

Application Site Address	South Devon Police Station, Southfield Road Paignton, TQ3 2SP
Proposal	Reserved Matters application for Appearance, Landscaping, Layout & Scale (for 36 apartments), relating to major outline application P/2017/1117 (up to 46 apartments).
Application Number	P/2019/1181
Applicant	McCarthy Contractors (SW) Ltd
Agent	Oliver Green Partnership
Date Application Valid	13.02.2020
Decision Due date	14.05.2020
Extension of Time Date	Agreed until 20.05.2020
Recommendation	Approval: Subject to planning conditions as outlined within the report, with the final drafting of conditions delegated to the Assistant Director of Planning and Transport.
Reason for Referral to Planning Committee	Major Development
Planning Case Officer	Scott Jones

Location Plan



Site Details

The application site is the former Paignton Police Station site located at the junction between Southfield Road and Blatchcombe Road in Paignton. The site has sat empty for a number of years following the cessation of the police use and the subsequent removal of the large L-shaped 3-4 storey former police station building and it now sits as a largely cleared site with an empty core. The site remains largely screened from public view by the retained tree-lined boundary hedges and occasional boundary walls.

The site has recently had outline planning permission granted for up to 46 apartments and a subsequent reserved matters approval for 36 apartments.

In terms of the site context residential properties sit on higher land across Southfield Rise to the north, a residential property sits adjacent to the site to the west off Blatchcombe Road, and highways border the site to the south and east.

Access to the site is presently off Southfield Road to the east and the outline consent approved a detailed access in this location to serve the proposed residential development.

There are a number of listed buildings in the near vicinity and 5 trees within the site are protected by a Tree Preservation Order (TPO Reference 2012:021).

The site sits in a Critical Drainage Area and there is an identified linear flood risk area that follows Blatchcombe Road which spreads east towards lower land and the coast.

The site is identified as a committed and deliverable site for residential purposes in the Torbay Local Plan and Paragraph 6.146 of the Paignton Neighbourhood Plan states that "the former Paignton Police Station provides an opportunity for housing or employment redevelopment".

Description of Development

This is a reserved matters application that is seeking approval for the layout, scale, appearance and landscaping for 36 apartments following the grant of outline consent for up to 46 apartments approved under application referenced P/2017/1117. Vehicular access was approved in detail at outline stage and does not form part of this reserved matters consideration.

This current reserved matters proposals is very similar to the recently consented reserved matters approved under planning application reference P/2018/0881 and largely presents "minor material changes" to this already consented scheme in terms of the building footprint, some elements of the detailed layout and elevational treatment.

In terms of alignment with the previous reserved matters the proposal again seek to deliver 36 apartments set within a single building with 4 floors of residential accommodation supplemented by a limited area of under-croft at the eastern end of the building. The location of the building is largely unchanged to that previously

approved and the footprint is actually slightly smaller. The building is now 58.7 metres long with a return that is 31 metres long, with a prevailing depth of the building being approximately 10-12 metres from front to back. The previous scheme presented a building that was 61 metres long with similar other proportions. Alignment continues in terms of the building height and floor levels, which remain the same to that which was previously approved, with a 12 metre high building set off a ground floor level set at 22.1 above datum. The parking provision is slightly amended in terms of layout but the overall provision is principally unchanged with 41 spaces for 36 apartments, including 4 disabled spaces and 10 with electric charging facilities. Cycle and waste storage is also principally the same with a combination of use of the under-croft for cycle storage and ancillary structures adjacent to the parking court for cycle and waste storage.

In terms of the internal arrangement there is now a more diverse residential offer with a mixture of one (x4), two (x28) and three (x4) bed apartments, which is slightly revised from the previous reserved matters that proposed only one (x8) and two (x28) bed apartments.

In regard to design the proposal largely retains the expected built character articulated at outline stage and to that which was subsequently approved through the previous reserved matters, in terms of offering a modern flat-roofed design typology. The building remains principally finished in white render with coloured render being used to add visual interest. Balconies remain prominent within the design with steel framed glass replacing frame-less glass within the previous design. The internal reconfiguration has led to various minor changes to the elevation arrangement however directional windows have been retained on the western elevation where the site abuts the plot of a bungalow.

