

Friday, 8 May 2020

PLANNING COMMITTEE

A meeting of **Planning Committee** will be held on

Monday, 18 May 2020 commencing at **5.30 pm**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

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Members of the Committee

Councillor Pentney (Chairman)

Councillor Brown

Councillor Barbara Lewis

Councillor Dart

Councillor Manning

Councillor Dudley

Councillor Jacqueline Thomas

Councillor Hill

Councillor Barnby

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Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

PLANNING COMMITTEE AGENDA

1. **Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Disclosure of Interests**

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

3. **Urgent Items**

To consider any other items that the Chairman decides are urgent.

4. **South Devon Police Station, Southfield Road, Paignton (P/2019/1181)**

(Pages 6 - 21)

Reserved matters application for appearance, landscaping, layout & scale (for 36 apartments), relating to major outline application P/2017/1117 (up to 46 apartments).

5. **3 Keysfield Road, Paignton (P/2020/0222)**

(Pages 22 - 41)

Outline application for partial demolition (rear wing) and the conversion and extension of the existing building to form 10 apartments (Access, Layout, Scale and Appearance Detailed, and Landscaping Reserved).

6. **Cary Park Tennis Club, Cary Avenue, St Marychurch, Torquay (P/2019/1230/PA)**

(Pages 42 - 50)

Erection of three 6.7m high lighting stanchions, each with one LED luminaire, to provide lighting to Court 3. Replacement of the twelve existing luminaires for Courts 1 and 2 with eleven new LED

luminaires. Provision of one courtesy luminaire to Court 4.
(Proposal/description amended on 03.04.2020.)

7. **14-16 Midvale Road, Paignton (P/2020/0128)** (Pages 51 - 70)
Change of use from clinic (D1) to 10 x residential flats (C3).

8. **Public speaking**
If you wish to speak on any applications shown on this agenda,
please contact Governance Support on 207087 or email
governance.support@torbay.gov.uk before 11 am on the day of the
meeting.

Instructions for the press and public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers – things to consider when speaking at public meetings on video:

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.



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| 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 Councils 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/2017/0117/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
-
- 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



| | |
|---|---|
| Application Site Address | 3 Keysfield Road, Paignton, TQ4 6EP |
| Proposal | Outline application for partial demolition (rear wing) and the conversion and extension of the existing building to form 10 apartments (Access, Layout, Scale and Appearance Detailed, and Landscaping Reserved). |
| Application Number | P/2020/0222 |
| Applicant | Chace Construction |
| Agent | Oliver Green Partnership |
| Date Application Valid | 28.02.2020 |
| Decision Due date | 29.05.2020 |
| Extension of Time Date | N/A |
| Recommendation | Approval |
| Reason for Referral to Planning Committee | Major development |
| Planning Case Officer | Scott Jones |

Location Plan –



Site Details

The site sits on the northern side of Keysfield Road in the largely residential area of Roundham in Paignton. The plot is spacious and tree-lined and holds a large detached Victorian Villa dating from 1870-1915. The Villa and plot is in poor repair and it appears inhabitable and shows external evidence of fire damage. The plot in general is unkempt.

The Villa is somewhat typical of its time with smooth stucco-rendered walls under a slate multi-pitched roof with some pleasant quoin, banding and window surround detail. The window stock is incomplete with some windows bordered and those that are visible are a mixture of timber sliding sash and more modern replacements.

The Villa sits towards the western side of the plot with a substantial garden setting to the north and east of the building. In terms of access there are two vehicular access points that punctuate the front boundary wall onto Keysfield Road.

In terms of context there is a mixture of Victorian and latter 20th Century development within the immediate surrounds, with a number of plots providing flatted residential uses, some of which are holiday uses.

In regard to designations the plot sits within the Roundham and Paignton Harbour Conservation Area and is highlighted as a *Key Building of architectural importance or which make a significant contribution to the townscape* within the Conservation Area Character Appraisal. There is also an Area Tree Preservation Order (Ref 1974:14) that covers the site.

In terms of further designations the site is within a Critical Drainage Area that covers most of Torbay.

Description of Development

The application is submitted in Outline however the proposal seeks detailed approval of all matters (Access, Layout, Scale and Appearance) except Landscaping, which is proposed to be sought through a subsequent reserved matters application should planning permission be granted. The application is hence substantially detailed for an outline application and principally seeks the conversion of and extension to the Villa to provide 10 apartments.

In regard to detail the proposal seeks to retain the existing Villa with some minor demolition in terms of the removing an existing two-storey flat-roofed rear wing in order to principally provide two apartments, one on each floor. In place of the removed rear wing a large linear east-west extension is also proposed that extends beyond the side building lines of the current Villa. The rear extension is approximately 34m wide by 9m deep and will provide accommodation on three floors. The form of the extension is simple and modern with a rendered finish under a flat roof, with a height closely aligned to the eaves high of the retained Villa. The rear building line is stepped to provide terraces for the upper floor units.

In regard to the proposed accommodation the scheme seeks to deliver 4x3-bed units and 6x 2-bed units, ranging from 61sqm to 136sqm in terms of internal floor areas.

Following the receipt of revised plans the proposal seeks to provide 16 car parking spaces to serve the development, which includes 2 disabled spaces. The amendments also reduce the number of access points from 2 to 1 with the eastern access point retained and widened slightly to 5m. In regarding to supporting elements the revised layout presents a detached cycle and waste store to the east of the proposed parking court.

The revised layout secures the retention of trees along the border with Keysfield Road and to the east of the Villa.

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 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

Pre-Application:

Recent pre-application in 2018 that raised concerns over the removal of the Villa and the resultant amount of development being proposed.

There have also been a number of previous pre-applications within the past 15 years that have sought to remove the Villa and regenerate for residential purposes. The pre-applications were generally not supported.

Applications:

P/2019/0738: Outline application for the demolition of the existing building and formation of up to 24 apartments with parking, with all matters reserved except for access. Withdrawn following extensive officer discussions and concerns raised.

Summary of Representations

A total of 6 public representations received, with comments copied as below:

'I completely support these excellent plans. The new development will fit nicely into the local area and enhance the road. It will be a great relief to finally rid the neighbourhood of the existing building which is a total eyesore.'

'This site has been an eyesore in this pleasant area for many years. I would urge the Members of the Committee to visit the site and see for themselves its' appalling state. I thoroughly support the current application and look forward to seeing a start as soon as possible.'

'I have lived here for thirteen years. The previous owner has allowed the property to deteriorate continuously. There has been antisocial behaviour by the many occupants over thirteen years plus. This has blighted the lives of all who live in this area for far too long. I support this application and hope for fast track approval by the council.'

'This development will be a great improvement and a real asset to the area. After having lived next door to this property for nearly 3 years and endured rubbish in the property set alight on numerous occasions I welcome the prospect of it being developed with open arms. Please do not reject the plans this time.'

'No objections the quicker this eyesore and health risk is developed the better. But contractor vehicles must not be allowed to park on Keysfield Road car parking facilities need to be made for them on site before development starts.'

'Another Outline Application, we wait to see a full planning Application, hopefully not just a flat roofed extension.'

Summary of Consultation Responses

Paignton Neighbourhood Forum: No comment provided.

Strategic Transport incorporating the views of the Highway Authority: No comment provided from strategic transport officer. Informal views of the Highway Authority include (a) The existing access is not wide enough, where an access serves more than one unit, adequate width to pass two vehicles should be secured. A minimum width of 5.0 metres over a minimum of 6.0 metre length is recommended, (b) The waste vehicle should not have to travel more than 10m to pick up the waste, it may be more viable to pick up the waste through a gap in the wall from the road with the waste storage area just behind the wall on the property side, (c) Some of the parking spaces should be 3.2m next to Retaining walls.

Torbay Council Drainage Engineer: No objections on drainage grounds to planning permission being granted following the receipt of the site specific flood risk assessment addendum report dated 6th April 2020 and the accompanying surface water drainage layout drawing, number AT2400 01 revision A and the surface water drainage hydraulic design included within the addendum to the site specific flood risk assessment.

Torbay Council Interim Heritage Officer: Verbal advice that the revised proposal, which now retains and refurbishes rather than simply demolishes, the existing Villa is

welcomed. In addition the greater depth of information now provided, with only landscaping reserved, provided an adequate level of certainty in order to make a robust decision in terms of impact on heritage assets. The context of the Conservation Area the proposal will secure much needed work to the existing Villa, however the substantial extension will present some degree of harm to the heritage asset. The level of harm is however considered less than substantial and should be weighed against the broader merits of the proposal.

Torbay Council Community Safety Team: Confirm no objection to the above planning application.

Torbay Council Arboricultural Officer: Satisfactory proposal following the receipt of revised plans that seek to retain the mature trees along the street frontage and to the east of the building. Recommend a pre-commencement condition for the submission of the Arboricultural Method Statements plus any other boundary treatment works. It should be that the arboricultural supervision (including a pre-commencement meeting between the operative and the arb consultant) of the site is accommodated within the AMS and would be worth highlighting this to the developer to ensure that it is included. The revised submitted Tree Protection Plan and Tree Report is suitable.

South West Water: No comment provided.

