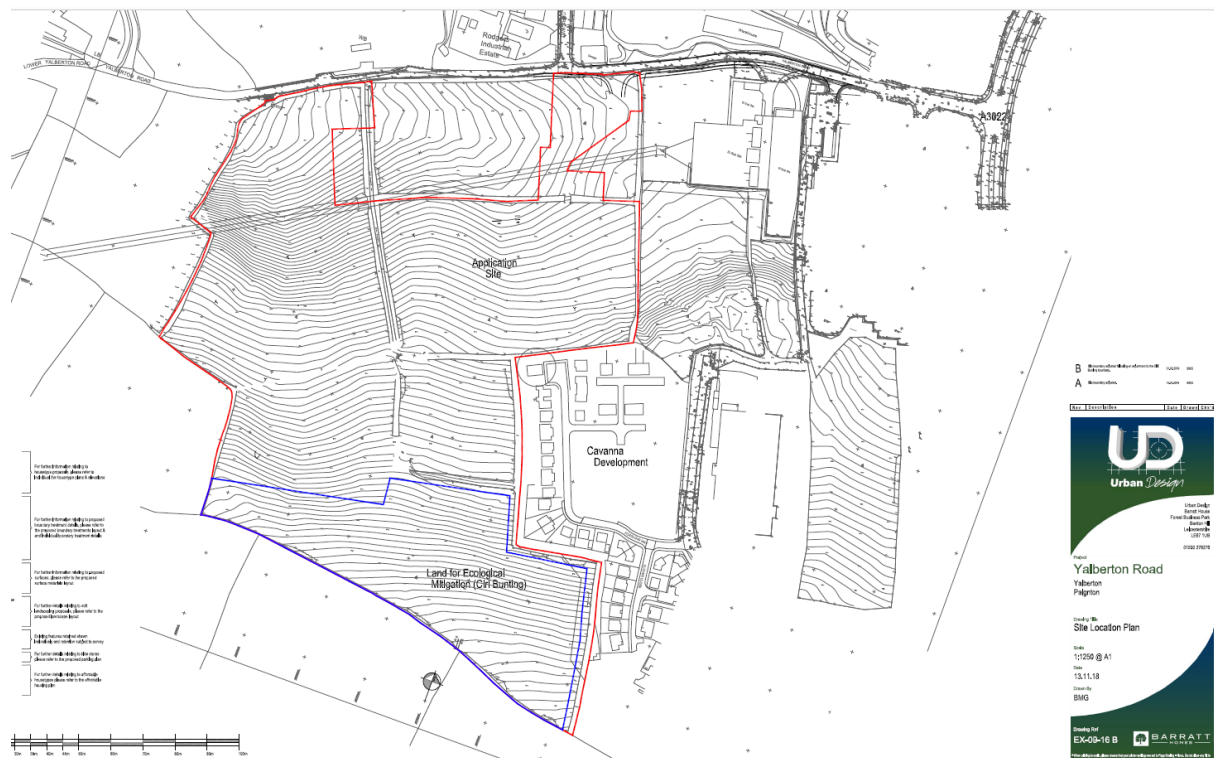




Application Site Address	Land South Of Yalberton Road, (Yannon's Farm), Paignton
Proposal	Reserved matters application pursuant to application P/2014/0983/MOA, as amended by P/2019/0605, for the construction of 191 dwellings, public open space, landscape planting, ecological mitigation measures, pedestrian, cycle and vehicular links and associated infrastructure.
Application Number	P/2019/0173
Applicant	Barratt Homes (Exeter) Ltd
Agent	LRM Planning Ltd
Date Application Valid	12.03.2019
Decision Due date	11.06.2019
Extension of Time Date	
Recommendation	Approval subject to the conditions outlined at the end of the report, with the final drafting of conditions delegated to the Assistant Director of Planning and Transport
Reason for Referral to Planning Committee	Major Reserved Matters Application
Planning Case Officer	Mr. Alexis Moran

Location Plan –



Site Details

The site is located to the west of Brixham Road on the outskirts of Paignton. The site is 8.17ha in area. The majority of the site is located within the Future Growth Area of the Local Plan, except for the part of the site which is set aside for ecological amenity space and the south-western part of the residential proposal.

The land comprises agricultural fields bounded by hedgerows. In addition, overhead power lines cross the northern part of the residential area of the site. The site has a sloping topography with a north facing slope that rises by around 50 metres to a high point near the top of the hill located to the southeast. A field located near to the top of this hill lies outside of the application site but is proposed as a 'high meadow for ecological mitigation and biodiversity' habitat for one pair of Cirl Buntings.

The site is bounded by Yalberton Road to the north; the Western Power electricity station and Yannons Farm development site to the east; agricultural fields to the south (beyond which is South Devon College); and open countryside to the west. To the north of Yalberton Road is Yalberton Tor Quarry, which is allocated as a waste site in the Local Plan, and the Rodgers/Yalberton industrial estates.

The majority of the site is located within the Future Growth Area for housing and related development in the Local Plan. The land to the south and west of the main site is designated as Countryside Zone.

The whole site is located within the greater horseshoe bat sustenance zone associated with the South Hams Special Area of Conservation (SAC) at Berry Head; the northwest corner of the main site is also within a strategic flyway. The whole site is located with the Critical Drainage Area (CDA).

Description of Development

The proposal seeks reserved matters consent pursuant to outline permission P/2014/0983/MOA (amended by P/2018/0605), for the construction of 191 dwellings, public open space, landscape planting, ecological mitigation measures, pedestrian, cycle and vehicular links and associated infrastructure. The outline permission(s) establish the acceptability of the proposal in principle, and in terms of the access arrangements. The reserved matters being sought are layout, scale, appearance and landscaping.

The submitted plans show a residential development to the north of the site with a parkland, including a playpark, a community orchard and an area of ecological mitigation for cirl buntings to the south of the site. There is also an area of public amenity space to the north-west of the site.

The proposed dwellings range in height from one storey to three storeys with the prevailing height being two storeys. Three apartment buildings are proposed which are made up of two, two and a half storey buildings and one three storey building, all of which are located to the east of the site.

