed externally.

Where pine trees are proposed they should be grouped together for greater visual effect or numbers increased over a local area.

*Senior Policy and Project Officer:* The additional dwellings are to be accessed via the existing access on Wall Park Road. The Local Highway Authority object to the application.

However it is envisaged that a workable highways solution can be provided to deliver the necessary transport measures. These will require the submission of revised plans to show:

- o Extend the footway along the frontage of plots 168 and 4 to the gateway entrance strip on the shared surface road. Extend shared surface footway along the frontage of units 71 and 72 to facilitate wheelchair access.
- o Secure 2 parking spaces and 2 cycle spaces per dwelling, including garages of adequate minimum dimensions and electrical charging points
- o Provision of an emergency access lane.

*Police Architectural Liaison Officer:* Nothing further to add to that of previous responses submitted under reference P/2013/0785. The contents of which remain relevant.

*Historic England:* It is considered that the proposed changes to have no effect on previous advice.

*Green Infrastructure Co-ordinator:* No objection in terms of ecology and green infrastructure. Consideration has been given to the potential increase in recreational pressure at the Berry Head to Sharkham Point component of the South Hams SAC resulting from the additional dwellings. The increase is considered to be negligible and therefore no additional contribution to mitigation, over and above that already secured in the section 106 will be required.

*Natural England:* It is not considered that this application poses any likely or significant risk to those features of the natural environment for which Natural England would otherwise provide a more detailed consultation and so does not wish to make specific comment on the details of this consultation.

*Environment Agency:* The site is in Flood Zone 1 and is for a partial revision in layout, no bespoke comment will be provided.

*South West Water:* No objection.

*Urban Design Officer:* No comments have been received.

*Affordable Housing Delivery Officer:* Whilst Housing Services would rather the scheme provided the full affordable housing provision the additional unit takes the total to 31 which is the 18% as agreed in the original application.

*Senior Design and Heritage Officer:* No comments have been received.

*South Devon AONB Manager:* No comments have been received.

*Drainage Engineer:* No drainage details have been submitted with the application. The drainage strategy for the former Wall Park Holiday Centre has now changed significantly from that identified within the previously approved application. The latest surface water drainage proposals for this development identify individual property soakaways together with soakaways serving a number of properties.

The trial holes that have previously been undertaken on the site for the infiltration testing are not in the location of the latest proposed soakaways. As part of the detailed design of each soakaway the developer must carry out trial holes and infiltration tests at the location and invert level of all the proposed soakaways. This testing must be carried out in accordance with BRE 365.

These infiltration tests are required in order to confirm that the ground conditions are suitable for the proposed soakaways and in addition the infiltration rates will be used to design the required soakaways. All details of these trial holes and infiltration tests must be submitted with the detail design.

No detailed design has been submitted for these soakaways or the surface water drainage system serving the soakaways. These must be submitted to show that they have been designed to cater for the 1 in 100 year storm event plus 30% allowance for climate change. The design must demonstrate that no flooding of properties is predicted for the critical 1 in 100 year storm event plus 30% for climate change. If flooding is predicted the developer must demonstrate how the floodwater/overland flow will be dealt with.

The applicant must demonstrate that his surface water drainage system will not result in any increased risk of flooding to properties or land adjacent to his development for the critical 1 in 100 year storm event plus 30% for climate change.

Based on the above comments, before planning permission can be granted the applicant must supply the details requested above.

### **Summary Of Representations**

4 representations have been received. Issues raised:



- o Impact on view
- o Impact on residential amenity
- o Overdevelopment of the site
- o Visual impact of the development
- o Out of character and scale with existing development on site
- o Impact on AONB
- o Additional traffic
- o Impact on school spaces
- o Impact of construction traffic
- o Houses being built in the incorrect location.

### **Relevant Planning History**

P/2013/0785 Erection of 165 dwellings (including 24 affordable), touring caravan park (including facilities building with office, café, laundry room, showers, toilets and 2 bed managers flat, 12 camping pods, 59 permanent touring caravan pitches, associated access and parking), community sports pitch (to be used annually as an overflow touring caravan park/campsite for 69 pitches during June, July and August), changing and shower facilities building for community sports pitch with associated access and parking; landscape and ecological enhancement works (including bat barn, hedgerow planting and footpaths); associated pumping stations, roads, footways/cycleways new vehicular access on to Centry Road and alterations/widening of existing access onto Wall Park Road, demolition of existing buildings (including former holiday park buildings and dwelling - 53 Wall Park Road (Revised Scheme) APPROVED 06.2015

P/2014/0446 Request for screening opinion for the redevelopment of former Pontins Holiday Centre, Wall Park, Brixham, for mixed uses including residential, tourism, recreation and open space EIA required 17.12.2012

P/2012/114/SCO Request for screening and scoping opinions for the redevelopment of former Pontins Holiday Centre, Wall Park, Brixham, for mixed uses including residential, tourism, recreation and open space: Scoping reply 17.12.2012

P/2010/0541 Revised plans and details to application P/2010/0541 including - removal of 14 tourist lodges and 12 houses in South West field, relocation of children's play area (LEAP), relocation of proposed touring caravans and various alterations to masterplan layout. Revised description Outline application for demolition of the bungalow on Wall Park Road and all buildings on site and the erection of up to 219 residential dwellings, a 60 bed care/nursing home (C2 use), 2 number bat barns (1 of which to be a heated winter bat roost), use of land for touring caravans/camping and associated administration facilities, alteration of access on to Centry Road and alteration of access on to Wall Park Road together with the provision of formal (LEAP) and informal public open space, landscape and wildlife mitigation measures and associated works. REFUSED (APPEAL DISMISSED) 19.12.11

P/2008/1340 Certificate of lawfulness for an existing use of area 1 as a miniature and novelty golf course, area 2 as a football pitch/overspill car park/hosting special events; area 3 as a caravan/camping park APPROVED 17.09.2009

P/1996/0959 Certificate of lawfulness for an existing use as a camping site for touring caravans and tents - 30 units APPROVED 30.01.1997

### **Key Issues/Material Considerations**

The key issues to consider are the principle of development, design, drainage, residential amenity, highways matters, parking, waste and recycling facilities, landscape and biodiversity.

#### Principle:

Full planning consent was granted in 2015 under reference P/2013/0785 for mixed use development of the site. This application was approved subject to consultation and was subject to Habitat Regulation Assessment and was accompanied by a detailed Environmental Statement. The principle of development was established by this application. The site is also noted as a committed site within the Torbay local Plan.

Although at a slightly higher density, this application continues to reflect the approved layout and appearance. One of the units subject of this application is to be affordable and wheelchair accessible and another is to be shared ownership. In line with paragraph 6.4.1.12, when assessing affordable housing requirements regard will be had to the overall site and therefore in accordance with policy H2 the development will be subject to 20% affordable housing provision. The proposal results in an additional 8 dwellings and therefore the proposal is considered policy compliant with 1 additional affordable dwelling being provided.

#### Design:

There are various different house types across the site, these reflect those approved as part of the original full planning permission. The dwellings subject of this application are two storey and adopt render, weatherboarding, slate hanging and slate roofs. The appearance of the dwelling houses is considered acceptable and in keeping with the remainder of the approved residential scheme that is not subject to this application.

Whilst the density of the development has increased, the dwellings continue to be fairly well spaced and the overall layout continues to reflect that previously approved. The increased density continues to sit comfortably within the site and the scale of physical development is considered acceptable.

The visual impact of the development was a key factor of the original application. The AONB is designated because of its scenic and landscape qualities and it is

consequently very important that the new development respects this quality. The Landscape and Visual Impact Assessment was carried out as part of the original application. The proposal is considered to accord with the principles of this assessment and the ecological and landscape enhancements secured as part of the original application would continue to be carried out. In line with this it is considered that the proposal would not result in any adverse visual impacts from long distances and only short term impacts from local viewpoints during the construction phase. Whilst as noted previously, the dwellings will be more visible than the previous development on site before new planting becomes established this would continue to be compensated for by their better design and materials. It is considered that in summer, the tree and hedge planting secured as part of the original application will screen the dwellings in views from Berry Head.

In terms of archaeology, the information submitted to discharge the conditions of the original application has demonstrated that the proposal is acceptable in terms of its impact on heritage assets.

In line with the above the proposal is considered acceptable and without significantly greater impact in regard to their landscape and visual impact on the AONB.

#### Layout and Highways Matters:

The access point to the development is from Wall Park Road, this access is subject to enhancement which has been secured by conditions of the original consent. This remains unchanged as a result of this proposal.

The proposed road layout within the scheme reflects that previously approved and continues to be considered appropriate. However a number of concerns have been raised by the Senior Policy and Project Officer regarding the lack of a separate emergency access and amendments to shared surfaces and footways. Paragraph 32 of the NPPF states that development plans should take account of whether safe and suitable access to the site can be achieved for all people. The approved scheme is a material consideration in this instance and it is recognised that the road layout and provision of footways reflects that already approved. Irrespective of this an emergency access is required for a development of this scale and whilst this is a consideration of the planning application the Highways Authority are considering how this can be achieved. An update will be presented to the Committee.

#### Parking:

Each of the proposed dwellings subject to this application benefit from two parking spaces as required by policy TA3 and appendix G. Garages fall slightly short of the dimensions required by policy TA3 and appendix G of the Torbay Local Plan. However having considered the approved scheme, on balance this is not on its own considered to warrant the refusal of the application as this would not result in a significantly greater impact when compared against the approved

scheme.

Each of the properties has access to the rear gardens to enable additional waste and cycle storage provision to be provided.

Landscaping and Biodiversity:

The site is located within the AONB, development in these areas is required to be sensitive to the landscape and make ample provision for planting to minimise the visual impact of the development and provide sites or wildlife. The comments from the Council's Arboricultural Officer state that to achieve this significant native tree planting is required to provide local and long range visual benefit helping to soften the built form. Whilst it is noted that the mature tree stock on the site somewhat performs this function, due to their age will cease to contribute long term benefits and therefore additional planting is required. The proposed planting is not considered to maximise the potential benefit of the site in terms of internal and external view receptors, longevity of lifespan and suitability to the area. The scheme for the wider site is currently subject to negotiations through the discharge of condition application, a meeting is due to be carried out to resolve the issues identified and the outcome of this will be verbally presented to the committee.

The ecological mitigation measures secured under the original application are considered appropriate and will adequately mitigate the impacts of the proposal in terms of biodiversity. In line with the comments from the Council's Green Infrastructure Co-ordinator, consideration has been given to the potential increase in recreational pressure at the Berry Head to Sharkham Point component of the South Hams SAC resulting from the additional dwellings. The increase is considered to be negligible and therefore no additional contribution to mitigation, over and above that already secured in the section 106 will be required.

Residential Amenity:

There a good range of house sizes and all of which benefit from rear gardens. The sub-text to policy DE3 of the Torbay Local Plan 2012-2030 recommends 55sqm of private amenity space for dwelling houses. Whilst the gardens sizes fall below this recommended guideline in some instances having considered the availability of public open space provided as part of the development and in close proximity to the site on balance the level of private amenity space is considered acceptable. It is considered that the dwellings are acceptable in terms of internal floor space and are largely well proportioned internally. The proposals are considered to provide a good standard of amenity for the occupants being well spaced with separation distances of the proposed dwellings being within the acceptable limits in order to maintain privacy between plots.

There have been concerns raised from residents living on Wall Park Road regarding the impact of the proposal on residential amenity in particular noise,

overlooking, light and view. The proposed dwellings subject of this application to the rear of those on Wall Park Road would be two storey, the back to back distance exceeds 20m which is generally accepted as optimum to ensure an acceptable level of privacy. This reflects that previously approved in this location. The proposals are not considered to result in significantly greater impacts in terms of neighbouring residential amenity. The remainder of the proposals are located within the site and are not considered to result in any serious detriment to residential amenity by reason of loss of light, privacy or by reason of being unduly dominant.

Comments regarding construction noise and disturbance are noted. The original application included a condition requiring the submission of a construction management plan and similar conditions will be attached to this consent to ensure disturbance to neighbours is limited as a result of the construction process.

Drainage:

No drainage details have been submitted with the application however reference is made to the previously submitted flood risk assessment. The drainage strategy for the former Wall Park Holiday Centre has now changed significantly from that identified within the previously approved application. The latest surface water drainage proposals for this development identify individual property soakaways together with soakaways serving a number of properties. These have yet to be approved as part of a discharge of condition application and further evidence is required to ensure the acceptability of the surface water drainage system. Further information has been submitted to the Council's Drainage Engineer for consideration and the outcome of this consultation will be verbally presented to the committee at the meeting.