Police Designing Out Crime Officer: The police raise no objections to the new proposal at this stage and appreciate the level of reference to Designing out Crime in the Design and Access Statement (DAS), with many important factors having been considered and implemented in the design and layout of the proposed. However the DAS appears that it has not been amended to reflect the new proposed changes.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Residential Development
2. Design and Visual Impact
3. Residential Amenity.
4. Parking, Movement and Impact on Highway Safety.
5. Ecology and Biodiversity
6. Drainage and Flood Risk

1. Principle of Residential Development

In terms of the principle of a residential use policy H1 of the Local Plan states that proposals for new homes within the built-up area (as is the case in this instance) will be supported subject to consistency with other policies in the Local Plan. In addition 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, and SS13 (five year housing land

supply).

In terms of the Neighbourhood Plan policy PNP1 includes that development proposals will be supported which provide housing growth appropriate to meet local needs and the strategic needs set out in the Torbay Local Plan 2015 (c), which bring back into use existing homes that have been vacant for 6 months or more (d), and provide additional homes by the conversions of existing buildings, more efficient use of vacant buildings in all use classes, self-build; and community-led housing enterprises wherever possible (e).

In terms of national policy guidance the principle of the proposal 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.

In light of the broad aspirations of the Development Plan policies cited above the principle of residential use on the site is considered acceptable, subject to wider policy considerations that are relevant. It is noted that the site is well located for housing as it is in a sustainable location that has good access to shops and other services, transport links and recreational areas, within an area that already has a residential character. This context supports the principle of a residential use being acceptable.

2. Design and Visual Impact (including heritage considerations)

The site is located within the Roundham and Paignton Harbour Conservation Area and the Conservation Area Character Appraisal identifies the Villa as a key building of architectural importance or which makes a significant contribution to the townscape. The street-facing boundary wall is also highlighted as a prominent wall and the Villa's main elevations (front and sides) are highlighted as largely unspoilt frontages retaining significant period detail, although obviously there has been some deterioration of the buildings' condition since the appraisal was undertaken.

Policy SS10 of the Local Plan requires development to sustain and enhance assets which make an important contribution to Torbay's built and natural setting, and furthers that all heritage assets should be conserved, proportionate to their importance. Policy DE1 seeks development to be well designed, respecting and enhancing Torbay's special qualities and the character of the natural built environment including areas and buildings of historic interest.

The policies cited above are aligned with guidance contained within the NPPF which promotes good design and also seeks local planning authorities in decision making to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

In the context it is important to consider whether the form of development would sit comfortably in its surrounds and would not adversely affect the character and qualities

of the Conservation Area, whilst also taking the opportunities to better reveal the significance of the heritage asset, as outlined within the NPPF.

In regard to the works relating to the existing Villa the removal of the flat-roofed rear wing is not considered harmful. As the Villa is clearly in poor repair works to enhance and bring it back into a habitable state are welcomed and such works would be a positive step that, if correctly detailed, would clearly enhance the Villa's contribution to the townscape and the Conservation Area in which it sits. The proposed windows appear to be sliding sash in operation, which is supported, but it is equally appropriate that the replacement windows are duly detailed in terms of materials and detailed design, including fitting. As the proposals do not present clarity on certain aspects of the detailed treatment of the Villa it is recommended that the planning condition is attached to secure appropriate detail on windows and doors and any other minor necessary material changes.

In regard to the rear extension its' scale is substantial and there is some concern on the visual impact, however it is set deep within the plot some distance from the only apparent immediate public view along Keysfield Road. This lessens any concern in terms of its bulk and massing. In addition it is considered that the Villa would naturally act as a partial screen and visual break to the extension, reducing the apparent bulk and massing where the extension would not be visible in its entirety from Keysfield Road. Away from Keysfield Road there are no apparent public views from the nearby roads to the north. In regard to design the flat roof ceases at the eaves height of the Villa and hence maintains the integrity of the period buildings' roof form. The use of a flat roof also limits the bulk and presents a clear delineation between 'old' and 'new'. Below the elevation treatment presents a clean rendered finish which aligns well with the Villa. The fenestration is more modern than the sash windows proposed within the Villa but importantly the form does present a vertical emphasis, which aligns with the character of openings within with Villa. Banding is also proposed which echoes the Victorian detail of between floors. All matters considered the rear extension is suitably considered in terms of design.

In regard to ancillary development the proposed layout presents a parking court to the front and retains a garden setting to the sides and rear. This is aided by positive discussions between officers and the agent that has secured amendments that secure the retention of mature trees along the Keysfield Road border and within the eastern part of the site. In regard to public views the proposed layout retains a sufficiently verdant setting for the period building. The proposed outbuilding to provide waste and cycle facilities is appropriately located and scaled in order to sit comfortably within the site. Indicative plans show a timber clad flat roofed structure and this presents the basis of an acceptable detail. It is recommended that a planning condition is attached to secure appropriate materials for this building. The removal of the semi-derelict outbuilding to western edge of the site is a positive step. Finally the front border is to be retained which is important as a defined 'prominent wall' within the Conservation Area Character Appraisal. As works are proposed to close one entrance and widen another due detail should be secured by condition in terms of matching materials and finishing detail, including the re positioning of the piers.

When considering the proposal as a whole the scheme is considered well detailed and takes appropriate steps to enhance the Villa by addressing the various deleterious

features. The extension to the rear is relatively large and may present some less than substantial harm to the heritage asset, however the scheme should be considered as a whole and any harm should be weighed against the benefits of improvements to the Villa and the plot which are both in poor repair, aside other material planning considerations such as the benefit of housing supply. Hence as a package the scheme is considered acceptable in terms of its design and impact upon the character and appearance of the Conservation Area, and is therefore considered substantially in accordance with design and heritage policies contained within the Development Plan, principally policies SS10 and DE1 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

The above conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

3. Residential Amenity

Policy DE3 of the Torbay Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Paignton Neighbourhood Plan is largely silent on the matter of amenity other than referencing air, noise and light pollution (PNP1(c)). The NPPF guides (Para 127) that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In respect of future occupiers the internal living spaces are suitably scaled and accord with the minimum space standards outlined within Policy DE3. In fact the apartments are quite generously sized. The units also all benefit from adequate outlook and will receive adequate levels of natural lighting to key living spaces. In regard to outdoor amenity space certain apartments at ground floor level will benefit from the use of terraces or a courtyard/garden area, and more broadly the proposal retains a large garden for communal use. Upper floor units will also generally be supported by provide terrace space as the rear extension is tiered to offer some outdoor space for occupants. The general provision will provide outdoor space that accords with and exceeds the expectations outlined within Policy DE3 where apartments should, where possible, be afforded 10sqm of outdoor space either privately or as part of a larger communal offering. In terms of the broader residential elements the occupiers will be provided with on-site parking, and designated cycle storage and waste storage facilities. These facilities complete what is considered to be a good standard of residential environment for future occupiers.

In respect of neighbouring amenity the conversion of the Villa will not present any undue impact upon adjacent occupiers due to the established relationship and the distances to adjacent plots and properties.

The large rear extension that will hold 8 units over three floors with raised terraces within quite close proximity has been duly considered, mainly in terms of the impact on occupiers to the north due to separation distances to the east and west being more

generous. In regard to light and outlook the scale of the building is unlikely to result in any demonstrable harm on adjacent occupiers. In regard to overlooking and loss of privacy the rear building line is between 6.5m-8m from the plots' boundary, with the first floor building line recessing 1.5m and the upper floor building line a further 2m away from the border. To the north-west the adjacent plot has a parking area immediately adjacent and the nearest built element is around 12.5 metres from the joint border, this presents a distance of around 20m building to building. The plot appears to be in holiday use offering apartment accommodation. Considering the form of residential use, i.e. multi-unit, and that the adjacent land is communal parking, the privacy of occupiers would not be unduly impacted as the building is adequately distanced and the immediate land adjacent is parking and communal in use. It should be noted that the landscape proposals are reserved for future consideration which may present the opportunity for some screen planting to soften the relationship. Turning to the plot to the north-east this appears to provide flats with communal gardens. The building is at an oblique angle with the nearest building line approximately 7 metres from the edge of the joint border. This presents an angled relationship of around 15m-16m between buildings. Due to the oblique angle loss of privacy from inter-looking is unlikely. In regard to overlooking into gardens the space is communal within the plot and hence the impact of the development would be muted in such a context. Again as the landscaping is reserved for future consideration there is the ability to consider softening of the relationship with future planting.

In more general terms the residential use aligns with the residential uses nearby and the additional dwellings would not result in undue noise or general disturbance for existing occupiers in the area. The retention of the parking to the front helps retain the sides and rear of the plot as more tranquil areas devoid of vehicular noise and light-spill from headlights.

Finally in terms of the temporary impacts of the construction phase there will naturally be some short-term impacts, however such impacts are not unusual and the effects can be limited through restricting hours of construction and agreeing processes to limit delivery and construction movement and parking impacts through the use of a planning condition.

To conclude, for the above reasons the proposed residential environment would appear adequate and the development would not unduly impact the level of amenity afforded neighbouring occupiers, which presents development that accords with Policies DE1 and DE3 of the Torbay Local Plan and guidance contained within the NPPF.

