

Friday, 3 March 2023

PLANNING COMMITTEE

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

Monday, 13 March 2023

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Pentney (Chairman)

Councillor Dart

Councillor Barbara Lewis

Councillor Dudley (Vice-Chair)

Councillor Manning

Councillor Hill

Councillor Mills

Councillor Kennedy

Councillor Jacqueline Thomas

Together Torbay will thrive

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Governance Support, 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. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 13 February 2023.

(Pages 5 - 7)

3. **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.)

4. **Urgent Items**

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

5. **Land To The South Of White Rock, Adjacent to Brixham Road, (Inglewood, Paignton) - P 2022 1119**

(Pages 8 - 53)

Major Reserved Matters application relating to outline consent P/2022/0112 for approval of (i) layout, (ii) scale, (iii) appearance, (iv) landscaping for the construction of 373 dwellings (Use Class C3), provision of serviced land for primary school and nursery school, internal access roads including vehicular and pedestrian/cycle access, the provision of public open space (formal and informal) and strategic mitigation.

6. **Former St Kilda's Residential Home - P/2021/0531**

(Pages 54 - 86)

Partial demolition of existing care home and development of 23 'later living' flats with associated parking; change of use of retained

villa to single dwelling (24 units total), and minor works to retained villa.

7. Former St Kilda's Residential Home (Listed Building Consent) - P/2021/0532 (Pages 87 - 95)

Listed Building Consent relating to - partial demolition of existing care home and development of 23 'later living' flats with associated parking; change of use of retained villa to single dwelling (24 units total), and minor works to retained villa (P/2021/0531/MPA).

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.

We are trialling hybrid meeting arrangements to give registered speakers the opportunity to either attend the meeting in person to give their views or to attend the meeting remotely via Zoom. If you would like to attend the meeting remotely to speak you will be provided with a Zoom link to join the meeting. We also ask that you provide a copy of your speech to governance.support@torbay.gov.uk, before 11 am on the day of the meeting, so that the Clerk will be able to continue to read out your speech if you lose connection or cannot be heard in the physical meeting. Remote attendees who lose connection may still be able to follow the meeting via the live stream on the Council's YouTube channel.

Councillors who are not members of the Planning Committee will also be able to join the meeting via Zoom and must use their raise hand function to declare any interests.

Site Visits

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 8 March 2023. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Meeting Attendance

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

Live Streaming

To encourage more people to engage in our public meetings the Council is trialling live streaming our Planning Committee meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

Minutes of the Planning Committee

13 February 2023

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley (Vice-Chair), Hill, Kennedy, Barbara Lewis,
Jacqueline Thomas

(Also in attendance: Councillors Barrant and Chris Lewis)

35. Apologies for absence

It was reported that, in accordance with the wishes of the Independent Group, the membership of the Committee had been amended to include Councillor Brown in place of Councillor Mills.

36. Minutes

The minutes of the meeting of the Committee held on 16 January 2023 were confirmed as a correct record and signed by the Chairman.

37. Land North of Totnes Road, Collaton St Mary, Paignton (P 2022 0888)

The Committee previously considered the application for reserved matters on 16 January 2023 relating to P/2019/0281 (Up to 100 dwellings) - in respect of layout, scale, appearance; and landscaping. The application was deferred so that further information and clarity could be provided in relation to ecology, drainage, and highways/parking matters.

At the meeting the Planning Officer advised that the County Ecologist confirmed that the documents submitted with the reserved matters application were sufficient; that the conditions placed on the outline consent ensured compliance with the approved documents and that no further ecological conditions were required at reserved matters phase.

In respect of drainage matters, the Planning Officer confirmed that the developer had submitted drawings and hydraulic calculations for the surface water drainage system including private drainage. The drainage engineer had confirmed that the surface water drainage system was acceptable and had been designed in order that no properties on the development site or any properties or land adjacent to the development site were at risk of flooding for the critical 1 in 100 year storm event plus 50% for climate change. The attenuated system would provide a controlled discharge

rate to a designated sewer, with discharge into the Yalberton watercourse. As the surface water run-off from the proposed development was likely to impact on the Yalberton watercourse within the flood alleviation scheme, a contribution to the funding for the flood alleviation scheme would be secured from the developer through a Section106 legal agreement in the sum of £91,500.

The Planning Officer also advised that the Highway Authority had confirmed in writing that the development did not require emergency access to accord with the adopted highway design guide, although the Planning Officer highlighted that there was an ambition to create a link to Borough Park Road for emergency access if required for further development. Revised plans had been received following confirmation from the Highway Authority as to the extent of the highway adoption regarding the east – west links and a request that assigned spaces were removed from the plans. A pedestrian/cycle link at the eastern edge of the site was now included. The Highway Authority had also confirmed the required size of streetside parking spaces on the southern road and the extent of suggested adoption and revised plans reflected that request. Parking spaces had been revised to ensure that dwellings 8 to 11 had two parking spaces and that all dwellings had access to electric charging points in accordance with the Local Plan. The Highway Authority had asked for a financial obligation to facilitate the offsite link to the east of the site towards Borough Park Road and confirmation had been received from the applicant that they were willing to secure the obligation through a Section106 legal agreement in the sum of £25,000.

At the meeting Mr Graham White addressed the Committee against the application. Mr Andrew Rowe addressed the Committee in support of the application.

Resolved (unanimously):