**S106:**

The development will result in a greater impact on local infrastructure than the originally approved scheme for Wall Park had. The s.106 agreement for Wall Park secured contributions towards the costs of improving library facilities, sustainable transport routes and waste bins for each dwelling. The Adopted SPD 'Planning Contributions and Affordable Housing' indicates that a financial contribution would be required to meet the impact of the development on local infrastructure however further consultation is required with the relevant consultees to determine if there are suitable projects nearby that could offset the identified impact of the additional development or if the previous mitigation measures identified are sufficient to mitigate the additional impact.

In line with paragraph 6.4.1.12, when assessing affordable housing requirements regard will be had to the overall site and therefore in accordance with policy H2 the development will be subject to 20% affordable housing provision. The proposal results in an additional 8 dwellings and therefore the proposal is considered policy compliant with 1 additional affordable dwelling being provided.

A variation to the section 106 agreement is required to take into account any necessary financial contributions and amendments to the affordable housing provision as proposed by this application.

### **Conclusions**

Whilst there are a number of issues relating to landscaping, highways and drainage which require further consideration, subject to these issues being satisfactorily resolved, on balance the proposal is considered to represent an acceptable development that contributes to the supply of housing with Torbay. The proposal is considered to achieve an acceptable level of amenity for the occupants of the proposed development without significantly greater impact in terms of the impact on residential amenity of neighbouring occupiers. The proposal is not considered to result in greater impact in terms of ecology and green infrastructure when compared to the approved scheme. The proposal is considered acceptable and compliant with both national and local policies of the Torbay Local Plan.

### **Relevant Policies**

H1LFS - Applications for new homes  
H2LFS - Affordable Housing  
DE1 - Design  
DE3 - Development Amenity  
SS8 - Natural Environment  
SS12 - Housing  
SS11 - Sustainable Communities Strategy  
TA3 - Parking requirements  
ER1 - Flood Risk  
ER2 - Water Management  
C4 - Trees, hedgerows and natural landscape

**Application Number**

P/2015/1126

**Site Address**

Land West Of Brixham Road  
Paignton

**Case Officer**

Carly Perkins

**Ward**

Blatchcombe

**Description**

Approval of appearance, landscaping, layout and scale in relation to 216 dwellings and associated development.

**Update Report:**

This application was deferred at the previous committee on the 14th March 2016 to allow for further consideration of a revised scheme.

The original scheme presented to the committee raised concerns regarding the overdevelopment of the site, specifically due to the number of units which had only one parking space, the proximity of some units to an existing hedgerow on Waddeton Road, reduced quality landscaping and the proximity between several plots resulting in issues with inter-visibility. It was also highlighted during the committee presentation that the Building for Life Assessment of the proposal scored 7 red, 1 amber and 4 green. However it was also noted that many of the red scores could be improved through the submission of further information and that a minimum of 8 greens are required to ensure compliance with the 2011 outline consent.

In response to these concerns the applicants submitted revised plans, these amended the description of development to 216 dwellings (rather than 217 as originally proposed), a mixture of detached, semi-detached and terrace dwellings and apartments of which 20% are affordable, landscaping including orchard planting and open space provision.

In summary the changes are as follows:

- o Plots 171, 172, 372-374, 393 and 394 have been repositioned to allow for a greater separation distance to be achieved between the buildings and the existing hedgerow on to Waddeton Road and the existing hedgerow that lines the southern boundary of the site
- o Plot 151 has been omitted from the scheme and plot 150 has changed house types to allow plots 147-149 to be repositioned and a greater separation distance to be achieved between these plots and plots 138-140
- o The number of properties with only one parking space has been reduced from 35 dwellings to 23. The percentage of dwellings with only one parking space has therefore reduced from 19% to 11%. The proposal also now includes an additional 8 visitor spaces.

- o Comments from the Council's Arboricultural Officer were verbally presented to the Committee on the 14th March. These comments confirmed that the landscaping proposals were considered acceptable subject to amendment to one tree species outside of unit 338 and the landscaping amendments being varied within the submitted Landscape and Ecological Management Plan. These comments have been incorporated into the revised scheme and the applicant has confirmed that the LEMP will be revised following a Committee resolution to approve.
- o The Design and Access Statement has been revised to take into account the changes listed above and further information has been submitted in order to achieve a higher Building for Life score.

A number of the issues highlighted in the previous recommendation of refusal have now been fully resolved. The Building for Life Assessment needs to be carried out on the revised proposals and the results will be presented to members at the meeting. Similarly comments from the Council's Arboricultural Officer with regard to the revised tree species will be presented at the meeting.

As noted in the original recommendation, the previously approved reserved matters schemes had a number of dwellings which only benefitted from one parking space. The percentage of dwellings with only one parking space approved as part of the original reserved matters schemes was 8% and is a material consideration. 11% of dwelling houses proposed within the revised scheme have only 1 parking space. These dwelling houses are located within the Residential Core character area of the development and whilst there are still examples of remote parking, the reduced number of dwellings with only one parking space has lessened the impact on the street scene as a result of on street parking. Policy TA3 and the associated appendix G state that the Council will require appropriate provision of car, commercial vehicles and cycle parking spaces in all new development and that development proposals will be expected to meet the guideline requirements as set out in Appendix G. Appendix G states that dwelling houses will be expected to provide two parking spaces per dwelling unit and explains that in locations such as town centres where there is a greater choice of transport, this standard may be reduced. It is noted that the application site is not within a town centre location and whilst there may be some services within walking distance of the development this is not extensive.

Whilst two parking spaces per dwelling house are not provided throughout the development, having considered the approved scheme which is capable of implementation and other policies within the Local Plan which encourage the delivery of housing, on balance, exceeding the percentage of dwelling houses with only one parking space to the extent proposed (ie by 3%) is considered acceptable. Whilst there will undoubtedly be some instances of on street parking throughout the development, these instances have been sufficiently reduced to a level comparable to that previously approved. Landscaping will help to soften the impact of this, and the reduced number of dwelling houses with only one parking



space together with additional visitor parking provision will help to limit the impact on the residential amenities of the occupants of the site. In light of the above, the proposal is considered acceptable in terms of the level of parking provision throughout the development.

In line with the above, the recommendation has been amended to one of conditional approval subject to responses from the Senior Strategy and Project Officer and the Arboricultural Officer confirming the acceptability of the revised proposals and a minimum Building for Life Assessment score of 8 greens being achieved.

Conditions will be verbally presented to the Members at the Committee; however it is recommended that the final drafting and determination of appropriate planning conditions is delegated to the Executive Director of Operations and Finance.

### **Executive Summary/Key Outcomes**

Outline consent was granted in April 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197 and subsequent reserved matters applications were approved under references P/2013/1229 and P/2014/0071. The application site relates to the eastern bowl of the wider White Rock site and is largely grassed scrubland. Part of the wider site is under construction under the approved reserved matters scheme P/2013/1229 with a number of homes complete.

The application site has been split in to two parts, the larger part of the site is to the west of Waddeton Road and south of Moor View Industrial Estate and the smaller part is to the west of Brixham Road. The site that separates these two parts is currently under construction under reference P/2013/1229.

The application that is subject to this report is for reserved matters for the appearance, landscaping, layout and scale of 217 dwellings and the associated internal highway network, open space and landscaping. This application accommodates a higher proportion of two bedroom units over the previously approved reserved matters applications. The access arrangements to both parts of the site remains the same as previously approved with access via Brixham Road which connects to a central roundabout on to Waddeton Road and Long Road.

A further full application for an additional 44 dwellings is subject to a separate application. For clarity these are shown on the plans but have not been considered as part of this application.

Subject to satisfactory comments from the Arboricultural Officer, Senior Strategy and Project Officer and a Building for Life Assessment with a minimum score of 8 greens and conditions, on balance the proposal is considered to represent an

acceptable development contributing to the supply of housing within Torbay. Whilst a number of dwellings still only benefit from one parking space, overall a good standard of amenity is achieved by the proposal. The proposed landscaping scheme will soften the impact of the development and the layout will ensure an acceptable level of amenity can be achieved for the occupants of the development whilst protecting existing landscape features. The proposal is considered acceptable and compliant with both national and local policies specifically H1, SS11, SS12, DE1 and DE3

### **Recommendation**

Conditional approval subject to satisfactory updated comments from the Arboricultural Officer, the Senior Strategy and Project Officer and a revised Building for Life Assessment that scores a minimum of 8 greens.

Conditions as considered appropriate are summarised below, however it is recommended that the final drafting and determination of appropriate planning conditions is delegated to the Executive Director of Operations and Finance.

Conditions relating to car parking, house location and type, noise, landscaping, trees, external lighting, external materials, ecology, hedgerow protection and construction.

### **Statutory Determination Period**

13 weeks, the determination date was the 20th February 2016 however this has been exceeded to allow for officer negotiations and revised plans to be submitted.

### **Site Details**

Outline consent was granted in April 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197 and subsequent reserved matters applications were approved under references P/2013/1229 and P/2014/0071. The application site relates to the eastern bowl of the wider White Rock site and is largely grassed scrubland. Part of the wider site is under construction under the approved reserved matters scheme P/2013/1229 with a number of homes complete.

The application site has been split in to two parts, the larger part of the site is to the west of Waddeton Road and south of Moor View Industrial Estate and the smaller part is to the west of Brixham Road. The site that separates these two parts is currently under construction under reference P/2013/1229. To the south of both sites is open countryside which forms part of the Off Site Landscape and Ecology Management Plan, including tree planting and a woodland walk.

### **Detailed Proposals**

The proposal is to construct 216 dwellings, a mixture of detached, semi detached and terrace dwellings and apartments of which 20% are affordable and open

space provision.

The application represents a revised proposal for 216 of the 350 dwellings approved at outline stage. This application accommodates a higher proportion of two bedroom units over the previously approved reserved matters applications. The access arrangements to both parts of the site remains the same as previously approved with access via Brixham Road which connects to a central roundabout on to Waddeton Road and Long Road.

As with the approved scheme reserved matters applications for this site, the proposal has been broken down in to three character areas:

The 'Neighbourhood Core' is the main frontage of the development onto the primary street and local centre. The development within this element is a dense form of development composed of terraced three storey dwellings.

The 'Residential Core' forms the majority of the site includes a range of secondary streets. This area is made up of a combination of two storey terraces, semi-detached and detached properties.

The 'Countryside Edge' is located around the perimeter of the site and many of the dwellings within this section being detached however there are also examples of detached and terrace dwellings.

The density of the application site is approximately 33 dwellings per hectare with this ranging from 28 dwellings per hectare within the 'Countryside Edge' character area to 75 dwellings per hectare within the 'Neighbourhood Core'.

Excluding apartments which have a 1:1 parking ratio, there are 23 dwellings on the site which have only 1 parking space which amounts to approximately 11% of dwelling houses with 1 parking space.

The proposals include some on-site landscaping and open space provision.

The current proposal has been screened in terms of the need for an Environmental Impact Assessment and determined that an EIA is not required.

### **Summary Of Consultation Responses**

*Arboricultural Officer:* Comparative study across both applications indicates tree numbers may be similar; however there is no schedule to confirm this. Plans supporting P/2013/1229, specifically 'On plot landscaping plans 1-7 of 7 40200\_LP(90)\_213 Rev E' formed the conclusion of a series of meetings between the L.A. and agents for the applicant and were considered to offer a balanced compromise between the amenities of the new residents and public realm areas and softening and landscape integration from external view receptors. Tree species have been largely varied from the negotiated plans

noted above to smaller and/ or more columnar narrow type trees, presumably in recognition of the denser layout and increased unit numbers. The overall effect is to lessen the positive attributes that would be delivered from the arboricultural features on site and leave a tree population of smaller sized and reduced life span that would not offer long term desired benefits either internally or when viewed externally. Key junctions and principal roads were proposed to include more large sized trees, where now the use of more columnar tree form is proposed. The eastern edge of the site abutting Brixham Road proposes only 3 columnar trees of limited visual impact planted in grass. This location is an opportunity to enhance the arrival at the site but to also offer a sense of enclosure to residents of these units. I would suggest this curtilage requires detailed further consideration in tree planting and landscape terms. It is recommended that the scheme, now varied from the previous submission has by virtue of the increased numbers of units reduced the visual efficacy of the softening internal landscaping, substituting narrow trees from large or wider canopied trees will prevent the site achieving visual 'maturity' on a landscape basis detrimental to the amenities of the new development and its residents and visitors. These comments apply generally across the site but bear more weight at principal road junctions and boundaries shared with the AONB and Brixham Road.

Further comments from the Arboricultural Officer are expected in relation to the revised plans which have been submitted to attempt to overcome the concerns noted within the original consultation response above.