4. Parking, Movement and Impact on Highway Safety

Policy TA3 and Appendix F of The Local Plan provides key policy guidance for residential developments. Apartments have an expectation of 1 space each with some degree of visitor parking. There is also an appreciation that these standards can be reduced in more accessible and well-connected locations such as town centres. There is further advice on the provision of disabled parking and electric charging points.

The Paignton Neighbourhood Plan supports the provision of electric charging points where possible within policy PNP1(h).

The NPPF guides that in assessing 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.

In regard to access considerations the removal of the secondary access does not present a highway safety concern. In regard to the retained access the width has been increased to respond to comments from the Highway Officer and at 5m is considered to provide a suitable access for the scale of development off a relatively quiet residential road.

In regard to parking the proposal is considered compliant with the expectations outlined within the Torbay Local Plan. The development provides 16 spaces to serve 10 apartments which accords with the guidance of 1:1 parking whilst offering a more than adequate degree of visitor parking. Within the 16 spaces there are 2 disabled spaces, which accord with the expectation of 10% provision outlined within Appendix F of the Torbay Local Plan. It is noted that the proposal is silent on electric charging points and there is a policy expectation for 20% provision within the Torbay Local Plan, which is supported by policy guidance within the Paignton Neighbourhood Plan. Notwithstanding the proposal's silence on the matter this particular element can be secured by a planning condition.

In regard to sustainable modes of transport the proposal includes a designated cycle store that appears covered and secure, which is considered adequate. In terms of broader matters of sustainable transport the proposal has good pedestrian links to recreational areas, shops and services, and hence is considered well-located for residential purposes.

Considering the points above, which conclude that the proposal offers an acceptable access and good levels of parking and cycle storage, the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA2 and TA3 of the Torbay Local Plan and guidance contained within the NPPF.

5. Ecology, Biodiversity & Trees

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

Policy PNP1(c) of the Paignton Neighbourhood Plan cites guidance on safeguarding biodiversity, securing bat and bird boxes, and protecting trees and providing hedgerows to aid biodiversity.

Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Para 170).

The application is accompanied by an ecological assessment which in summary identifies the bat roosting potential is low but offers guidance on best practice. It also identifies that the garden may provide potential refuges for slow worms and also offers some best practice guidelines to follow. The potential for disturbance to nesting birds is also addressed and advice is given on when clearance should take place. It also touches on biodiversity potential through the choice of planting within a future reserved matters application. All matters considered the assessment does not identify any ecological reason why planning permission should not be granted. It is proposed to attach appropriate planning conditions to address the issues that are raised within the ecological assessment and to ensure protected species are duly considered through the clearance and construction phase and ongoing management of the site.

In regard to biodiversity following discussions between officers and the agent amendments have been secured to retain the key trees in the southern and eastern parts of the site adjacent to Keysfield Road and within the larger retained garden space. The retention of trees aids biodiversity goals and also aligns with policy guidance relating to the aspiration to retain trees of significance within the townscape. The Council's Arboricultural Officer is supportive of the current detail to retain the most important trees, with further consideration of the broader landscape proposal being deferred until the landscaping reserved matters is submitted. In regard to biodiversity aims the proposal provides the potential to enhance biodiversity and a planning condition is recommended to ensure the future landscaping reserved matters provides an appropriate biodiversity assessment and demonstrates a net gain.

Having considered the submitted assessment, subject to conditions to secure enhancement features and tree protection measures, as suggested, the development is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of the Torbay Local Plan, the Paignton Neighbourhood Plan, and advice contained within the NPPF.

6. Flood Risk and Drainage

The site sits in an area with a low risk (Flood Zone 1) of flooding, however it does sit within a Critical Drainage Area as designated by the Environment Agency.

Policies ER1 and ER2 of the Torbay Local Plan outline a hierarchical approach with an emphasis on sustainable urban drainage methods as the preferred option for ensuring that development proposals do not increase the risk of flooding. Policy PNP1(i) supports this position by stating that developments will be required to comply with all relevant drainage and flood risk policy. Furthering that proposals, which achieve more than sustainable drainage improvements and move beyond Sustainable Urban Drainage systems (SUDs) by keeping surface water out of the combined sewer network at source, are encouraged. The NPPF is also supportive with advice within Para. 163 citing that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

A Flood Risk Assessment has been submitted that confirms the scheme proposes a site-wide approach of a SUDS systems with soakaways within the eastern part of the site.

The Council's drainage engineer has considered the revised drainage detail has confirmed that providing the surface water drainage is constructed in accordance with the documents there is no objections on drainage grounds to planning permission being granted. The documents being the site specific flood risk assessment addendum report dated 6th April 2020, the surface water drainage layout drawing, number AT2400 01 revision A, and the surface water drainage hydraulic design included within the addendum to the site specific flood risk assessment.

The proposal is for the reasons above considered acceptable on flood risk and drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan, policy PNP1(i) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

Sustainability

Policy SS3 of the Torbay Local Plan establishes the presumption in favour of sustainable development. The site provides housing in a sustainable location close to shops, schools and bus routes.

Local Finance Considerations

S106:

Not Applicable. Guidance contained within the NPPF is that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Also to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. As the proposal provide a net provision of 9 units the overall residential provision is not 'major' development. It is therefore considered appropriate not to seek affordable housing and there is no requirement to explore further the potential status of the building as vacant.

CIL:

In terms of the Community Infrastructure Levy (CIL) new chargeable floor space will be liable. For sites of 4-14 dwellings within charging zone 2 the rate is £70 per square metre of new gross internal floor space.

The submitted CIL form states that the development will provide 1150sqm of new floor space. Subject to due diligence in terms of the existing floor space the development is expected to secure between £80,500 and £104,020 in CIL payments.

EIA/HRA

EIA:

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

HRA:

Due to the scale, nature and location this development will not have significant effects on the South Hams SAC or Lyme Bay and Torbay SAC and does not require a formal HRA.

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 positive impact overall and help with the supply of much needed housing. There is some minor discord in terms of heritage impacts and the rear extension will have a minor (less than substantial) impact upon the Villa and its surrounds. However this issue is considered minor and the overriding accordance with the Development Plan, and the NPPF when considered in the round, is deemed to provide a proposal that is acceptable on balance.

Housing Supply:

The Council has a housing supply which is below the 5 year supply sought by government. By providing 9 net new units the proposal will help with the delivery of housing with a form of development that is considered to accord with the Development Plan. The provision of housing is a significant benefit within the planning balance, certainly in light of the current published position where the Authority can only demonstrate a 2.5 year supply, which is a significant shortfall.

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.

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.

Proactive Working

In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

In this instance substantial amendments were secured pre-submission to secure the retention of the Villa and during the application to reduce tension between the parking provision and trees in order to secure the retention of important trees in order to reduce its resultant impact upon the setting. Officers conclude that this application is now acceptable for planning approval.

Conclusions and Reasons for Decision

The proposal will provide a good standard of living for future occupants with no undue impact upon adjacent occupiers.

The visual impact of the development is considered to be acceptable on the whole, as the development secures improvements to a key building in a Conservation Area and its plot, which counters the harm of the rear extension.

The access is considered acceptable and parking on site is in accordance with policy expectations.

Previous concerns regarding impact upon trees have been resolved and conditions can secure appropriate biodiversity enhancement measures and precautionary measures regarding construction activities.

There is also no risk of flooding of land or buildings adjacent as the sustainable urban drainage system is supported by the Council's specialist engineers.

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

It should be noted that the NPPF (Para 38) guides that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. It also furthers that decision-makers at every level should seek to approve applications for sustainable development where possible. There are, for the reasons within this report, no substantive reasons to not grant planning permission.

Officer Recommendation

Approval: Subject to;

1. Final drafting of conditions delegated to the Assistant Director of Planning and Transport, to include those listed within this report.

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.

Conditions:

1. Reserved Matters

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

- (i) landscaping.

The details of the reserved matters shall be consistent with the details submitted and approved pursuant to the outline consent. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced, and the development shall be undertaken in accordance with the approved reserved matters.

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

2. Construction method statement

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

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

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

3. Landscape Implementation

All planting, seeding or turfing comprised in the approved details of landscaping reserved matters pursuant to Condition 01 shall be carried out in full within the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing.

Any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

4. Tree Protection

Prior to the commencement of development the tree protection measures as outlined within the approved Tree Protection Plan 05077 TPP Rev B 14.04.20 (Aspect Tree Consultancy) and further detailed within the Arboricultural Impact Assessment Report (Aspect Tree Consultancy) shall be implemented in full. The tree protection measures shall then be maintained in full throughout the construction phase.

Reason: In order to ensure against harm to mature trees, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details require implementing prior to commencement to ensure against harm.

5. Arb Method Statements

Prior to the commencement of development an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The detail shall make reference to (but not be limited to) to pre-commencement site meeting, signing on of contractors onto the AMS, use of root protection surfaces, and site monitoring timings. The approved detail shall be adhered to throughout the construction phase of the development.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details are required prior to commencement to ensure protection measures are in place prior to potential harmful construction traffic and works commencing on site.

6. Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP), prepared in accordance with the specifications in BS42020; clause 11.1, shall be submitted and shall include, but not be limited to, the following.