Pre-Application Enquiry

N/A.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Paignton Neighbourhood Plan

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

P/2019/0605 - Variation of Conditions relating to application P/2018/0977. Variations sought: P1 - replace approved plan 3010-005 B with plan EX-09-39, 4 - Rewording of condition, 6 - Remove references to 'buses'. PENDING CONSIDERATION

P/2018/0977 - Variation of condition P1 - amendments to plans & condition 24 - footway and road, to Major Planning Application P/2014/0983 (revised plans received 14.11.2018). APPROVED 07.12.2018.

P/2014/0983 - Outline mixed use proposal for phased residential development (Use Class C3) of up to 192 dwellings and employment development (Use Classes B1 and B8) of between 7,400 sq m and 9,200 sq m floor area, together with the provision of ecological mitigation measures, public open space and other associated infrastructure. (Means of access to be determined only) (Revised Scheme). APPROVED 07.09.2018

Summary of Representations

Twenty objections to the scheme had been received at the point at which this report was written. The concerns raised are as follows.

1. - Highway capacity/traffic
2. - Flooding and drainage
- 3.- Impact on infrastructure
4. - Overdevelopment of the site and wider area
5. - Ecology/Cirl Bunting compensation
6. - Impact on privacy
7. - Failure to discharge conditions (although this is not necessary at the reserved matters stage)

Summary of Consultation Responses

Environment Agency – no objection

Historic England – no comment

Torbay Council Drainage Engineer – covered by a condition on the outline application

Strategic Transport – *The suitability of the access, has been the subject of applications, decisions, and agreements. It has been agreed that the highway along Yalberton Road will be widened with shared cycle/footpath provision and a contribution was sought in relation to the Brixham Road junction works which have been significantly completed. The detail for the Yalberton Road works is submitted within this application although it is noted that it has been approved previously.*

Spine Road / Bus Route width

Previously comments have recommended that this route is designed in a sufficient way to accommodate a bus route. The design guide recommends 6m wide for this. However, the access application as approved shows a width of 5.5m. What is also shown is a widening of the shared path from 2.5m to 3m. It is requested that the spine road so far as the bus is expect to travel along it, is provided at 6m wide with the shared path reduced to a consistent 2.5m.

Forward Visibility on bends

Some of the bends appear tight with restricted or limited forward visibility. I would welcome a plan being provided which clarifies the visibility that can be achieved with this layout in accordance with the Torbay Council Highways Design Guide for New Developments and/or Manual for Streets. Particular concern relates to the bend in the South East corner, adjacent to the outlined ramped access to the 'Cavanna' site but also concerns the bends outside plots 121, 160, and 178.

Forward Visibility through 'Pinch Point' feature

The S38 drawing indicates a grass verge through this section which would allow for suitable forward visibility. However, some of the other plans indicate trees on what is effectively a build out. The latter may not allow for adequate forward visibility on the key spine road and therefore clarity is sought about this.

Similarly on the northern boundary, there is another narrowing through the existing hedgerow that, due to the proximity with the bend could cause visibility issues. It is accepted that there are only 7 dwellings in this area but with emergency access here as well and the need for refuse vehicles to turn prior to and reverse through this section in order to remain on the public highway there is a concern.

Visitor parking in turning heads

There are concerns about how the parking in these locations will be managed and whether it will lead to the turning heads being blocked by parked vehicles. As such I recommend a revision to the layout to widen the footway to follow the typical kerb edge and remove these dedicated spaces. Outside Plot 152/3 this needs to be redesigned so that the pavement follows the bend as well, reducing the crossing width, but also sensitive to ensuring the front garden areas of the dwellings are provided appropriately and avoid 'pavement parking'.

Grass Verges

It is not Torbay Council's preference to adopt small areas of highway grass verge. These are difficult and ultimately costly to maintain. These should be maintained in a separate agreement, outside of the S38 details.

The grass verges also pose a concern with regards to creating a parking opportunity. The recommendation would be that there is a birds mouth style fence erected along the extent of the verge area to protect against this.

Parking Spaces

There are a number of points to raise about this.

Plot 106 – it appears very difficult for this plot to access their full driveway provision. Depending on the solution, it also appears likely that both plots 105 and 106 will create themselves an additional space end to end as they will be on the outside of the bend. This area needs better definition to clearly mark the kerb edge, gardens and parking for vehicles. The kerb edge should naturally follow the bend. Please note this bend is though, one where concern has been raised for the forward visibility.

Plot 192 – there is a difference between the various drawings outside this plot. The issues again is one of definition on the corner. This needs to be resolved similar to Plot 106.

Plots 1, 2 and 3 – the parking area for these plots appears slightly awkward and would benefit from reconsideration. Side by side parking is preferably to end to end and appears possible to provide in this location. Also, there is limited turning area for these and that needs to be reconsidered.

Plot 61 – there is no turning provision for the parking at this property. This needs to be reconsidered as it is not acceptable for them to have to reverse out onto the spine road at the start of the development.

Plots 37, 38, and 39 – these appear only to have 1 parking space per dwelling. In general I would not find this to be of significant concern, however, when considered with the point raised above regarding Plot 61, this is more of a concern as there is limited space for the turning of vehicles. I would recommend this area is reconsidered. There is concern for several plots, such as 5, 6, 7, 9 and 12 (and many others), not having sufficient space if a vehicle is parked to allow for refuse and cycles to be brought past from the storage area, typically to the rear of the property. Cycle and refuse storage must be accessible or will, ultimately, not be used by the occupiers. For instance at plot 58 this could be rectified with a small reduction of garden size for plots 56 and 57 and a path width set out alongside the plot 58 dwelling.

Additionally several plots have parking between walls or in confined spaces. These too would benefit from being wider to ensure they are accessible if it is possible to make that adjustment. I accept that currently we do not have any requirement or guidance to enforce against this.

Cycle Storage

As above, some of the plots have limited access to the cycle storage (and refuse storage). Plots 17 and 19 are of particular concern given the distance those occupiers have to access it. If it can be achieved with appropriate urban design it would be preferable for the cycle parking (and I assume refuse storage) to be closer to the front / entrance of the properties.

Shared Path

The shared path connects to the ramp but it is not clear if there is any provision for crossing the road at that point and the path does not continue along the southern side. This provision needs to be included. Suitable crossing points should be provided at all junctions and where paths end.