Amenity space is again provided by a mix of balconies, terraces and communal gardens and the landscaping scheme seeks a blend of the retention of existing key natural features with additional planting around the building and along the site borders.

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 "TLP")
- The Paignton Neighbourhood Plan (the "PNP")

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice 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/2017/1117: Outline application for 46 new apartments with below ground parking with all matters reserved except for access (as revised by plans received 13.01.2018). Approved 26.09.2018. This permission was subject to a legal agreement.

P/2018/0881: Reserved matters sought for 36 units relating to Appearance, Landscaping, Layout & Scale relating to outline permission referenced P/2017/1117 (Outline application for 46 new apartments with below ground parking with all matters reserved except for access (as revised by plans received 13.01.2018)). Approved 05.03.2019.

Summary of Representations

2 public representations received, 2 objections and 0 letters of support. The following provides a summary of the main planning issues identified and where appropriate a summary response is provided by the planning officer. Where appropriate the issues raised are discussed further in the Key Issues / Material Considerations section of this report.

The concerns raised in the objections are as follows:

- Loss of privacy and overlooking to Southfield Rise, the height was previously an issue and still is.
- The height was previously reduced and the new plans are showing that they wish to raise the elevation again when it was rejected previously

(Officer comment: the building height is unchanged to the previous reserved matters approved).

Summary of Consultation Responses

South West Water: No objection.

Torbay Council Drainage Engineer: Providing the surface water drainage is constructed in accordance with the submitted hydraulic design and drawing number AT2306-01 Rev B I have no objections on drainage grounds to planning permission being granted for this development.

Torbay Council Community Safety Team: No objection.

Strategic Transport / Highways: If the ratio of flats to spaces remains the same as previously (1 per unit plus visitor spaces including disabled), there are no overriding

issues. However, you may wish to consider the following in the context of the submitted reserved matters:

- The accessible spaces should be located close to the main entrance.
- The revised LGF parking appears to have a 15 cycle storage places and 10 car parking spaces with electric charging points. The layout appears tight with space between no. 27 and the entry vestibule appears to be constrained (~2.4 m?) as are spaces 31 and 23 next to the walls and those next to supporting columns in terms of access/egress from the vehicle. Sufficient manoeuvring space should be provided to deter reversing out of the LGF onto the access driveway. Will this new LFG have a roller shutter doorway or be 'open'?
- EVC points in the LGF - one of these should be made available to visitors/disabled.
- Will all the spaces be allocated to the relevant flats?
- A couple of personal cycle stores for units 2 and 3 are positioned next to GF windows - this will be for the Case Officer to consider in terms of amenity.
- The external visitor cycle storage /parking appears to have availability for 18 bikes for 14 flats. The external visitor parking does not appear on the Layout Plan- presumably this is to be located next to the waste storage area. It may be helpful to have a similar 'grasscrete' paving to the cycle storage entrance doors?
- The TS & TP should include shall seek to deliver 30% modal shift for residents and visitors to walking, cycling and public transport (Policy TA2). Annual monitoring TP shall be made available to the LPA on request and appropriate mitigation measures/actions implemented if targets are not reached. The TS/TP should be updated to reflect the latest changes to the scheme including internal LGF car Parking.

Police Designing Out Crime Officer: Following a review of the documents listed under P/2019/1181 and the list of changes that have been made, I would like to advise that from a designing out crime and disorder perspective I have nothing further to add at this stage.

Torbay Council Natural Environment Services Team: Having reviewed documents Tree Report – 04858 TPP (Rev C) and Landscape Plan CD/OGP/542 -01 D the conclusion is that there will be significant tree loss on the site resulting in short to medium term amenity loss, the replanting is not significantly robust in providing future large canopy trees, and there is a concern over net gain in tree cover.

Recommendation is that the introduction of future large canopy trees particularly along the western boundary to mitigate for the loss of T390, the introduction into the landscape scheme for future large canopy trees to mitigate for the loss of TG1, the introduction into the landscape scheme for future large canopy trees to mitigate for the loss of TG5, and the submission of Arboricultural Method Statements as indicated per the TPP 04858 TPP Rev C.