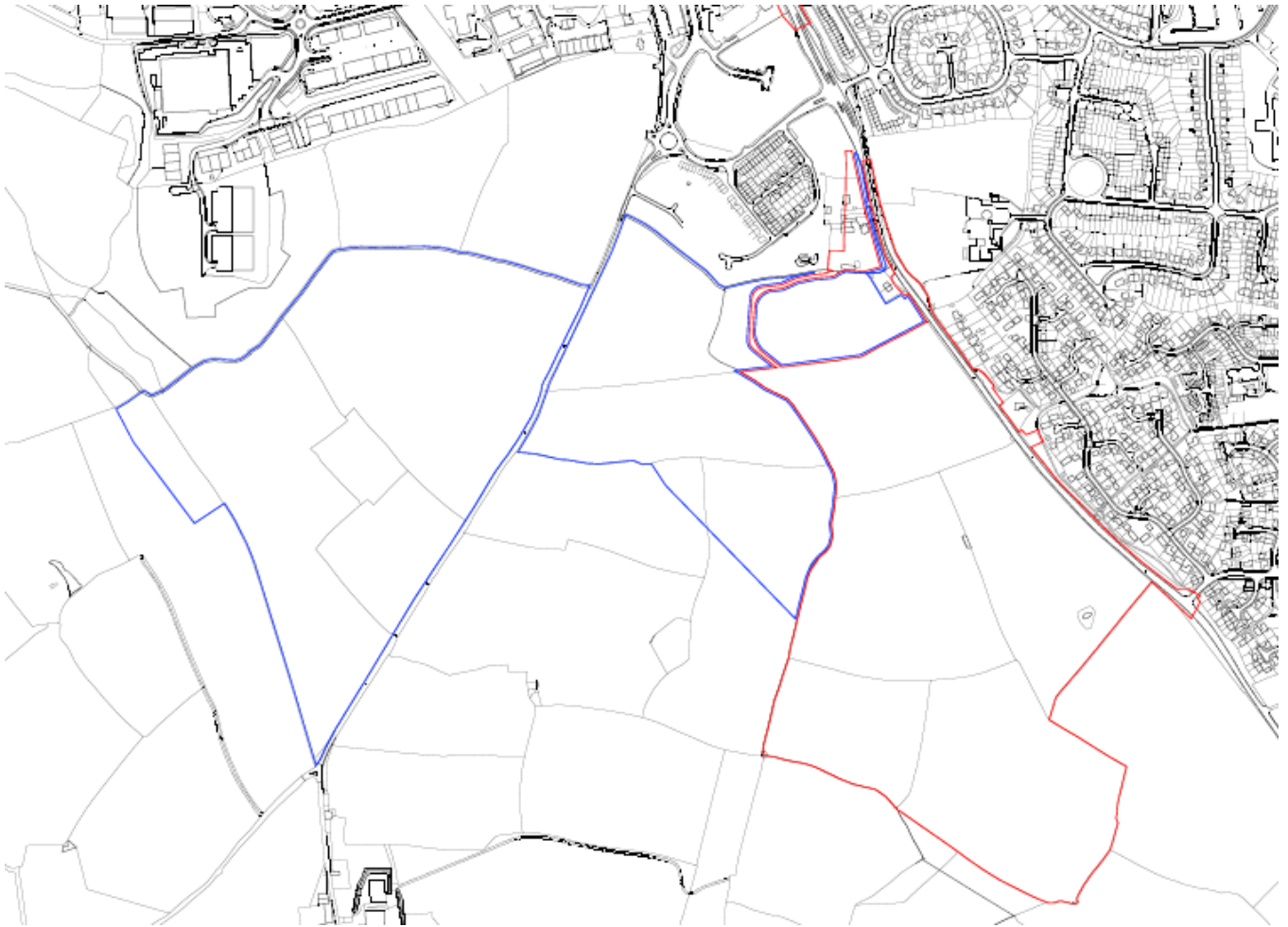
Approved subject to:

1. Section106 legal agreement to deliver:
 - (i) flood alleviation works obligation of £91,500, for works to the Yalberton Watercourse; and
 - (ii) obligation to secure £25,000 for works to deliver a connected pedestrian/cycle link to Borough Park Road;
2. conditions as outlined in the submitted report, with amendments as identified above and final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;
3. upon completion of the approved drainage works on site, the Lead Flood Authority will inspect the works to confirm that they comply with the approved scheme; and
4. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Chairman

Application Address	Site	Land To The South Of White Rock, Adjacent to Brixham Road, AKA Inglewood, Paignton
Proposal		Major Reserved Matters application relating to outline consent P/2022/0112 for approval of (i) layout, (ii) scale, (iii) appearance, (iv) landscaping for the construction of 373 dwellings (Use Class C3), provision of serviced land for primary school and nursery school, internal access roads including vehicular and pedestrian/cycle access, the provision of public open space (formal and informal) and strategic mitigation.
Wards		Churston with Galmpton, Collaton St Mary
Application Number		P/2022/1119
Applicant		Persimmon Homes Cornwall and Devon
Agent		Blue Fox Planning
Date Application Valid		28.10.2022
Decision Due Date		27.01.2023
Extension of Time Date		31.03.2023
26 Week Expiry Date		21.04.2023
Recommendation		Approval: Subject to: <ol style="list-style-type: none"> 1. The final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency. 2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee		Major Development.
Planning Case Officer		June Pagdin

Site Location



Site Details

The application site measures approximately 31Ha of previously agricultural land on the west side of Brixham Rd just south of White Rock on the western edge of Paignton/Broadsands. The site has outline planning permission (P/2017/1133) for "residential led development of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation"

The boundaries of the application site are defined by existing hedges. The eastern boundary runs along the edge of Brixham Road and comprises hedgerow and trees adjacent to the highway verge. On the opposite side of Brixham Road is the residential area of Steed Close. These dwellings are generally set back from the road behind front gardens and a landscape strip of mature trees and grassed slopes.

The western boundary of the application site is defined by a hedge-bank with fields beyond. To the west of the site the fields are in agricultural use and include ecological mitigation works and farming practices that support wildlife, including the protected species of Greater Horseshoe Bats and cirl buntings.

To the north of the site is an open space containing woodland planting, which is provided as part of the White Rock development. A triangle of land east of Limekiln Close is included in the application site. A pedestrian/cycle route is required to be provided (further to the outline permission) through the north of the site to link with residential roads in White Rock. To the south are open fields which separate the site from Galmpton village.

The access roundabout from Brixham Road is under construction but is not yet connected to the highway. The site construction access uses a previous field entrance from Brixham Road. The roundabout and associated public highway works were the subject of the outline planning permission. There is a no pedestrian access at present.

In the Torbay Local Plan, the site is identified as a country park and mineral reservation area. However, outline planning permission for 373 dwellings, a school and a public house was granted on appeal (P/2017/1133) and the allocation is under assessment in the current HELAA exercise for the Local Plan Review.

In terms of other relevant context, the site slopes down to the south and west and is in Flood Zone 1. The South Devon AONB boundary runs along Stoke Road, approximately 700m to the south west of the west boundary of the site.

Background to this application

This is a Reserved Matters application seeking approval for the layout, scale, appearance and landscaping for 373 dwellings. This application is further to the grant of outline consent under application reference P/2022/0112 for up to 373 dwellings (a s73 Variation of application P/2017/1133). The outline consent required ecological mitigation works to be undertaken prior to development and these have been installed and relevant detail agreed.

The Reserved Matters application does not amend the quantity of development nor affect the principle of the development, which has already been allowed. Nor does it relate to the details of the public highway and access works, which were approved under the outline permission.

The outline consent attached conditions which required the following details to be submitted with the Reserved Matters applications:

Standard reserved matters (condition 2) :

Layout
Scale of development
Appearance of development
Landscaping

Additional ones:

Sustainable Construction (Condition 4)
Phasing (Condition 5)
Play areas (Condition 6 & 7)
LEMP (Condition 8)
Bus Stop Infrastructure (Condition 22)
Adoptable highway network (Condition 23)
Details of position of EVCPs (Condition 28)
Cycle Parking and bin storage for waste and recycling (Condition 32)
Position of school site (Condition 33)

Therefore, these matters are relevant to this Reserved Matters application.