Emergency Access

Although the Council would not seek to adopt this alternative access, it is important that through condition and/or legal agreement, it is maintained in suitable order and that suitable surfacing is provided throughout its length. Additionally, it is not clear whether bollards are to be provided at the northern end as well as the southern, but this is recommended.

Access to 'Cavanna' site

There is an indication of the ramped access to be provided. This is of course necessary to meet the requirements of the other consent but in any case, further details of this will need to be provided. It is equally important that this link is required to be constructed in a timely manner. It is shown in an area, along with the path connecting to it, to be delivered in phase 1.

Access to 'WPD' site

The road is shown on the S38 drawing to be adopted right to the boundary. Other drawings submitted with the application do not show this. It is important that this is

constructed up to the boundary and provided for adoption to the Local Highway Authority. As with the ramped access, it is shown as being delivered in phase 1.

Materials

Colleagues have requested that, particularly on the early and central parts of the spine road, that block paving is not used. They are happy to consider alternative solutions with different materials or imprint. Depending on the appearance considerations of 'Planning' this may be something that a condition allows for final resolution of materials in these areas to be made with the Local Highway Authority through the appropriate agreement.

S38 drawings

It needs to be made clear that approval of planning consent, despite inclusion of S38 drawings, does not constitute consent or authorization under S38. A separate application will need to be made to the Local Highway Authority.

Bus Stops

It is welcomed that bus stop provision is indicated which could be provided at a later date. It would not be a requirement for this to be implemented until such time as a bus route was or could be provided. There is no provision indicated in the opposite direction and this would be welcomed as it will make the conversation with residents at a later point easier if there is an understanding of where the stop will be located. It is suggested this could be immediately opposite.

Electric Charging

The detailed layouts do not, so far as I can see, set out provision for electric charging facilities as required by the Local Plan.

I am content with the provision being a standard domestic socket located outside of the dwelling and adjacent to the parking spaces for that respective dwelling. I recognise that if the occupiers wish to install specific vehicle electric chargers they can do so under permitted development. I would therefore request that if any restrictions on permitted development are considered, that it does not include the provisions for electric chargers.

SWW- No objection

Paignton Neighbourhood Forum - *The Forum has considered the above planning application and objects to the proposals because the details submitted do not accord with the outline consent granted for the following reasons:*

1. Surface water disposal

The Reserved matters layout and integral drainage pipe work proposed in the submitted application relies on surface water disposal going to a large open soakaway to the north west of the site. No satisfactory information is provided that demonstrates how the private management arrangement of the system will operate in perpetuity in accordance with the requirement of condition 13 of consent

P/2014/0983. Nor is there provision made in the Section 106 Agreement (29 August

2018) and Supplemental Agreement (5 December 2018) for dealing with the problem that will arise if for any reason the proposed private management arrangement ceases to operate and leads to an increase of present surface water flooding in the locality.

2. Impact on protected species

The Reserved matters layout and landscaping detail fails to accord with the outline consent that requires 'mitigation' proposals for 1 pair of Cirl Buntings on site and 5 pairs off site (in accordance with the Decision by Development Management

Committee on 9 April 2018 at Minute 76 and outline consent condition 25). Instead, the submitted application makes proposals for 1 pair on-site and 'compensation' payment for 5 pairs lost with no proposal included that confirms where or how 5 pairs off-site will be established nor be the subject of aftercare and long term maintenance as required by condition 25. The Reserved matters application indicates at paragraph 4 of the submitted 'Cirl Bunting Mitigation Scheme' (February 2019) that the off-site provision is detailed in the Section 106 Agreement. However, no such detail has been found in the Section 106 Agreement (29 August 2018) nor

Supplemental Agreement (5 December 2018). Without this detail the full provision must be made on-site for 6 pairs to ensure satisfactory 'mitigation' as required.

3. Traffic impact

As implementation of the defined employment and residential parts of the outline consent area are being taken forward separately, it is not clear what provision has been made to require further improvement of the Yalberton Road / Brixham Road junction from the composite development in view of the concerns previously raised in the Forum's letter of 31 December 2014 when the outline application was first considered.

Housing Services - Housing services are happy with location of the affordable housing units but we do have some concerns with the design for the wheelchair adapted units. The Council's specification is that when a property has two or more floors that the bedroom designed for a wheelchair user is provided on the ground floor. In the first instance we would ask if these changes can be incorporated into the current plans but as this may not be possible due to the current design we would ask that consideration is given to switching the 3 x wheelchair adapted units from two storey houses to flats in order for them to be fully accessible. We would also ask that as per the S106 that the tenure for these units are changed from Shared Ownership (as is currently showing) to either Social Rent or Affordable Rent.

We are very much looking forward to all 58 affordable units completing which provide a great mix of bedroom numbers and tenures and will be providing much needed affordable housing for Torbay and its' residents.

Police Architectural Liaison Officer - Following a review of the Presentation Layout, which contains the best level of detail for my purposes and the Secured by Design (SBD) statement, I am pleased to advise that many positive aspects from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective have been factored in to the overall design and layout of the scheme but to assist further please find the following few additional points for consideration:-

1. The back to back gardens are much supported from a security perspective but please ensure that all gates that lead to the rear of dwellings are capable of being locked from both sides, by means of a key for example, as this will enable rear gardens to be secured regardless of access or egress. The proposed latches and bolts for the gates are noted but these are likely to prevent the gate from being fully secured on egress.

2. The shared rear access paths between plots 15 & 16, 35 & 61, 42 & 43, 89 & 90 and 104 & 105 for example should also be gated. Robust, non-climbing, 'see through' iron style gates would work well in improving surveillance over the path and reduce the fear of crime for residents. The gates should be fitted so as to not create a recess and ideally have a coded or key operated lock fitted.

3. With regard to the multi-occupancy buildings please ensure that any shared external amenity space or designated smoking areas are set as far away from the building elevation as possible to prevent potential noise and nuisance issues for other residents.

Please note that the visitor door entry system for the apartments should have a visual monitor as well as an audio facility. Tradesperson buttons are no longer permitted for SBD developments due to an increase in crime and ASB as such consideration must be given to how mail will be delivered and the reading of utility meters. For further details or options please contact me.