Torbay Council Interim Heritage Advisor: Verbal discussions concluded that previous advice applies and the addition of a building to the scale proposed and in a modern form would not impact the setting of nearby heritage assets when considering the site previously held the substantial police building for many decades prior to its quite recent demolition.

Key Issues/Material Considerations

Planning Officer Assessment

1. The Principle of Development,
2. Design and Visual Impact,
3. Residential Amenity,
4. Movement and Parking,
5. Landscaping,
6. Ecology
7. Flood Risk
8. Heritage Impact
9. Other Considerations

1. The Principle of Development

Outline consent was recently granted for up to 46 apartments on this site by Members at the March 2018 Committee (planning reference P/2017/1117). The principle of residential use, delivered within a single large apartment building, was established by this outline application. A subsequent reserved matters application (layout, scale, appearance and landscaping) for 36 apartments was subsequently approved by Members in January 2019, which sits as a “live” permission that could be delivered on the site.

This current reserved matters application accords with the outline consent and the previously approved reserved matters in terms of delivering residential apartments within a single large building on the site. Subject to ensuring that the proposal provides adequate internal living environments, adequate parking and associated residential elements, such as waste and cycle storage, and amenity space, etc., in order to secure good quality living environments and retain adequate amenity levels for adjacent occupiers, the principle is considered acceptable when considering the planning context cited above.

In terms of the Paignton Neighbourhood Plan the principle of residential use remains consistent with policy PNP26, where it is a site identified with potential for a residential use, and the area wide policy PNP1 that in-part supports the provision of housing growth appropriate to meet local needs.

In terms of the Torbay Local Plan the principle of development is considered consistent with Policies SS11 (Sustainable Communities) which supports proposals that regenerate or lead to the improvement of social, economic or environmental conditions, SS12 (Housing) which supports the delivery of 8900 new homes in the plan period, SS13 (five year housing land supply), SDP1 which supports rejuvenation of Paignton, and H1 (Applications for new homes).

In terms of national policy guidance it is aligned with the National Planning Policy Framework (NPPF), which support 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.

2. Design and Visual Impact

The proposal is for a single modern-styled L-shaped apartment building 58.7 metres long with a return that is 31 metres long. The prevailing depth of the building is approximately 10-12 metres from front to back. This is closely aligned with the footprint consented within the previous reserved matters but is slightly smaller, as the previous building was 61 metres long with similar other proportions. The concept of a large building, albeit now over a slightly reduced footprint that is largely achieved by simplifying the internal circulation space to serve the apartments, is considered acceptable on a site that previously held a similarly scaled police building.

In terms of scale and location the proposed building is largely unchanged to that which was previously approved and again seeks to replicate the pre-existing location and massing of the police station building, which was a strategy that was supported through the earlier outline application and subsequent reserved matters. As the outline proposals responded to the ambition of delivering 46 units over 5 floors of accommodation the proposed building is, as per the previous reserved matters, lower than expected at a height of approximately 12 metres rather than the 15 metres previously indicated at outline stage. The retention of this reduced height again presents significant enhancements in terms of reducing the bulk and massing of the building from what was envisaged and endorsed at outline stage, which reduces its prominence within the locality. The building again steps down in height towards the eastern end near to the entrance to the site, which helps reduce the buildings massing as viewed from the proposed vehicular entrance. It is maintained that the height and massing, which is similar to that previously approved scheme and similar to the building that previously sat on the site.

In terms of materials the building uses contrasting coloured render to help break down the massing and add some visual interest to the building and proposes celadon coloured render as a contrast to a backdrop of white render. Celadon is principally a jade green colour. This is aligned with the previous reserved matters approved that suggested that coloured render may be an option to provide contrast and visual interest. The northern elevation facing Southfield Rise has a simplified arrangement with balconies removed and curtain walling replaced with intermittent window openings. The southern and eastern elevations overlooking the communal space and parking court are principally unchanged and offer multiple balconies enclosed by steel framed glass balustrades. The previously approved detail of frameless glass balustrades was a more satisfactory detail however the current proposal is considered acceptable in the context of the building being set back in a large plot and softened from public view by retained and proposed landscaping. There is some uncertainty on other aspects of the materials such as the roof finish and windows and it is considered appropriate to seek agreement of a comprehensive materials list via a planning condition to remove any uncertainty.