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

The LEMP shall also include details of the 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: To secure a satisfactory form of development in accordance with Policies SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and PNP(c) of the Paignton Neighbourhood Plan.

7. Drainage

Prior to the first occupation of the building development shall be served by the served by the surface water management system outlined within the approved site specific flood risk assessment addendum report dated 6th April 2020, the accompanying surface water drainage layout drawing, number AT2400 01 revision A, and the surface water drainage hydraulic design included within the addendum to the site specific flood risk assessment, unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation and prior to the first use of the building.

The approved surface water management system shall be retained and maintained for the lifetime of the development

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030, policies PNP1 and PNP1(i) of the Paignton Neighbourhood Plan, and guidance contained in the NPPF.

8. Detailed design

Prior to the continuation of development above damp proof course level (excluding demolition) details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. A sample of any proposed roof slate, which shall be natural slate and comparison detail of the existing slate,
2. Detailed drawings of all proposed windows and doors, which within the retained Villa shall be timber, including reveals and means of opening, for both the Villa and the proposed extension,
3. Details of the proposed cladding and roof covering or the waste/cycle store building,
4. Details of all fencing and other mains of enclosures, to include details of the front boundary wall, to include details on works to close the defunct access and reform the retained access, to include the rebuilding of the existing piers.
5. Details of rainwater goods

Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development

Reasons: In order to protect visual amenity in accordance with policies DE1 and DE3 of the Torbay Local Plan 2012-2030, policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF.

6. Parking provision

Prior to the first occupation of the development details confirming the location and provision of at least 2 electric charging points shall be submitted to and approved in writing by the Local Planning Authority.

The apartments hereby approved shall not be occupied or brought into use until the parking spaces hereby approved (including the approved disabled spaces and charging points approved pursuant to this condition), together with the manoeuvring areas, have been provided in full. These elements shall thereafter be retained for the use of the associated dwellings for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with policy TA3 of the Torbay Local Plan 2012-2030 and policy PNP1(h) of the Paignton Neighbourhood Plan.

7. Cycle provision

Prior to the first occupation of the development the cycle store, as detailed within the approved plans, shall be completed and made available for the purpose of cycle storage to serve the

development. Once provided, the agreed storage arrangements shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and policy PNP1(d) of the Paignton Neighbourhood Plan.

8. Waste provision

Prior to the first occupation of the development the waste and recycling storage facility, as detailed within the approved plans, shall be completed and made available for the purposes of waste storage to serve the development. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of amenity and in accordance with policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030 and policy PNP1(d) of the Paignton Neighbourhood Plan.

9. PD

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015 (or any Order revoking or revising that Order) the following forms of development are not permitted, 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;

- No additional or different means of enclosures,
- No additional hardstandings.

Reasons: In order to protect visual amenity and the amenity of future occupiers by maintaining a satisfactory form of development and outdoor amenity spaces within a restricted site, in accordance with Policies SS10, DE1 and DE3 of the Torbay Local Plan 2012-2030.

10. Access changes and closure of current access and provision of wall

Prior to the first occupation of the development (i) the existing western vehicular access shall be closed and the associated wall rebuilt to a height and in a finished form that matches the existing wall including the fixing of any supplementary railings. The wall shall then be maintained as such at all times thereafter. And (ii) the amendments to the retained access shall be completed, and shall maintain a form of wall and pillar to match that which exists, unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To secure improvements to the plot and an acceptable form of development within the Roundham and Paignton Harbour Conservation Area, and for reasons of highway safety, in accordance with Policies SS10, DE1 and TA2 of The Torbay Local Plan 2012-2030, policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

11. Ecology - bats

Prior to the commencement of development all contractors directly involved with works to demolish elements of the building shall be made aware of the 'good practice guidelines' outlined within Para 5.3 of the submitted Preliminary Ecology Appraisal dated 11 February 2019 (George Bemment Associates).

Development shall take place in accordance with the good practice guidelines

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

12. Nesting season - birds

All demolition and/or the removal of vegetation shall be undertaken outside of the bird nesting

season (March-August inclusive). If not practicable demolition and/or vegetation removal shall be undertaken only immediately following an inspection of the site by a suitably qualified ecologist to confirm the absence of nesting birds. If nests are found no works shall be undertaken until the birds have fledged within an area identified by the ecologist.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

13. Ground clearance - reptiles

All ground clearance should be carried out with caution in accordance with the recommendations outlined within Para 5.7 of the submitted Preliminary Ecology Appraisal dated 11 February 2019 (George Bemment Associates) and if any reptiles are encountered work should stop and a suitably qualified ecologist should be contacted for advice.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

14. Biodiversity measures

The reserved matters pursuant to Condition 01 shall include and assessment and proposed measures to enhance biodiversity. The approved biodiversity enhancement measures shall be installed prior to the first occupation of the development or within the first available planting season, whichever is practicably sooner when considering the form of the enhancement measure/s, and then shall be maintained as such at all times thereafter.

Reason: To secure biodiversity enhancements in accordance with policy NC1 of the Torbay Local Plan 2012-2030, policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

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_
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
W1 - Waste management facilities
NC1 - Biodiversity and geodiversity

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



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|---|--|
| Application Site Address | Cary Park Tennis Club Cary Avenue St Marychurch Torquay TQ1 3NQ |
| Proposal | Erection of three 6.7m high lighting stanchions, each with one LED luminaire, to provide lighting to Court 3. Replacement of the twelve existing luminaires for Courts 1 and 2 with eleven new LED luminaires. Provision of one courtesy luminaire to Court 4. (Proposal/description amended on 03.04.2020.) |
| Application Number | P/2019/1230/PA |
| Applicant | Cary Park Tennis Club |
| Agent | N/A |
| Date Application Valid | 11.12.2019 |
| Decision Due date | 05.02.2020 |
| Extension of Time Date | 28.04.2020 |
| Recommendation | That Planning Permission be granted, subject to the condition detailed below, and that the final drafting of conditions and the addressing of any further material considerations that may come to light be delegated to the Assistant Director of Planning and Transport. |
| Reason for Referral to Planning Committee | In accordance with the Council's constitution, which states that an application pertaining to land that is registered as a Torbay Council asset and to which one or more objections have been received, must be referred to the Planning Committee for determination. |
| Planning Case Officer | Craig Davies |

Location Plan



Site Details

The application site relates to three tennis courts situated on the south side of Cary Avenue that are part of the Cary Park Tennis Club. To the west of the site is a bowling green. To the south is an area of open space and the rear of properties in St Georges Crescent. There is a hedge along the boundary of the site with Cary Avenue. On the opposite side of Cary Avenue there is an area of public open space. In terms of the designations contained within the Development Plan, the site is located within the Cary Park Conservation Area and forms part of the Cary Park Urban Landscape Protection Area.

Description of Development

The proposal is for improvements to the lighting of tennis courts at the Cary Park Tennis Club, comprising:

- The erection of three additional 6.7m high lighting stanchions, each with an LED luminaire, to provide lighting to Court 3.
- The removal of twelve existing luminaires providing lighting to Courts 1 and 2 and their replacement with eleven new LED luminaires.
- The provision of one courtesy luminaire providing low-level background lighting to the remaining unlit courts.

For the avoidance of doubt, the proposal would therefore result in a change from the existing lighting configuration which comprises twelve luminaires supported by nine 6.7m high lighting stanchions serving Courts 1 and 2, to a new lighting configuration which would comprise fourteen LED luminaires supported by twelve 6.7m high lighting stanchions serving Courts 1, 2 and 3, as well as a single courtesy luminaire providing low-level background lighting to the remaining unlit courts.

After the advertising period, it was realised that although the applicant's Design & Access Statement correctly described the proposed provision of a single courtesy luminaire providing low-level background lighting to the remaining unlit courts, this courtesy luminaire was incorrectly omitted from the advertised plans. It was also realised that although the plans accurately indicated the proposed fourteen LED luminaires supported by twelve 6.7m high lighting stanchions serving Courts 1, 2 and 3, the applicant's Design & Access Statement incorrectly indicated that there would be a total of eighteen LED luminaires serving Courts 1, 2 and 3. To rectify this, the applicant has provided written confirmation that the proposal is as described above, and has submitted revised plans that include the single courtesy luminaire. For the reasons set out below, it was not deemed necessary to re-advertise the application:

- Although the single courtesy luminaire was omitted from the advertised plans, it was clearly included within the Proposal Description that was stated on the on-site notice and on the neighbour notification letters, and was also described in the advertised Design & Access Statement.
- The proposed courtesy luminaire would only be a 30 watt light providing low-level background lighting to the remaining unlit courts, would be directed towards the southeast where the nearest neighbouring property is more than 60 metres away, and would therefore not have any significant impact on external parties. The proposed courtesy luminaire would have a similar impact as that of an external light affixed to the outside of a dwellinghouse, for which planning permission would not be required (notwithstanding that Listed Building Consent could potentially be required if the external lighting was being affixed to a Listed Building).

- Although the proposed number of LED luminaires serving Courts 1, 2 and 3 was overstated in the advertised Design & Access Statement, the proposed lighting for these courts was accurately indicated on the advertised plans. The proposed lighting for Courts 1, 2 and 3 would be fewer than what was indicated in the advertised Design & Access Statement and would therefore have a lesser impact on external parties.

