

**Application Number**

P/2019/0283

**Site Address**Former Dairy Crest Depot  
Parkfield Road  
Torquay  
TQ1 4BH**Case Officer**

Mr Scott Jones

**Ward**

Tormohun

**Description**

Outline application for the demolition of existing buildings and change of use of the land from industrial to provide up to 43 residential dwellings with parking, with detailed access, layout and scale (Matters of appearance and landscaping Reserved).

**Executive Summary**

The application site is the former Dairycrest milk depot site located between Lymington Road and Parkfield Road, around 1km north of Torquay Town Centre.

The site has sat unused for a number of years and is now an allocated housing site within the Torquay Neighbourhood Plan with an indicative yield of 40 units.

The application seeks outline planning permission for up to 43 apartments with detailed access, layout and scale. Appearance and landscaping are Reserved Matters for future consideration.

The proposal presents a single "L" shaped building between one and five storeys high with under-croft ground floor parking and a maximum of 4 floors of accommodation above. The indicative plans show 43 two-bed apartments within a modern, flat-roofed building.

A vehicular access is proposed off Parkfield Road in the location of the existing southernmost access point. A pedestrian access is proposed off Lymington Road.

The site is considered suitable for residential use and the key issues are whether the extent of development to deliver 43 units can be adequately provided with the necessary parking, amenity space and other necessary elements required for permanent residential occupancy within the site in an acceptable manner.

The proposal has been amended to respond to officer concerns about the delivery of adequate waste and cycle storage, waste collection, pedestrian access and parking layout feasibility. On the information now provided it is concluded that for

the purposes of an outline permission the indicative plans show an acceptable scheme that suggests that 43 units can be adequately delivered on the site.

The Affordable Housing policy within the Torbay Local Plan suggests that 9 units should be secured on-site and, subject to conclusions on the length of inactivity, a loss of employment obligation may be required. The applicant has submitted a viability assessment to show that it would be unviable to provide obligations. Members will be provided with an update at Committee regarding the conclusions of the independent assessment.

### **Recommendation**

Approval: Subject to;

1. The receipt of a detailed drainage solution that is to the satisfaction of Officers;
2. Final drafting of conditions delegated to the Assistant Director of Planning and Transport, to include those listed within this report;
3. The completion of a S106 Legal Agreement in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document on terms acceptable to Officers, subject to an independent viability assessment of the scheme to test its ability to support obligations relating to affordable housing and the loss of an employment site (as appropriate.)

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning and Transport.

### **Reason for Referral to Planning Committee**

The application is a Major Outline Application and is required by the Council's constitution to be determined by the Planning Committee.

### **Statutory Determination Period**

13 Weeks – 7<sup>th</sup> August 2019.

### **Site Details**

The application site is a former milk depot that sits between Lymington Road and Parkfield Road, approximately 1km north of Torquay Town Centre, in an area that has a mixed commercial and residential character.

The site is approximately 0.5 hectares in size and is roughly rectangular in shape at 125m long with a predominate width of around 30-40m.

The site retains a number of buildings and structures from its former depot use, which sit amongst an extensively hard-covered site floor. Other than a tree group in the south-east corner of the site, vegetation is principally limited to emerging scrub growth amongst the hardstanding. There is a notable row of mature lime trees to the east along Lymington Road, but these fall outside the site and are set within the public highway. There is also a wooded bank on the opposite side of Parkfield Road. To the south lies commercial and residential buildings, and to the north there is a road junction, across which sit two residential properties.

In terms of levels the site is largely flat and is slightly lower than the adjacent streets. To the east the Lymington Road is generally between 0.5 and 1m higher than the adjacent site level and to the west Parkfield Road is between 1m-2.5m higher than the adjacent site level. In terms of access points there are two vehicular accesses, both off Parkfield Road.

In terms of designations, the site sits within a Critical Drainage Area and there is an identified linear flood risk area that follows the culverted waterway that flows from north to south towards the town centre and coast. The Torquay Neighbourhood Plan identifies the site for residential purposes and notes an approximate yield (number of units) of 40. In terms of nearby designations, the Grade 2 Listed Penny's Cottage sits to the north across a road junction, and the wooded bank on the opposite side of Parkfield Road sits as part of an Urban Landscape Protection Area and Local Wildlife Site within the Torbay Local Plan and Local Green Space within the Torquay Neighbourhood plan.

Date of Officer Site Visit: W/C 13<sup>th</sup> May 2019.

### **Detailed Proposals**

This is an outline application for up to 43 residential units with access, layout and scale detailed within the application and matters of appearance and landscape reserved for future consideration.

Indicative plans regarding appearance and landscaping have been submitted alongside the detailed plans that seek to show that the site is capable of achieving up to 43 apartments in an acceptable form of development.

The proposal includes one vehicular access which is located on the western boundary off Parkfield Road in the southern corner of the site where there is an existing access into the site. The access shows a ramped descent into the site as per the existing arrangement, but with minor revisions to create a turning head facility. A dedicated pedestrian route aside this access has been added through the receipt of a revised layout plan. There is a further pedestrian access proposed with an entrance formed within the existing stone boundary wall that abuts

Lymington Road. This is proposed opposite the junction with Wright's Lane near to one of the mature Lime trees, approximately 22m south of the existing pedestrian crossing across Lymington Road.

In terms of layout the proposal presents a linear L-shaped apartment building that is set largely on the western half of the site towards Parkfield Road. The building is approximately 86m long and 10m deep with a return on its southern end that is 22m long. Parking is largely contained at ground floor under the building with further pockets of parking at the northern and southern end of the site. The western building line fronting Parkfield Road is approximately 6-7m from the edge of the site and the end building line of the return "L" is approximately 6m from the boundary with Lymington Road. The main flank of the building is between 27m and 15m from the boundary with Lymington Road.