PARKING

From a designing out crime and disorder perspective it is vital that the parking provision for the proposed development is both sufficient, when balanced against the schedule of accommodation, as even a one bedroom dwelling could attract 2 vehicles, and designed so it is convenient and practical to use, e.g. side by side parking as opposite to tandem style parking, as this will encourage its use and reduce the level of unplanned parking elsewhere. It is the 'elsewhere' that can introduce a source of conflict and rancor amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets. With reference to 'tandem' parking above, there is ever increasing evidence from new development in the county where this design of parking is not being embraced, perhaps due to being inconvenient or just awkward to use, seeing the 2nd (or 3rd) vehicle being parked elsewhere just to make life easier for the occupants. It is appreciated that the tandem parking design is likely to fulfil the number of parking spaces required for new development, but this number is likely to be much reduced if the spaces are not being utilised. In addition to this the problems associated with tandem parking are further exacerbated when designed to the front of a garage or car port.

Natural England - As submitted, the application could have potential significant effects on greater horseshoe bats associated with the **South Hams Special Area of Conservation (SAC)**. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Up-to-date greater horseshoe bat survey
- Light impact assessment
- Further analysis of collision and severance impacts

- *Comprehensive mitigation and avoidance plan*
- *Habitats Regulations Assessment*

Without this information, Natural England may need to object to the proposal.

Natural England have been re-consulted on updated survey information and provided with the Councils Habitat Regulation Assessment for consideration.

RSPB -

Updated comments

Thank you for offering to pay the cirl bunting compensation contribution of £437,500 to Torbay Council prior to works starting on the proposed access road should this application be approved (and the reserved matters application P/2019/0173 be approved). We support this proposal for earlier payment as it will enable Torbay Council to arrange for appropriate areas and types of habitat for 5 territories of cirl buntings to be secured and management implemented ideally before their existing habitat is destroyed, in accordance with good ecological practice (the s106 agreement for P/2014/0983 required compensation payment to be made prior to first occupation of any dwellings).

The delivery mechanism approved by Torbay Council for cirl bunting habitat compensation is set out in Appendix 5, part 2 of the Wildlife and development guidance note: cirl bunting (October 2017) and we trust the Council will put in place the necessary legal and other agreements with its cirl bunting compensation delivery agent Torbay Coast and Countryside Trust so the Council can invoice BDW for this earlier payment. I have copied in Damian Offer of TCCT. The RSPB would be happy to advise further, including location and detailed management prescriptions, timeframes for implementation and associated monitoring. It is necessary that management of this land delivers at least an additional 5 cirl bunting territories over and above any existing population on the compensation habitat. The RSPB has entered into a legal agreement with Teignbridge District Council so RSPB can deliver cirl bunting compensation habitat in that District at Ashill and, subject to obtaining the necessary permissions, it may be that we can provide a redacted copy of that legal agreement, if that may be helpful to your Council. We would appreciate sight of the legal agreement that your Council will make with TCCT over compensatory habitat provision relating to P/2014/0983 as we are keen to ensure a consistent and appropriately robust framework is adopted for such activities, particularly in view of biodiversity offsetting becoming mandatory and agreements of this nature becoming more commonplace.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Residential Development
2. Design and Visual Impact
3. Impact on Heritage Assets

4. Impact on Residential Amenity.
5. Impact on Highway Safety.
6. Ecology and Biodiversity
7. Drainage and Flood Risk

1. Principle of development

The principle of residential development of this site is established through the extant outline planning permission for up to 192 dwellings.

The application site is located within a wider Strategic Delivery Area (SDA), as designated in the Torbay Local Plan under Policy SS1, which identifies areas for the delivery of growth and change in Torbay for the period of the Local Plan. In addition to the above the site is also part of a wider Future Growth Area as identified within Policy SS2 of the Torbay Local Plan. The site forms part of the Paignton North and Western Area SDA and Policy SDP3 of the Torbay Local Plan identifies that 840 houses could be provided within the Brixham Road/Yalberton Future Growth Area over the plan period. Concomitantly the Paignton Neighbourhood Plan identifies the site as being a Future Growth Area.

This reserved matters application seeks consent for the proposal's appearance, landscaping, layout and scale.

2. Impact on Visual Amenity

Achieving good design is a central thread within government guidance and Part 12 of the NPPF "Achieving well-designed places" offers key guidance. Paras 124, 127, 129 and 130 are particularly relevant and accumulatively inform that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, that good design is a key aspect of sustainable development, and the importance of design being sympathetic to local character (built environment and landscape setting). Para 130 offers that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Local Plan Policy SS2 (TLP) states that development delivered within each of the Future Growth Areas must be integrated with existing communities, and reflect the landscape character of the area as informed by Torbay's Landscape Character Assessment (2010). Policy SS8 (TLP) states that development proposals outside of the AONB designation (the site is not within the AONB) will be supported where they conserve or enhance the distinctive character of Torbay, or where the impact is commensurate with the landscape importance. Policy SS11 (TLP) states in part that development should be of an appropriate type, scale, quality, mix and density in relation to its location. In terms of non-strategic policies Policy DE1 (TLP) outlines a number of factors towards securing development that is well-designed and that respects Torbay's special qualities. Further to these Local Plan policies Policy PNP1 (c) and (d) of the Paignton Neighbourhood Plan.

An indicative layout was provided as part of the outline application, this was subsequently included in condition 1 of the outline permission P/2014/0938 (as

amended by P/2018/0977). This condition states that the submitted reserved matters shall be consistent with the approved drawing referenced 3445/203/M).

The layout submitted is broadly based on this approved plan with the dwellings made up of perimeter blocks with a spine of green infrastructure through the site and areas of amenity space to the south and north-west.

The area designated for employment use to the north of the site does not form part of this application however the access includes a spur road to allow future development of this site.

Condition 10 of the outline permission P/2014/0938 (as amended by P/2018/0977), required the reserve matters application to be accompanied by a Design Code setting out the design parameters for the streets, the setting out of development blocks, green infrastructure, materials and design parameters in the development.

The perimeter block form provides a clear distinction between the public and private realm. All houses will face onto either a highway or a private drive in order to maximise surveillance and overlooking while gardens face inwards.

The treatment of building frontages provide an active frontage with minimal use of blank walls, particularly in prominent locations and corners.

The use of a variety of house types in terms of design provides interest in the street scene and aids in providing identity to the development site.