Pre-Application Enquiry

N/A

Relevant Planning Policy Context

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Torquay Neighbourhood Plan ("The 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/2016/1076 - Provision of court lighting consisting of nine 6.70 m columns with 1 kw light fittings (variation of condition 1 of original planning permission P/2009/0550) to change hours of illumination to 9pm Monday - Friday (proposal / description amended 7 October 2016). Approved 24.11.2016.

P/2009/0550 - Provision of court lighting consisting of nine 6.70 m columns with 1 kw light fittings. Approved (Committee) 07.08.2009.

Summary of Representations

1 letter of objection was received in which the following matters were raised:

- The proposal would have a negative impact on the wildlife and the peace and quiet of Cary Park.
- The proposal would contribute to the ongoing urbanisation of Cary Park.
- The proposal would exacerbate existing light and noise pollution.
- The putting course at Cary Park has not been maintained which is contrary to the tennis club's lease. (It should be noted that this is not considered to be a material planning consideration in relation to the proposal under consideration.)

Summary of Consultation Responses

Senior Environmental Health Officer: "I would confirm that I have read the applicant's submission and I have no objections. Essentially the lighting is being replaced with an LED system and the design information provided by Luminance Pro Lighting Systems provides reassurance that the new lighting will not have a significant impact on nearby residents.

“The lighting has been designed to be directed downwards onto the surface in such a way as to minimise spill light beyond the boundary of the courts and therefore the possibility of unreasonable intrusion into neighbouring properties. The level of illuminance from the courts at a distance of approx. 20m (half way to the rear of the nearest residential properties) is predicted to be at or below 1 Lux (equivalent to the amount of light falling on a surface 1m away from a candle).”

Torquay Neighbourhood Plan Forum: No response received.

Key Issues/Material Considerations

1. Principle of Development.
2. Visual Impact.
3. Impact on Residential Amenity.
4. Ecology
5. Flood Risk and Drainage

Planning Officer Assessment

1. Principle of development.

The proposal is for improvements to the lighting facilities of a tennis club as described in detail above.

Policy SC1 of the Local Plan seeks, amongst other things, to promote healthy, safe and active living for all age groups. Policy SC2 of the Local Plan seeks, amongst other things, to improve access to sport, leisure and recreation facilities, particularly in locations that are accessible, subject to compliance with other policies in the Development Plan including those relating to residential amenity. The proposal would improve the facilities of an existing tennis club that is sited close to the Babbacombe Local Centre in an area that is accessible, including by public transport and by non-motorised transport. These improvements would increase the capacity for the tennis club to be used in the evenings during winter months, thereby making a small but positive contribution to the promotion of healthy, safe and active living. The proposal is considered to be consistent with Policies SC1 and SC2 of the Local Plan.

There are no Development Plan policies indicating that the proposal is not acceptable in principle.

2. Visual Impact

Paragraph 124 of the National Planning Policy Framework (NPPF) states that 'good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities'. In addition, paragraph 130 states 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'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy SS10 of the Local Plan states that proposals within Torbay's Conservation Areas will be assessed on the need to conserve and enhance the distinctive character and appearance of Torbay's Conservation Areas whilst allowing sympathetic development within them. Policy TH8 of the

Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings. Policy C5 of the Local Plan states, amongst other things, that development within Urban Landscape Protection Areas (ULPAs) will only be permitted where it does not undermine the value of the ULPA as an open or landscaped feature within the urban area.

Given its siting, scale, and design, it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality, the Cary Park Conservation Area, or the Cary Park ULPA. While the proposed additional stanchions and the proposed LED luminaires would be visible from Cary Avenue due to their height, the proposal would amount to a small-scale increase to the current lighting provisions. The green colour of the proposed stanchions and luminaires would match that of the existing light stanchions as well as the existing fencing that bounds the tennis courts, and would help the proposal to blend in with the site's verdant setting. In addition, given that the proposed replacement LED luminaires would result in certain stanchions that currently have two luminaires per stanchion only requiring a single LED luminaire per stanchion, the proposal would rationalise and simplify the lighting provisions to some extent.

The proposal is considered to be in accordance with Policies DE1, SS10 and C5 of the Local Plan, Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of residential amenity.

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours in terms of their privacy, outlook, or access to natural light, and would not result in any unacceptable exposure to noise or light pollution.

The application has been assessed by the Council's Senior Environmental Health Officer who has indicated no objection to the proposal, noting that the lighting has been designed to be directed downwards onto the surface in such a way as to minimise light spillage beyond the boundary of the courts and therefore the possibility of unreasonable intrusion into neighbouring properties. With regard to the potential for noise disturbance, it is noted that while the proposal would provide lighting to an additional tennis court, only three of the six tennis courts at the site would be lit, thereby limiting the number of users on the site after dark. (In this regard it should be noted that the courtesy luminaire serving the three remaining unlit tennis courts would only serve to provide low-level background lighting for health and safety reasons and to allow users of Courts 1-3 to collect stray tennis balls.) Given that the site comprises a public park, it is to be expected that recreational activities would be carried out that would result in some noise generation, and it is considered that the proposal would not result in any unacceptable increase in noise emanating from the use of the site. In line with existing conditions of approval applicable to the site, the use of the proposed lighting would continue to be restricted to up until 9pm on Mondays to Fridays only.

The proposal is considered to be in accordance with Policy DE3 of the Local Plan and the guidance contained within the NPPF.

4. Ecology

Policy NC1 of the Local Plan seeks to conserve and enhance Torbay's biodiversity and geodiversity. Given that the site is not in close proximity to any protected sites (including the South Hams Special Area of Conservation for Greater Horseshoe Bats, noting that the site is outside of the Sustenance Zone and the Landscape Connectivity Zone), it is considered that the detailed assessment of illumination included in the applicant's submission provides adequate information to inform an assessment of the ecological impacts of the proposal in a manner that is proportionate to the scale of the proposal. It is considered that the proposal, which amounts to extending the lighting provisions to 1 additional tennis court with no change to the permitted hours of operation, would not result in any unacceptable ecological impacts, and that the proposal is therefore consistent with Policy NC1 of the Local Plan.

5. Flood Risk and Drainage.

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment. Given the nature of the proposal, and the fact that the proposal would not result in any increase to the impermeable built footprint of the site, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice, and the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

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

S106: Not applicable.

CIL: N/A

EIA

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

Planning Balance

The proposal would result in improvements to a recreational facility in an accessible location that would allow for a small increase in the number of people that are able to make use of the tennis courts after dark on weekdays up until 9pm. The proposal would therefore make a small but positive contribution to the promotion of healthy and active living. Subject to the planning condition detailed below, no unacceptable material planning harm has been identified and the proposal is in accordance with Development Plan policies.

Conclusions and Reasons for Decision

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area, heritage assets, or local amenity; and provide acceptable arrangements in relation to access flood risk, and ecological constraints. The Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

That planning permission be granted, subject to the condition detailed below, and that the final drafting of conditions and the addressing of any further material considerations that may come to light be delegated to the Assistant Director of Planning and Transport.

Conditions

Hours of Use

The lights hereby approved shall be used only between the hours of 15.00 and 21.00 on Mondays to Fridays and at no time on Saturdays or Sundays.

Reason: In the interests of residential amenity, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Informatives

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

Torbay Local Plan Policies

SC1 – Healthy Bay.

SC2 – Sport, leisure and recreation.

DE1 – Design.

SS10 – Conservation and the Historic Environment.
C5 – Urban Landscape Protection Areas.
DE3 – Development Amenity.
NC1 – Biodiversity and Geodiversity.
ER1 – Flood Risk.
ER2 – Water Management.
SS3 – Presumption in favour of Sustainable Development.

Torquay Neighbourhood Plan Policies

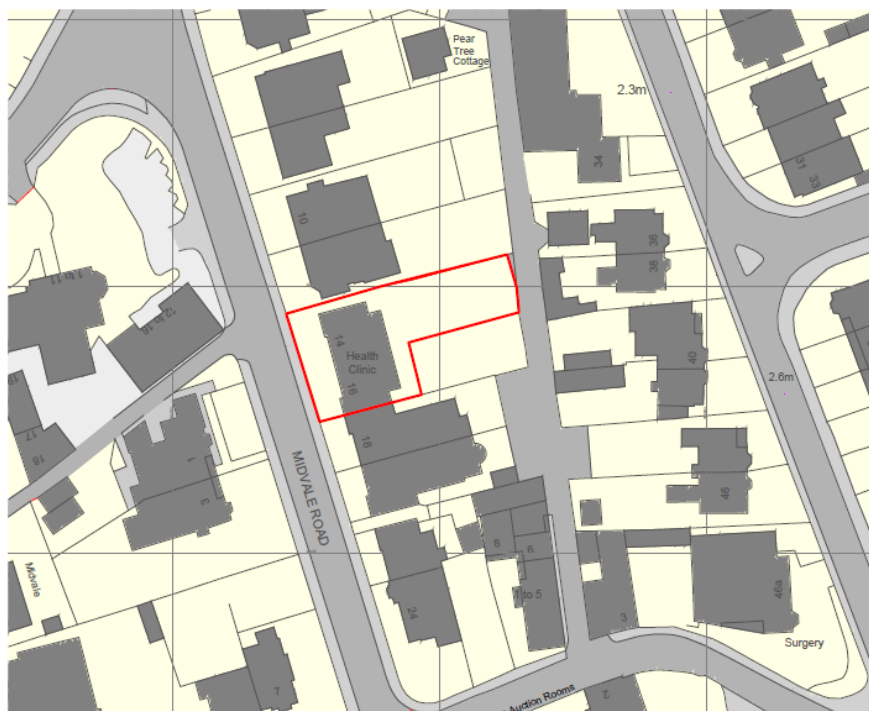
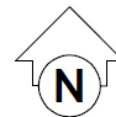
TH8 – Established Architecture