Matters to be **considered before commencement of the residential development** are set out below. Full details of these are not required in the RM application. Where indicated the framework and parameters are set out in the approved documents of the outline permission.

Tree Protection Plans (Condition 11)
Habitat box and information board details (Condition 14)

Lighting scheme for each phase (Condition 16 Framework agreed. However, the applicants have submitted a lighting strategy setting appropriate parameters for further details)

Construction Environment Management Plan. (Condition 17)

Construction Management Plan and (Condition 18)

Archaeology (conditions 19 & 20 details agreed)

Drainage for each phase, (Condition 35 Framework agreed. However, the applicants have submitted details for the first phase of 50 dwellings at the request of TC Drainage Engineer)

Foul Sewerage (Condition 36)

Soil Assessment (Condition 38 Framework Agreed)

Waste Audit and Management Plan (Condition 39)

Matters to be **considered before occupation of the development** include:

Ecological Monitoring Strategy (Condition 15) (Subject of current Discharge of Condition application).

Completion of site access and Highway Works (Conditions 21 and 27 as approved plans)

Roads shall be built to Adoptable standard (Condition 24)

Provision of Northern Access Route (Condition 25 as approved plan)

Safe Pedestrian Routes to School - Details and Provision (Condition 26)

Travel Plan (Condition 30)

Provision of car parking (Condition 31)

Provision and specification of Countryside Access Route (Condition 34 as approved plan)

Therefore, the full details of these matters are **not** the subject of the RM application although, as indicated above, the framework and parameters are set out in the approved documents/plans of the outline permission.

The highway works are not part of this application. The outline consent granted planning permission for details of the access from Brixham Road (A3022) with proposed highway works to widen Brixham Road and alter nearby junctions. Some amendments to the design of road widening and junction works were the subject of a s73 Variation permission (P/2022/0112). The on-site roundabout and highway works are currently under construction. Implementation of works to provide pedestrian crossings and widen and raise Brixham Road are the subject of a s278 agreement, which also includes alterations to Long Road and Windy Corner junctions.

Proposed Development

In accordance with the outline consent, the Reserved Matters proposal is for 373 dwellings offered in a layout and form that accords with the indicative plans and Urban Design Regulatory Framework submitted and considered at outline stage (as required by condition 2 of the outline permission). The proposal includes the provision of 112 affordable units in accordance with the outline consent and s106 agreement.

The proposed layout respects the indicative layout presented at outline stage (Urban Design Masterplan (Rev A)) with the approved access roundabout providing three arms into the site, a loop road, four residential character areas, informal public open spaces, three equipped play areas (1 NEAP and 2 LEAP's), a trim trail, allotments, a "Countryside Access Route" that runs around the site and links into a woodland walk footpath to the north and a "Northern Access Route" to provide a foot/cycle link to White Rock.

The submitted Phasing Plan (Drawing No 0758-116-3-A) proposes the following:

Phase No	Dev't Construction Timing	Development - No of Units	Total No of Units	No. of affordable units	Open Space
1	2023-2024	Loop Rd, Foot-cycle connection to toucan crossing			
1	2023/2024	Orchards (70) and small part of Walks (6) Bus Stop Area	76	6 (AR)	NEAP Allotments Orchard Trim Trail (part)
2	2025	Remainder of Walks (131) [Includes 24 flats previously in QE]	131	66 (27 SR) (11 AR) (28 INT)	LEAP Trim Trail (part)
3	2026	Nords (54) and Quarry's Edge part (59)	113	16 (2 SR) (10 AR) (4 INT)	LEAP Trim Trail (part)
4	2026-2027	Remainder of Quarry's Edge (53)	53	24 (8SR) (10 AR) (6 INT)	Informal Park Trim Trail (part)
Total			373	112	

The layout also identifies land for the school and a pub/restaurant but does not include details of those elements of the proposal, which will need to be the subject of separate Reserved Matters applications. For information, the extent of school land is the subject of condition 33 of the outline permission and the s106 secures provision of the land upon occupation of 150th dwelling.

The built form varies from one to three-storeys high with pitched roofs in accordance with the indicative plans in the Urban Design Regulatory Plan (rev A) further to Condition 2 of the outline consent.

The 30 apartments are in two 3-storey blocks (24 and 6). The houses are in a combination of detached, semi-detached and short terraces through the scheme. Open market housing presents a mix of mostly 2, 3 and 4 bed units but also a few 5-bed units (13) and 1 bed units (20). The Affordable Housing units are a mix of 1-4 bed units.

Materials are varied through the scheme using natural stone, reconstructed facing stone, coloured render, brick plinths and panels of timber cladding. Roofs are slate and brown and grey concrete roof tiles. Stone is detailed on the principal elevations of buildings that are most visible from outside the site from the west, the south and from the roundabout access. Condition 2 of the outline consent required the palette of materials to be recessive and 25% of buildings to be stone (93). The proposal has 50% of dwellings faced with stone: 16% Yennadon and 35% Olde Heather.

All dwellings are supported by parking which is a combination of driveway, garages, courtyard and off-street facilities. Cycle storage and bin stores are provided for each property.

Relevant Planning Policy Context

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

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Brixham Peninsula Neighbourhood Plan (BPNP) and
- The Adopted Paignton Neighbourhood Plan (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

Applications

P/2017/1133: Outline application for residential led development of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation. The proposal includes amendments to Brixham Road, Long Road junction and Windy Corner junction. Details of access to be determined with all other matters reserved. Refused. Allowed on Appeal 26.04.2021. Subject to Legal Agreement.

Ecological Mitigation Phase

CN/2021/0073: Discharge of Conditions 9, 13, 18, 19, 20 relating to ecological mitigation works. Approved 23.12.2021.

CN/2021/0080: Discharge of Conditions 5, 12, 17 relating to ecological mitigation works. Approved 18.01.2022.

CN/2021/0086: Discharge of Conditions 11, 14, 33, 35, 36, 38, 39 relating to ecological mitigation works. Approved 18.01.2022.

CN/2021/0095: Discharge of Condition 19. Approved 17.12.2021.

CN/2021/0101: Discharge of Condition 8 relating to ecological mitigation works. Approved 07.01.2022.

CN/2022/0003: Discharge of Condition 11 relating to Highway preparation works. Approved 04.02.2022.

P/2022/0243 NMA: non-material minor amendment to condition 33 (phasing of identification of school land). Approved 08.04.2022.

Highways Phase

P/2022/0112: Variation of Appeal Conditions relating to application P/2017/1133 MOA.

Conditions: 1 - Approved Plans, 9 - Landscaping Scheme, 13 - Ecology Land Management, 14 -

Details of Habitat Boxes & Wildlife Info Boards, 21 - Works to Public Highway, 27 - s278 Agreement, 33 - Identification of School Land/Playing Fields. Approved xx.05.2022.