In terms of the space around the building the detached bin store and cycle store is proposed to be finished in cedar cladding with a sedum roof as per the previously approved detail. This detail is supported as it will help the building to blend in within its setting and relate more strongly to the adjacent landscape area and verdant border, helping to generally soften the setting of the main building.

In regard to the parking forecourt it is aligned with the previously negotiated concept of mixed materials that seek to reduce the previous dominance and harmful visual impact on the setting of the building. The detail of cedar framed planted pergolas over a grasscrete parking surface, aside the block paved parking area, helps diminish the prominence of the proposed parking adjacent to the central core and enhances the landscape setting for future occupiers. The layout is supported by officers and is aligned with the concepts illustrated at outline stage.

In regard to other minor material matters footpaths are proposed to be finished in bound gravel rather than the previously approved granite block paving, new retaining walls are to be stone gabions, and the existing concrete retaining wall to the rear of the proposed building line is to be faced in stone. These elements are all considered satisfactory in regard to presenting an appropriate residential setting for the building for future occupants.

All matters considered in regard to design and visual impact the proposals are considered to be consistent with policy DE1 of the Torbay Local Plan, policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF in terms of securing good design.

3. Residential Amenity

Future Occupiers

Although the outline consent granted permission for up to 46 units aligned with the previously approved reserved matters there are 36 apartments currently proposed. However internal amendments do alter the layout and mix of apartments.

In regard to the mix of apartments there is a broadening in terms of the offer of apartments, which is considered to be a positive step that could help foster a more mixed and balanced occupancy. As previously detailed within this report the proposal currently seeks a mix of one (x4), two (x28) and three (x4) bed apartments, whereas the previously approved scheme offered only 1-bed and 2-bed units.

In terms of the proposed residential environment the size of the apartments' accord with the internal size standards outlined in support of policy DE3 of the Torbay Local Plan. In addition, key habitable rooms have sufficient outlooks to aid a good standard of living and provide good levels of natural lighting. Generally, the outlook of apartments within the scheme do not conflict, however where there is some degree of potential inter-visibility screening is proposed to adequately resolve this issue and ensure that an acceptable standard of privacy will be provided.

In terms of outdoor amenity space most units will benefit from either a terrace, a roof terrace, or a balcony, in addition to communal lawn space to the south and west of the building. Policy DE3 of the Local Plan recommends that 10sqm of amenity space is provided per apartment and the provision is considered acceptable when considering the policy aspiration that seeks development to secure a good standard of living for future occupants.

Subject to securing necessary screening and its retention by planning condition the proposed residential environment is considered acceptable for all future users, and would accord with Policy DE3 in the Torbay Local Plan and advice contained within the NPPF regarding creating good quality living environments.

Adjacent Occupiers

The outline consent required, pursuant to Condition 2, the reserved matters to include design measures and landscape measures to prevent undue impact upon the amenities of neighbouring occupiers through overlooking and loss of privacy to the north and west.

As with the previously approved reserved matters the building is one storey lower than previously illustrated and the level of inter-visibility to the north to properties across Southfield Rise is greatly diminished because of this. To the western part of the building the uppermost floor will be largely below the ground floors of adjacent properties off Southfield Rise, where they are in closer proximity. To the eastern part of the building the relationship facing Southfield Rise properties is more level, however the distances between properties stretches and is beyond the 20 metre window-to-window distance that is generally considered as acceptable. Across the length of the northern border additional screening is proposed by a number of small-medium trees which will reduce inter-visibility and secure adequate levels of privacy for occupants. Considering the spatial relationship and proposed planting, the amenity of occupiers is considered to be protected in accordance with Policy DE3 of the Torbay Local Plan.

In regard to the relationship to the west the submitted reserved matters is set back further within the plot than the previously approved reserved matters and further within the plot than the premise suggested at outline stage, of respecting the building line of the old police building. This improves the relationship westwards and continues to ensure the building does not sit too close and present an overbearing structure in terms of the bungalow plot adjacent. In terms of design measures the current reserved matters reconfigures the previously approved elevation however it continues to deliver limited outdoor spaces, high landscape windows and oblique directional windows, as a combined bespoke solution that limits overlooking and loss of privacy whilst delivering adequate outlooks and natural lighting for occupants of the apartments.