Comments verbally presented to the Development Management Committee on the 14th March 2016:

Species of *Quercus palustris* outside of unit 338 should be varied to a smaller tree as it will quickly outgrow the front garden. Agreement is found that plan ref 151102 L08 02 dated feb 2016 mirrors agreed points from the meetings. Queries raised regarding whether or not the approved LEMP will be revised to take the changes into account.

*Senior Strategy and Project Officer:* From a number of site visits in the area, the developments to have been completed in the vicinity do appear to have a shortage of off road car parking, resulting in vehicles parked in the roads and pavements. It is agreed that in this out of centre location a minimum of two parking spaces plus space for two cycles should be provided, in accordance with Policy TA3 and Appendix G of the new Adopted Local Plan. If in garages, please can you ensure that these meet the size requirements in the note to Appendix G (i.e. 3.3m x 6m).

It is not satisfactory for cars to have to reverse significant distances to get into the allotted parking spaces (units 77, 378,379). It is also agreed that locating parking away from the dwellings is likely to result in on-street parking. This is particularly the issue with the parking court for 37-52 but also for 53-57 and 140-

144.

*Police Architectural Liaison Officer:* Recommendations made in relation to Building Regulations - Approved Document Q - Security and Secured By Design.

*Green Infrastructure Co-ordinator:* The Public Open Space provided is in accordance with the indicative layout approved at outline stage, and that approved through the previous reserved matters application (P/2013/1229), and thus the principle is accepted. The Design Statement states that around 20 allotment spaces (4 within the Ridge Park area outside of this application) will be provided and also refers to orchard planting in this area (section 4.10). Drawing 151102 L 02 03 appears to show 21 allotments within the red line for this application and an additional 5 plots within the Ridge Park area. The orchard planting does not appear to be shown on the submitted plans.

Further information regarding the allotment area is required prior to determination including:

- o Confirmation regarding the number of allotment plots to be provided.
- o How the allotment area will be laid out prior to residents taking on plots for cultivation.
- o Details regarding the proposed orchard planting (location, proposed species, tree sizes, numbers/densities and planting methods).

It is noted that on-going management of the allotment and orchard planting (as well as other on-site landscape and ecological features) is provided through the on-site LEMP secured through the discharge of condition 10 of the outline application. It is suggested that an informative is added to any planning approval noting that the development must be carried out in strict accordance with both the on and off site LEMPs. It should be noted that Torbay Council is currently in discussion with Linden Homes regarding progress with the LEMP works.

The Design Statement states that "The Locally Equipped Areas for Play (LEAP) within the POS are to be detailed and delivered by Torbay Council". Whilst Torbay Council's Natural Environment Services team are happy with this approach, a suitable financial contribution for both capital (development of design and purchase of equipment) and revenue will need to be agreed and secured through a supplementary s106 agreement if this is the case. This will need to be agreed prior to determination; James Nicholas and Neil Coish should be contacted in this regard.

As for the previous reserved matters application (P/2013/1229), a condition should be secured to ensure that there is no form of external lighting on the elevations facing hedgerows along the southern boundary (plots 371 - 378 and plots 391 and 392) and along Waddeton Road (plots 169, 170, 370) to avoid adverse impacts on bats.

Comments verbally presented to the Development Management Committee on the 14th March 2016:

In relation to ecology, it is recommended that the following is secured by planning condition or provided prior to the determination of the reserved matters application.

- o Submission of a Construction Environmental Management Plan (CEMP) for approval by Torbay Council prior to commencement. The CEMP should be produced in accordance with clause 10.2 of BS.42020:2013.
- o Submission of a lighting plan for approval by Torbay Council prior to commencement. Lighting should be designed to be sensitive to bats. External lighting should be the minimum required for safe use of the site and positioned to avoid illuminating retained hedgerows, new roosting provision and any retained trees with identified bat roost potential.
- o Submission of a plan for approval by Torbay Council prior to commencement showing the numbers, locations and specification of the bird and bat boxes proposed in Figure 7: Ecological Enhancements of the on-site LEMP (Abacus/Deeley Freed/Linden Homes January 2014 Rev D) submitted to discharge condition 10 of the outline application, P/2011/0197.

In relation to the allotments and orchard, it is noted that the arrangement has been revised (as shown on drawing 151102 L02 03: Composite Site Layout Rev H and Drawing 151102L 08 01: Soft Works 1 Rev 1). The inclusion of orchard planting on the plans is welcomed, however it is suggested that the nine allotment plots currently located to the north of proposed sports pavilion be relocated so that they are parallel to the north hedgerow, with the remainder of the area set aside as an orchard.

With regard to allotments, it is noted that the on-site LEMP (Abacus/Deeley Freed/Linden Homes January 2014 Rev D) states that 'until residents arrive, define and take on plots for cultivation, this area is to be laid out and maintained as amenity grassland' and it would be useful if this was specified on the soft works plan. As per my previous comments further details of the orchard planting (tree sizes, numbers/densities and planting methods) are required. It is noted that on-going management of the allotment and orchard is provided through the on site LEMP secured through the discharge of condition 10 of the outline application (P/2011/0197)

It is noted that the revised Design and Access Statement still states that 'The Locally Equipped Areas for Plan (LEAP) within the POS are to be detailed and delivered by Torbay Council. As previous comments, whilst Torbay Council's Natural Environment Services team are happy with this approach, a suitable financial contribution for both capital (development of design and purchase of equipment) and revenue will need to be agreed and secured through a

supplementary s106 agreement if this is the case. This will need to be agreed prior to determination; James Nicholas and Neil Coish should be contacted in this regard.

*Natural England:* No objection in terms of statutory nature conservation site, Natural England advises that the proposal is unlikely to affect any statutorily protected sites. Natural England does not wish to comment on this development proposal in relation to protected landscapes however advises that the South Devon AONB unit may wish to comment. The application has not been assessed in relation to the impacts on protected species.

*Environment Agency:* The site is Flood Zone 1 and sites in the Critical Drainage Area are dealt with by standing advice.

*Landscape Consultant:* Of particular relevance to the consideration of this application are the approved off-site landscape mitigation/enhancement works (LEMP secured by S106) which includes significant belts of woodland planting on land to the south, including a belt (around 25m wide) immediately south of the southern boundary. This planting will provide a strong landscape buffer between the development and undeveloped countryside to the south. Therefore, planting within the site is primarily to contribute to the internal character/sense of place of the site and the amenity of residents, as opposed to the assimilation of the development within its wider context.

The outline application included a house typology schedule (Dunmarino Associates dwg. no 13009 HTP 01 Rev. J). This indicated detached houses on the southern edge of the site. The proposals show a mix of detached and semi-detached houses resulting in an increase in housing density on this boundary. Whilst this would have a slight effect on the visual permeability of the development in more immediate views this is not considered to be a particular issue of concern given the structural planting proposed to the south which will contain the site in time.

Of particular concern is the very close relationship of buildings in plots 169, 170, 370-371, 390 and 391 to the existing boundary hedge. There appears to be a high likelihood of damage to occur to the hedge and associated rooting area (reference to any submitted Arboricultural Assessment should identify the minimum root protection area for this hedge), when taking account of working areas required for construction. Buildings in plots 170, 370-371 are also, by virtue of their proximity to the hedge, to be readily apparent rising above in views from Waddeton Road. It is recommended that further consideration of the proposals is required to address these issues.

The houses in plot 391 and 392 are very close to the hedge and likely to result in shading to the south elevation as the hedge and off site planting develops, resulting in pressure to cut back. It is recommend that the design of these plots is

reconsidered

How is the boundary hedge to be protected? The hedge should be retained in single ownership to ensure it is managed in a consistent and appropriate manner. How is it to be accessed for management purposes?

The internal landscape proposals appear to have been 'watered down' considerably from the detailed landscape plans provided by Stride Treglown (although we are unclear about the status of these plans and whether they have been approved previously). The proposals now (as shown on Clifton Emery Design dwg no 151102 L 08 01) show very little landscape variation with the principal focus on hedge planting (laurel and hornbeam) to the boundaries of front gardens throughout the scheme and scattered tree planting. The previous Stride Treglown (ST) drawings showed greater variation in treatment which is desirable. Overall therefore the current proposals appear to be a significant 'step back' in terms of the creation of a more varied, interesting external environment and sense of place. It seems entirely reasonable (and depending upon the status of earlier ST drawings) to require the approach to be reconsidered.

There is no indication that details have been provided indicating proposed plant sizes, densities and outline soft landscape specification. This should be checked and, if not provided as part of the application, it is recommended that this information should be requested pre-determination.

Tree species:

- o Prunus avium 'Plena' is shallow rooting and may cause future problems with disruption of hard surfaces.
- o Betula pendula can be brittle with age and their incorporation in the scheme needs to be considered carefully. Their mature stature, relative to their location on the southern side of plots 177-181, may result in their future removal by householders. The inclusion of some trees on the southern side of this street would be desirable and give a more varied street scene.
- o We recommend that confirmation is obtained that the location of trees relative to services has been considered and that trees proposed can actually be achieved.
- o Some trees are located very close to buildings and confirmation should be obtained that these are practical relative to adjoining foundations (as NHBC guidelines).

It is recommended that any areas proposed to be offered for adoption by the Council are identified at this stage to allow further consideration on their acceptability.

*Affordable Housing Delivery Officer:* Comments verbally presented to the Development Management Committee on the 14th March 2016:



Whilst housing services are in agreement with the location of the affordable housing tenure of the affordable units are still to be determined and as with all sites we would expect the mix of affordable housing to be proportionate to the mix as a whole with 1/3 being provided for Affordable Rent, 1/3 Social Rent and 1/3 Shared Ownership. Subject to the section 106 as agreed at outline planning stage being met which sets out the details around specification, location etc of the affordable units then Housing Services are in support of the application.

*Senior Design and Heritage Officer:* Comments verbally presented to the Development Management Committee on the 14th March 2016:

The Building for Life Assessment resulted in a score of 7 red, 1 amber and 4 green however many of the reds could be improved by the submission of further information. It is likely that 8 greens as required by a condition of the 2011 outline consent could be achieved.

*South Devon AONB Manager:* Comments verbally presented to the Development Management Committee on the 14th March 2016:

It will fall to the planning authority to consider the impact on the AONB and to give that great weight in its consideration of the application. Although the report by Enderby Associates does not explicitly refer to the AONB, reference to the planting belts acting as buffers to longer distance views are noted, so it may be that this covers the AONB angle. The comments of Enderby Associates about the importance given to the coherent future protection and management of the boundary hedges are endorsed and the recommendation that they should not be incorporated piecemeal into private gardens. One further issue to consider is whether the application provides suitable detail of external lighting proposals in a way that minimises light spillage from the more elevated parts of the site into the surrounding countryside.

*South Hams District Council:* No comments received.

### **Summary Of Representations**

1 representation received. Issues raised:

- o Removal of facilities - the outline application proposed A1/A3 uses which have not been included in this application.
- o Overdevelopment - the development is dense and does not provide facilities
- o Impact on local area - pressure on services, highway, wildlife and employment
- o Contrary to local and national policies - the proposal does not take in to account the need to consider employment opportunities of the occupants of the housing and therefore occupants will travel outside of the Bay.

### **Relevant Planning History**

P/2013/1229 Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development APPROVED

P/2014/0071 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 APPROVED

P/2015/0918 Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development (Variation of condition P1 of P/2013/1229 - MMA to units 37, 94 and 237 to allow wheelchair access) APPROVED

P/2015/1061 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 PENDING CONSIDERATION subject to the outcome of this application

P/2015/1229 Approval of appearance, landscaping, layout and scale in relation to 217 dwellings and associated dwelling - THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 DO NOT MAKE PROVISION FOR PUBLIC COMMENT ON REQUESTS FOR SCREENING/SCOPING OPINIONS EIA NOT REQUIRED

P/2016/0094 Erection of 44 dwellings and associated infrastructure PENDING CONSIDERATION

P/2016/0188 Approval of appearance, landscaping, layout and scale in relation to a sports pavilion PENDING CONSIDERATION (Variation of condition P1 of P/2014/0071)

### **Key Issues/Material Considerations**

The key issues to consider are the principle of development, appearance, scale, layout and highways matters, parking, waste and recycling facilities and residential amenity.

#### **Principle:**

Outline consent has been granted for the mixed use development of the site. This application was approved subject to extensive consultation and was subject to Habitat Regulation Assessment and was accompanied by a detailed Environmental Statement. The principle of development was established by this application and subsequently two reserved matters applications were approved for the residential elements of the site.

This application is in accordance with the indicative layout and delivers affordable housing as set out within the section 106 agreement. The scheme provides 20% affordable housing across the two sites, a schedule of the tenure is awaited.

Whilst housing services are in agreement with the location of the affordable housing, tenure of the affordable units is still to be determined and it is expected that the mix of affordable housing will be proportionate to the mix as a whole with 1/3 being provided for Affordable Rent, 1/3 Social Rent and 1/3 Shared Ownership. Subject to the section 106 as agreed at outline planning stage being met which sets out the details around specification, location etc of the affordable units, Housing Services are in support of the application.