CN/2022/0079: Discharge of conditions relating to P/2017/1133. Conditions: 9 - Landscaping Scheme, 11 - Tree Protection Scheme, 17 - Construction and Environmental Management Plan, 18 - Construction Method Statement and 35 - Surface Water Drainage Scheme. Approved 15.09.2022 (relating to Highway Works phase).

CN/2022/0147: Discharge of conditions relating to P/2017/1133. Condition 18 - Construction Method Statement for Highway Works phase. Extension of hours of work: to 9pm on ten x weekdays and to 6pm on 13 x Saturdays. Approved 05.01.2023.

Residential Phase

CN/2023/0007: Discharge of conditions Condition: 15 Ecological Monitoring Strategy. Under consideration.

CN/2023/0009: Discharge of conditions Condition: 17 Construction and Environmental Management Plan. Under consideration.

CN/2023/0014: Discharge of conditions Condition: 18 Construction Method Statement. Under consideration.

Pre-Application Enquiry

DE/2022/0066: Scheme proposals for reserved matters. Design comments provided 26.08.22 and advice (22.09.22) and ongoing.

Related Design Review Panel

June 2022 DRP (Pre-application DE/2022/0066):

Summary of key points:

The work presented is at a very early stage therefore comments are at a strategic level. Normally expect a second review before detail is concluded. The location ought to be able to support high quality housing well beyond the usual expected product to provide a new benchmark for the company's portfolio.

The firm recommendation for Design Codes was not pursued. The street-types and character areas could still be given stronger and additional definition to address fundamental observations below.

The RM's need to be based on a renewed and positive vision building on the achievements of ecological mitigation works and secure very best outcomes, not just satisfactory ones.

There appears to be a gap between the analysis of the site and the vision projected for the development - the essential proposition needs to be rural rather than suburban.

Character and Identity

Character areas are not strongly or coherently established. The majority of buildings appear to be finished in render. Layout in different areas could use different plot enveloping and parking accommodation and parking/dwelling relationship. Street character and public place making is a more profound generator of character than a series of individual dwelling treatments.

The character areas can be variations on an overall general identity – requires a careful balance. A Design Code could achieve this and ensure later variations and alterations are in keeping (NPPF para135).

Pantiles and plain tiles are not typical of South Devon. Slates – will they be natural or tiles and where sourced from. Rendered surfaces deteriorate (see White Rock) how will this be prevented?

Layout

Pedestrian and cycle permeability needs to be maintained and clear priority made for Active Travel. Dwellings need to achieve surveillance of perimeter footpath. School land requires access from west side as well as east side.

Particular Locations

Site entry -family pub needs to relate to pedestrian access from south. Bus stop area and roundabout requires robust handling.

South West corner breaks out from hedgerow and gives views to south. The outlook over pastoral landscape should be maintained (not screened out by trees or marred by attenuation tanks).

Landscape:

Access for maintenance of hedgerows and mature trees needs to be considered where gardens back onto them.

Avenues and street trees will need space within the layout, coordination with underground services and root protection.

Well-designed contemporary housing needs to address climate emergency through orientation and fenestration design, insulated fabric and shading. Is renewable energy considered?

Hope the project reaches a successful conclusion with climate conscious and locally sensitive design in a relevant contemporary way. Aim for quality commensurate with exceptional location.

Summary of Representations

Neighbour letters were sent on 7th November 2022. Site Notices and a Newspaper Advertisement were displayed on 9th November 2022.

66 letters citing objections have been received. The summary of concerns is as follows;

Reasons for objection relevant to this Reserved Matters application for layout, scale, appearance and landscaping:

- Effectiveness of flood prevention measures
- Care taken over house design will be obscured by parked cars
- Layout for cyclists and pedestrians needs to be maintained
- Landscaping green features will need to be maintained
- Spacing of buildings looks better than adjacent development
- No attempt to build green homes – no solar panels/heat pumps/water tanks to save water
- Ecological impact
- Site should provide more social housing

Reasons for objection not related to this Reserved Matters application:

- Road closure during highway works will have severe adverse impact on local residents and businesses, schools, college, emergency vehicles, tourism, fish industry
- Local utilities affected during road works
- Not appropriate location for major housing – will strangle Brixham.

- Brown field sites should be used for new housing
- Loss of agricultural land, countryside and wildlife habitat
- Number of houses will generate more cars than roads can accommodate
- Temporary road across the site is needed.
- Access should be from Waddeton Road not Brixham Road
- Roads will be over-loaded and additional traffic will increase rat-running
- Please address flooding on Brixham Road
- Contrary to Neighbourhood Plan designation
- Traffic impact counter to climate change pledges
- Effectiveness of sewerage system and flood prevention
- Medical facilities (GP's and dentists) in area are over-stretched
- New medical services needed in place of a pub
- Sewage system in the area cannot cope with more houses
- Concern over outcome of planning appeal for original application.

Summary of Consultation Responses

Broadsands, Churston and Galmpton Neighbourhood Forum: No formal response received

Paignton Neighbourhood Forum: No response received

Brixham Town Council:
No comments.

South Hams AONB Office: No objection to the proposed development. However, expressed concern over length of time of road closure and impact on traffic requiring access to Kingswear Parish.

Torbay Council Housing Strategy – Affordable Housing Officer

The applicant is proposing 112 affordable units, which is just over 30% of the total. Tenure-wise these dwellings are split as near as possible on a one third social rent, one third affordable rent and one third shared ownership basis. This is consistent with Policy H2 and the section 106 agreement governing the site.

There is a good mix of house types and I am generally comfortable with the clustering of the affordable units across the site. The affordable apartments may be better suited across two distinct blocks. However, if effective management arrangements are in place, then one block is acceptable. I would propose a specific letting plan for the apartment block to be agreed between TC Housing and the Registered Provider. This could be added to the Affordable Housing Statement for clarity (NB no need for this to be conditioned).

Accessibility Standards: Policy H6 and the s106 stipulate that 5% of the affordable dwellings shall be adapted dwellings and this is re-iterated within the Affordable Housing Statement. It is not clear which units are proposed as adapted dwellings and we would welcome further input within the detailed design stage to review and clarify these requirements as per the s106.

A schedule of Adaptable units was submitted.

Reconsulted 13.02.23

Response received 24.02.2023. The applicant has provided an adapted housing schedule (0758-102B) within submission documents and identified within the revised plans (0758-112-1/2

B). This provides for adapted 19 dwellings which is just over 5% of total dwellings and therefore compliant with Policy H6.

Ecology Advisor (Devon County Council)

Received 09.12.2022.