| | |
|---|---|
| Application Site Address | 14-16 Midvale Road Paignton TQ4 5BD |
| Proposal | Change of use from clinic (D1) to 10 x residential flats (C3) |
| Application Number | P/2020/0128 |
| Applicant | Mr Adam Hesse |
| Agent | Mr Simon Blake – Charles Blake Associates |
| Date Application Valid | 05/02/2020 |
| Decision Due date | 06/05/2020 |
| Extension of Time Date | Not applicable. |
| Recommendation | Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning and Transport. |
| Reason for Referral to Planning Committee | The application has been referred to Planning Committee due it being of a major nature. |
| Planning Case Officer | Emily Elliott |

Location Plan:

SITE LOCATION PLAN



Site Details

The site is a semi-detached two-storey, former NHS health clinic that is noted as being a key building in a terrace of Edwardian buildings that were built between 1870-1915 and have a pantile or double Roman and derivative tiled roof over a brick façade. The building has both attic and undercroft space. The building amalgamated numbers 14 and 16 Midvale Road to accommodate the NHS health clinic and since has undergone minimal alterations over the decades. The site area is 895 square metres and the existing footprint is 215 square metres. The site lies to the eastern side of Midvale Road and the site falls from west to east. There is existing pedestrian access to the site from Midvale Road and vehicular access from the rear un-adopted service lane that provides an element of off-street parking. The site is within the Old Paignton Conservation Area.

Description of Development

The proposal seeks to change the use of the building from a clinic (D1) to 10 residential flats. The proposal includes minor external alterations to the building, namely alterations to the fenestration. The proposal will retain the wheelchair access ramp to the front of the property. The proposal will remove the existing cycle store to the front of the site, and will be replaced by a bin store.

The proposed apartments would be situated on the lower ground, ground, first and second floors of the building. The proposal includes minimal external alterations to the building. The proposal includes individual amenity spaces for flats 1 and 2, with no further amenity space allocated for the proposed development.

The proposal maintains the existing pedestrian access from Midvale Road and maintains the existing vehicular access from the un-adopted service lane to provide access to the existing off-street parking provision. The site is in close proximity to Paignton Town Centre. The proposal includes six parking spaces for the flats. The site is located in close proximity to Paignton Train Station (0.2 miles) and Paignton Bus Station (0.2 miles). It should be noted that adjacent to the public transport provisions are Great Western Pay & Display Car Park and Station Lane Pay & Display Car Park.

Pre-Application Enquiry

Not applicable.

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 Torbay Local Plan 2012-2030 ("The Local Plan")

- The Paignton Neighbourhood Plan 2012-2030

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/2004/2002: Access Ramp And Automatic Door To Main Entrance (Revised Scheme). Approved 20/01/2005.

P/2004/1999: Demolition Works. Approved 20/01/2005.

P/2004/0983: Installation Of Access Ramp And Automatic Door To Main Entrance (As revised by plans received 29/7/04). Approved 17/08/2004.

P/2004/0973: Demolition Works In Connection With Installation Of Access Ramp And Automatic Door To Main Entrance (As revised by plans received 29/7/04). Approved 17/08/2004.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. Fourteen neighbour notification letters were sent to those neighbours which the development could affect. 2 letters of objection have been received.

Concerns raised in objection include:

- Traffic and access
- Privacy/overlooking
- Trees and wildlife

Summary of Consultation Responses

Police Designing Out Crime Officer:

It states in the Design and Access Statement 'The Paignton Neighbourhood Plan 2012-2030 (TNP) was adopted in June 2019. The following PNP policies, amongst other, are relevant to this proposal; PNP1 (g) – Designing out crime' which is pleasing to note but there is no further reference or explanation as to how Designing out Crime or general crime prevention measures have been considered for the proposed scheme or where implemented.

To assist, as the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority please find the following which is to inform the applicant:-

ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouses or barns undergoing conversion into dwellings. It also applies to conservation areas.

All doors at the entrance to a building and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24.

As such it is recommended that all external doors and easily accessible windows that are to be replaced are sourced from a Secured by Design (SBD) member-company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2016 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing provenance of non SBD approved products.

Secured by Design (SBD) is a free from charge police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places Secured By Design

The above should be considered in conjunction with the following attributes of Crime Prevention through Environmental Design (CPTED):-

Access and movement (Permeability) - Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security

1. The pedestrian gate to the side of plot 3 should be capable of being locked from both sides or some form of appropriate access control is considered for residents use only. The gate should be non-climbable and attain a minimum height of 1.8m. Ideally the gate should be of a 'see through' design' which can be metal or wood, as this can deter unauthorised access and reduce the fear of crime for residents especially during the dark hours.

Structure – (Design & Layout) - Places that are structured so that different uses do not cause conflict

2. Care should be taken when designing external shared amenity space (if applicable) so that activities or gatherings will not impact negatively on quality of life issues for other residents. For example smoking areas should be designed so that they are away from the building elevation so that smoke (and noise) does not permeate into apartments via windows

3. What is the intended use of the large space opposite the proposed parking area? Which appears to be excluded from the planning proposal?
4. Some form of barrier e.g. bollards or planting should be installed to protect the front boundary treatment of plot 2 from vehicles being parked/moved

Surveillance (Natural, Formal & Informal) - Places where all publicly accessible spaces are overlooked

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community

Physical protection - Places that include necessary, well-designed security features as laid out in Secured by Design Homes 2019 & Flat Entrance Door Sets – please find both guidance attached

5. Care should be taken to not inadvertently design in climbing aids such as drainpipes, low walls, window ledges etc. as these can provide access to balconies or windows of apartments at higher levels
6. Tradesperson buttons are discouraged by the police due to an increase in crime and disorder as such the delivery of mail needs to be considered. It is recommended that approved (SBD) external wall mounted mail boxes or a secure through the wall mail system are considered.
7. Utility meters should be capable of being read remotely
8. The main shared entrance door for plots 4 to 10 must have an access control facility and visitor door entry system with an audible and visual facility for each flat
9. Please refer to the attached SBD Flat Entrance Door Set guidance for the required standards and specifications for each individual flat entrance door

Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times

Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime in the present and the future

10. If during the determination process it is agreed that waste and recycling will be collected from the front of the premises (Midvale Road) then suitable and practical storage must be factored in at the same location to encourage its use and deter/prevent wheelie bins and recycling boxes from being left out as this can

create safety and security issues, such as the bins being used as climbing aids or the contents used to start fires.

Parking - It is appreciated that local amenities are in close proximity to the proposed development and as such it has been assumed that future residents will be less likely to own a vehicle but unfortunately for many new developments in the county it would seem that the owning or private vehicles over walking, cycling or using public transport etc. remains the preferred method of transport for many, regardless of the close proximity to local amenities. As such it is respectfully requested that the parking provision of 7 spaces for 10 dwellings is carefully considered prior to determination to ensure that it is deemed sufficient when balanced against the overall schedule of accommodation, as even a one bedroom dwelling could attract 2 vehicles, and that the design of the parking is practical to use to encourage its use and to do all that is reasonable in preventing the potential for parking related complaints and issues for the nearby neighbourhood.

Torbay Council's Senior Environmental Health Officer:

No response received.

Paignton Neighbourhood Forum:

No response received.

Torbay Council's Senior Tree and Landscape Officer:

I have reviewed that above application. The site is within Old Paignton Conservation Area with a significant tree to the north-west corner of the site. I understand that the area to the rear of the building is to be used for the car parking for the proposed development but if this is to be upgraded then we would need to look at the impact of any works to the car park area would have on the tree.

Torbay Council's Highways Engineer:

The parking spaces are light being only seven, but very close to the Town Centre and probably had more trips as a Clinic. Unless I have missed it there are no electric charging points. Highways have no other technical issues with this Application.

South West Water:

No objection.

Torbay Council's Drainage Engineer:

I can confirm that providing the development is undertaken in accordance with the submitted site specific flood risk assessment and all of the proposed flood mitigation measures are incorporated into the development, I have no objection on drainage grounds to planning permission being granted for this development.

Torbay Council's Waste Client Manager:

As you are aware, TOR2 are not obliged to drive on to unadopted highway to collect waste and recycling as they are not insured to do so. Driving over unadopted highway could leave them open to claims of damage to the road, or conversely could cause damage to the collection vehicles, depending on its condition.