The facing materials proposed are made up of red brick, light coloured render with concrete roof tiles. The palette of materials is considered to reflect the local vernacular and are considered to be acceptable, the use of a mix of render and brick buildings provides some contrast between properties in order to provide identity between properties.

Bearing the above points in mind the proposal is deemed to comply with Policy DE1 (Design) of the Local Plan which, amongst other criteria, requires development to be uncluttered and attractive, acknowledge local character and develop distinctive character in townscape and landscape terms, relate to the surrounding built environment in terms of scale, height and massing and have a clear urban structure and grain that integrates with the surrounding context.

The proposal is for the provision of 191 residential dwellings and the development would achieve an average density of approximately 23.4 dwellings per hectare over the whole application site. The net developable area, (i.e. the area in which the residential dwellings are to be sited) of the site is 4.39ha, which equates to a housing density of 39.7 dwellings per hectare.

This relates well to the existing density of development to the south of the site, and also accounts for the topography and retention of significant areas of mitigation and open space.

The proposed development seeks to respect the existing character of the area in terms of design and with regard to the palette of materials proposed.

Safe pedestrian routes will be provided throughout the site, through the use of footpaths, shared surface roads and private drives.

The fifty-seven affordable units would be provided largely to the north, north-west and north-east of the site, housing services have confirmed that this layout is acceptable.

A public amenity area, playground and community orchard are proposed to the south of the development. There is also an area of amenity land to the north-west of the site.

There is a strong spine of green infrastructure through the middle of the site from north to south which consists of parallel hedgerows either side of a pedestrian lane. The vast majority of the existing field boundary hedges are to be retained and reinforced. New hedges are to be used as boundary treatments to the fronts of properties and new trees are proposed throughout the development including a number of on street trees which aid in breaking up the urban appearance of the houses and driveways.

It is considered that the form and layout of the scheme makes effective use of the land and responds well to the topography of the site. The design enables the creation of strong building frontages which enable active surveillance to increase safety and security. The overall layout and form appears to respond effectively to the topography of the site and is reasonably consistent with more recent development in the area.

Given its position, landscaping, and design within the topography of the site, it is considered that the scheme would have limited visual effects on the more open rural areas beyond the site to the west.

It is considered that the proposed appearance, landscaping, layout and scale would not result in unacceptable harm to the character of the area. Based on the information provided, the proposed development is, for the reasons above, considered to demonstrate the potential to provide a satisfactory form of development in terms of layout, in accordance with Policies SS2, SS3, SS11, H1 and DE1 of the Torbay Local Plan, Policies PNP1 and PNP21 of the Paignton Neighbourhood Plan and the NPPF.

3. Impact on Heritage Assets

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 193). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 194). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 196).

In terms of the Development Plan it is stated that development proposals should have

special regard to the desirability of preserving any listed building and its setting (Policy HE1 of the TLP). This is aligned with the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The site is not within a conservation area and the closest listed building is the Grade II listed *Yalberton Tor Cottage* which is some 260m from the closest residential dwelling proposed. Policy HE1 of the Local Plan advises that development proposals should have special regard to the desirability of preserving any listed building and its setting.

In terms of context around the listed building, the rural character and setting is largely retained. In this instance, given the distance between the Listed Building and the application site, it is not considered that the proposal would affect the setting of the Grade II Listed Building.

In reaching this conclusion Officers have duly considered the general duties as respects listed buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66.

4. Impact on 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 closest of which are to the south of the application site. The Paignton Neighbourhood Plan is largely silent on the matter of amenity but expectations aligned with elements of DE3 are stipulated within Policy PNP1.

The construction phase will naturally result in some temporary impacts however the outline permission includes a condition requiring the submission of a Construction Method Statement which includes a restriction on the hours of construction and requires details of delivery and construction movement and parking to be submitted and approved by the Local Planning Authority prior to development.

The submitted phasing plan for the development identifies the site compound and material storage area as being located to south-eastern boundary of the residential aspect of the site, which is adjacent to the rear of properties on Foxglove Way which is well screened by an existing hedgerow. Although this is likely to cause some issues during the construction phase as previously discussed, the hours and days of construction works will be controlled by the requirement to submit and comply with a Construction Method Statement.

The properties to the south-eastern edge of the site (plots 183-192) would back on to the boundary hedge between this development and the rear of the properties of Foxglove Way. The distance between the rears of plots 183-192 and the properties on Foxglove Way is approximately 30 metres which is considered to be a sufficient separation distance so as to not cause unacceptable levels of overlooking/intervisibility or loss of privacy. The two sites are also separated by an existing mature hedgerow which would aid in limiting any issues of loss of privacy.

The apartment building which makes up plots 31-34 is located on the eastern boundary of the site would share a side-elevation to side-elevation relationship with the northernmost property of the Foxglove Way development to the south of the site. The distance between the two side-elevations is approximately 15 metres, with the application site being some 2 metres lower than the site to the south. Due to the side-to-side relationship, the distance between properties, and the difference in levels, this relationship is considered to be acceptable.

The area to the rear of the apartment building of plots 31-34 is to be used as a parking area with 32 spaces proposed. This has the potential to cause noise and disturbance through vehicle movements and car headlights shining through windows of properties in the development to the south. However, there is a difference of approximately 2 metres between the site to the south and the car parking area proposed by this application as well as a close-boarded fence of 1.8 metres in height on the boundary. Bearing these mitigating points in mind, it is considered that the car parking area would have an acceptable impact on the amenity of occupiers of dwellings to the south.

The vast majority of properties on the site are two storeys in height with two being two-and-a-half storeys and one being three storeys, all three of these are located on the eastern boundary.

In general, the external amenity areas for the properties accord with the requirements of Policy DE3 (TLP) and there are sufficient cycle and bin storage areas. All of the proposed dwellings comply with the internal space standards identified in the Local Plan.

The outline permission includes a noise mitigation condition requiring a scheme of sound attenuation works to be submitted to, and approved in writing by, the local planning authority, to ensure future occupants of the proposed dwellings are suitably protected against noise from the Yalberton Tor Quarry allocated waste site.

The properties to south of the proposed employment site (which forms part of the same outline application site as this application) would be well-screened from the employment land development thanks to the existing mature hedgerow boundary between the two sites. The approved use of the employment land is for B1 (business) and B8 (storage and distribution) which by their nature are unlikely to cause future issues to the amenity of future occupiers of the residential properties.