Required further information regarding i) hedgerow to west of school land, ii) the extent of buffers for the dark corridors (bat flight zones) iii) extent of light spill to meet 0.5lux criteria from internal and external sources, iv) a CEMP will be required - shall include details of ecologist watching brief during habitat clearance and tree protection measures, v) wildlife habitat info (bat and bird boxes and information boards to be provided (required prior to occupation by Cond 14 of outline permission) and hedgehog boundary gaps in a boundary plan, vi) a CB and GHB monitoring strategy will be required (prior to occupation under Cond 15 of outline permission).

Reconsulted. Revised comments received 01.02.2023. No objection. Hedgerow to west of school is adequately detailed on the submitted Landscape Plan (Ref. Public Open Space P22-1449_EN_002_11-A). The submitted lighting strategy sets parameters that accord with what was agreed at outline stage. I am happy with this and look forward to commenting on conditions 16 (Lighting), 17 (CEMP), 14 (Habitat Boxes and Information Boards) and 15 (Ecological Monitoring strategy) when they come in for discharge.

Natural England

No objection subject to lighting scheme. The submitted LEMP is consistent with the principles established in the Framework LEMP (March 2018) further to condition 8 of the outline decision. However, further information is required - lighting contour mapping (0.1lux intervals) including vertical plane and sample intervals of 200mm on an OS map backdrop. (These to be addressed through discharge of condition 16 of the outline permission).

Historic England

Advise seeking the views of your specialist conservation and archaeological advisers and to refer to HE's published advice.

Historic Environment Advisor (Devon County Council)

No objections or archaeological issues.

Highway Authority (Swisco)

Received 14.12.22

Details of site access, trip generation and impact on highway network capacity have been reviewed by the Highway Authority and approved as part of the outline planning permission (P/2017/1133) and Variation of condition application (P/2022/0112).

Car parking requirements of 2 spaces per house and 1 per flat result in requirement for 722 spaces -926 are provided (garages and open spaces) including 81 visitor spaces. Electric Vehicle charging points are required. Garages must meet dimensions set out in Appendix F of the TLP. Details of cycle parking will need to be secured for houses and flats without garages.

The submitted refuse management plan, swept paths and road adoption plans are acceptable.

Pedestrian and cycle routes connect to existing networks on Brixham Road including a toucan crossing and three uncontrolled crossing points.

Reconsulted on revisions received Jan/Feb 2023.

Reconsulted 13.02.2023. No further comments received.

Green Infrastructure Manager (Swisco) Arboricultural Officer:

The Tree Report (EV 377-4-1 AMS) is satisfactory. Recommends a compliance condition for the report and associated documents that it refers to (eg Tree Protection Plan).

The landscape scheme appears to cover the Public Open Spaces and roadside with detail for the individual plots is to be considered in due course. [These are in the Character Areas Landscaping Plans].

In principle there are no overriding objections. However, concerns are raised over the potential for the street trees and trees in areas of hard standing to become fully established and fulfil their life expectancy. Recommends a Tree Method Statement for street trees.

Detail will be required on the necessary engineered underground system that will be suitable and sufficient to accommodate the necessary rooting volume to allow the roots of the trees to exploit and a programme of establishment for 5 years that will ensure the planted stock is maintained and that any dead, dying or diseased stock is replaced. (in addition to the Landscape Environmental Management Plan).

Swisco have commented that if Council collection and maintenance services are to be used, standard litter bins and benches should be installed with a general principle of 'less is more' with a strategic approach to bin placement.

Landscape Consultant

The Appeal decision accepted a degree of landscape and visual impact on the local and wider landscape and setting of the South Devon AONB. The conditions on the consent included a suite of measures to mitigate the effects as far as possible: sensitive lighting, materials, layout, building heights and tree planting. The lighting strategy principles will need to be practically applied in the detailed lighting scheme (to be submitted further to condition 16 of the outline consent) with designs that provide safe highway lighting and do not affect deliverability of street trees. The external building materials to be used in the key areas are in muted or neutral tones. The colours of brick and how they will be applied to the dwellings/retaining walls will need to be clarified (bright red and black not suited to whole houses and high retaining walls). Sample panels of all façade materials should be secured through condition. The variation and texture of the proposed height, materials and layout contribute to a sensitive pattern of built form on the edge of Paignton. The updated photomontages show noticeable improvement from the outline stage. The reduction in street trees in Orchards and Nords results from practicalities of service strips for adoptable standards although some trees have been introduced on islands to break up the street scene. Planting within gardens of suitable species may be considered instead, although their long-term retention cannot be secured. Generally, tree species selection is good. Further to Arboricultural Team comments, the establishment of the trees (watering and protection/guards) will be key to success of landscaping. Question reinforced safety surfacing and recommend a more durable bound rubber. The submitted LEMP is acceptable subject to securing a time-schedule for management of the phases of the site, replanting of lost plants, a 15-year review, details of hedgerow laying and repair/replacement of damaged/faulty play equipment.

Waste and Recycling Officer (Swisco)

Would clarify that SWISCo will not drive on to unadopted highway to collect waste and recycling, unless an indemnity is in place. Comparing the adoption plan with the refuse strategy there are plot specific comments.

- i) Several collection points are shown as set back from the proposed adopted highway or on unadopted shared driveways. Residents need to put containers next to the adopted highway for collection so that collection vehicles can pull up alongside them.

- ii) Flats with shared bins the access between the adopted highway and the bin stores will need to be level with no steps as the bins will need to be wheeled to the vehicle and back to the store. A dropped kerb and level surface will be needed. Information of proposed stores and space available would be useful. Details of recycling and maintenance of bin stores should be provided before scheme is operational. Details of Management Committee/Company requested in case of collection problems.

Reconsulted

Response received 27.02.2023. There are a number of plots with collection points on private land. These would need to be repositioned adjacent to the highway.

Drainage Engineer (Torbay Development Agency):

25.Nov.22 - Requested additional information on surface water drainage for the houses, results of infiltration testing, manhole schedule, infiltration for permeable paving areas. Information should be provided prior to determination.

Reconsulted 13.02.23 Response received 24.02.23.

1. The surface water drainage for the first 62 properties on Phase 1 of the development have been designed in order that there is no risk of flooding to properties on the site or any increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change. Drawing number 40-18 revision 2 shows the surface water drainage for this section of the development (Plot Nos 1-56 and 100-105).
2. The developer is reviewing the surface water drainage design for the remaining 14 properties in Phase 1 of the development. Originally the developer proposed that surface water run-off from these properties would discharge to porous paving however, the developer is now proposing that the surface water run-off will discharge to soakaways. Infiltration testing in accordance with BRE365 have been carried out at the proposed soakaway locations and the developer is finalising the detailed design. The detailed design is due to be submitted next week and I will provide a consultation response to this design before the planning committee.