With the TOR2 contract ending this year and the services delivered by them being taken into the control of a local authority controlled company, Torbay Council does not wish to increase our liability in circumstances like this and we would like for the waste and recycling to be collected from the front of the property, on Midvale Road.

We are aware that there are currently some situations where TOR2 are driving on unadopted highway to complete collections, however, for future developments we need to avoid this. This is also something that will be reviewed once the contract with TOR2 is over.

Torbay Council's Interim Heritage Advisor:

No response received.

Key Issues/Material Considerations

1. Principle of Development
2. Impact on the Character of the Area
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Trees
6. Flood Risk and Drainage
7. Affordable Housing Contributions
8. Designing Out Crime

Planning Officer Assessment

1. Principle of Development

The proposal is for the change of use of a clinic (D1) to 10 residential flats (C3), nine of which are one-bedroom flats and one is a two-bedroom flat.

Policy H1 of the Local Plan states that proposals for new homes within Strategic Delivery Areas, and elsewhere within the built-up area, will be supported subject to consistency with other policies in the Local Plan. It is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a contribution to this shortfall being addressed. The site is located within an established residential area. The principle of residential development on the site would be consistent with Policy H1 of the Local Plan.

The site is located within the Paignton Town Centre Community Investment Area as defined by Policy SS11 of the Local Plan. Policy SS11 states thirteen criteria that development proposals in Community Investment Areas should be assessed against. Criterion 13 of Policy SS11 states that development proposals insofar as they are relevant and proportionate to the development will be assessed in terms of providing a good standard of residential accommodation, by seeking to retain small to medium sized homes (2-4 bedrooms) and resisting change of use of these homes to HMOs and small self-contained flats. This applies especially in Community Investment Areas. It is considered that the building is a vacant, underutilised brownfield site, with the proposal offering minimal external alterations to a key building within the Old Paignton Conservation Area and also addressing the shortage in the Council's 5-year housing supply. Therefore, it is considered that on balance, the proposal is acceptable as other material considerations outweigh such concerns.

The previous use of the building as a NHS health clinic occupied all four floors, which ceased use a number of years ago. It is considered that the principle of development on balance is acceptable and utilises a vacant brownfield site.

2. Impact on the Character of the Area

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states 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'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

The proposal is to change the use of the former NHS clinic into residential accommodation. The proposal includes minor external alterations to the building, namely alterations to the fenestration, predominantly the insertion of roof lights, windows and doors. The general fabric of the building will remain untouched. The building has existing high-quality, thermally-efficient uPVC double glazed windows that adhere to Building Regulations. The building has an element of redundant drainage pipework and other services to the external elevations that are unsightly and as such will be removed and the remaining downpipes will be rationalised.

The proposal will retain the wheelchair access ramp to the front of the property. The proposal will remove the existing cycle store to the front of the site, and will be replaced by bin storage. A set of full elevational drawings of the bin storage is required and therefore shall be included as a planning condition. It is considered that the timber clad

fence that is proposed to be sited on top of the existing wall to accommodate the bin storage is not acceptable and a more sympathetic, aesthetically pleasing material to enhance and preserve the Old Paignton Conservation Area, this shall also be included as a planning condition.

Policy SS10 of the Local Plan states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas.

The site is noted as a key building in the Old Paignton Conservation Area and is noted as the following; 'Nos 14-16 have been adapted to house an NHS Health Clinic, this somewhat eccentric pair, in a terrace of four, pile up Edwardian detail in an unusual architectural panoply: elongated eaves on sprocketed brackets; projecting windows below timbered mismatching gables; and a flat-roofed drum sprouting from a pentice roof. Amongst the uncluttered charms are the pierced-timber porches and the 'superior' margin panes above the single light mullion windows with their short horizontal glazing bars. The disabled entry ramp is, like many of its kind, entirely functional and devoid of any of the aesthetic qualities that go to make up the building'.

It is considered that the setting and character of the Old Paignton Conservation Area will be preserved, and the proposal would not result in harm to this heritage asset. Given the proposal's siting, scale, and design, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality or streetscene in accordance with Policies DE1 and SS10 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan, and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment.

The proposed change of use from a clinic to 10 residential flats. Table 23 of the Torbay Local Plan 2012-2030 sets the dwelling space standards for Torbay which are taken from the Government's Nationally Described Space Standards. The following floorspace is provided for each residential unit:

Unit 1 = 50 square metres (1 bedroom, 2 bed-spaces).

Unit 2 = 59 square metres (1 bedroom, 2 bed-spaces).

Unit 3 = 72 square metres (2 bedroom, 4 bed-spaces).

Unit 4 = 44 square metres (1 bedroom, 1 bed-space).

Unit 5 = 50 square metres (1 bedroom, 2 bed-spaces).

Unit 6 = 50 square metres (1 bedroom, 2 bed-spaces).

Unit 7 = 50 square metres (1 bedroom, 2 bed-spaces).
Unit 8 = 45 square metres (1 bedroom, 1 bed-space).
Unit 9 = 40 square metres (1 bedroom, 1 bed-space).
Unit 10 = 50 square metres (1 bedroom, 2 bed-spaces).

The proposed units comply with the minimum gross internal areas stated in Policy DE3 of the Local Plan.

Policy DE3 of the Local Plan states that a minimum of 10 square metres of outside space should be provided per flat. The submitted plans indicate outdoor amenity spaces for Units 1 and 2, but the remaining units do not have any element of private or communal outdoor amenity space. It is considered that the site is within close proximity to public open spaces as such Queens Park (approximately 480 metres away), as well as Torbay Park and Paignton Sea front (approximately 800 metres away). The nearby locations of the public open spaces are considered to be sustainable. Given the Council's depleting housing land supply, when weighing up the material considerations, it is considered that the principle of development outweighs the lack of outdoor amenity space.

Each of the habitable rooms proposed within the development are served by sufficient window openings to allow for sufficient outlook and light and as such is considered to offer a good standard of internal amenity for future occupiers.

An objector has raised concerns regarding the impact the proposal would have on the privacy of adjacent neighbours. The proposal introduces fenestration to the rear façade of the building on the lower and ground floor levels and introduces roof lights to the front and rear roof planes. Given the siting, scale and design of the proposal in relation to adjacent neighbours, it is considered that the proposed development would not have a detrimental impact on the amenity of neighbours, in terms of their outlook, privacy, or access to natural light.

The proposal is considered to comply with Policy DE3 of the Local Plan.

4. Impact on Highway Safety

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA1 sets out promoting improvements to road safety. Policy TA2 of the Local Plan states all development proposals 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. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy PNP1(d) of the Paignton Neighbourhood Plan states that new residential development should aim to achieve where appropriate and subject to viability space for solid waste

storage within the curtilage and purpose designed cycle parking space that is covered, safe and convenient.

The proposal retains its vehicular access to the rear of the site which is accessed from an un-adopted service lane. Objectors have raised concerns regarding traffic and access. The proposal includes six parking spaces for the flats, therefore there would be a deficit of five off-street parking spaces (1 parking space per flat, plus 1 visitor parking space). However, the Council's Highways Engineer has been consulted on this application and has stated that the site is in very close proximity to Paignton Town Centre and is likely to have generated more trips as a NHS health clinic. It is considered that the site is in a sustainable location on the cusp of Paignton Town Centre and in close proximity to Paignton Train Station (0.2 miles) and Paignton Bus Station (0.2 miles). It should be noted that adjacent to the public transport provisions are Great Western Pay & Display Car Park and Station Lane Pay & Display Car Park. Therefore, the shortfall of off-street parking onsite is considered to be adequately mitigated. A planning conditions is recommended to secure the parking provision, subject to this the proposal is considered to comply with Policy TA3 of the Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan.

Appendix F of the Local Plan also stated that provision of one bicycle storage space should be provided per flat. The proposed site layout indicates covered and secure bicycle storage to the rear of the site that can accommodate up to ten bicycles. A planning condition is recommended to secure the provision of bicycle storage.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes.

The Council's Waste Client Manager was consulted on the application and raised concerns regarding the originally submitted plans indicating the waste and recycling storage to the rear of the site due to the un-adopted highway. However, given the concerns raised the applicant has relocate the refuse and recycling storage to the front of the site to be accessed from Midvale Road and to enable the waste and recycling to be collected by the local authority waste collector. A planning condition is recommended to secure the waste and recycling storage. Subject to the aforementioned planning condition, the proposal is considered to comply with Policy W1 of the Local Plan.

5. Trees

Policy C4 of the Local Plan states that development will not be permitted when it would seriously harm, either directly or indirectly, protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape,

historic or nature conservation value. Policy C4 goes on to state that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

The site is located within Old Paignton Conservation Area, which affords statutory protection to the trees on site. Objectors have raised concerns regarding trees and wildlife. The Council's Senior Tree and Landscape Officer notes that there is a significant tree sited in the north-west corner of the site. The rear of the site is to be retained for parking, the Officer has stated that if the parking area is to be upgraded then an assessment would need to be made regarding the impact of any works to the parking area would have on the tree. The applicant has confirmed that the existing carpark will remain in its existing form and therefore there will be no change to the surface, only the line work will alter. It is considered that some of the proposed parking spaces are within the crown spread of the tree, therefore a planning condition is recommended that should any works be undertaken to the car park that a methodology of construction works are to be agreed which includes hand digging only to protect the roots of the tree and to ensure a permeable surface treatment is used. Subject to the aforementioned planning condition, the proposed development is considered to comply with Policy C4 of the Local Plan.