The detail of the elevation, together with increased separation and the proposed border planting, is considered to provide an acceptable relationship that protects the adjacent occupiers' amenity, in-line with policy DE3 of the Torbay Local Plan and in accordance with advice on delivering good living environments for all users, as guided within the NPPF.

4. Movement and Parking

Movement

The vehicular access was approved in detail at outline stage and hence the development, in respect of how it connects to the wider highway network, is not a subject for consideration for this reserved matters application.

In terms of vehicular movement within the site the layout provides adequate

manoeuvring space for vehicles to access parking areas and manoeuvre into and out of individual spaces. The strategic transport offer has raised some concerns in terms of the detailed layout however the layout is principally as previously approved and hence the comments should be considered in the context of the council's recent previous decision.

In terms of pedestrian movement there are clearly defined walkways from the parking areas to the main entrances. There is also a secondary pedestrian access to the site from the south in support of the main entrance to the east, which provides a good level of connectivity in terms of general pedestrian movements into and out of the site.

Movement within the building is by way of stairs and lifts, which will provide good access to all apartments and present a good access arrangement for less abled persons.

The proposals are considered to present an acceptable layout in terms of movement, in accordance with policy DE1 of the Torbay Local Plan.

Car and Cycle Parking

Condition 3 of the outline consent required the reserved matters to include the provision of parking at a ratio of one per residential unit, plus additional provision of visitor spaces at a ratio of no less than 0.13 spaces per flat. This equated to 52 car parking spaces for 46 units. It also reiterated the policy expectation for 10% of the spaces to be designed to the disabled parking and 20% of the spaces to be provided with electrical charging points.

The reserved matters proposes 41 spaces for 36 units, this aligns with the requirements outlined in Condition 3 in terms of there being 1:1 parking and additional visitor parking at a ratio of 0.13 per flat.

The proposal also includes 4 disabled spaces and 10 electric charging points, which accord with the 10% and 20% policy expectation cited in the condition. The level and form of parking is therefore considered acceptable.

Condition 4 of the outline consent required the reserved matters to include the detailed provision of covered, safe and secure cycle parking to a ratio of no less than one per residential unit, and to include a detailed design of any proposed storage mechanism (such as racks or hoops). It also required the reserved matters to provide for adequate additional secure visitor cycle facilities. The submitted plans detail a split provision with cycle parking within the under-croft and also delivered within a designated outbuilding. There is also visitor cycle parking in an adequately central and overlooked area. The overall provision is aligned with the previously approved reserved matters and remains acceptable.

All matters considered the cycle facilities are considered policy compliant and suitable for approval in-line with Policy TA3 of the Torbay Local Plan and policy PNP1(h) of the Paignton Neighbourhood Plan.

5. Landscaping

The proposals accord with the landscape strategy shown at outline stage and accord with the more detailed landscape proposal approved through the previous reserved matters, with the retention and strengthening of the verdant borders in order to help screen and soften the building within the wider townscape, which is supported. The current proposal again retains 4 of the 5 trees protected under a Tree Preservation Order with the proposed removal of the Norway Maple to the south-west corner.

The Council's Arboricultural Officer has highlighted that there will be significant tree loss on the site resulting in short to medium term amenity loss and furthers that the replanting is not significantly robust in providing future large canopy trees, hence offering a concern over net gain in tree cover. The Officer recommended the introduction of future large canopy trees particularly along the western boundary to mitigate for the loss of T390, the introduction into the landscape scheme for future large canopy trees to mitigate for the loss of TG1, the introduction into the landscape scheme for future large canopy trees to mitigate for the loss of TG5, and the submission of Arboricultural Method Statements as indicated on the Tree Protection Plan TPP 04858 TPP RevC.