Condition 2 of the outline application required the scheme to score at least 8 'greens' when scored against Building for Life criteria. The Building for Life Assessment of the original submission resulted in a score of 7 red, 1 amber and 4 green however many of the reds could be improved by the submission of further information. It is likely that 8 greens as required by a condition of the 2011 outline consent could be achieved however a further assessment will need to be carried out and the result of this assessment will be presented at the meeting.

#### Appearance:

There are various different house types across the two parts of the site, the majority of which are simple and contemporary in design with slate grey tiled pitched roofs, rendered or full bricked walls and upvc windows, doors and fascias. The house types are largely grouped into distinct areas in line with the different character areas. The majority of dwellings are rendered with subtle changes in render colour and feature brick panels and plinth to add interest. In the lower density areas of the site full brick dwellings have been included to define the character areas throughout the development. If approved it is recommended that a condition regarding the submission of details of external materials to ensure a high quality residential environment.

The appearance of the dwelling houses is considered acceptable and in keeping with the remainder of the approved residential scheme that is not subject to this reserved matters application.

#### Scale:

The visual impact of the development was a key factor of the outline application. This resulted in the location of the residential element of the scheme being contained within a 'bowl' in the landscape, with open amenity space to the east on the ridge. An off-site LEMP was produced which included extensive tree planting along the south of the site to help further screen the development particularly from the Stoke Gabriel and Galmpton Areas (South and West). An on site LEMP has also approved which helps provide further landscaping enhancements.

As was the case with the previously approved reserved matters applications, the tallest properties are limited to a particular character area ('Neighbourhood Core') helping to define the urban form. The remainder of the site is limited to two

storeys. The scale of the development has increased with the increased density of the dwellings in order to provide additional two bedroom dwellings. As a result the features of the individual character areas approved as part of the original reserved matters applications, particularly those within the lower density areas of the site, have been weakened somewhat. The 'Countryside Edge' whilst still relatively spacious in comparison to the 'Neighbourhood' and 'Residential Core' areas, has become more dense with an increase in semi-detached and terrace dwelling arrangements. In comparison to that previously approved the quality of the scheme is considered to have weakened particularly within the 'Countryside Edge' character area. However the dwellings in this area continue to feature open intervals creating the feeling of space between built form and no more than approximately 16m of built form in a single stretch and in some cases garages also allow for larger gaps to be maintained at first floor level. Within the 'Neighbourhood Core' and 'Residential Core' character areas the density has also increased with increased numbers of terraced dwellings. However in these areas, the character is of a higher density and therefore the level of built form is considered to sit much more comfortably and therefore the scale of physical development in these areas is considered acceptable.

The number of dwellings has increased and therefore so has the density. The proposal has been revised in order to overcome officer concerns regarding the overdevelopment of the site. A core planning principle in the NPPF is to "secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". This point is reiterated at para. 58 of the NPPF which states that decisions should aim to ensure that developments "create attractive and comfortable places to live, work and visit". The proposal has been revised in order to meet these principles.

#### Layout and Highways Matters:

The principle access points to the development are from Long Road and Brixham Road. A new section of road is already in situ, enhancing Waddeton Road and including a roundabout with access in to the development site. As was the case with the previous reserved matters applications, the road layout within the scheme is focused on the provision of a number of principle access roads to sections of the development with cul-de-sacs leading off each route. With the exception of the private drives which adopt block paving and the key frontage on to the area of open space to the western edge of the larger part of the site, the roads are of a traditional design with asphalt roads and footways to one side. Highway bands with rumble strips are proposed at key junctions to encourage the reduction in speeds at these points.

The layout provides good permeability into the site with access routes through for both vehicles and pedestrians. The layout remains largely the same as previously approved in terms of the road layout and remains acceptable.

#### Parking:

As noted in the original recommendation, the previously approved reserved matters schemes had a number of dwellings which only benefitted from one parking space. The percentage of dwellings with only one parking space approved as part of the original reserved matters schemes was 8% and is a material consideration. 11% of dwelling houses proposed as part of the revised scheme have only 1 parking space. These dwelling houses are located within the Residential Core character area of the development and whilst there are still examples of remote parking, the reduced number of dwellings with only one parking space has lessened the impact on the street scene as a result of on street parking. Policy TA3 and the associated appendix G state that the Council will require appropriate provision of car, commercial vehicles and cycle parking spaces in all new development and that development proposals will be expected to meet the guideline requirements as set out in Appendix G. Appendix G states that dwelling houses will be expected to provide two parking spaces per dwelling unit and explains that in locations such as town centres where there is a greater choice of transport, this standard may be reduced. It is noted that the application site is not within a town centre location and whilst there may be some services within walking distance of the development this is not extensive.

Whilst two parking spaces per dwelling house are not provided throughout the development, having considered the approved scheme which is capable of implementation and other policies within the Local Plan which encourage the delivery of housing, on balance, exceeding the percentage of dwelling houses with only one parking space to the extent proposed (i.e. by 3%) is considered acceptable. Whilst there will undoubtedly be some instances of on street parking throughout the development, these instances have been sufficiently reduced to a level comparable to that previously approved. Landscaping will help to soften the impact of this, and the reduced number of dwelling houses with only one parking space together with additional visitor parking provision will help to limit the impact on the residential amenities of the occupants of the site. In light of the above, the proposal is considered acceptable in terms of the level of parking provision throughout the development.

Garages do fall short of the dimensions required by policy TA3 and appendix G of the Torbay Local Plan. However having considered the approved reserved matters schemes, on balance this is not on its own considered to warrant the refusal of the application as this would not result in a greater impact when compared against the approved scheme. This same consideration cannot be made when considered in terms of off road parking bays, as the percentage of dwellings with only one parking space is greater than that previously approved.

Each of the properties has access to the rear gardens to enable waste and cycle storage provision to be provided. Where properties don't benefit from rear gardens or garage provision separate cycle and waste provision is provided. All properties in the scheme are to have dedicated recycling and waste storage facilities and cycle stores as secured by condition 4 of the original outline

consent.

Landscaping:

As part of the outline application, off-site landscape mitigation and enhancement works (Landscape and Ecological Management Plan secured by S106) includes significant belts of woodland planting on land to the south, including a belt immediately south of the southern boundary. This planting will provide a strong landscape buffer between the development and undeveloped countryside to the south. The increased housing density is not considered to have a significant effect on the visual permeability of the development in light of the structural planting proposed to the south which will act to contain the site once established. In addition and in light of this structural planting the proposal is not considered to result in significantly greater impact in views from the AONB to the south or views from the South Hams.

Officer negotiations have resulted in a revised landscaping scheme. The revised scheme accords with officer comments provided during the course of the application and will complement the development. Landscaping is proposed to break up the rows of parking provision and screen parking courts, the landscaping proposals help to soften the scheme and whilst the increased density has defined the level of landscaping proposed the overall landscaping proposals are considered acceptable on balance. Within the consultation response from the Landscape Consultant, reference is made to several plots within the 'Countryside Edge' that are positioned in close proximity to the existing hedgerow. Five of these plots were located in a closer position to the hedge on to Waddeton Lane than the previously approved reserved matters scheme. The revised scheme has improved the relationship between these dwellings and the existing hedgerow to a level that is considered acceptable having considered the layout already approved.

Comments from the Council's Green Infrastructure Officer are noted and conditions will be included as conditions of approval as suggested. The allotments have been omitted from this part of the wider outline application site and repositioned to the west of the red line boundary. Orchard planting has instead been included within the area previously noted as allotments.

Residential Amenity:

There are 216 new dwellings being provided within the scheme, this comprises:

- 2 one bed flats
- 29 two bed flats
- 56 two bed houses
- 85 three bed houses
- 42 four bed houses
- 2 two bed coach houses

There a good range of house sizes, the majority of the properties benefit from rear gardens with the exception of the apartments/flats and one of the coach houses. The sub-text to policy DE3 of the Torbay Local Plan 2012-2030 recommends 55sqm of private amenity space for dwelling houses and 10sqm for flats. Whilst the gardens sizes fall below this recommended guideline in some instances having considered the availability of public open space provided as part of the development on balance the level of private amenity space is considered acceptable. Similarly having considered the previously approved scheme it is considered that the dwellings are acceptable in terms of internal floor space and are largely well proportioned internally.

For the majority of plots the level of inter-visibility is limited due to the layout of the dwellings and separation distances. The original submission included an exception where the separation distance was limited to 17m, which fell below what is generally recognised as an optimum separation distance to prevent inter-visibility between dwellings that are positioned back to back. This has been revised and the standard of amenity has now been improved to an acceptable level.

Comments from the Police Architectural Liaison Officer are noted and have been reiterated to the applicants and included within the revised scheme as appropriate.

### **Conclusions**

Subject to satisfactory comments from the Arboricultural Officer, Senior Strategy and Project Officer and an acceptable Building for Life Assessment score and conditions, on balance the proposal is considered to represent an acceptable development contributing to the supply of housing within Torbay. Whilst a number of dwellings still only benefit from one parking space, overall a good standard of amenity is achieved by the proposal. The proposed landscaping scheme will soften the impact of the development and the layout will ensure an acceptable level of amenity can be achieved for the occupants of the development whilst protecting existing landscape features. The proposal is considered acceptable and compliant with both national and local policies specifically H1, SS11, SS12, DE1 and DE3.

### **Relevant Policies**

H1LFS - Applications for new homes  
SS11 - Sustainable Communities Strategy  
DE1 - Design  
DE3 - Development Amenity  
DE2 - Building for life  
C4 - Trees, hedgerows and natural landscape  
SS8 - Natural Environment  
TA3 - Parking requirements  
SS12 - Housing

# Agenda Item 7

**Application Number**

P/2016/0056

**Site Address**

Torquay Academy  
Cricketfield Road  
Torquay  
TQ2 7NP

**Case Officer**

Mr Scott Jones

**Ward**

Tormohun

**Description**

New multi use hall, dining area extension and refurbishment of existing drama space to provide additional classrooms

**Executive Summary/Key Outcomes**

The application relates to the Torquay Academy school site off Cricketfield Road, Torquay and the proposal seeks extensions and modifications in order to provide a new multi-purpose hall, a new dining room extension and refurbishment of the existing drama space to create new formal class spaces.

The proposed multi-use hall is to the south of the existing main educational block between it and the existing sports hall, which is visible from Cricketfield Road, set on part of the existing outdoor MUGA (Multi Use Games Area). The building will cover a footprint 30m by 25m with a mono-pitched roof that sets the building height at 7.5m and 10m at its lowest and highest points. The design is clearly modern and seeks to assimilate with the main building. It is considered an acceptable addition to the site.

The dining room extension is single-storey and is set in an existing east-facing recess created by the irregular footprint of the main campus block. The character is again clearly modern with clean render under a mono-pitched roof that also seeks to harmonise with the main building. The footprint is 8.5m by 12m and it is considered an appropriate extension to the main building with little impact due to its scale and location.

The altered drama space is located in the northern part of the main education block and encompasses a footprint that is approximately 25m by 25m. It converts the existing ground floor drama and music hall, along with the void above, in order to provide six classrooms over two floors and an additional smaller "dark room". The alterations will have little impact and are considered acceptable.

The National Planning Policy Framework (NPPF) encourages local planning authorities to work positively and collaboratively with schools to help to meet their needs in providing sufficient choice of school places and places great importance



on this issue. The proposal has been evolved in conjunction with the Torbay Development Agency in order to secure improved indoor hall facilities and cater for a change in focus in terms of the curriculum towards more academic subjects.

Local Plan Policy SC3 (Education, skills and labour) outlines that that improvement to existing and the provision of new education facilities will be supported.

The extensions and alterations are suitable scaled and formed and will have a relatively insignificant impact upon the wider character and appearance of the school site.

Impact upon local amenity will be negligible as the proposals are set amongst the existing building pattern and are relatively central to the site. The additional facilities are unlikely to present any notable change to the amenities afforded adjacent occupiers when considering the current function of the site and buildings.

The proposals, which do not increase staff or pupil numbers, will not have an impact upon the highway network.

The drainage strategy is considered acceptable and responds to the context of the wider Critical Drainage Area Designation over Torbay, with existing attenuation and controlled discharge of surface waters being altered to accept the additional capacity. The supporting information does not include the detailed design in regard to achieving the increase in capacity. This must be addressed, to the satisfaction of the Council's Drainage Department, prior to any grant of planning permission.

### **Recommendation**

Approval; subject to:

1. the prior receipt of surface water attenuation design to the satisfaction of the Council's Drainage Department; and
2. conditions to include those outlined within this report.