There would be some shading from existing trees to the rear gardens of some properties to the eastern and western boundaries of the site, however this is not considered to be sufficient enough to result in an unacceptable impact on the amenity of future occupiers. The trees are outside of the residential curtilages which prevents them from being removed by future occupiers. To help mitigate the impact of the shading, tree T33 and tree groups G35 and G36 are to be crown-lifted to 5m to help increase ambient light levels to nearby gardens.

The proposal provides sufficient parking spaces and garages for all of the non-adaptable living units, the two adaptable living units have one space per dwelling.

In summary the proposal is deemed to provide a satisfactory form of development in terms of protecting the amenities of adjacent and future occupiers, in accordance with Policies DE1 and DE3 of the Torbay Local Plan, Policy PNP1 of the Paignton Neighbourhood Plan.

5. Impact on Highway Safety

The NPPF guides that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that *a)* appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; *b)* safe and suitable access to the site can be achieved for all users; and *c)* any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 108). It also furthers (Para 109) 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.

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 Paignton Neighbourhood Plan is largely silent on access and highway matters beyond guiding that appropriate infrastructure should be in place for development, that sustainable modes should be encouraged, and that suitable parking and cycle facilities should be provided within residential development.

The suitability of the access has been the subject of applications, decisions, and agreements. It has been agreed that the highway along Yalberton Road will be widened with shared cycle/footpath provision and a contribution was sought in relation to the Brixham Road junction works which have been significantly completed. The detail for the Yalberton Road works is submitted within this application although it is noted that it has been approved previously.

Highways have made comments on minor alterations to the infrastructure layout within the site which they consider necessary and the applicant has been advised of these. Subject to the submission revised plans which overcome these concerns raised by highways, the proposal is considered to be acceptable.

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, subject to securing the identified off-site sustainable transport links and financial transport obligations towards the western corridor improvements, sustainable travel and a local traffic order, considered acceptable on highway and movements grounds, and in accordance with the Policy TA2 of the Torbay Local Plan, The Paignton Neighbourhood Plan and the NPPF.

6. Ecology & 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 habitats within the site boundary comprise poor semi-improved grassland fields bound and divided by species rich and species poor hedgerows. A stone barn is present, supporting barn owl and roosting bats. The site is of value for breeding ciril buntings and is within a sustenance zone for greater horseshoe bats associated with the South Hams Special Area of Conservation (SAC).

Notwithstanding the Habitat Regulation Assessment (HRA) undertaken at the outline stage, an HRA for the site has been undertaken by Torbay Council for this reserved matters application. It was concluded that there would be a Likely Significant Effect on greater horseshoe bat features and subsequently may affect the integrity of the South Hams Special Area of Conservation (SAC) alone or in combination with other proposals or projects. Therefore a Stage 2 Appropriate Assessment was required. This concluded that subject to various mitigation measures within the submitted information and subject to additional conditions, there would be no likely effect on the South Hams Special Area of Conservation (SAC) .

The applicant is required by the s106 agreement to provide an off-site bat barn, the location of which is specified in the agreement.

The s.106 agreement for the outline permission requires a contribution of £437,500 towards alternative habitat for 5 pairs of ciril bunting which the applicant has now paid. This contribution is to be used by the Torbay Coast and Countryside Trust to provide and manage the habitat for the five pairs of ciril bunting.

In accordance with the outline permission and the s.106 agreement, the proposal includes an area of 2.5ha to the south of the site to provide a habitat for one pair of ciril buntings. The habitat creation and management will take place in line with current guidance (ordinarily at least 2.5ha suitable habitat, made up of: 1.3ha of rough grassland, 0.2ha of hedge/scrub and 1ha of spring barley). The s.106 agreement agreed to at the outline application stage includes a contribution to monitor the management of this land over a period of twenty-five years.

An informal path is proposed along the eastern boundary of the area, providing a route to the adjacent development, which will consist of a 1m wide mown path at least 2m from the base of the hedgerows. Information boards are to be installed to inform residents of the importance of the mitigation land for protecting ciril buntings.

In accordance with condition 16 of the outline permission a temporary barn owl box is to be located on a mature tree in the south-west corner of the site which is to be

positioned at least 3 metres above ground level.

In accordance with condition 7 of the outline permission a permanent bat box is to be provided within the existing barn building to the south of the site.

As the site is over 5ha in area an Environment Impact Assessment screening was undertaken, the result of this was that the proposal did not require an EIA.

In light of the foregoing, the proposal's ecological impacts are considered acceptable, having regard to Policy C4 and NC1 of the Torbay Local Plan.

In terms of trees, the proposal would result in the loss of eight trees, three of which show signs of dieback, the tree loss has been limited through appropriate design with the loss of the majority of features located towards the centre of the site. There are no tree protection orders (TPO) on the site and the site is not located within a conservation area.

Two mature sycamore and one lime (T42, T43 and T44) of significant size are located to the northwest of the Site. These trees form a prominent feature along Yalberton Road.

A tree planting strategy is to be implemented during the landscape phase of the development which will compensate for any tree loss as well as enhance the arboricultural value of the site.

The proposed buildings are of sufficient distance from the retained trees so as not to impose any potential future pressure. However, future occupants of plots 142-146 and 149-151 may wish to prune or manage tree T33 and tree groups G35 and G36 to reduce their shading impact on the gardens. To mitigate this, the trees have been kept outside of the ownership of the dwellings.

It is considered that the development should be conditioned to be undertaken in accordance with the submitted arboricultural method statement and arboricultural impact assessment which includes details of tree protection measures during the construction phase.

7. Flood Risk and Drainage

Comments in objection and from the Paignton Neighbourhood Forum are noted, however a condition relating to the submission of drainage details prior to the commencement of development was added to the Outline permission P/2014/0938 (as amended by P/2018/0977). As such these details will be provided to the Council as part of a separate assessment exercise. Sewerage details were also detailed as part of the outline permission as follows:

a) a detailed survey and evaluation of the public foul sewerage network has taken place (at the Owner's expense) to identify improvements necessary to be funded in

advance and executed to accommodate the discharge of foul sewage from the development; and

b) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).

8. Other Considerations

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development.