Following the receipt of revised plans the layout shows the provision of 56 car parking spaces (down from 63), of which 42 are retained under the building. The reduction in parking is principally to accommodate additional waste and cycle storage facilities for future residents.

The eastern part of the site towards Lymington Road is largely communal landscaped grounds and a pond that forms part of the surface water retention and management proposals. The tree group in the south east corner is shown to be retained and forms part of the communal grounds.

The third detailed element under consideration (after access and layout) is scale. The submitted drawings show a building with multiple floors and heights ranging from single-storey up to a maximum of 5 floors (4 habitable floors with ground floor parking and services underneath). This presents a maximum building height of 13m above the site level, which gives an upper building height of 50.63m above datum, which is approximately 0.8m below the eaves height of the adjacent residential building to the south off Parkfield Road.

There is also supporting information on appearance and landscaping although as these matters are reserved this information is hence only indicative at this stage. What is shown is a modern building, largely rendered, with inset balconies and roof gardens, with gradual increases in floor numbers at either end of the L shaped building up to the uppermost scale.

The application is also supported by a flood risk assessment and drainage strategy, geotechnical information, transportation, ecology and tree protection detail. A viability assessment has been submitted that seeks to illustrate that the proposed development would not be viable if it were to provide any affordable housing. This information also refers to CIL exemption on viability grounds.

## **Summary of Consultation Responses**

### Torquay Neighbourhood Forum:

The site is an allocated housing site in the Torquay Neighbourhood Plan and its redevelopment for homes is supported in principle.

The specific design of the development has some issues of potential non-compliance with the Neighbourhood Plan policies.

Appendix F of the Local Plan specifies 2 parking spaces per unit\*, the proposal appears to have 1 per unit on the ground floor but the application form appears to state there are 61 in total.

The design of the proposal appears non compliant with TNP Policy TH8 (certainly its height, and probably scale and bulk; and it is questionable that it reflects the identity of its surroundings)

The outside space allowance is also questioned - it is not possible to determine whether it complies with the TNP Policy.

*\*Officer comment: Members should note Appendix F of the Torbay Local Plan cites an expected provision of 1 space per apartment (and that parking for visitors should also be provided for).*

### Torbay Development Agency:

The TDA Economy Investment & Enterprise team object to the change of use of the site to residential accommodation as it will further reduce much needed employment land for growth and job creation. Specifically it is cited that the change of use to this site will result in the loss of 34 new jobs.

Currently Torbay has demand for over 500,000 sq ft of employment space. The loss of further employment land reduces the availability of suitable sites stifling growth, inward investment and job creation. Torbay has the lowest productivity rates across the Heart of South West (HotSW) Local Enterprise Partnership area and the 9th lowest across the whole of the UK. The HotSW LEP has set out a very strong challenge to double the size of the economy by 2038.

Also concerned that if granted this change of use will set a precedent for other sites in close proximity.

Given the economic growth challenges facing Torbay the Council must look to protect existing employment land otherwise we risk losing our growing companies and potential inward investors to other areas, perhaps resulting in loss of jobs.

In the event this planning application is granted that in line with the adopted Planning Contributions and Affordable Housing SPD, under section 3.16 Loss of

Employment, we would seek a commuted sum of £272,000 to invest in bringing forward alternative employment space as per the table set out below.

#### Strategic Planning:

It is noted that the TDA are concerned about the loss of employment space. However, the Dairy Crest site is allocated for housing in Policy TH1 (site NP3) of the Approved Torquay Neighbourhood Plan and the application should be determined in accordance with the Plan unless material considerations indicate otherwise. The Neighbourhood Forum specifically excluded the Dairy Crest site from Employment Policy TJ1, so must have taken the conscious decision that the loss of employment space was outweighed by the benefits of residential development.

Agree that employment contributions are in principle liable from the site- as per the final paragraph of Local Plan Policy SS5. In reaching a balanced view it is necessary to clarify how long the site has been vacant as this may have an effect on the justification for a loss of employment contribution.

If the site have been lawfully used for 6 months within the last 36 (i.e. the current floorspace would be mitigated in the CIL liability equation) then it is reasonable to seek a loss of employment obligation. If the site has not been used within the last 36 months (i.e. the proposed floorspace will be fully liable for CIL) it would not be reasonable to seek a loss of employment obligation.

Paragraph 3.16.3 of the SPD indicates that loss of employment contributions will be given the highest priority after site deliverability and affordable housing.

Should the site be found to have been in use if viable a loss of employment obligation of £158,857.00 should be secured.

#### Planning and Public Health Officer:

Satisfied that the accommodation on offer will provide a living environment that will be supportive of good health and wellbeing. Note that the proximity of Lymington road to the site may create noise pollution issues and therefore there may require additional acoustic engineering to meet suitable noise level requirements.

It is welcomed that 'individual house packs' will be created in respect of providing links and information for healthy lifestyle guidance and local facilities, etc. It is the view of Public Health that a reasonable approach in this respect would be to integrate this with a strategy for modal shift provided as part of a travel plan for the development, which is also a requirement.

It is noted that as part of the application, no affordable housing or CIL contribution is being proposed by the applicant. This weighs heavily as a lost opportunity and

potential negative impact on health and wellbeing arising from the development. In particular, the provision of affordable housing has been shown to play an important role in contributing to a healthy society, particularly through improved social outcomes and quality of life (Spatial Planning for Health: An Evidence Resource, Public Health England, 2017).

#### Housing:

The Council's Affordable Housing and Planning Contribution Policy requires 20% affordable housing to be provided on site which should be proportionate to the mix as a whole. This would equate to 9 of the 43 units being Affordable Housing.