### **Statutory Determination Period**

This is a major application and the 13 week determination date is 10.05.2016.

### **Site Details**

The site is the existing Torquay Academy school, which has been relatively recently redeveloped into a modern educational facility held in a contemporary multi-winged building complex central within the site, supplemented by a detached sports hall and hard and soft outdoor play/games space.

The main access is from the south off Cricketfield Road which sits aside the open sports field.

Closer to the main block sits the detached sports hall which is adjacent to an all weather pitch and a MUGA.

There are no designations over the land although Torbay more widely is designated as a Critical Drainage Area.

### **Detailed Proposals**

The proposal seeks extensions and modifications in order to provide a new multi-purpose hall, a new dining room extension and refurbishment of the existing drama space to create revised class space.

The proposed multi-use hall is to the south of the existing main campus building between the block and the existing sports hall that is visible from Cricketfield Road, set on part of the existing outdoor MUGA (Multi Use Games Area). The building will cover a footprint 30m by 25m with a mono-pitched roof that sets the building height at 7.5m and 10m. The design is clearly modern and seeks to assimilate with the main building.

The dining room extension is single-storey and is set in an existing east-facing recess created by the irregular footprint of the main campus block. The character is again clearly modern with clean render under a mono-pitched roof that also seeks to harmonise with the main building. The footprint is 8.5m by 12m.

The altered dining area is located in the northern part of the main building block and encompasses part of the building with footprint that is approximately 25m by 25m. It converts the existing ground floor drama and music hall, along with the void above, in order to provide six classrooms over two floors and an additional smaller "dark room".

Surface water drainage from the new buildings would be managed by connecting into the existing attenuation facilities that discharge at a controlled rate to the public sewer. The attenuation tanks are to be modified to cater for additional capacity however a detailed design scheme is absent.

### **Summary Of Consultation Responses**

*Sport England* No objection.

*Strategic Transport Officer* There will be no increase in pupil or staff numbers, as indicated within the Design and Access Statement, and the school is located within the built up area with good pedestrian access from residential areas. The accompanying travel plan cites that over 70% pupils walk to school.

It is recommended that the introduction of waiting restrictions on Barton Hill Road achieved by an obligation of £1500 should be sought, and that the Travel Plan is amended to provide targets for staff travel, reductions in student travel to school by (non shared) car and implementation of a walking and cycling targets, achieved by condition.

The proposal is supported on transport grounds subject to the above.

*Drainage Department* The drainage strategy is considered acceptable and responds to the context of the wider Critical Drainage Area Designation over Torbay.

The supporting information does not include the detailed design in regard to achieving the increase in capacity of the attenuation for controlled discharge and appropriate design detail should be achieved prior to determining the application.

*South West Water* No objection to the controlled discharge subject to the Council's Drainage Department being satisfied. Comment that development should not be within 3m of public sewers running through the site.

*Community Protection* No objection.

*Arboricultural Officer* The proposal is acceptable on arboricultural merit as the development is away from existing trees and shrubs on the site, which means the impact is likely to be negligible. Storage / works should be conducted away from existing trees and request that a specification for the low level planting is submitted.

*Police Liaison Officer* No objection.

### **Summary Of Representations**

Three objections have been received from local residents raising the following concerns:

- loss of privacy
- loss of light
- potential structural damage, noise and dust.

These have been sent electronically for Members consideration.

### **Relevant Planning History**

The school has been recently redeveloped to provide modern facility with a main central educational block supported by a large detached sports hall and hard and soft play areas, which include a flood-lit all weather pitch.

There is no direct history relevant to the proposals currently being considered.

## **Key Issues/Material Considerations**

The key issues are:

1. The Principle of the Development
2. Design and visual impact
3. Impact on local amenity
4. Impact upon highways and movement
5. Drainage and flood risk.

### **1. The Principle of the Development -**

The principle of improvements to the educational facility is considered acceptable.

The National Planning Policy Framework (NPPF) encourages local planning authorities to work positively and collaboratively with schools to help to meet their needs in providing sufficient choice of school places and places great importance on this issue. The proposal has been evolved in conjunction with the Torbay Development Agency in order to secure improved indoor hall facilities and cater for a change in focus in terms of the curriculum towards more academic subjects.

Paragraph 72 of the NPPF states:

"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted."

Local Plan Policy SC3 (Education, skills and labour) outlines that that improvement to existing and the provision of new education facilities will be supported.

The improvement of the school facility is supported in policy guidance for the reasons stated above.

### **2. Design and visual impact -**

The impact of the proposals upon the character and appearance of the area is considered acceptable.

The multi-use hall is set between the dominant building on the site, the main central teaching block, and a secondary but still significant building, the detached

sports hall. The proposed scale and height of building responds to the context set by these two buildings and hence it will sit comfortably in its surrounds. The design of building is clearly modern and will align itself comfortably with the wider built form, reinforcing the modern character of the educational site. Visual interest is added by way of design which incorporates two-tone render, recessed areas and elements of glazing.

The new dining room is relatively diminutive due to its limited scale and location within a natural recess that is formed by the irregular pre-planned building lines of the main teaching block. The proposed form of building is reflective and is again modern and contemporary, with a mono-pitched roof, clean render and glazing.

The alterations to reform the drama space into more formal classrooms over two floors will assimilate the outer form with the immediate building form and within the context of a large teaching block would have limited visual impact.

The location of development within areas with established buildings will help limit any impact and the proposals appear a pragmatic solution for further development. The scale and form of development is consistent with the current character and the proposals would hence have little impact upon the character and appearance of the school site and its contribution to the wider built environment.

The proposal is considered acceptable in design terms and in accordance with Policy DE1 (Design) of the Torbay Local Plan.

### **3. Impact upon local amenity -**

Representations have raised concerns about a potential increase in loss of privacy and light, noise impacts and potential structural damage.

The multi-use hall will sit between the main block and the detached sports hall to the south. The character of the relationship between the school and residential properties will be largely unaffected, as the building is a similar scale to the buildings that it will sit between and will retain the gap between school development and the adjacent properties to the north and east at around 70m-80m. Considering the scale and distance to the edge of plot the multi-use hall will not result in any undue harm on local amenity.

The dining room extension would not affect amenity due to its scale and location within a recess of the footprint of the main teaching block.

The revisions to the drama hall to provide new formal teaching rooms will not increase the footprint or general scale of the main teaching block and would have little impact upon adjacent amenity for these reasons.

The proposal is supported by a geotechnical survey and the land appears capable of being developed to provide the development detailed. Neighbours have cited previous effects of development and the potential for this development to affect their properties. The development impact and potential liabilities upon third party properties is a civil matter and, where the land is considered capable of being developed, should not inhibit the granting of planning permission.

The proposal, for the reasons above, is considered to retain suitable levels of amenity for adjacent occupiers, in accordance with Policies DE1 (Design) and DE3 (Development amenity) of the Torbay Local Plan.

#### **4. Impact of highways and movement -**

The proposal is considered acceptable on highway and movement grounds.

The development seeks to improve and adopt the school facilities to provide enhanced education space to suite a change in the curriculum focus. It does not seek to provide additional space to increase pupil or staff numbers.

In light of the above the implications upon the wider highway network are on face value absent, as school numbers are not proposed to increase.

The Strategic Transport Officer is in agreement that the development would have limited impact where there is no actual increase in school numbers. It has however been requested that £1500 is secured to provide a change to parking restrictions on Barton Hill Road, and that some further detail in regard to travel plan aspirations should be secured by condition.

In the absence of increased pupil or staff numbers it is not considered fair or reasonable to seek the obligations for parking restrictions that has been requested. This view is considered consistent with similar school extensions where obligations have not been sought where there is no net increase in teaching numbers.

To conclude in the absence of any likely impact the movement and transport affects of the development are considered limited and the proposal is suitable for planning approval, being compliant with Policies TA1, TA2 and TA3 of the Torbay Local Plan.

#### **5. Drainage and flood risk -**

Surface water drainage is proposed to a revised attenuated system that discharges at a controlled rate in to the public sewer.

South West Water has raised no objection to this concept and are content with the strategy subject to the Council's Drainage Department being supportive to the detail.

The Council's Drainage Department is also content with the strategy of a controlled discharge from an amended attenuated system.

It is noted that the submitted documents do not include the detailed design in regard to achieving the increase in capacity of the attenuation for controlled discharge and appropriate design detail should be achieved prior to determining the application.

The concept of attenuation and controlled discharge is considered acceptable in the content of the Critical Drainage Area designation that sits over Torbay, however it is considered necessary to seek detailed information on the attenuation requirements to respond to the 1 in 100 year storm event plus an allowance for climate change, in order to ensure that the risk of flooding is not increased.

It is recommended that any grant of permission is subject to the prior receipt of the attenuation design to the satisfaction of the Council's Drainage Department.

**S106/CIL -**  
N/A.

### **Conclusions**

The application is acceptable, subject to further information in regard to the detailed design of the drainage attenuation to the satisfaction of the Council's Drainage Department, and conditions to include those laid out within this report.

The proposal will enhance an educational facility in order to meet changing needs, with little impact upon the built environment, local amenity, transport or drainage for the reasons stated within this report.

### **Condition(s)/Reason(s)**

01. Prior to the first use of any building hereby approved an updated Travel Plan for the school shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of improvements towards a modal shift towards sustainable travel with suitable targets for car usage of staff, targets for the reduced student travel by (non shared) car, and details and implementation of walking and cycling targets.

Reason: To ensure that the development incorporates sustainable development principles, in line with Policy TA1 and TA2 of the Torbay Local Plan.

02. All external material finishes, in terms of both form and colour, shall seek to assimilate the proposed development with the predominant existing building form on the site, in order to reinforce the broad character and

appearance of the site and its contribution to the wider built environment.

Reason: To ensure a suitable form of development in accordance with Policy DE1 (Design) of the Torbay Local Plan.

03. All shrub or tree removal shall take place outside of the main bird nesting season (March-September inclusive), or will be subject to a pre-removal inspection by persons competent in order to establish any presence of nesting birds. Should nesting birds be found to be present the shrub/trees shall not be removed until any fledglings have left.

Reasons: To ensure a suitable form of development in accordance with Policy NC1 of the Torbay Local Plan.

04. Prior to the first use of the multi-use hall four Schweglar Type 25 swift nest boxes shall be installed within the northern wall to at least a height of 5m from ground level and at least 1m apart from each other.

Reason: To ensure that the development proceeds with due consideration of resulting in biodiversity improvements, in accordance with Policy NC1 of the Torbay Local Plan.

05. All construction lighting shall be limited at night to low-level motion activated lighting set on short timers. All post-construction lighting shall be designed to minimise light-spill into areas of the site that are presently dark and/or non-illuminated.

Reasons: To ensure that the development proceeds with due consideration to bats, in accordance with Policy NC1 of the Torbay Local Plan.

**Relevant Policies**

SC3 - Education, skills and local labour

DE1 - Design

DE3 - Development Amenity

TA1 - Transport and accessibility

TA2 - Development access

TA3 - Parking requirements

ER1 - Flood Risk



# Agenda Item 8

**Application Number**

P/2016/0078

**Site Address**

Land Off Newton Road And Riviera Way  
Torquay  
TQ2 7AH

**Case Officer**

Mr Scott Jones

**Ward**

Shiphay With The Willows

**Description**

Construction of a new railway station to include the following:

Two single sided station platforms, provision of a footbridge between platforms, elevated walkway and access ramps, car park facility for 28 car parking spaces (as amended)(including three reduced mobility parking spaces)(amended), motorcycle parking and 12 cycle spaces, extended footpath along Riviera Way, lighting and CCTV, and platform furniture to include shelter and signage.

**Executive Summary/Key Outcomes**

The proposal is for a rail halt and car park on land between Riviera Way and Newton Road, at Edginswell, Torquay, consisting of two platforms with access ramps and steps to each and a connecting footbridge over, together with ancillary elements such as fencing, platform shelters, lighting, CCTV etc. The car park will provide 28 spaces and motorcycle parking.

The delivery of a new railway station in Edginswell is included in the Torbay Local Plan (Policy SS6.4). Edginswell is part of the area defined as Torquay Gateway in the Local Plan (Policy SDT3). There will be significant economic and residential growth in that area over the next 15 years. The rail halt will support the delivery of growth, as set out in the Economic Strategy, the new Local Plan and adopted Torquay Gateway Masterplan. It will also support key employment/services in the locality, principally the Torbay Hospital, Edginswell Business Park, and the Willows District Centre. The business case for the station shows that it could deliver over £12 of economic benefit for every £1 spent on construction of the station.