Based on the above comments, I can confirm that I have no objections on drainage grounds to planning permission being granted for the first 62 properties on Phase 1 of the development. I can confirm that the highway drainage serving the roads in Phase 1 is acceptable. Infiltration testing for the permeable paving areas of Phase 1 (14 units) are under review.

South West Water

South West water has no objection subject to the foul and surface water drainage being managed in accordance with the submitted drainage strategy.

National Grid

There are no National Grid assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry. Additionally, if the location or works type changes, please raise an enquiry.

Climate Emergency Officer

Questions working to part L Building Regs 2013 and not the latest update (June 2022). Is this to do with when the outline permission was granted? If not then they need to work, as a minimum, to 2022 standards.

Noted that in the report solar thermal and solar PV are recommended but don't appear in the final design (SAP reports). Policy ES1, as part of the energy hierarchy, requires the consideration of renewable energy. I would like to understand more why properties are not installing solar.

Also noted that gas boilers are also proposed in all homes. Nationally these are being phased out from 2025 in all new homes built and from 2035 you will no longer be able to buy gas boilers. Therefore, installing such technology now risks the home owner having to retrofit their home (at some cost) when these gas boiler break (~10yrs). If it is not possible to install heat pumps now, then can the homes be net zero carbon heat ready as per the forthcoming Future Homes Standard (coming 2025 for new homes)?.

Reconsulted on Revised Energy Statement (submitted on 17.Feb 2023). Welcome reference to updated Regulations and proposal to use renewable energy sources. No objection subject to condition securing details of renewables.

Police Designing-Out Crime Officer

Requested conditions over gates to private rear gardens being lockable from both sides, gates to be flush with building lines to prevent unnecessary recesses, access control and visitor door entry systems to be installed to the flats to allow residents to grant entry from their own property.

Raised design queries over surveillance of play area locations especially unit 261 and the Nords play area and kick about area and the allotments due to distance and vegetation screening.

Crime, fear of crime, ASB and conflict are less likely to occur if the following attributes of Crime Prevention through Environmental Design (CPTED) are considered in the design and layout of the proposed scheme.

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

Structure – places should be structured so that different uses do not cause conflict.

Physical Protection – rear boundary treatments height of 1.8m welcomed. They must also be robust. Where surveillance is required (eg around parking courts) reduce height to 1.5m with top trellis of 0.3 or 0.6m.

Rear hedges (eg plots 1-14) must also be robust to deter unauthorised entry and provide year round deterrence. While establishing, hedges should be reinforced by temporary (e.g. wooden) fences.

Access gates to the rear gardens are to be the same height of the rear boundary treatments of 1.8m. These also must be robust in construction and be lockable from both sides by means of a key for example. Recommend this is secured by condition in the interest of reducing and preventing crime and the fear of crime.

Where shared rear access footpaths are proposed, the entrance should be as near to the front of the building line as possible to prevent unnecessary recesses.

The gates to the maintenance corridors/ecology buffer zones should be lockable to prevent unauthorised access into these areas and to preventing access down the side and rear boundary treatments of the rear gardens.

Recommend a condition is in place for a door entry and visitor system at communal door entrances to the flats (plots 106 – 129 and 305 – 310). The use of a trades person or timed release lock would not be supported by the police due to evidence of anti-social behaviour and unauthorised access associated with these.

Recommend a communal mail delivery system is installed into the lobby area of the flats or externally at the front of the building. It should be robust in construction, the individual box maximum aperture size of 260mm x 40mm with anti-fishing properties.

Parking – Sufficient parking is important factor. Garages should not be used as habitable rooms. Tandem parking should be avoided as tend to not be used resulting in parking

elsewhere. Communal parking should be lit to BS5489-1:2020. Discourage low level bollard lighting in parking courts.

Foot and Cycle ways – recommend phasing of footpaths during construction to avoid underused isolated routes. If lit should have good levels of natural surveillance. Planting should be low level adjacent to paths and taller plants to the rear. Planting needs to be carefully selected and maintained to not impede natural surveillance. Landscaping management plans should reference the maintenance to not contribute to crime, fear of crime and Anti-Social Behaviour.

Other Consultees

The following were consulted and did not respond:

Devon County Council Minerals and Waste, Dittisham Parish Council, Dartmouth Town Council, Kingswear Parish Council, Stoke Gabriel Parish Council, Wales and West Utilities, Sport England, Environment Agency, Devon Wildlife Trust, Torbay Coast and Countryside Trust, NHS, RSPB Regional Office, Council for British Archaeology, Torbay Local Access Forum.

Planning Officer Assessment

1. The Principle of Development,
2. Design and Visual Impact,
3. Landscaping,
4. Heritage Impacts,
5. Residential Amenity,
6. Highways, Movement and Parking,
7. Ecology,
8. Flood Risk,
9. Low Carbon Development,
10. Affordable Housing,
11. Housing Supply.

1. The Principle of Development

Outline consent has been granted for up to 373 dwellings pursuant to planning permission P/2017/1133. This has established that the principle of 373 dwellings served by an approved detailed access arrangement from the Brixham Road is acceptable. This Reserved Matters application is solely to consider the Layout, Scale, Appearance and Landscaping of the residential development.

In terms of relevant matters of principle, the proposed development accords with the outline consent with regards to layout aligned with the indicative masterplan, considered at outline stage, and served by the access that was approved at outline stage.

Subject to ensuring that the proposal provides an acceptable form of development, in terms of suitable design, a good quality living environment and one that provides adequate amenity levels, whilst also according with the conditions attached to the outline consent, the principle is considered acceptable.

In terms of determination, it is relevant to appreciate that the Council cannot currently demonstrate a 3- or 5-year housing land supply and for decision making this means that the policies most important for determining applications for housing in the Neighbourhood Plan and the Local Plan are considered to be out of date. The policies therefore should be afforded

limited weight within the current decision-making process. The principle of housing has been established through the outline consent.

In terms of determination of applications for housing the 'tilted balance' guides to granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In regard to applying the 'tilted balance' it is relevant to note that there are ecology and landscape considerations due to the site's location with regards to protected species habitats and the South Devon AONB. As concluded within this report, there are no ecological or landscape reasons that provide clear reason for refusing the application, so the 'tilted balance' is considered applicable. This guides to granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

Due to the reasons stated above the principle of residential development on this site has been approved by the Secretary of State's Planning Inspectorate in consideration of the Torbay Local Plan, the Brixham Peninsula and Paignton Neighbourhood Plans and the National Planning Policy Framework.

2. Design and Visual Impact (Layout, Scale and Appearance)

The NPPF states (Paragraph 126) that development should aim to achieve the creation of high quality, beautiful and sustainable buildings and places and further sets out that good design is a key aspect of sustainable development. Several expected design outcomes follow in Paragraph 130 and the Framework furthers, in Paragraph 134, that development that is not well designed should be refused.