Currently the scheme is planning 0% and so no affordable housing provision. To date there appears insufficient evidence to justify why this scheme is unable to provide the affordable housing policy requirement and so as it currently stands we would be unable to support this application. As and when the findings of the independent viability report are received, we would consider this on its merit.

#### Drainage Engineer:

The developer has submitted a detailed flood risk assessment and outline drainage strategy which identifies that infiltration drainage is not feasible for this site and therefore surface water will be drained using a controlled discharge to the combined sewers system.

The discharge rate quoted of 1.5l/sec complies with the requirements of the Torbay Critical Drainage Area.

However the drawings submitted omits information and it is not possible to check the hydraulic modelling that has been submitted.

Before planning permission is granted additional information should be submitted to show that the risk of flooding would not be increased by the development.

#### South West Water:

No comment offered.

#### Environment Agency:

The development will be acceptable provided that a condition regarding existing ground levels is included within any permission granted. The suggested wording for our recommended condition is set out below.

The development hereby permitted must not be commenced until such time as the applicant has submitted evidence to demonstrate that there will be no land raising,

to, and approved in writing by, the local planning authority (to ensure that there are no detrimental impacts to flood storage or flood flow routes).

Strategic Planning / Transport, incorporating the views of the Local Highway Authority:

Initial points raised include that Lymington Road is a district Distributor Road and improved pedestrian access and footways are needed, that Parkfield Road would benefit from improved pedestrian footway along the frontage, main vehicular access should have a designated footway.

Concluded that the applicant should provide modifications to the pedestrian access, frontage and main access with highways solution in order to serve the quantum of development proposed.

In addition internal layout, access roads and car parking should be improved with a layout that provides a suitable collection of waste. The development will need to secure appropriate levels of parking (minimum 1 parking space per flat /apartment with visitor Parking, disabled provision (10%) and 2, secure and covered cycle spaces) (of adequate minimum dimensions) and electrical vehicle charging points. And any detailed scheme will need to be accompanied by a proportionate Travel Plan to enable 30% of residents and visitors to modal shift to foot, cycle and public transport.

Following the receipt of the revised layout the issues it has been confirmed that the key issues have been largely resolved and on balance the proposal presents an acceptable vehicular and pedestrian access and movement.

Historic England:

On the basis of the information available to date they do not wish to offer any comments and suggest that the views of your specialist conservation and archaeological advisers are sought.

Interim conservation advice:

Accounting for the advice contained within Historic England's 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) and the statutory obligation on decision-makers to have special regard to the desirability of preserving listed buildings and their settings, in summary the proposed building is suitably well designed in a manner which respects the setting of the listed building. In terms of the impact upon the setting of the building I would regard this to be positive overall.

Community Safety Team:

Measures to limit impact of construction should be secured. Recommendations

regarding dealing with existing contamination should be followed.

Natural Environment Services / Arboricultural Officer:

No comment offered.

Police Designing Out Crime Officer:

There is no reference to designing out crime or crime prevention per se, as such there is no way of knowing if these have been considered or where implemented for the proposed scheme.

In moving to a detailed proposal the applicant should consider Secured by Design (SBD), a police owned initiative which aims to improve the security of buildings and their immediate surroundings to provide safe places to live, work, shop and visit.

Places should be well defined and well lit. Parking should be overlooked, especially if the site is proposed to be 'open'. Cycle parking should be safe.

It is essential that the proposed parking provision for the scheme is considered sufficient when balanced against the accommodation schedule and the lack of alternative off-site parking. This is advised as even a one bedroom apartment could attract a minimum of 2 vehicles.

**Summary Of Representations**

Publication type: Neighbour notification letters, site notice and newspaper advertisement.

8 representations have been received (5 objections), which includes an objection from the Torre and Upton Community Partnership.

Torbay and South Devon NHS Foundation Trust object on grounds of capacity and increased pressure to deliver services and seek a contribution of £38,040.00.

Key issues raised:

Supportive comments:

- Principle is good
- Good use of a brownfield site
- It provides houses
- It removes an eyesore
- Improves highway matters

Concerns / objections:

Too many units  
Too high  
Traffic increase and added congestion  
Design not in keeping  
Overdeveloped and cramped  
Increase parking pressures for existing occupiers nearby  
Not the right sort of units (family units needed)  
No affordable housing  
Potential ecological impact on Stantaway Hill, especially through lighting.  
Loss of privacy across Lymington Road due to height  
Impact on a listed building

### **Relevant Planning History**

None.

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

#### **Principle of residential use**

Policy H1 (Applications for new homes) of the Torbay Local Plan cites that proposals for new homes within the built up area will be supported subject to accordance with the other policies contained within the Local Plan. The site sits in the built up area.

Policy TS4 (Support for Brownfield and Greenfield development) of the Torquay Neighbourhood Plan cites that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan.

Specific to this site the Torquay Neighbourhood Plan has identified the land as one of 5 additional sites allocated for housing within Torquay (beyond the allocation drawn from the Torbay Local Plan's pool of identified sites). The site reference is NP3 and the estimated capacity is 40 units.

For the policy reasons above the principle of housing development is considered acceptable as the use is aligned with a number of relevant strategic and housing policies, which supports a sustainable pattern of housing provision with an emphasis upon the regeneration of brownfield sites, town centre sites and urban sites such as this one.

#### **Access and highway safety**

Policy TA2 of the Torbay Local Plan states that all development should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development.

For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided.

The Torquay Neighbourhood Plan is largely silent on access and highway matters beyond guiding that, to encourage use of sustainable forms of transport, new development proposals will be supported where they are located on or near to public transport routes wherever possible and appropriate (Policy THW5)

The proposed vehicular access off Parkfield Road replicates the existing vehicular access and is considered acceptable in terms of highway safety for vehicles entering and exiting the site and other highway uses. In terms of pedestrian movement amendments to the ramped access to include a designated pedestrian route has overcome an officer concern regarding safe access and egress on foot. The main access is now considered suitable for both vehicles and pedestrians.