The provision of a rail halt has a strategic fit within the wider Devon Metro scheme that seeks the enhancement and integration of rail services through the south west peninsula encompassing plans for new stations in and around Exeter and Torbay, which will support growth of housing and employment. The station will be served by a new half hourly train service between Paignton and Exeter.

The proposal complies with, and helps deliver, the requirements of the Devon and Torbay Local Transport Plan 2011 - 2026. It supports the provision of sustainable transport options and compliments the delivery of road and junction

improvements, and cycle and pedestrian links, in the area, including the South Devon Highway.

Consequently, for all the above reasons, the new rail halt has a good strategic fit with the Heart of the South West Local Enterprise Partnership's Strategic Economic Plan. It has secured funding support, through Growth Deal 2, of £4M towards the overall projects costs (as forecast) of over £9M. Planning permission is required to support bids for further funding.

The principle of the rail halt is considered acceptable as the site is identified within the current Torbay Local Plan for a proposed railway station. The associated car park is to a scale that is proportionate for ancillary parking for users of the station.

The provision of the rail halt will help, alongside other measures, to reduce the pressure on roads in and around Torbay and the adjacent arterial routes by providing enhanced access to rail travel. The provision of a station may also reduce local parking pressures by providing improved rail access to inbound users who presently drive to the adjacent business park, hospital or district centre.

The site is in an Urban Landscape Protection Area. As such, the station should seek to minimise any impact upon the character of the area through design and mitigation. The landscape detail outlines a concept of retained screening supported by supplementary tree and woodland planting. The car park will be enclosed by a native species hedge, which will reduce its visual impact. A recessive colour palette that seeks to respond to the landscape context is necessary. Subject to certain additional detail in regard to the landscaping and a condition to achieve a recessive colour palette, the impact upon the Urban Landscape Protection Area is acceptable.

The arboricultural implications from the proposed removal of three Grade A lime trees off Newton Road is considered acceptable subject to their replacement within key roadside locations, along with further supplementary statement species, off Newton Road and wider improvements to the tree coverage within the site. In regard to wider arboricultural matters the potential impact upon young redwood trees off Riviera Way requires confirming and mitigation would be necessary if there is a need to remove any of these specimens to achieve the northern access .

The ecological implications of the proposal are considered acceptable subject to satisfactory conclusions of the HRA in regard to the potential impacts upon the Greater Horseshoe Bat associated with the South Hams Special Area of Conservation.

The drainage strategy that is proposed to deal with the surface water runoff is

considered acceptable subject to confirmation of the detailed design of attenuation responding to the 1 in 100 year storm event plus climate change and the tanks maintenance plan. The site is adjacent to Edginswell stream which is classified as a 'mained' river by the Environment Agency.

The proposal is considered acceptable in regard to the impact upon local amenity, as the proposed screening will limit overlooking towards the adjacent property/s and the Public Address System will be designed to ensure that the announcements do not result in a noise nuisance to adjacent occupiers. More broadly the generally level of noise from trains is likely to be lower as they are travelling at lower speeds. In addition amendments to enclose the car park with a native hedge to a height of 1.5m will limit light spill from headlights across Newton Road.

### **Recommendation**

Approval; Subject to:

1. The completion of the Habitats Regulations Assessment that concludes no likely significant effect;
2. The submission of surface water attenuation design details, including maintenance, to the satisfaction of the Council's Drainage Department in consultation with Network Rail, and the Environment Agency's response in relation to the 'mained' river and adjacent culvert, and;
3. Conditions, to include those outlined at the end of this report and any subsequent conditions that are identified through the Habitat Regulations Assessment.

### **Statutory Determination Period**

28.04.2016.

### **Site Details**

The site is land between Riviera Way and Newton Road that encompasses 235m of rail land, areas of adjacent embankments, and a section of informal green space that sits adjacent to the Newton Road, which is largely laid with formal managed grass with a number of mature trees present. At its widest point the site is 60m from north-to-south.

The embankments to both the north and south of the east-west rail line are principally scrub/woodland habitat .

The land adjacent to Newton Road, that is largely laid to grass, features three significant tree specimens, which sits as part of a wider green avenue that stretches west a further 175m before it runs out to a point near to the Scott's Bridge road crossing.

The site sits within the wider boundaries of the Riviera Way Urban Landscape Protection Area and is an "Other" site of local wildlife interest, as designated within the Torbay Local Plan.

The southern extent of the site adjacent to Newton Road is Flood Zone 2 and 3 (High Risk) and is prone to surface water flooding.

The site is also identified within the Torbay Local Plan as the location for a proposed railway station.

### **Detailed Proposals**

The proposal is to provide a rail halt and an adjacent car park with 28 spaces (as revised).

The rail halt will encompass two platforms and access ramps and steps, linked with a footbridge over.

The platforms will be accessed from both the north from Riviera Way and the south from Newton Road. Both access points will encompass ramps and steps in order to bridge the level changes from the access points to the platforms and the footbridge.

Each platform is approximately 120m long and the proposed footbridge is set relatively centrally. The steps down to the platform will be set to the west of the footbridge and will bridge a height of approximately 6m over a distance of 14m. The ramps will be set to the east of the footbridge and will spread 50m to a 180degree turn point before dropping down to terminate at platform level central within the station near to the footbridge.

There is accompanying ancillary development to the platforms, bridge and access points, which principally include security fencing around the outer edges of each platform, platforms shelters, and supportive lighting, tannoy and CCTV systems.

The proposed car park is set to the south of the railway land on what is presently managed greenspace/highway verge, which is laid to short grass and with occasional mature tree cover. The main body of the car park will be contained within a length of 39m by 16m, with additional space to the east to provide an entry point and to the west to provide a turning head.

The car park will provide 28 spaces (as amended), three of which will be disabled parking spaces, and motorcycle parking.

A group of three mature lime trees will be removed in order to provide the car park.

## **Summary Of Consultation Responses**

*Network Rail* No objection in principle however details of the management of the drainage attenuation tanks and how additional surface water flows will be managed should be attained. Additional comments on general parameters for safe operation of the railway also provided.

*Sustainable Transport Officer/*

*Incorporating Highway Authority comments* There is strong planning policy support for the provision of a rail halt as the Torbay Local Plan proposes a new station at Edginswell (Policy SS6.4). It will also support the delivery of a Future Growth Area (Policy SS2 and SDT3 and the adopted Masterplan) and support the hospital and local business.

The rail halt is unlikely to increase car trips and will reduce car trips to other local stations. The rail halt is well connected in terms of roads, cycle paths and footpaths. Measures to encourage sustainable modes of transport to and from the rail halt should be encouraged and a condition attached to achieve on-site information of pedestrian links and bus routes/times.

There is no parking standard for rail halts within the Local Plan and Network Rail guidance does not include parking standards. There may be an argument for no parking however it is noted that there are historic issues around pressure for street parking in the general area. On balance a small car park is appropriate to serve the development without unduly encouraging people to drive but balancing issues of parking pressures in the area. The provision of the cycle parking should be secured by condition.

Ramped access provides disabled access to both platforms, which provides an acceptable strategy to cater for persons with impaired mobility. The ability to supplement or replace the ramps with a lift has been considered however safety and maintenance issues at what will be an unmanned rail halt have been raised by the network operator. .

The safety barriers adjacent to the ramped access point from Riviera Way must be sufficiently robust in order to ensure that pedestrian safety is maintained, which can be secured by condition.

The visibility and access arrangement to the car park are considered acceptable for the highway to which it connects, as it has been designed to Council standards.

To conclude the rail halt is an important element in improving sustainable travel in the area and is supported subject to certain conditions as highlighted.

*Green Infrastructure Officer* The ecological information submitted is considered to be a fair assessment of the context and the ecological implications

of the scheme.

Protected species and important habitat has been identified within the supporting ecological assessments and various measures are proposed to mitigate the impact of the development.

It is acceptable that the ecological implications in regard to the locally designated wildlife site can be mitigated through the restoration and enhancement of retained habitats.

The site is close to a strategic flyway for the Greater Horseshoe Bat and the potential likely significant effect on the SAC (Special Area of Conservation) should be considered through a Habitat Regulations Assessment.

In regard to the ecological matters (in addition to any recommended through the HRA process) it is recommended that a number of conditions are attached in order to achieve appropriate development which should include construction and landscape management plans (CEMP and LEMP), an integrated landscape and lighting strategy, a monitoring strategy for the Greater Horseshoe Bat, and a detailed landscaping scheme.

*Council's Ecological Consultant*                      The development is subject to a Habitat Regulations Assessment due to its proximity to a strategic flyway for the Greater Horseshoe Bats associated with the South Hams SAC.

The Council's Ecology Consultant is undertaking the HRA and will assess any likely significant effect.

Members will be advised of the conclusions of the HRA and any resultant implications upon the recommendation during the Development Management Committee.

*Natural England*                      No objection.

*Arboricultural Officer*                      Agreement is found with the contents of the tree report with the exception of the three limes trees off Newton Road (T61, T62 and T63) which are all regarded as Grade A trees (not 2xBs and 1xA).

A number of category C and B trees will need to be felled, along with the aforementioned three category A Lime Trees that sit adjacent to Newton Road. A considered and thorough landscape scheme has been submitted to address the visual and ecological impacts of this.

General agreement is found with the landscape proposals and agreement reached in principal for satisfactory mitigation for the loss of the limes through the provision of three replacement lime trees and at least two further statement

trees adjacent to the Newton Road.

The young redwood trees off Riviera Way have not been plotted and may be affected by the ramped access. Further detail should be submitted to establish whether there is any impact and respond in terms of amended plans or mitigation if there is.

A tree in private ownership (215 Newton Road) has not been plotted and further detail is required to establish its location and any impact.

Thought should be given to aspects of the screen planting in order to achieve a planting solution that matures appropriately and can be easily maintained.

The linear car park would benefit from being enclosed by a hedge to provide a visual and noise suppressing buffer.

The proposal is considered acceptable subject the evolution of certain detail aligned with the comments above.

*Landscape Officer* The submitted Landscape and Visual Impact Assessment has concluded that the development can be delivered in its present form without harm to the Urban Landscape Protection Area within which it sits.

The Torbay Landscape Character Assessment (2010) ascribed the area (Kerswell Gardens / Scott's Meadow) as "Less Sensitive" to development because it is an area compromised substantially by development and roads.

When viewed from surrounding receptor sites the development site is considered to fall within the characterisation of the urban landscape. There is no significant concern regarding the compatibility of urban development in this location.

The provision of a prominent car park within a wider band of informal recreational space that has value within the urban landscape will be somewhat alien. It is recommended that the visual impact should be addressed through the provision of screening, such as a native hedge.

*Drainage Manager* The submitted flood risk assessment identifies that the surface water drainage from the new railway station will be discharged to the adjacent watercourse at a controlled rate, and that the new car park will be constructed in porous paving.

The flood risk assessment correctly states that the rate of discharge into the watercourse will be limited to the Greenfield runoff rate. There is no detail on whether the attenuation is designed to cater for the 1 in 100 year storm event plus an allowance for climate change and this should be addressed prior to the grant of permission.

*Environment Agency* Consultation response awaited.

*Community Protection Officer* Extensive consultation and consideration of acoustic modelling has provided insight in to the effect of the station on the acoustic environment.

The report demonstrates that the provision of a station will result in slower movement of trains which will result in less noise from the train line as a whole.

Noise from the car park should not demonstrably affect the residential amenity of adjacent occupiers in the context of its location aside a relatively busy highway.

Noise from the public address system has the potential to cause disturbance if the system is not properly designed and managed. The recommended solution to this is to agree levels of the public address system following commissioning of the station as a robust solution, which could be conditioned, which should be then reviewed as necessary.

*Police Liaison Officer* Thought should be given to lighting, access and CCTV monitoring of the station platforms and car park to design out crime and the fear of crime.

*Archaeological Officer* There are no archaeological implications within the development area.

### **Summary Of Representations**

The Edginswell Residents Association object to the proposals in its current form for reasons which include the visual impact of the station, the impact of providing an unjustified car park in terms of its effect on travel modes, and the loss of an important green space and screening. Recognition of the potential benefits of a station is accepted.

The Shiphay and The Willows Community Partnership object to the proposals in its current form. The provision of a car park is again considered unnecessary and there is reference that Torre Station operates without parking. The loss of greenspace and its importance is raised when considering that other green areas are, or are going to be, built on in the area. It is also expressed that the station may present greater inward commutes which may lessen the current issues with street parking in the area, but the loss of trees is a concern, the design is bleak and the replanting appears insufficient.

A number of further individual public representations have been received largely objecting to the proposals, although some do cite general support for a station. The most notable concerns are focused on the car park element of the scheme in terms of its lack of need, with the assertion that a "halt" station should serve as a



destination for incoming travel and be easily accessible on foot, bicycle or bus for outgoing travel, and hence shouldn't require one. Other matters raised include the impact upon amenity of the raised footbridge in terms of overlooking, noise and disturbance, and again visual impact, notably of the car park element but also the station.