Notwithstanding the concern in the comments received and summarised above the scheme is aligned with the detailed landscape scheme approved under the previous reserved matters condition, which is a clear material consideration that should be given due weight. Previously the Council concluded that the proposal was suitable for approval on arboricultural merit with sufficient information in terms of planting and aftercare, and that the removal of the protected Norway Maple in the south-west corner of the site was accepted due to the broader landscape qualities of the site and agreement with the tree report in terms of this specimen's poor spatial arrangement with the adjacent building and the larger Lime to the south.

Considering the Council's previous decision the landscape scheme is considered acceptable, subject to further detail in terms of arboricultural method statements as requested by the Arboricultural Officer.

The landscape proposals are considered acceptable where they retain important trees and propose planting enhancements around the perimeter of the site, and afford due softening of the communal grounds within the site. The landscape proposals are considered compliant with policies DE1 and C4 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan.

6. Ecology:

The ecological context was duly considered when consent was granted in outline for 46 apartments and the outline consent was subject to an Construction and Ecological Management Plan condition to ensure due protection is afforded ecological features and protected species during the construction phase. In addition the consent was also subject to a Landscape and Ecological Management Plan condition to ensure that the operational phase also duly considers the ecological features over time.

No further ecological consideration is considered necessary as part of this reserved matters application, as the previous outlines conditions ensure the development

accords with policy NC1 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan.

7. Flood Risk

Flood risk was duly considered in detail at outline stage and the outline consent was subject to a compliance condition with the surface water management system that was proposed and agreed. This previous level of detail was necessary as the site sits within a Critical Drainage Area as designated by the Environment Agency.

Notwithstanding the previous design detail the reserved matters propose a slightly amended area of building and parking than previously envisaged and therefore the application is supported by a revised and updated flood risk assessment and surface water drainage design strategy.

The Council's Drainage Engineer has reviewed the flood risk assessment and drainage detail and subject to compliance is content that the developer will not increase the risk of flooding.

The Environment Agency have not offered comment on the proposal.

Subject to a condition to secure compliance the proposal is acceptable on flood risk and surface water drainage grounds, in accordance with policies ER1 and ER2 of the Torbay Local Plan and policy PNP1(i) of the Paignton Neighbourhood Plan.

8. Heritage Impacts

A number of listed buildings sit in close proximity to the site and consideration of the impact of the setting of these buildings is necessary, in accordance with the statutory duty as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess. Policy HE1 (Listed buildings) of the Torbay Local Plan iterates this statutory requirement as a development plan consideration.

The Council's interim heritage advisor has considered the proposals and has raised no objection in terms of any expected harm to the setting of the various listed buildings adjacent.

In light of the specialist local conservation advice the proposal is considered acceptable on heritage grounds, in accordance with the aims and objectives of Policy HE1 of the Torbay Local Plan and advice contained within the NPPF.

8. Other Considerations

Housing Supply

The Council cannot currently demonstrate a 5 year housing land supply, as sought by Government, with the land supply position at 2019 was 2.5 years and the draft position for 2020 is similar to this. The five year supply position represents a significant shortfall

and must be treated as an important material consideration weighing in favour of the proposal.

Considering the housing supply position it is advised that in determining the application, the presumption in favour of sustainable development at Paragraph 11 of the NPPF must be applied. 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.

It is concluded within this report that the development accords with the Development Plan when considered as a whole and hence there is support for the grant of permission, in-line with the guidance within the NPPF (Para 11). Were Members of a different judgment and were to consider the proposal to be in conflict with the Development Plan it should be noted that the absence of a 5 year housing supply principally sets a higher benchmark to resist development. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Local Finance Considerations

S106/CIL and Affordable Housing and CIL

A S106 agreement for this site was agreed under application reference P/2017/01117/MOA. No further legal agreement is required.

Affordable Housing:

Affordable housing provision/contribution required from this development in accordance with Policy H2 of the Torbay Local Plan 2012-2030 was assessed at outline stage. The outline application was subject to a viability assessment and the outline permission is subject to a legal agreement that will secure affordable housing provision/payment where it is found to be viable.

Sustainable Development Obligations:

S106 contributions were considered at outline stage and are not required from this development in accordance with Policy SS5/SS6/SS7/SS9/SS11/H2/Planning Contribution and Affordable Housing SPD.