Around the site the connectivity to public footways will be unacceptable in places and this will require improvements. Firstly, pedestrians using the main vehicular entrance will encounter a section of road with no immediate footpath. A dropped crossing across to the public footpath that sits on the western side of Parkfield Road should be secured to permit adequate movement for all pedestrians across to the footpath network. This can be secured via a condition and highway agreement. As there are intermittent sections of footway along the border of the site heading north towards Penny's Cottage the creation of a continuous footway was suggested in terms of securing some broader benefit. The potential for an additional pedestrian access point close at the northern end of Parkfield Road is a separate matter that would improve access to a safe footway network, potentially with another dropped crossing. In regard to the proposed pedestrian access on the eastern side of the site on to Lymington Road the concept is a positive one in terms of permeability. To respond to officer concerns regarding the challenges facing pedestrians due to mature street trees the access point has been moved north to secure unencumbered access to the pedestrian crossing in the area. In the context this is considered sufficient in terms of pedestrian movement options.

The Council's transport officer has confirmed that following the receipt of the revised layout the previous concerns have been largely addressed and the proposal presents an acceptable vehicular and pedestrian access and movement and should not be refused on highway grounds.

Considering the points above, and having regard to guidance contained within the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Para 109), the proposal is, following submission of the revised layout plan, considered acceptable on highway and movements grounds and in accordance with the Policy TA2 of the Torbay Local Plan, The Torquay Neighbourhood Plan and the NPPF.

## Parking

Policy TA3 and Appendix F of the Torbay Local Plan provides the policy context regarding parking provision for development and provides estimated requirements for parking that reflect a balance between ensuring that the levels of car parking generated by development are met on site, with the need to ensure that due consideration is also given to sustainable transport methods.

Appendix F identifies an expected requirement of 1 car parking space per apartment and also notes that parking for visitors should also be provided. There is no guidance on what levels of visitor parking should be provided though. The guidance notes also state that 20% of available spaces should have electric charging points, and that 10% should be suitable for disabled users.

Policy TH9 of the Torquay Neighbourhood Plan cites that all housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

The application was submitted with the detailed layout showing 63 proposed parking spaces for 43 apartments that provided 20 spaces beyond the 1:1 ratio expected in policy and more than adequate visitor / surplus parking (where visitor parking which is also expected in policy). Revised plans have been received that reduce the parking numbers to 56, principally in order to address separate concerns on the lack of adequate cycle and waste stores, collection facilities, and manoeuvring space. The scheme now presents 1:1 parking plus 13 visitor/surplus spaces within a revised and “workable” layout. Although reduced the scheme is still considered policy compliant in terms of parking numbers with more than adequate capacity to serve the development in-light of the Policy TA3 and Appendix F of the Torbay Local Plan.

To ensure that other forms of transport are duly promoted the travel plan should be conditioned with ongoing management to review and improve if the modal shift targets are not being reached.

In addition the proposal should secure disabled and electric parking that accords with the policy position cited above. This expectation can be secured by use of a planning condition, as the current layout present opportunity to provide wider disabled parking.

Beyond the issue of vehicular parking the development should also secure appropriate facilities to promote cycle ownership and use. The Development Plan seeks new apartments to secure 1:1 cycle parking, which should be fully secure and usable, along with visitor cycle facilities. The revised layout responds to officer

concerns on the lack of provision of adequate facilities with seven separate cycle stores spread through the development within the undercroft.

Subject to securing 10% disabled parking, electric charging for 20% of spaces, and visitor cycle parking, by condition, the proposal is considered to provide development that accords with Policy TA3 and Appendix F of the Torbay Local Plan and Policy TH9 of the Torquay Neighbourhood Plan.

### **Drainage and flood risk**

The application site sits within the wider Torbay Critical Drainage Area (CDA) as designated by the Environment Agency and hence a rigorous surface water disposal strategy is required in order to ensure that this brownfield site achieves reduced rates of surface water runoff. There is also a linear flood risk area to the south of the proposed building that loosely follows the valley floor down Teignmouth and Lymington Road towards the coast to the south.

The design concept responds to the results of the infiltration testing which limits the use of soakaways to serve the development and proposes a controlled discharge to the Public Sewer via a drainage pond.

The Council's Drainage Engineer has reviewed the initial flood risk assessment and drainage strategy and although the principles are supported there is concern that certain detailed design elements are not adequately referenced. Subject to the additional detail being submitted, which should be secured prior to the grant of any permission to ensure that the risk of flooding is not increased, the drainage management regime is considered acceptable to the Council's Drainage Engineer. The Environment Agency do not object subject to a condition to secure development that does not alter the ground levels.

As additional information has been requested Members will be updated about this matter during the Committee meeting.

Subject to the receipt of acceptable detail the proposal is acceptable on flood risk and surface water drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan.

### **Visual impact (including the impact upon the setting of the nearby Listed Building)**

Policy DE1 (Design) of the Torbay Local Plan cites that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy DE4 (Building Heights) cites that the height of new buildings should be appropriate to the location and that they should be built to the prevailing building height unless there are sound socio-economic benefits to justify a deviation.

Policy TH8 (Established architecture) of the Torquay Neighbourhood Plan cites that development should be of good quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

The NPPF guides that decisions (amongst other things) should secure developments that function well, are visually attractive, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)(Para 127).

The application seeks detailed approval for its layout and scale, however, indicative details about the proposal's appearance and landscaping are also provided, although these matters will be considered within a subsequent Reserved Matters application should outline planning permission be granted.