There is consistency with the NPPF across Local Plan Policies SS11 (Sustainable communities) and DE1 (Design). Policy SS11 states that development must help to create cohesive communities within a high-quality built and natural environment. The policy also includes expectations for development to help develop a sense of place and local identity, deliver development of a type, scale, quality, mix and density appropriate to its location, and protect and enhance the natural and built environment. Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

Further policy context design outcomes are also prominent within the Brixham Peninsula and Paignton Neighbourhood Plans with BH5, BH6, PNP1 (Area Wide), PNP1(a) and PNP1(c) including reference to enhancement of local identity, citing the importance of development responding positively to its context, identifying the importance of strengthening local identity, and both Plans express the importance of sensitive development within a rural context.

Layout

In terms of the layout the proposal is respectful of the outline approval and follows the layout presented in the previous indicative masterplan Urban Design Framework (Stride Treglown, March 2018 Rev A) as required by condition 2. The basic principle of a roundabout access with two on-site arms feeding a 'loop' road with smaller roads feeding four separate character areas accords with the indicative Masterplan layout.

The roundabout provides the entrance to the site. the bus stop is positioned adjacent to the roundabout and is accessed from the southern arm and egressed onto the western arm of the roundabout.

In terms of the detail, the layout presents varied building lines and frontages around the loop

road, which include features that identify the characteristic materials of each of the four areas. These elements present lower density areas to the north (Orchards) and south (Nords) of the site and higher density in the central sections (Walks and Quarry Edge) in the centre of the site and to the eastern side.

The form of development is broken up by a series of hedgerows, hedge-banks and public open spaces that perform a variety of functions including a public orchard, allotments, formal play space, a countryside access route, a trim-trail and water attenuation. House orientations and window positions have been adjusted to enable natural surveillance of the public spaces.

Pedestrian routes from the east run through the site, around the south and western edges on the Countryside Access Route. There are footway links to the school site and to the north to link with the day-to-day services provided at White Rock centre. A cycle route runs from the toucan crossing, into the site and joins the Northern Access Route to connect to White Rock.

Parking layouts have been accommodated onto the Masterplan scheme with parking spaces positioned next to the properties they serve. The number and scale of parking courts has been reduced from initial designs. Where they exist the layouts have been simplified, enclosed and overlooked by the host properties.

The layout is in accordance with the approved outline Urban Design Framework and is considered to be acceptable and is supported.

Scale

The development follows the outline proposals and keeps development at domestic scale. All buildings are one, two or three storeys with pitched roofs, with some having rooms within the roof form (i.e. 2.5 and 3.5 storey buildings).

Building heights conform with the building heights set out in the UDF. The land rises to the northern end of the site and the submitted site sections demonstrate the relative heights of land and proposed buildings.

The higher buildings are in the middle of the site towards the east (towards Brixham Road) and lower to the western edges. The western borders are two-storey with hedgebanks screening the lower floors of the buildings. Therefore, the roofscape is significant when viewed from outside the site from the west and south.

The colours of roof and wall materials (see materials palette) have been chosen to tone with the landscape. The soil in the site has a characteristic red/brown hue typical of the area. Local bedrock includes red sandstone and grey stone (limestone). The proposed stone materials are considered to have suitable colours. The renders are in landscape colours (beige, sand, red/brown and pale green around the edges of the site). The colours are recessive to reduce the buildings' visual impact in the landscape. The roof tiles are grey and brown. Off-white render is used more in the centre and eastern part of the site.

Landscape VIA views have been updated to show the proposal. Some amendments to materials for the units on the western edge of the Walks area have been made following the LVIA updates.

Details of the lighting

Condition 16 of the outline permission requires a lighting scheme to be agreed prior to above slab level development. Therefore, full details are not required under this RM application. The Framework Lighting Scheme and the Ecological Addendum approved in the outline permission will be used in the design of the lighting scheme for the development the subject of this RM. This includes a Dark Sky Area to the west and north of the site and lux limits of 0.5lux

in certain areas. The Framework scheme included Lighting columns a maximum of 4m high where visible from AONB with the lights angled downwards in order to minimise the impacts of the development on the landscape.

All matters considered, the scale of buildings and associated infrastructure is considered acceptable and is supported.

Appearance (form and materials)

The development presents a 'character area' concept, which has evolved from the outline scheme in the Urban Design Regulatory Framework. In response to the rural context; the aim has been to divide the scheme into smaller pockets of development and to use styles and materials reflective of the surrounding area. The wall colours are recessive on those buildings around the edges of the site and the window frames/soffits are in soft or dark colours to lessen the visual impact from longer distances and from nearer views from outside the site.

In the area of the site access, the built form of Quarry's Edge and Walks areas are set back from the road and edged with tree and shrub planting. The bus stop area is also set back from the roundabout and separated from the apartment building in the Walks area by a stone hedgebank and planted landscape strip. The northern side retains the existing hedgerow and large oak tree with a landscaped apron. The developer has agreed to retain and reuse the stone from the gate piers from the previous field entrance to make a feature at the site entrance. It is recommended that an appropriate location and design for this feature are secured by a Condition.

Materials

Condition 2 of the outline permission requires 25% of buildings to feature stone. The Materials Layout plans (0758-108-1Rev A and 0758-108-2Rev A) show the key wall materials are stone, reconstituted stone and render.

The proposed stone is Yennadon stone (shown by an emerald green circle icon), which is durable and coloured grey with reddish brown tones. This material would feature on the walls of buildings around the access roundabout in the Walks and Quarry Edge areas and in the western elevations of The Orchards. This wall material is mostly combined with slate materials (blue triangle icon) on the roofs to achieve the appearance of many of the buildings in nearby rural areas, including the AONB. This combination is used where the buildings would be visible from the site entrance (from Brixham Road) and from Waddeton Road to the west. At the site access the loop arm leading south runs between three storey houses. Where these buildings face onto the roundabout they are shown as natural stone with render sections. Further into the site, reconstituted stone is combined with render of off-white and various landscape colours.

The reconstituted stone (shown by a mid-grey circle icon) is proposed as Blackamore Old Heather, in a light grey colour. The texture is pitched with a natural appearance. It is recommended that the colour is agreed following submission of samples to be secured by condition. The render colours are proposed to be pale but muted (sand, grey, beige and pink) and small feature panels in terracotta and pale green. These colours are considered suitable for the context and to blend with the tones of the landscape.

The roof materials are shown as artificial slate, grey concrete tiles (purple triangle) and brown tiles (brown triangle). The slate and grey tiles are considered appropriate. The brown slates are a replacement for terracotta and are commonly used in the area (eg Steed Close) and reflective of the landscape colour. Therefore, the roof materials are considered to be acceptable.

Some of the house types, mainly in the Walks and Quarry Edge areas have panels of cladding.