The site is identified for housing within the Development Plan and is hence broadly considered a sustainable site for future residential development.

The proposal is supported by a travel plan that seeks to provide the parameters to help the development minimise the use of the private car. This for example includes providing cycle parking facilities for all dwellings and good-quality pedestrian and cycle networks within the development.

Policies ES1 of the Local Plan and PNP1 of the Paignton Neighbourhood Plan state that all major development proposals should make it clear how low-carbon design has been achieved, and how the sequential energy hierarchy has been applied in doing so. That new development should connect to a district heating network where there are existing proposals or schemes and that site renewable energy generation is required to achieve 20% of the subsequent in-use energy requirements.

The proposal is supported by an energy statement that presents proposed measures by the developer to reduce CO2 emissions, delivered through a combination of passive and active design measures, in the form of demand-reduction measures and energy-efficiency measures, including the use of solar panels.

EIA/HRA

EIA:

As the site is over 5ha in area an Environment Impact Assessment screening was undertaken, the result of this was that the proposal did not require an EIA.

HRA:

The application site is within a strategic flyway/sustenance zone associated with the South Hams SAC.

A Habitat Regulations Assessment / Appropriate Assessment (AA) has been carried out for this development. The proposed development is unlikely to have a significant effect on the South Hams SAC subject to the mitigation measures proposed within the Appropriate Assessment. Natural England have been consulted on the HRA & AA.

The outline application included a condition regarding the submission of lighting design details to maintain “dark areas” on the site. These details have been submitted as part of this application and they are considered to be acceptable.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme, in terms of addressing the Development Plan aspiration to provide housing, would produce a significantly positive impact overall and help with the supply of much needed housing.

The scale and layout of the development are considered to comfortably sit within the site while providing generous public open space and ecological mitigation land.

The appearance of the dwellings would be in keeping with the character of the area and the palette of materials would match the predominant style of Paignton. The proposal includes the addition of several trees, including a community orchard, and proposes new boundary hedges to the fronts of properties which help to provide a net gain to the existing landscaping. It is acknowledged that there are potential impacts upon greater horseshoe bats but these are not unacceptable, subject to the planning conditions.

This reserved matters application is deemed to comply with the requirements of the outline permission in terms of the residential aspect of the development.

Statement on 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.

Local Finance Considerations

S.106 Agreement

The outline permission secured planning contributions towards education, lifelong learning, greenspace and recreation, sustainable transport, waste management, habitat monitoring and contributions towards improvements to the Brixham Road and Yalberton Road. This also included a payment of £437,500 towards alternative habitat for 5 pairs of curlew which the applicant has now paid.

Affordable Housing

Affordable housing provision for this development has been agreed in accordance with

Policy H2 of the Torbay Local Plan, which states that for development of greenfield sites for schemes of 30+ dwellings that 30% should be affordable housing.

At 30% the scheme is expected to secure 58 affordable units. In terms of the affordable housing tenure, the s.106 agreement signed as part of the outline permission requires 33% of the affordable housing units to be social rent (19 dwellings), 33% to be affordable rent (19 dwellings) and the remainder to be equity share dwellings (20 dwellings). Three dwellings (5% of the affordable housing provision) have been designed to adaptable housing standards. As a result of comments from Housing Services the type and tenure of the units has been amended during the application stage.

The location of the affordable units has been carefully considered to ensure that, in line with the Planning Contributions and Affordable Housing SPD (February 2017), there isn't an unacceptable clustering (i.e. a cluster of more than 24 dwellings).

The applicant will build and transfer the affordable housing elements of the proposed development to a Registered Provider in line with the terms outlined within the Section 106 agreement.

Conclusions and Reasons for Decision

The site is identified for housing within the Development Plan and the proposal is consistent with the approved outline application for the site.

Key public concerns regarding the impact upon the Greater Horseshoe Bats are resolved through mitigation within the development and conditions, as are concerns with Cirl Buntings. The proposal includes improved green infrastructure and additional tree planting. Issues with regards to drainage and sewerage were addressed by conditions as part of the outline permission.

In-line with the above conclusions, and the detail contained within this report, the proposals are considered to be in accordance with the provisions of the Development Plan. The NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.

Due to the level of accordance with the Development Plan and in the absence of material considerations that weigh sufficiently against the proposal, the Officer recommendation is one of approval.

The proposal is ultimately considered a good use of an identified site that would provide much needed housing to help meet local need.

Officer Recommendation

Approval subject to the conditions outlined below, with the final drafting of conditions delegated to the Assistant Director of Planning and Transport;

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, including the addition of any necessary further planning conditions or obligations.

Conditions

1. In accordance with LEMP

The development shall be carried out in strict accordance with the approved Landscape and Ecology Management Plan (Reference: 0733-LEMP-FM, Received: 30th August 2019).

Reason: To ensure that the development duly considers protected species and important habitats, in accordance with Policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030.

2. Long term maintenance of LEMP

Prior to occupation of the first dwelling of the development hereby approved, a long term Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which will describe how the site will be managed in perpetuity. This information shall include:

- a) Details of long term Landscape and Ecology Management
- b) Details of the body or organisation responsible for implementation of the plan.
- c) On-going monitoring and remedial measures for biodiversity features included in the LEMP.
- d) 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 amenity and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan 2012-2030, and guidance within the NPPF.

3. In accordance with CEMP

The development shall not be carried out otherwise than in strict accordance with the Construction Environmental Management Plan (Reference: P2019-0173-1, Received 08th February 2019).

Reason: To ensure that the development duly considers protected species and important habitats, in accordance with Policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030.

4. In accordance with Greater Horseshoe Bat Monitoring Strategy

The approved Greater Horseshoe Bat Monitoring Strategy shall be adhered to. A report describing the results of the monitoring shall be submitted to the local planning authority at intervals as identified in the Strategy. The report shall also set out where the results from monitoring show that site conditions are changing and consequently

how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning bat commuting routes associated with the originally approved scheme.

Reason: To ensure that the development duly considers protected species in accordance with Policies NC1 of the Torbay Local Plan 2012-2030.

5. In accordance with Lighting Impact Assessment

The development shall accord with the approved Lighting Impact Assessment (reference: 4094 Rev 1 (Update), received 30.08.2019) for the life of the development. Should any of the external lighting become damaged and need replacement, it shall be replaced with external lighting of the same type and specification. No other external lighting shall be provided, including outdoor security lighting.