In terms of the detailed layout, the proposal is for a generally linear building that is approximately 86m long and 10m deep, with a return on the southern end being 22m long. The scale (and thus height) is also detailed and the submitted drawings show a building with multiple floors and heights ranging from one storey up to five storeys above ground level (4 habitable floors with ground floor parking and services underneath). The proposal would have a maximum height of 13m above the site level, which gives a building height of 50.63m above ordnance datum.

In terms of visual impact, the plot is considered to be capable of accommodating a building of the scale proposed, without resulting in an over-development of the site. The building would be set well within the site's boundaries, would not dominate or cramp the adjacent streets, and would provide an adequate level of parking, manoeuvring, and open space to serve the development. Although landscaping is reserved for future consideration, the details provided indicate that the proposal is capable of providing sufficient green space within the plot. The submitted details show that the plot could provide a generous amount of open space around the building, in the form of hardstanding areas and green space, which would serve to visually soften the proposal, and ensure a transition between it and the surrounding development. As part of a reserved matters application, officers would negotiate the details of the proposed landscaping scheme, including the possible introduction of additional planting to the rear of the building.

In terms of its scale, the proposal presents a varied building height up to a maximum of five storeys (13m from ground level, 50.63m AOD). As the plot is surrounded by roads on three sides, the most immediate reference for a contextual building height is a neighbouring residential development on Parkfield Road. This presents 3-storey development immediately adjacent to the public highway which rises to a ridge height of 51.43m AOD. Although the proposal presents more storeys than the adjacent building (and prevailing character) the height does respect the building height of the Parkfield Road streetscene in terms of its ultimate

height, being actually 0.8m lower than the ridge height of the aforementioned property. Moreover, the setting of the site is dominated by the significant mass of the embankment located almost immediately to the west. The embankment, which contributes to the character of the area as much as any building, would dwarf the proposed structure. It is also noted that, to the east of the site, hillside terracing serves to present a cluster of development up the hill side, which presents a degree of visual coalescence.

As the building height is similar to the adjacent building, and given the unique context of this site alongside a significant landform to the west, and extensive development to the east, the number of floors is not considered unacceptable in this location. That said, when considering the scale of the proposal, it is necessary to also take account of its overall size. The proposal would result in an individually larger building than is generally present in the immediate locality and it is noted that the Neighbourhood Forum has raised concerns in terms of the proposal's scale and height in the context of the prevailing character.

As outlined above, the building is actually similar in height to the nearest existing building and there are aspirations within the Neighbourhood Plan to support brownfield development where there are no significant adverse impacts. The Torquay Neighbourhood Plan indicates that the site could support a scheme of around 40 units; the proposal is for 43 units, none of which are particularly large internally, and it is therefore clear that, to achieve the quantum of development indicated and make efficient use of a brownfield site, a flatted development along the lines proposed is both necessary and appropriate, particularly when taking account of the need to provide adequate parking, services, and open space. It is also noted that the area has a mixed character; that the backdrop to the site comprises a large landform, which is significantly greater in scale than the proposal would be; and that the site is currently in a disused and unsightly condition, and would be improved by the proposal.

On balance, the proposal is not considered to present significant adverse impacts because of its scale, and its overall size is considered both appropriate and necessary to achieve Development Plan objectives for the site.

In terms of appearance, the indicative plans present a modern building with a linear, or horizontally orientated, façade comprising a mix of render and glass, with multiple balconies and roof terraces. Officers consider that more work is needed to ensure that the appearance of the proposal, in terms of its facades, would better integrate with the locality, adopting more of a vertical emphasis to reflect the patterns of existing development in the area. As appearance will be considered within a subsequent Reserved Matters application, if outline planning permission is granted, this present concern is not considered a reason to refuse planning permission. Officers are satisfied that an acceptable appearance can be achieved in this case.

In regard to heritage assets, there is a requirement to pay special attention to the desirability of preserving or enhancing the setting of listed buildings, and in terms of this development Penny's Cottage, a listed building, sits to the north across the road junction. Having considered the interim conservation advice it is concluded that the proposed scheme represents the opportunity to enhance the view along Lymington Road towards Penny's Cottage and better respect the wider setting of the listed building by removing a hard industrial urban landscape with a more softer landscaped setting which better reflects the historic setting the cottage, which would have been essentially a rural cottage on the periphery of the town. Similarly the experience of the setting should also be enhanced by the scheme by the removal of the existing industrial character of the site. In terms of the impact upon the setting of the building it is hence considered to be positive one overall, and there would be no harm to heritage assets.

The layout and scale proposed is, for the reasons above, considered acceptable. The indicative appearance is, for the reasons above, a matter of concern however as this element is reserved for future consideration it is not considered a reason to refuse the application, certainly as there appears scope to revise the architectural treatment in order to better reflect the character of the area within the parameters of the layout and scale that is supported. The indicative landscaping is, for the reasons given above, considered acceptable in principle and provides a basis to resolve a satisfactory reserved matters detail.

In terms of design for these reasons above the development is considered acceptable as there would be no adverse impact upon the character or visual amenities of the locality. The proposal is considered to be in accordance with Policies DE1, DE4, SS10 and H1 of the Torbay Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and guidance contained within the NPPF.

### **Quality of the residential environment**

Policy DE3 of the Torbay Local Plan states that development proposals should be designed to ensure an acceptable level of amenity. This includes expectations in terms of internal and external spaces, and for habitable spaces to be provided with adequate outlooks and privacy. The Torquay Neighbourhood Plan is largely silent on accommodation requirements but it does cover expectations for outdoor space and balconies.

Whilst the proposal only seeks consent for the proposed access, layout and scale the submitted information does include an indication of the proposed residential environment and should provide adequate comfort that a good standard of residential environment for future occupiers can be achieved.