These representations have been sent electronically for Members consideration.

### **Relevant Planning History**

None.

### **Key Issues/Material Considerations**

The key issues and considerations are:

1. Principle and planning policy
2. Landscape and visual impact
3. Trees
4. Ecology
5. Impact upon local amenity
6. Drainage and flood risk
7. Travel, parking and movement.

#### **1. Principle and Planning Policy -**

There is clear planning and economic policy support for the provision of a rail halt in this area as the Torbay Local Plan proposes a new station at Edginswell (Policy SS6.4).

It will also support the delivery of a Future Growth Area (Policy SS2 and SDT3 and the recently adopted Masterplan), and also support key employment / services in the locality, principally the Torbay Hospital, Edginswell Business Park, and the Willows District Centre. The proposed rail halt will also complement the on-going delivery of road and junction improvements, and cycle and pedestrian links, in the area, including the South Devon Highway.

The provision of a rail halt also strategically fits within the wider Devon Metro scheme that seeks the enhancement and integration of rail services through the south west peninsula encompassing plans for new stations in and around Exeter and Torbay, which are targeted to deliver enhanced rail access for emerging growth areas of housing and employment.

The vision for Torbay, as set out in the Devon and Torbay Local Transport Plan (2011 - 2026), is that, by 2026 Torbay "will have excellent connections to Devon and the rest of the UK. Residents and visitors will find it easy to move around, explore and experience Torbay's beautiful urban and marine environment. People will enjoy better health and quality of life using improved cycling, walking and public transport links for work, leisure and education. A low-carbon,

sustainable transport system will contribute towards the public realm, distinct character and function of the three towns of Torquay, Brixham and Paignton". This proposal helps deliver that vision.

The proposed rail halt has a good strategic fit with the Heart of the South West Local Enterprise Partnership's Strategic Economic Plan. It has secured funding support, through Growth Deal 2, of £4M towards the overall projects costs (as forecast) of over £9M. Planning permission is now required to support bids for further funding.

For the reasons stated above the proposal is considered acceptable in principle, as it is aligned with the aims and objectives of a number of strategic policy aims within the Torbay Local Plan, principally SS6.4 (Strategic transport improvements), SS2 (Future Growth Areas) and SDT3 (Torquay Gateway).

## **2. Landscape and visual impact -**

The site sits in a designated Urban Landscape Protection Area (ULPA) as identified within the Torbay Local Plan. The relevant policy (C5) requires that development should not undermine the value of the UPLA as an open or landscaped area and make a positive contribution to the urban environment and enhance the landscape character of the area. The UPLA policy makes direct reference to the expected provision of a rail halt within this area and states that the Council shall seek to minimise any impact, whilst recognising operational and safety requirements.

Also relevant is that the Torbay Landscape Character Assessment (2010) ascribes the area (Kerswell Gardens/Scott's Meadow) as "Less Sensitive" in terms of its landscape character, principally because it is an area compromised substantially by development and roads, which provides context.

The station, footbridge and access ramps are to be provided within the scrub and wooded embankments which contain the rail line. A number of trees will be removed in order to provide the rail halt however mitigation is proposed in terms of replacement native woodland planting to both the north and south embankments. Greater detail is provided below.

From the north (Riviera Way) the combination of woodland mitigation planting within the site boundary, together with the extent of adjacent embankment planting that is unaffected, will provide adequate screening and limit views to the development and any resultant visual impact. The topography where the land falls from Riviera Way to the rail line will help limit any impact by diminishing the perceived height and scale of the station from adjacent land.

From the south (Newton Road) the rail line sits closer to the level of the adjacent highway and hence the height and scale of the rail halt (including its raised elements) will be more apparent from adjacent land. To limit the impact of the

rail halt the existing woodland and trees that form a linear run along Aller Brook, close to the highway, will be retained and reinforced through additional strategic planting. This will further screen and soften views to the rail halt from adjacent land. Further planting will be provided behind this linear line of vegetation on land across the Aller Brook closer to the southern platform and ramp in order to further lessen its prominence.

The proposal also includes the provision of a car park, which will be provided on part of the linear swathe of maintained tree-lined grass verge that sits aside the Newton Road. The car park will (as revised) provide 28 spaces, three of which will be disabled spaces, and motorcycle parking. The car park will be accessed at a single point and there will be a turning head at the end. Including the access and turning head the car park will result in the loss of approximately 54m (by 16m) of the wider grassed corridor that is presently around 250m long. It is important to note that the provision of the car park will result in the removal of three Category A lime trees.

An open car park would sit as an alien feature within the wider green corridor and these concerns have been addressed by the re-alignment of the spaces in order to enclose the space with a hedge. A hedge, managed to a height no less than 1.5m (approximate average height of a car), would largely screen the car park from passing views from across the highway or from within passing vehicles. With the provision of a screen hedge the visual impact of the car park is diminished and it would sit more comfortably in the context of its surroundings with limited visual impact. The scale is such that the wider character of the area would be largely maintained due to the extent of verge retained towards the west. Three Category A trees will be lost to provide the parking however this loss is proposed to be mitigated by the planting of three replacement lime trees within prominent locations to frame the proposed entrance, together with supplementary planting of additional statement trees near to the turning head. Taken along with the wider mitigation planting, the loss of the 3 lime trees is, in terms of terms of visual impact, considered acceptable.

The proposal is supported by a Landscape and Visual Impact Assessment and the Council's Landscape Officer is in agreement with its conclusions, in that the rail halt can be delivered in its present form without harm to the Urban Landscape Protection Area, as when viewed from surrounding receptor sites the development site is considered to fall within the characterisation of the urban landscape.

In light of the proposed mitigation planting, subject to further discussion on detail, the proposal is considered acceptable on landscape and visual impact grounds as it will sit comfortably in the context without fundamentally altering the landscape character and value of the wider Urban Landscape Protection Area.

The proposal is considered to respond to her context and sit comfortably with the

aims and objectives of Policy C5 (Urban Landscape Protection Areas) and Policy D1 (Design) of the Torbay Local Plan for these reasons.

### **3. Trees -**

The arboricultural implications of the scheme have also been considered and the key issues are outlined below.

The submission detail fails to plot the location of a number of strategically planted redwood trees that run along the top of the embankment adjacent to Riviera Way and hence any impact upon these to provide the access point is presently unknown. The absence of this detail should be established in order to understand whether there would be any impact and also establish the level of any necessary mitigation. It is considered that any impact could be addressed without having to fundamentally alter the provision of the access.

A further and possibly the most significant arboricultural consideration is the loss of the three Category A lime trees and their loss will need to be mitigated. It is proposed that their loss will be directly compensated through the replanting of three replacement lime trees in significant locations adjacent to Newton Road. There is scope to frame the entrance to the car park, which will set the location for two of these, with the third provided in close proximity to the east. These will be supplemented by further statement trees, at least two, close to the turning head of the car park. The additional number of specimen trees proposed in replacement is considered to balance the immediate loss of the mature trees with replacements, which in time will provide enhanced arboricultural provision. Amended landscape detail that achieves the level of mitigation above has been requested.

It is noted that the submitted landscape plan is largely commended on arboricultural merit however further discussions on the detail are necessary to establish certainly on the mitigation for the lost limes, any potential impact upon the redwoods to the north or the privately owned horse chestnut to the southeast, and in order to achieve the best possible mix of species of trees and the extent of planting within the sites constraints to ensure maximum benefit.

In addition to the above the supporting tree protection methodology will require updating once a final layout has been achieved and tree protection plans will require detailing.

With appropriate replanting to address the loss of the significant lime trees off Newton Road, together with understanding and necessary mitigation achieved should any of the redwood trees off Riviera Way be affected, to supplement the retention of trees and the proposed addition woodland planting, the proposal is, on balance, considered acceptable on arboricultural merit, thus providing development that accords with the aims and objectives of Policy C4 (Trees, hedgerows and natural landscape features) and Policy DE1 (Design) of the

Torbay Local Plan.

#### **4. Ecology -**

The site sits within a wider linear wildlife site as the rail line is under a local designation as an Other Site of Wildlife Interest (OSWI). In addition that site sits close to a strategic flyway for the Greater Horseshoe Bat associated with the South Hams SAC (Special Area of Conservation).

The application is supported by a preliminary ecological appraisal and subsequent Phase 2 surveys bat roosts, bat activity, dormouse, badgers and reptiles.

The surveys concluded that no trees to be affected had the potential for roosting bats, however multiple species of bats use the area. The development should respond accordingly to the presence of bats for commuting or foraging and be designed to limit the levels of light within a "dark corridor", with a landscape and lighting scheme subject to a grant of permission.

A main badger sett is present on the site but was found to be inactive during the survey period. In light of a sett being present it is considered that any grant of approval should be subject to a condition for a further pre-commencement badger survey and if considered necessary a badger mitigation strategy if required. In addition if a badger mitigation strategy is required a copy of this should be submitted to the LPA.

Slow worms were found to be present and hence any grant of permission should be subject to a condition outlining the mitigation strategy for reptiles and detail of the methodology and timing of translocation and details of the receptor site.

Dormice were not found.

It is evident that the site contains habitat suitable for nesting birds and the timing in relation to any clearance of scrub or trees should be considered by the LPA, which can be achieved by condition.

In regard to the general ecological sensitivities of the site the development is considered suitable for planning approval subject to the sensitive management of the construction process, securing an appropriate level and detail of landscaping and replanting, and achieving a sensitive design and detail of development in terms of lighting and compensatory measures such a bird and bat boxes. All these matters can be dealt with via planning conditions.

A separate ecological consideration to those outlined above is the proximity of the development to a strategic flyway for Greater Horseshoe Bats associated with the South Hams SAC. Due to this proximity the Council has commenced a Habitat Regulations Assessment. The conclusions of this are currently pending

and Members will be updated at Development Management Committee. The key test is the likelihood of significant effect and the HRA process will conclude on this.

Should the HRA conclude that there is no likely significant effect then the development is considered acceptable on ecological grounds subject to a number of detailed conditions to secure appropriate clearance, construction and detailed design of development, including a number of ecological mitigation measures, as outlined at the end of this report, together with any necessary conditions concluded within the HRA..

The proposed development is, for the reasons above, subject to the conclusions of the HRA, considered compliant with Policy NC1 (Biodiversity and geodiversity) of the Torbay Local Plan

#### **5. Impact upon local amenity -**

The impact upon local amenity has been considered and the key issues are outlined below.

Potential impact upon privacy through overlooking has been considered and any likely impact is limited to the occupiers of number 215 Newton Road, and to a lesser extent the adjacent property, Number 213. Likely impact has been considered in regard to the provision and proximity of the eastern extent of both platforms and the raised access ramps. Use of the northern platform is unlikely to present undue harm due to the distance involved. Use of the southern platform will not present undue impact as it is proposed that the eastern extent of this is enclosed by a screen fence to prevent overlooking. The northern ramp access is unlikely to impact amenity, again due to the distances involved. The southern ramped access is closer to the adjacent residential properties and is therefore more sensitive. The proposal includes provision of a screen at the switchback turn in the ramp, to prevent open views east towards the nearby residential buildings and gardens. With appropriate screening the development will be acceptable in relation to impact from overlooking and loss of privacy.

The form and height of development will not present an overbearing or overly dominant structure and will not give rise to a loss of light or outlook, due to the distance between it and adjacent residential properties and plots. The southern platform is low level development and would sit 16m from the nearest property with natural screening between it. The southern ramp will be 32m from the nearest property, and again screening will sit between it and the nearest property and its plot. The scale and height of the structures, when considering the distances to adjacent properties, will retain suitable outlooks and light for residents.

In regard to noise nuisance the proposal is likely to reduce the level of noise that is produced by the trains as slower trains will produce less noise, which will be a

positive impact of the development. The Public Address System could potentially result in a noise nuisance if it is poorly designed. However, address systems can be designed to emit differing output levels across the length of a platform, which presents the capability for the announcements to be made at a lower level for areas closer to immediate residential properties. In addition announcement levels can be varied for differing times of the day to respond to background noise levels. Consequently there is scope to achieve an acceptable scheme that responds appropriately to the context of the area and protects amenity, through the use of planning conditions. The Council's Community Protection Officer has suggested that the levels are set by agreement, with the ability for future re-assessment, following commissioning of development so that they can be accurately determined, achieved by a planning condition.