6. Flood Risk and Drainage

Policy ER1 Flood Risk of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. Policy PNP1(i) of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy. Policy PNP15 of the Paignton Neighbourhood Plan states that development proposals must comply with all existing flood risk policy requirements.

The site is located within the Critical Drainage Area and an area of surface water flooding. The application is accompanied by a Flood Risk Assessment. Due to initial comments received from the Council's Drainage Engineer, the applicant has submitted further information to address the concerns raised with regards to the surface water flood risk. The Council's Drainage Engineer has concluded that providing the development is undertaken in accordance with the submitted site specific flood risk assessment and all of the proposed flood mitigation measures are incorporated into the development, there is no objection to the proposal.

Subject to the use of a planning condition to secure the proposed flood mitigation measures and to accord with the submitted site specific flood risk assessment, the proposal is considered to be in accordance with Policy ER1 of the Local Plan and Policies PNP1(i) and PNP15 of the Paignton Neighbourhood Plan.

7. Affordable Housing Contributions

The proposal falls below the threshold for affordable housing contributions as outlined in Policy H2 of the Local Plan which seeks affordable housing contributions on brownfield sites of fifteen dwellings or more.

8. Designing Out Crime

Policy SS11 of the Local Plan states that part of the criteria development proposals will be assessed against includes whether the proposal helps to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict. Policy PNP1(g) of the Paignton Neighbourhood Plan states that all developments will be expected to show how crime and the fear of crime have been taken into account in the proposals submitted having regard to “Designing Out Crime” Guidance.

The Police Designing-Out Crime Officer was consulted on the application and has made recommendations intended to ensure that the proposal would be adequately designed to prevent opportunities for crime and anti-social behaviour. Officers recommend the use of a planning condition to secure a scheme of crime prevention measures. Subject to the use of this planning condition, the proposal is considered to be in accordance with Policy SS11 of the Local Plan, and PNP1(g) of the Paignton Neighbourhood Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The proposal will include bicycle storage, and the proposed development is in a sustainable location inasmuch as it would make use of an existing building within the existing urban area and is located in close proximity to local amenities and good public transportation links.

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

S106:

Not applicable.

CIL:

The land is situated in Charging Zone 1 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £30/sqm. An informative can be imposed, should consent be granted, to explain the applicant's/developer's/landowner's obligations under the CIL Regulations.

EIA/HRA

EIA:

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

HRA:

Not applicable.

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.

Conclusions and Reasons for Decision

The proposal on balance is acceptable in principle; would not result in unacceptable harm to the character of the area, heritage assets, or local amenity; would provide an adequate standard of living accommodation and provide acceptable arrangements in relation to access and flood risk. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning and Transport.

Conditions

Window and Door Details

Prior to the installation of the windows and doors the following shall be submitted to and approved in writing by the Local Planning Authority, which seek to respond to the positive aspects of the local prevailing character of the area:

- Sections at a scale of 1:1 and elevations at a scale of 1:10, of all new windows and doors
- Reveal sections, drawn to a scale of 1:1-1:10
- Sill sections, drawn to a scale of 1:1-1:10

The development shall then proceed in accordance with the approved details and shall be carried out in full prior to the first occupation of the development.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the Old Paignton Conservation Area in accordance with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

Bats and Breeding Birds

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

Designing Out Crime

Prior to the first use of the development hereby approved, a scheme of measures for designing-out crime shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully installed prior to the first use of the development and shall be permanently retained thereafter.

Reason: In the interests of amenity and preventing opportunities for criminal activity, in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(g) of the Adopted Paignton Neighbourhood Plan 2012-2030.

Amenity Spaces – Garden Areas

Units 1 and 2 within the development hereby approved, shall not be occupied or brought into use until the amenity spaces detailed on the plan referenced "Proposed Layout" (plan reference "4013-101 C (inc layout)" received 16th April 2020) has been provided in full. These outdoor amenity spaces shall thereafter be retained for the occupiers of Units 1 and 2 for the life of the development.

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

Parking and Manoeuvring Provision

The development hereby approved shall not be occupied or brought into use until the parking spaces and manoeuvring area detailed on the plan reference "Proposed Layout" (plan reference "4013-101 C (inc layout)" received 16th April 2020) have been provided. These elements shall thereafter be retained for the life of the development and made available for use of the occupants of the development hereby approved only.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Adopted Paignton Neighbourhood Plan 2012-2030.

Bicycle Storage

Prior to the first occupation of the development hereby permitted, the bicycle storage shown on the approved plans (plan reference "4013-101 C (inc layout)" received 16th April 2020) shall be provided. Once provided, the agreed bicycle storage shall be retained and maintained for the life of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Adopted Paignton Neighbourhood Plan 2012-2030.

Refuse Storage

Notwithstanding the submitted refuse storage details, in particular the proposed timber cladding, shown on plan references "4013-102 B (inc sections)" received 3rd April 2020 and "4013-101 C (inc layout)" received 16th April 2020, prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling facilities according to details, including materials and a full set of suitably scaled elevational drawings, which shall previously have been submitted to and

agreed in writing by the Local Planning Authority. 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 Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

Tree Methodology

Works to the car park at any time following the commencement of development, including re-surfacing, that takes place within the crown spread of the Holm Oak tree sited in the north-west corner of the site shall only take place if details of the methodology of the proposed works have previously been submitted to and approved in writing by the Local Planning Authority. Such details will include the provision for hand-digging only within the crown spread of the tree. Development shall take place in accordance with the approved details

Reason: To protect trees in the interests of visual amenity in accordance with Policies DE1 and C4 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

Flood Risk Assessment

The development hereby approved shall be undertaken in full accordance with the submitted site specific flood risk assessment, including the flood mitigation measures contained within the site specific flood risk assessment referenced "P2020-0128-1 A", received 3rd April 2020. The flood mitigation measures shall be provided prior to the occupation of the development and shall be retained as such thereafter.

Reason: In the interests of flood safety and in accordance with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030, Policy PNP1(i) of the Adopted Paignton Neighbourhood Plan 2012-2030 and the guidance contained in the NPPF.

Electric Charging Point

Prior to the occupation of the development hereby approved, a scheme for the insertion of one electrical charging point to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The agreed electrical charging point shall be thereafter maintained and retained for the lifetime of the development.

Reason: To ensure the parking provision of the new residential units in accordance with the requirements of Planning Policy TA1, TA3 and Appendix F of the Adopted

Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Adopted Paignton Neighbourhood Plan 2012-2030.

Informative(s)

01. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.

02. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

03. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

04. Community Infrastructure Levy (CIL)

This development is liable for contributions under the CIL regulations to provide essential infrastructure to support development in the Borough.

CIL next steps required under the CIL Regulations 2010 (as amended):

Where planning permission has been granted for development, the Council (as the collecting authority) requires the developer, landowner or another interested party to assume liability for the levy by submitting an assumption of liability form.

The Council, as the collecting authority, will then as soon as reasonably practicable, issue a Liability Notice to the applicant, the developer, and/or whoever has assumed liability for the scheme, which sets out the charge due and details of the payment procedure.

Any claims for exemption or relief can only be considered from parties who have already assumed liability, prior to commencement of development.

The relevant liable person(s) must then submit a notice to the Council setting out when development is going to start - a Commencement Notice. The Commencement Notice must be submitted to the Council for their written acknowledgement at least 48 hours prior to the start of any development on the site. No development must commence without written acknowledgement of receipt of a Commencement Notice.

The Council will then issue a demand notice to the landowner, or whoever has assumed liability, setting out the payment due dates in line with the payment procedure. On receipt of the demand notice and commencement of the development, the landowner, or whoever has assumed liability, should follow the correct payment procedure.

Failure to inform the Council of Commencement or to follow the CIL process and payment procedure correctly may result in the addition of surcharges and/or late payment interest. It must be noted that it is an offence for a person to 'knowingly or recklessly' supply false or misleading information to a charging or collecting authority in response to a requirement under the levy regulations (Regulation 110 as amended by the 2011 Regulations).

Further CIL information and Forms can be found at <https://www.gov.uk/guidance/community-infrastructure-levy#forms-and-template-notices>

Relevant Policies

- C4 – Trees, Hedgerows and Natural Landscape Features
- DE1 – Design
- DE3 – Development Amenity
- ER1 – Flood Risk
- ER2 – Water Management
- H1 – Applications for New Homes
- H2 – Affordable Housing
- NC1 – Biodiversity and Geodiversity
- SS3 – Presumption in favour of Sustainable Development
- SS10 – Conservation and the Historic Environment

SS11 – Sustainable Communities

TA1 – Transport and Accessibility

TA2 – Development Access

TA3 – Parking Requirements

W1 – Waste Hierarchy

PNP1(c) – Design Principles

PNP1(d) – Residential Development

PNP1(g) – Designing Out Crime

PNP1(i) – Surface Water

PNP12 – Getting Around

PNP15 – Flood And Sea Defences