The layout plans show a generic division of apartments throughout the various floors. Each apartment generally accords and exceeds the size standards outlined within the Torbay Local Plan where Policy DE3 indicates a space standard for 2-

bed (3 person) flats of 61sqm. The plans generally show 2-bed units at around 57-63sqm which will provide a good standard of internal accommodation in terms of the size of apartments.

In terms of outlook and natural lighting the layout of the building will provide all apartments with an acceptable level of outlook and lighting to key rooms as all elevations have suitably open aspects. The revised layout secures a landscaped outlook to both ground floor units following officer concern on the apartment to the north looking over hardstand that could be informally used for parking beside windows.

Policy DE3 identifies that development should make provision for external amenity space where possible and as a guideline suggests that a minimum of 10sqm will be sought for apartments, which is comparable to the expectation for space within the Torquay Neighbourhood Plan Policy TWH4. There is a design expectation that a number of apartments will benefit from a balcony, which will provide some form of external amenity space for occupants. In addition there are a number of roof terraces, which will also provide improved amenity space for occupiers. It is unclear what size of balcony could be adequately achieved within a finely resolved design however the provision, within an urban site, together with the potential for some good quality communal space at ground floor together with roof terraces, is likely to present a satisfactory provision of amenity space for occupants. The layout demonstrates that outdoor amenity space above the policy expected level of around 430sqm could be achieved.

In terms of supportive facilities following the receipt of revised plans the layout is now details adequate cycle and waste storage facilities. Although the appearance will be resolved at Reserved Matters stage the submission currently secures a layout that shows that sufficient storage space will be provided.

All matters considered the proposal is considered to provide adequate certainty that a good standard of residential accommodation can be achieved and thus the development is considered to accord with the aspirations of Policy DE3 of the Torbay Local Plan, Policy TWH4 of the Torquay Neighbourhood Plan, and guidance contained within the NPPF.

### **Impact upon local residential amenity**

Policy DE3 of the Torbay Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Torquay Neighbourhood Plan is silent on the matter of amenity.

The construction phase will naturally have some temporary impacts however such impacts are not unusual and can be limited through restricting hours of construction and agreeing processes to limit delivery and construction parking impacts through the use of a planning condition.

In terms of the finished development the residential use aligns with the residential uses nearby and the additional dwellings would not result in undue noise or general disturbance. The move from a commercial use to residential is likely to be positive as although the site lies empty a future commercial use could create noise and disturbance.

In terms of scale and height there is unlikely to be any loss of outlook or light to the north and east as adjacent residential properties are set some distance away across relatively wide public roads. The sensitivity is further reduced by the expectation of a staggered building height where the building will be lower towards the edge of the plot in these directions. To the south the existing residential building off Parkfield Road is set 30m away which is considered an acceptable separation towards this secondary elevation. To the west there is no development to consider.

In terms of privacy, inter-looking and overlooking although there is no definitive guidance within the Development Plan it is generally accepted that a distance of 20/21m back-to-back between properties is acceptable, but that it may be necessary for greater separation distances for taller buildings or for development on sloping land. The building will be over 45m from Penny's Cottage to the North, around 32-35m from the properties across Lymington Road to the east, and 30m from the residential building to the south off Parkfield Road. When considering the distances involved, and taking into account the topography, the relationships to the south are considered acceptable in terms of the impact of the development upon existing occupiers.

In terms of amenity for the reasons above the proposal is considered to comply with Policy DE3 of the Torbay Local Plan as it would not unduly impact the amenities afforded neighbouring occupiers.

## **Biodiversity and Trees**

### Biodiversity

Policy NC1 of the Torbay Local Plan and guidance within the NPPF seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development.

The site has limited value in terms of flora and fauna with notable vegetation limited to a group of trees near to the southern border of the site. Due to the extent of hardstand and buildings there appears limited habitat valuable to protected or other species beyond this tree group. The tree group is shown to be retained by any forthcoming development.

The accompanying ecology information cites precautionary measures re working

within the nesting season. This should be secured by condition. It also cites the limitation of external lighting facing towards the tree-lined bank across Parkfield Road. This again can be secured by condition.

In addition to the management of ecology impacts in-line with Policy NC1 measures to enhance biodiversity should be duly considered and it is noted that the submitted ecology report is absent of commentary on biodiversity enhancement measures. In light of this it is recommended that any grant of planning permission is subject to a condition requiring a biodiversity statement to be submitted to and approved in writing by the Local Planning Authority, to ensure that biodiversity interests are promoted through the development, which shall include any physical measures to enhance biodiversity such as providing bat and bird boxes to enhance roosting and nesting facilities.

With a condition as prescribed above the proposal is considered aligned with Policy NC1 of the Torbay Local Plan and the NPPF.

### Impact upon Trees

Policy C4 of the Torbay Local Plan cites that development will not be supported when it would seriously harm either directly or indirectly, protected or veteran trees, subject to offsetting measures etc.

There are no formally protected trees on or adjacent to the site however there is a notable tree group in the southern part of the site and there are notable limes within the public highway along the eastern border.

The application is supported an arboricultural assessment that establishes tree protection measures to guard against potential harm during the construction phase. These measures can be secured by a planning condition.

In terms of the development itself the layout indicates a building footprint that does not encroach within the demarked root or canopy spread. Where the building comes closest to one of the protected limes the building is shown to be only single storey, which limits any potential spatial tension that may be caused by a higher building that would physically be closer to the canopy of this tree.

The Council's Natural Environment Services Team have declined to comment on the proposals but the detail appears reasonable in terms of protecting the long-term integrity of trees in and around the site.

In light of the conclusions above the development is considered comfortably aligned with the aims and objectives of Policy C4 of the Torbay Local Plan and guidance contained within the NPPF.

As landscaping is a reserved matter a detailed landscape scheme will need to be

submitted to the Local Planning Authority via a further Reserved Matters application, should the development progress.