The station will be lit, so light pollution is a material consideration. However, given lighting will be required to meet ecological requirements (specifically of Greater Horseshoe Bats), there will not be any negative and material impact on the occupiers of nearby residential properties. Any lighting associated with the car park is unlikely to present undue harm when considering its location adjacent to a street-lighted highway. A landscape and lighting strategy is proposed by planning condition in order to achieve a lighting strategy that responds to the context. In regard to further lighting matters the initial submission raised some concern in regard to the potential for the headlights of vehicles within the car park to cause undue harm to the occupiers of properties opposite off Newton Road, as the car park was not contained. Officers have negotiated the realignment of the car park in order to achieve a hedge border which, in addition to its visual benefit, will provide a barrier that should limit any light-spill from headlights.

With appropriate screening to the southern platform and ramp, a sensitive Public Address System, and enclosure of the car park to limit light pollution from headlights, the proposal will ensure acceptable levels of amenity for neighbouring occupiers.

For the reasons stated above the proposal is considered to sit comfortably with the aims and objectives of Policy DE3 (Development amenity) of the Torbay Local Plan.

#### **6. Drainage and flood risk -**

The development sits adjacent to a linear zone with a high risk of flooding that loosely follows the east-west line of the highway (Newton Road) and adjacent land. This, together with the wider Critical Drainage Area designation of Torbay, presents a sensitive context in terms of drainage and flood risk.

The application is supported by a Flood Risk Assessment (FRA) that identifies that surface water drainage from the railway station will be discharged to the adjacent Aller Brook at a controlled discharge rate, and that the car park will be finished in a porous material.

The FRA correctly identifies that the rate of discharge should be equivalent to the Greenfield Run off rate for the discharge of surface water into the watercourse. There is however an absence of detailed design in terms of the attenuation tanks and hence there is no clarity that they are designed to cater for the critical 1 in 100 year storm event please an allowance for climate change. Without the detailed design it is not possible to establish the impact of the proposed development on flood risks to property or land adjacent. Further detail has been submitted and is presently being considered by the Council's Drainage Department. Members will be updated on this matter at Development Management Committee.

The application site is adjacent to Edginswell Stream which is classified as a 'main' river by the Environment Agency (EA). Their consultation response is awaited. It is noted that there is a large culvert that passes parallel to the railway just north of the railway, which is a strategically important local drainage asset as it helps manage flows from the Scotts attenuation area. The construction of the station must not compromise the structural integrity of the culvert.

Subject to the satisfaction of the Councils' Drainage Department, in consultation with Network Rail in terms of determining any likely future risk, and the consultation response from the Environment Agency the development is considered acceptable on grounds of drainage and flood risk, compliant with Policy ER1 of the Torbay Local Plan.

## **7. Travel, parking and movement -**

There is strong planning policy support for the provision of a railway station as the Torbay Local Plan proposes a new station at Edginswell (Policy SS6.4).

The proposal will provide a sustainable transport interchange to support modal shift from cars, which is important in terms of dealing with congestion, air quality and the sustainable growth of the area - as set out in the new Local Plan and the adopted Torquay Gateway masterplan.

The Council's Strategic Transport comments has stated that the provision of a rail halt is unlikely to increase car trips and will reduce car trips to other local stations . The rail halt will be well connected in terms of roads, cycle paths and footpaths and measures to encourage sustainable modes of transport to and from the station can be encouraged through a condition for on-site information of pedestrian links and bus routes/times to be displayed

In regard to the ancillary car park there is no parking standard for rail halts within the Local Plan and Network Rail guidance does not detail parking standards. There may be an argument for no parking at the halt station however it is noted that there are historic issues around pressure for street parking in the general area. On balance a small car park could be considered appropriate to serve the



development without unduly encouraging people to drive, but rather balancing issues of parking pressures in the area. The provision of the detailed cycle parking should be secured by condition.

Ramped access provides disabled access to all parts of the station, which provides an acceptable strategy to cater for persons with impaired mobility. The ability to supplement or replace the ramps with a lift has been considered however safety and maintenance issues have been raised by the network operator for what will be an unmanned station.

The safety barriers adjacent to the ramped access to Riviera Way must be sufficiently robust in order to ensure that pedestrian safety is maintained, which can be secured by condition.

The visibility and access arrangement to the car park are considered acceptable for the highway to which it connects, as it has been designed to Council Standards.

To conclude the station is considered to be an important element in improving sustainable travel in the area and is supported subject to certain conditions as highlighted. The development, in terms of highways and movement is considered consistent with the aims and objectives of Policies SDT3 (Torquay Gateway), SS3 (Presumption in favour of sustainable development), SS6 (Strategic transport improvements), TA1 (Transport and accessibility), TA2 (Development access) and TA3 (Parking standards) of the Torbay Local Plan.

**S106/CIL -**  
N/A.

### **Conclusions**

The principle of providing a rail halt in this location is considered acceptable, as the site is identified within the current Torbay Local Plan and the helps deliver sustainable growth.

The rail halt supports delivery of the Council's Economic Strategy and has a good strategic fit with the Strategic Economic Plan, produced by the Heart of the South West LEP. The proposed station is also supported by, and helps deliver, the Local Transport Plan.

The associated car park is to a scale that is considered proportionate as an ancillary parking feature.

The visual impact of the station upon the Urban Landscape Protection Area is acceptable subject to the combination of retained landscaping and additional planting, alongside achieving a recessive colour palette that responds to the landscape context. The car park is considered acceptable on visual impact

grounds following negotiations to enclose it with a native hedge screen.

Satisfactory arboricultural mitigation can be achieved to accept the loss of the three lime trees off Newton Road and present a wider enhancement of the tree cover in the area.

Subject to satisfactory conclusions of the HRA the ecological implications of the development can be managed through various proposed conditions to ensure that it proceeds in a sensitive manner in order that protected species are duly considered.

The rail halt and car park will not unduly impact the highway network and/or parking pressures in the area as overall the provision of a station is likely to reduce car travel and may also reduce local parking pressures by providing improved rail access point to the adjacent business park, hospital or district centre.

The drainage strategy to deal with surface water runoff is considered acceptable subject to confirmation of the detailed design of attenuation responding to the 1 in 100 year storm event plus climate change and the tanks maintenance plan and addressing the constraint of the 'maimed river and nearby culvert.

The impact upon amenity will be limited as screening, detail on the Public Address System and enclosure of the car park with a native hedge to a height to limit light spill from headlights will be secured by condition.

**Condition(s)/Reason(s)**

01. Submission and approval of a detailed colour palette for all raised elements of the scheme, principally all means of enclosures, stairs, ramps and the footbridge, designed to respond to the landscape context and limit the visual prominence of the development.
02. Submission and approval of a detailed landscape scheme, which shall include confirmation of the location of the redwood trees on the northern embankment which may be affected by the development and any necessary mitigation, the exact location of the horse chestnut tree at 215 Newton Road, details of the location of the three replacement lime trees adjacent to Newton Road, and planting and maintenance details.
03. Submission and approval of a Construction Ecological Management Plan (CEMP)
04. Submission and approval of a Landscape Ecological Management Plan (LEMP)
05. Submission and approval of an integrated landscape and lighting strategy,

which shall include predicted light levels in the dark corridor and demonstration that levels can be maintained below 0.5 lux.

06. Submission and approval of long term monitoring strategy for the Greater Horseshoe Bats.
07. Submission and approval of operating details for the Public Address System, which shall purposely be designed to limit the impact of noise upon adjacent residential occupiers and protect their amenity.
08. Prior to the commencement agreement on the parameters for advertising pedestrian links, bus routes and timetables, shall be submitted and approved in order to promote sustainable modes of travel.
09. Prior to the use details of the safety barriers adjacent to Riviera Way shall be submitted to and approved by the LPA in order to ensure that the safety of pedestrians is maintained.
10. Prior to the first use detailed design of safe covered cycle parking facilities shall be submitted and approved by the Local Planning Authority. The approved detail shall be implemented within 3 months of the approval of detail and maintained available for the purposes of cycle parking at all times thereafter.

### **Relevant Policies**

- TA1 - Transport and accessibility
- TA2 - Development access
- TA3 - Parking requirements
- DE1 - Design
- SS6 - Strategic transport improvements
- SS11 - Sustainable Communities Strategy
- SDT3 - Torquay Gateway
- C5 - Urban landscape protection areas
- NC1 - Protected sites - internationally import
- ER1 - Flood Risk
- SS3 - Presumption in favour of sustainable dev
- DE3 - Development Amenity

# Agenda Item 9

**Application Number**

P/2016/0139

**Site Address**

101 Braddons Hill Road East  
Torquay  
TQ1 1HF

**Case Officer**

Mrs Ruth Robinson

**Ward**

Wellswood

**Description**

Variation of condition P1 pursuant to P/2015/0897: Amendments to elevational treatment comprising replacement of hipped roofs to semi detached dwellings with gabled roofs and changes to fenestration facing Museum Road. Inclusion of additional car parking space to serve dwelling 5. Changes to approved scheme to construct 9 two storey dwellings with 9 car parking spaces and partial demolition of stone boundary wall fronting Museum Road to create vehicular and pedestrian access.

**Executive Summary/Key Outcomes**

This application is to vary condition 1 pursuant to P/2015/0897 for the construction of 9 dwellings on this Depot site to permit changes to the design and layout of the scheme.

The proposed changes are the replacement of hipped roofs to the semi detached units facing Museum Road with gabled roofs and changes to the fenestration.

It also involves the inclusion of an additional car parking space accessed from Braddons Hill Road East.

The DMC meeting of 10th August 2015 resolved to approve an application (P/2015/0320) to redevelop this site to provide 9 dwellings subject to conditions and the conclusion of a Unilateral Obligation to secure waste and highway/sustainable transport contributions.

That application was subsequently amended at the DMC Meeting of the 14th December 2015 by approval of an application (P/2015/0897) to vary conditions 1 and 3 pursuant to the original consent to allow greater demolition of the stone boundary wall due to inherent structural weaknesses.

The changes to the design and layout now proposed are considered acceptable and in compliance with policies SS10,DE1 and TA3 of the Adopted Local Plan 2012-2030.

**Recommendation**

That (i) condition 1 be varied to allow the inclusion of revised plans which show the changes to the design of the Museum Road elevation and the inclusion of an

additional car parking space accessed from Braddons Hill Road East.

### **Statutory Determination Period**

The application should be determined by the 12th April 2016. This cannot be achieved due to the need to tie the Unilateral Undertaking to the new consent. Agreement to an extension of time has been secured.

### **Site Details**

The site comprises a furniture storage/removals depot located to the rear of Torquay Museum and the Living Waters Church both of which are Grade II listed. It is also within the Torquay Harbour Conservation Area. The site is currently occupied by a large pitched roof single storey storage shed with a 2 storey wing of a similar height. It is of no intrinsic architectural or historic merit and is set in a hard surfaced yard.

The site is served by a vehicular access onto Braddons Hill Road East.

### **Detailed Proposals**

This application is to vary condition 1 pursuant to P/2015/0897.

Condition 1 relates to the schedule of approved plans and if the design changes are approved this schedule will require amendment.

### **Summary Of Consultation Responses**

Conservation Officer: Considers the revised design acceptable.

### **Summary Of Representations**

None.

### **Relevant Planning History**

P/2015/0320: Demolition of Depot and construction of 9 dwellings: Approved.

P/2015/0897: Amendments to Condition 01 and 03 to allow greater demolition of the stone wall: Approved.

### **Key Issues/Material Considerations**

#### **Principle and Planning Policy -**

The key issue is the visual impact of the changes to the elevation fronting Museum Road given its prominence in the Conservation Area and close proximity to the Listed Pengelly Hall.

The relevant policies are SS10, which defines what form of development is acceptable within the Conservation Area, HE1, which relates to the impact of the development on listed buildings, and DE1 which defines design quality. Policy TA3 is relevant terms of additional car parking provision.

1. Visual Impact of Changes to Elevation.

The original design of the Museum Road elevation was informed by the height of the stone boundary wall and it was considered that hipped slated roofs would look more recessive in the overall streetscape and be more in keeping with the prevailing roofscape. The appearance of rendered gables above the wall could have looked contextually incongruous.

The reduction in the height of the wall, which exposes more of the proposed buildings to view, makes this argument less compelling and the introduction of gabled elevations, facing the street, which the applicant is anxious to achieve to allow the inclusion of more windows to lighten the dwellings is, on balance, acceptable.

2. Additional Car Parking Provision.

The inclusion of an additional car parking space to serve dwelling 5 through the incorporation of the existing access to the site from Braddons Hill Road East is acceptable and is compliant with policy TA3 which indicates that schemes should include 2 spaces per dwelling.

**S106/CIL -**

The existing Unilateral Undertaking will need to be tied to the new application.

**Conclusions**

The variation of condition 1 to allow design changes to the Museum Road elevation and the inclusion of an additional parking space is acceptable and compliant with policy SS10, DE1 and TA3 of the Adopted Local Plan 2012-2030.

**Relevant Policies**

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