Reason: To ensure that the development duly considers protected species in accordance with Policies NC1 of the Torbay Local Plan 2012-2030.

6. Onsite Cirl Bunting Mitigation and Management

The development shall be undertaken in strict accordance with the approved Cirl Bunting Mitigation and Management Scheme (reference 0733-CLB-MW, received 30.08.2019).

Reason: In the interests of the amenities of the area and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

7. Tree Protection Measures

The development shall be undertaken in strict accordance with the measures in the approved arboricultural impact assessment and arboricultural method statement which includes the implementation of tree and hedgerow protection measures throughout the construction phase of the development.

Reason: To ensure trees are protected in the interests of biodiversity and visual amenity in accordance with policies NC1 and C4 of the Torbay Local Plan 2012-2030 and are required to be in place prior to commencement to duly protect the identified trees.

8. Parking Implementation

Prior to the occupation of the dwellings hereby approved, their associated car parking spaces, as shown on the approved layout plan, shall be provided and thereafter made permanently available for the use of the associated properties.

Reason: to ensure all properties have dedicated parking facilities and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

9. Soft Landscaping Implementation

All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the dwellings hereby approved, or at such other time as agreed by the Local Planning Authority in writing. 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 available planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and in accordance with Policies SS8, SS9, C4 and NC1 of the Torbay Local Plan 2012-2030.

10. Hard Landscaping Implementation

Prior to the first occupation of the development hereby permitted, the scheme of hard landscaping treatment shall be fully installed in accordance with the approved plans. Once provided, the agreed hard landscaping treatment shall be retained for the life of the development.

Reason: In interests of visual and residential amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

11. Materials

The development hereby approved shall be constructed in full accordance with the materials specified on the approved plans.

Once constructed no further changes to the masonry finish including colour shall be permitted without the prior consent of the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in accordance with the requirements of policy DE1 of the Torbay Local Plan 2012-2030.

12. Implementation of refuse facilities

Prior to the first use of the development hereby approved, the refuse and recycling facilities shown on the approved plans shall be provided. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

13. Implementation of bicycle storage

Prior to the first use of the development hereby approved, bicycle storage shall be provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained for the life of the development.

Reason: In the interests of sustainable transport and in accordance with Policies TA1, TA2, and TA3 of the Torbay Local Plan 2012-2030.

14. Construction Method Statement

The development shall be undertaken in strict accordance with the approved construction method statement at all times.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users.

15. Removal of PD for gates, walls, or other means of enclosure

Notwithstanding the provisions of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 2015 (or any order revoking or re-enacting that order with or without modification), the erection, construction, or alteration of a gate, fence, wall or other means of enclosure shall not take place within the application site unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual amenity and in order to protect proposed boundary hedges in the interests of protected species in accordance with Policies DE1, DE3 & NC1 of the Torbay Local Plan 2012-2030.

16. Permanent Barn Owl Box

In accordance with the Update Ecological Impact Assessment and Mitigation Strategy (reference 0733-UEcIA-FM revision 1, received 30.08.2019) provision of a permanent barn owl box, in the location specified in the aforementioned document, shall be made prior to the first occupation of any of the dwellings hereby approved. The permanent barn owl box shall be retained in the approved location at all times thereafter.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

17. Temporary Barn Owl Box

In accordance with the Update Ecological Impact Assessment and Mitigation Strategy (reference 0733-UEcIA-FM revision 1, received 30.08.2019) provision of a temporary barn owl box, in the location specified in the aforementioned document, shall be made prior to next bird breeding season following the granting of this permission.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

18. Boundary Treatment

Prior to the first occupation of the development hereby permitted, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning

Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.

Reason: In interests of visual and residential amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

19. Bird Boxes

Notwithstanding the Update Ecological Impact Assessment and Mitigation Strategy (reference 0733-UEcIA-FM revision 1, received 30.08.2019) the residential development hereby approved shall make provision to an overall ratio of one integral nestbox per dwelling.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

20. Play Area Provision

No more than 150 dwellings shall be occupied on the site until the play area has been completed in accordance with the approved plans and made available for use by the general public.

Reason: To ensure that the development provides a range of physical, social and green infrastructure, including local play spaces, in accordance with Policies SS7, SS9, SS11 and SC5 of the Torbay Local Plan 2012-2030 and LDD 8 Greenspace Strategy.

21. Biodiversity info pack

Biodiversity information packs shall be provided to all new occupiers of the dwellings hereby approved, with the packs at least including clear and precise information on the importance of maintaining the dark areas and corridors where no additional external lighting and no removal of boundary hedges will be allowed.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

22. Details of connection of access to site to the south

Prior to any development above damp proof course level, full details of the ramped access to the southern boundary of the site to link up with the site to the south shall be submitted to the Local Planning Authority for approval. The approved scheme shall be completed prior to any works being undertaken in phase 2 of the development as indicated in the approved phasing plan (referenced EX-09-36 version F, received 30.08.2019).

Reason: In interests of the amenity of future occupiers and in accordance with Policy DE1, and SS7 of the Torbay Local Plan 2012-2030.

Relevant Policies

SS2 - Future Growth Areas
SS3 - Presumption in favour of sustainable development
SS4 - The economy and employment
SS5 - Employment space
SS6 - Strategic transport improvements
SS7 - Infrastructure, phasing and delivery of employment
SS9 - Green Infrastructure
SS10 - Conservation and Historic Environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
SS14 - Low Carbon Development and Adaptation to Climate Change
W2 - Waste audit for major and significant waste generating developments
W3 - Existing waste management facilities in Torbay
SDP1 - Paignton
SDP3 - Paignton North and Western area
TA1 - Transport and accessibility
TA2 - Development access
DE3 - Development Amenity
ES1 - Energy
M3 - Preserving and safeguarding of limestone resources and key local building stone
C1 - Countryside and the rural economy
C4 - Trees, hedgerows and natural landscape features
NC1 - Biodiversity and Geodiversity
H1 - Applications for new homes
H2 - Affordable Housing
DE3 - Development Amenity
SC1 - Healthy Bay
SC2 - Sport, leisure and recreation
SC3 - Education, skills and local labour
HE1 – Listed Buildings