### **Housing Supply**

The Council has a housing supply which is below the 5 year supply sought by government. The proposal will help with the delivery of housing with a form of development that is considered to accord with the Development Plan.

Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

### **Human Rights and Equalities Issues -**

**Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

**Equalities Act -** In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **S106/CIL and Affordable Housing -**

#### **CIL:**

The application is for residential development in Zone 1 where the Community Infrastructure Levy (CIL) is £30 per square metre of additional gross internal floor area created.

The CIL liability for this development is £30 per square metre. The amount will be determined at Reserved Matters stage where the application will be CIL liable.

Based on the outline floor area indicated within the submitted CIL form, the estimated CIL charge would be in the region of £88,000.

An informative will be used, should outline permission be granted, to advise the applicant/developer of their obligations in relation to the CIL Regulations.

### **S106:**

#### Affordable Housing:

Policy H2 of the Torbay Local Plan identifies that as a brownfield site with a scheme of over 20 dwellings 20% affordable housing, usually provided on site, should be provided. For a scheme of 43 dwellings this equates to an affordable housing provision of 9 units in order to provide a policy compliant development.

The applicant has submitted a viability assessment that concludes that it is not viable to deliver any affordable housing. The submitted assessment is currently being independently assessed and Members will be updated on this issue.

The concept of viability is detailed within the Council's Adopted Affordable Housing Supplementary Planning Document (SPD) and hence, if it is concluded that the scheme can afford to deliver Affordable Housing, Members are advised that provision should be secured via a S106 Legal Agreement. Should it be concluded that the development cannot support the delivery of Affordable Housing then this should be accepted subject to a S106 Legal Agreement that includes a deferred obligations clause in-line with the Adopted SPD.

#### Loss of Employment Land:

The applicant has stated that the site has recently been in use within the submitted CIL information, however it does appear to have been disused for a number of years. If it is shown to have been disused for some time, it is not considered reasonable to seek loss of employment obligations. However if it is found that the site has been within use then, if viable (after delivering the policy compliant level of Affordable Housing), it will be necessary to secure financial mitigation to bring forward a commercial site elsewhere.

In-line with Local Plan Policy SS5 if the site have been lawfully used for 6 months within the last 36 (i.e. the current floorspace would be mitigated in the CIL liability equation) then it is reasonable to seek a loss of employment obligation. Paragraph 3.16.3 of the SPD indicates that loss of employment contributions will be given the highest priority after site deliverability and affordable housing. Should the site be found to have been in use if viable a loss of employment obligation of £158,857.00 should be secured.

#### Highway works:

In this instance the Highway Authority has raised concern over the additional pedestrian traffic in the immediate area and has cited that crossing improvements

should be secured. These works can be secured via a planning condition attached to any grant of approval to enter into a S278 highway agreement.

Other matters:

The local NHS trust has submitted a representation seeking a financial payment to mitigate the impact upon the health service provision. As the development is CIL liable, S106 obligations can only be sought on site acceptability matters and this does not apply to general provision of health care. There is no provision within the Development Plan to seek health-care based payments in relation to non-specialist housing (i.e. where appropriate payments may be sought for specialist housing, such as sheltered housing, due to the potential for an additional burden on adult healthcare over standard types of housing). For these reasons it is not considered reasonable to seek the financial contribution requested by the NHS trust.

Subject to the points above the development is in accordance with Policies SS5, SS6, SS7, SS9, SS11 and H2 of the Local Plan and the Planning Contribution and Affordable Housing SPD.

**EIA/HRA**

**EIA:**

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

**HRA:**

The application site is not within a strategic flyway/sustenance zone associated with the South Hams SAC and a formal HRA screening is not necessary in this instance as the proposed development is unlikely to have a significant effect on the South Hams SAC.

The proposal presents a controlled discharge that mimics greenfield runoff rates into the Public Sewer, which will minimise impacts upon outfall flows and any potential impact up the marine candidate SAC, in-line with Policy ER2.

**Proactive Working**

In accordance with the National Planning Policy Framework the Council has worked in a positive and pro-active way and the applicant has responded on matters of access, parking, cycle and waste storage, and drainage.

**Conclusions**

The proposal is considered a good use of a redundant brownfield site and would

provide much needed housing to help meet local need.

The proposals are considered to be in overriding accordance with the provisions of the Development Plan and the NPPF guides that development proposals that accord with an up-to-date development plan should be approved without delay.

The Torquay Neighbourhood Plan cites that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan (Policy TS4 - Support for Brownfield and Greenfield development). There are deemed to be no significant adverse impacts, as outlined within this report.

Due to the level of accordance with the Development Plan and in the absence of material considerations that weigh against the proposal, the Officer recommendation is one of approval, subject to resolving matters of drainage, conditions as necessary, and securing a S106 Legal Agreement on terms as necessary following the outcome of the independent viability assessment.

**Conditions to include:**

Standard time condition:

That in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and

That the development to which this permission relates must be begun not later than two years from the date of the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990.

Reserved Matters condition

An application for the following reserved matters shall be submitted to the Local Planning Authority for its approval in writing:

- (i) appearance; and
- (ii) landscaping.

The details of the Reserved Matters shall be consistent with the details submitted and approved pursuant to the outline consent.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced, and the development shall be undertaken in accordance with the approved reserved matters.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

#### Flood risk

The development hereby permitted shall not be commenced until such time as the applicant has submitted evidence to demonstrate that there will be no land raising, to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes, in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the NPPF.

#### Tree protection measures

Prior to the commencement of development all tree protection measures, as outlined within the Tree Protection Plan dated 20.03.2019 (Aspect Tree Consultancy), shall be implemented in full and maintained as such for the duration of the construction phase. The tree protection measures shall include a detailed arboricultural method statement submitted to and approved in writing by the Local Planning Authority for the 'Special Protection Area' (AMS).