CIL:

The application is for residential development in Zone 2 where the Community Infrastructure Levy (CIL) is £70 per square metre of additional gross internal floor area created. The site is absent of buildings and hence the gross internal area in lawful use immediately preceding this grant of planning permission is zero. The application is not supported by a CIL liability form that outlines the level of liable floor space. The level of CIL liability will be established by the Authority when it issues a liability form. However in terms of some context for Members the slightly larger scheme offered 3797sqm of liable floor space that equated to a CIL liability of £265,790, and hence the current proposal is likely to still present a CIL liability of around £250,000.

EIA/HRA

EIA:

Initially assessed at outline stage, 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

Initially assessed at outline stage, 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 of the TLP.

Proactive Working

In accordance with the guidance contained in the NPPF the Council has worked in a positive and pro-active way and has secured improvements to the scheme through revised plans, and concludes that the application is acceptable for planning approval with imposed conditions to enable the grant of planning permission.

Conclusions and Reasons for Decision

The proposals are considered to accord with the provisions of the Torbay Local Plan 2012-2030 and the Paignton Neighbourhood Plan when considered as a whole.

The proposed development largely accords with the outline consent and is similar to a development proposed recently approved by the Council under the current Development Plan, which is a material consideration.

Considering the above and in the absence of material considerations that suggest otherwise the application is recommended for approval, in-line with advice contained within the NPPF to approve development that accords with the Development Plan without delay, and in the context that the tilted balance in favour of development is triggered where the current housing supply falls substantially below the 5 years sought by Government.

Limited conditions are necessary where they relate directly to the reserved matters. The drafting of any necessary conditions required to support those imposed at outline stage is requested to be delegated to the Assistant Director of Planning and Transport.

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

01. Prior to the development above damp proof course level, a full external material schedule to include details of colour, form and texture, and where requested by the Local Planning Authority samples of materials to be used in the construction of the external surfaces of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the area in accordance with policy DE1 of the Torbay Local Plan 2012-2030 and policy PNP1(c) of the Paignton Neighbourhood Plan.

02. Prior to the commencement of development, the Tree Protection Measures, as outlined within the plan referenced 04858 TPP Rev C, shall be implemented in full and maintained at all times thereafter throughout the construction phase of the development.

Reason: To secure adequate protection for retained ecological features, in the interests of visual amenity in accordance with policies NC1, DE1 and C4 of the Torbay Local Plan 2012-2030. These measures are required pre-commencement to ensure against potential harm from construction activities.

03. Prior to the commencement of development, including ground clearance, detailed Arboricultural Method Statements shall be submitted to and approved in writing by the Local Planning Authority. The Development shall proceed in full accordance with the approved Method Statements.

Reason: To secure suitable landscaping to support the residential development hereby approved, in the interests of amenity in accordance with policies DE1, DE3 and C4 of the Torbay Local Plan 2012-2030 and policy PNP1(c) of the Paignton Neighbourhood Plan. These measures are required pre-commencement to ensure against potential harm from construction activities.

04. The development shall proceed fully in accordance with the surface water management as detailed within the submitted hydraulic design and drawing number AT2306-01 Rev B, which shall be completed prior to the first occupation of the building 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, Policy PNP1(i) of the Paignton Neighbourhood Plan, and the Environment Agency Critical

Drainage Area Advice Note dated May 2015.

05. Prior to the first occupation of the building, a schedule of all privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan identifying the location of all privacy screens and details on the form and level of obscenity. The development shall proceed in full accordance with the approved detail prior to the first occupation of the building and all screening shall be maintained in full at all times thereafter.

Reason: To secure suitable living environments for future occupiers, in accordance with policy DE3 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
 - SS9 – Green infrastructure
 - SS10 – Conservation and the historic environment
 - SS11 - Sustainable Communities Strategy
 - SS12 - Housing
 - SS13 - Five Year Housing Land Supply
 - 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
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- PNP1 – Area Wide
 - PNP1(c) – Design Principles
 - PNP1(d) – Residential Development
 - PNP1(f) – Towards a sustainable low carbon economy
 - PNP1(g) – Designing out crime
 - PNP1(h) – Sustainable transport
 - PNP1(i) – Surface water