Reason: To ensure due protection is afforded retained ecological features, in accordance with Policies C4 and NC1 of the Torbay Local Plan 2012-2030.

#### Parking

The Reserved Matters shall include the provision of parking for the occupants of the building in accordance with the layout hereby approved.

10% of the spaces shall be designed to the disabled parking specification and 20% of the spaces shall be provided with electrical charging points.

The approved parking facilities shall be completed in full prior to the first occupation of the development and maintained for such purposes at all times thereafter.

Reason: To ensure adequate parking is provided to serve the development in order to provide an acceptable form of development, protect neighbour amenity and highway safety, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

### Cycle parking

The Reserved Matters shall include the detailed provision of covered, safe and secure cycle parking in accordance with the layout hereby approved, to a ratio of no less than one per residential unit, and shall include a detailed design of any proposed storage mechanism (such as racks or hoops). The proposal shall also provide for adequate additional secure visitor cycle facilities.

The approved cycle parking facilities shall be completed in full prior to the first occupation of the development and maintained for such purposes at all times thereafter.

Reason: To provide an acceptable form of development that duly promotes and provides for cycle ownership and use, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030.

### Waste storage

The Reserved Matters shall include the provision of waste storage and collection facilities in accordance with the approved layout.

The approved waste facilities shall be provided in full prior to the first occupation of the development and maintained as such at all times thereafter.

Reason: To secure a satisfactory form of development in accordance with Policies W1 and DE1 of the Torbay Local Plan 2012-2030.

### Waste collection

The development shall proceed in accordance with the approved Waste Statement and Audit. Prior to the first occupation of the development management arrangements to secure the weekly movement of bins from and to the bin stores to facilitate the collection requirement of the local authority.

Reason: To secure adequate waste collection arrangements in accordance with Policy W1 of the Torbay Local Plan.

### Nesting season

Demolition and any vegetation removal required as part of the development should be undertaken outside of the bird nesting season (March to September inclusive) or under the supervision of a suitably qualified and licenced ecologist.

Reason: To ensure due consideration is afforded protected species, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

#### Highway agreement

Prior to commencement of development, a S278 Agreement shall be entered into with the Highway Authority to secure improved crossing facilities for pedestrians across Parkfield Road.

Reason: To ensure highway safety is not impaired, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

#### Construction method statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012-2030.

#### External lighting

Prior to the first occupation of the development, an external lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and shall be retained as such thereafter.

The proposed lighting scheme shall accord with the recommendations contained within the submitted Preliminary Ecological Appraisal Dated June 2018 (Abbas Ecology) in regard to foraging bat mitigation.

Reason: To secure an appropriate form of development in accordance with Policies NC1, DE1 and DE3 of the Torbay Local Plan 2012-2030 and guidance contained within the NPPF.

#### Biodiversity enhancement measures

The Reserved Matters pursuant to Condition 01 shall include appropriate biodiversity enhancement measures.

The approved measures shall be implemented in full prior to the first occupation of the development and maintained in full at all times thereafter.

Reason: To secure an appropriate form of development in accordance with Policies NC1 of the Torbay Local Plan 2012-2030 and guidance contained within the NPPF.

#### Contamination

The development shall proceed in full accordance with the Contamination Remedial Measures as outlined within the submitted and approved geotechnical summary dated 7<sup>th</sup> March 2019 (A. Robin Hood & Associates).

Reason: To minimise contamination risks to future users of the site and surrounding land, including controlled waters, and to ensure the development can be carried out safely in accordance with Policy ER3 of the Adopted Torbay Local Plan 2012-2030, and guidance contained within the NPPF.

#### Surface water management

The development shall proceed fully in accordance with the approved surface water drainage strategy and detail, which shall be provided in full prior to the first use of the development and maintained at all times thereafter, unless otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure an appropriate form of development that does not increase the risk of flooding to residents or land or buildings adjacent, in accordance with Policies ER1 and ER2 of the Torbay Local Plan 2012- 2030 and the Environment Agency Critical Drainage Area Advice Note dated May 2015.

#### Travel plan

The submitted Travel Plan shall be implemented in full. Should the annual review show that the development is failing to secure a modal shift of 30% of potential users to sustainable modes of travel, additional measures, in discussion with the Local Planning Authority, shall be agreed and implemented.

Reason: To reduce the impact of the development upon the transport network, in accordance with Policy TA2 of the Torbay Local Plan 2012-2030.

### LEMP

Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed, which shall include the roof terraces where they are a communal facility.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of the amenities of the area and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan 2012-2030, and the NPPF.

### Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping Reserved Matters shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from

the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure an appropriate form of development in accordance with Policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030.

### **Development Plan Relevant Policies**

SS1 - Growth Strategy for a prosperous Torbay

SS3 - Presumption in favour of sustainable dev

SS8 - Natural Environment

SS11 - Sustainable Communities Strategy

SS12 - Housing

SS13 - Five Year Housing Land Supply

SDT1 - Torquay

TA1 - Transport and accessibility

TA2 - Development access

TA3 - Parking requirements

C4 - Trees, hedgerows and natural landscape

H1LFS - Applications for new homes\_

H2LFS - Affordable Housing\_

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

ER2 - Water Management

W1 - Waste management facilities

TS1 – Sustainable Development

TS4 - Support for Brownfield and Greenfield development

TH1 - Housing Allocations

TH8 - Established architecture

TH9 - Parking facilities

TE4 - Green Corridors

TE5 - Protected species habitats and biodiversity

THW4: Outside space provision

THW5: Access to sustainable transport

THW6: Cycle storage and changing facilities

TTR2 - Sustainable Communities