These will be required to be timber. The colour is indicated as a grey shade. Submission of samples of all the proposed external materials can be secured through condition and this is recommended.

The buildings use different materials and colour combinations within the overall palette to distinguish between each of the four character-areas. Different plant species and boundary treatments in the public realm are also used to differentiate the four areas. The main features of each area are described below.

Orchards:

Sited at the north of the site, the Orchards area is adjacent to the community orchard and allotments. The properties are detached, semi and terraced houses.

The main wall materials in this area are natural stone and reconstituted stone. Some roofs on the western edge have concrete tiles (brown and grey). The windows and fascias are cream. The properties are well-spaced with a shared road surface and rumble strips marking entry, exit and calming features.

A grassed area runs across the eastern end and is overlooked from two sides by adjoining properties. This grassed area softens the entry point to the site from the allotments and the toucan crossing (over Brixham Road) and acts as a pedestrian link to the west of the site, the NEAP and the Northern Access Route.

Landscaping proposals feature retention of the existing hedgebanks, planting of fruit themed trees and flowering shrubs and bushes. This area includes amenity areas, trim trail areas and the NEAP (ages 2-14yrs) and MUGA, which is to be fenced with metal railings. Details of fencing and play surfaces for these areas can be secured through a condition and this is recommended.

Walks:

This character area comprises the central and western edge of the site in two areas separated by an existing hedge-bank and the loop road with its avenue of lime trees..

The area comprises two-storey houses and a three-storey flatted development (24 flats) with a parking court to the rear. Materials for the apartments are natural stone, with warm-white render panels and feature panels in pale green and earth red with slate roofs and dark grey windows and fascias. The wall materials of other dwellings are principally render with concrete tiled roofs. The render colour of off-white is the principal one with some Olde Heather stone and two feature houses in pink at the south end and a cluster of "brick" in the centre. The buildings on the Western edge have been amended to a soft earth colour render in response to Landscape Consultants comments, to ensure they soften the appearance of the built form on this edge of the site.

In the central area the apartment building is set back from the loop road behind the linear public open space that runs from the bus stop down to the school site via a LEAP play area and seating area. This open space is partly framed by stone banks and garden hedges. Details of fencing and play surfaces can be secured through a condition. The apartments overlook the open areas from small patios/balconies. The spaces are also surveyed by the houses on the other side of the loop road (in the Quarry's Edge area).

The western part is divided into two by the loop road and comprises a collection of mews and lanes featuring short terraces, semidetached and occasional detached houses. This area is contained by hedgebanks to the north, west and south and comprises six blocks with the houses facing outwards with gardens behind and some with rear parking areas but the majority having parking to the front or side of the Property Plot frontages are mainly defined by low

hedgerows (1.2m).

Houses along the western edge of the development are positioned to provide natural surveillance of the Countryside Access Route and paths that link to it. A SUDS drainage route has been designed as a swale feature running from the centre of the site to the western edge with crossing points edged with natural stone walls and a pedestrian path, which links to the Countryside Access Route.

Quarry's Edge:

Quarry Edge comprises the eastern part of the site, bounded by the loop road and access roundabout to north and west sides, Brixham Road to the east and the hedge-lined southern boundary of the site.

This area is higher density, with four main blocks. The layout shows a loop with culs-de-sac leading off: one with a central tree planter, one wrapping round to front Brixham Road and a further loop in the south corner.

The buildings are two and three storeys in detached, semis and short terrace forms. There is a one small block of six apartments. This block and the terraces facing the roundabout access are proposed to be finished in natural stone with slate roofs. The buildings facing the loop road and Brixham Road are principally finished in reconstituted stone near the roundabout and render in warm-white further south. Within the centre of the area the wall materials would be render in varied warm colours. Pale green is used on some houses on the southern boundary.

Tree planting would be limited to a few street trees within the area. However, planting around the edges would include limes along the loop road, hornbeam and silver birch facing Brixham Road and bird cherry and field maples on the southern edge. Plot frontages would be defined by shrub planting and along the loop road by low laurel hedging. In addition, an informal pocket park on the southern boundary would retain existing mature trees and link to the pedestrian route in the south east corner of the site (Hunters Tor Drive junction).

Nords:

This character area is at the south end of the site. The area is low density, comprising two blocks with gardens behind. The lane between the blocks is a shared surface with a stone-banked open space and layout that aims to reduce vehicle speed.

The eastern end of this area contains a LEAP, an adjacent kick-about space, and part of the Trim Trail. This open space is overlooked by neighbouring houses and connects to the pedestrian network. The area is enclosed within hedgebanks with an enhanced height and depth of bank on the southern edge, which is planted with young trees and hedge plants.

The housing types are mixed with one and two-storey detached and semi-detached buildings. The walls are in warm coloured renders. Fascias and windows are pale green and the roofs are concrete tiled. The buildings have ridged and hipped roofs, some have gabled dormers. The roof planes pitch down towards the hedge-banks. The dwellings are interspersed with single-storey garages and on a varied building line. This aims to present a varied and organic roofscape. The property frontages would be defined by hornbeam hedges.

Overall

The proposed layout, scale, form and materials, are considered to present a form of development that acknowledges and responds to the rural context and positively address local distinctiveness in this edge-of-settlement location.

In terms of other elements of the built form, the mixed use of estate railings, stone banks, hedgebanks, hedges, and walls to define public and private spaces is considered adequately

resolved and contextual. However, details of hard landscaping materials are recommended to be secured by condition.

With regards to materials, these are considered appropriate. Natural stone is to be used on the buildings that face the AONB and the site entrance. Reconstituted stone, which uses recycled natural building materials and has a natural appearance, would be used throughout the site. The proposed roof tiles in terracotta have been amended to brown-red in line with the expectations of Policy BH6 of the Brixham Peninsula NP and Policy PNP1(c) of the Paignton NP. It is recommended that samples (panels) of the materials are provided prior to above ground development via a materials condition.

For the reasons above the development is deemed to be well designed, as required by the NPPF, and is considered to accord with the Development Plan design-based policies when read as a whole, notably Policies SS2, SS11, DE1, DE4, NC1 and C4 of the Torbay Local Plan, Policies BH5 and BH6 of the Brixham Peninsula Neighbourhood Plan and Policies PNP1, PNP1(a), PNP1(c), of the Paignton Neighbourhood Plan.

3. Landscaping and Public Open Space

Landscaping is a key component of placemaking and in a rural context is an important element of character, as highlighted within the NPPF (Chapter 12, Achieving well-designed places), as part of the drive towards delivering visually attractive development that responds to and is sympathetic to local character (Paragraph 130). The NPPF also makes reference to the important contribution of trees to the character and quality of urban environments (aside benefits of adapting to climate change) and states that decisions should ensure that new streets are tree-lined, that other opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), and that existing trees are retained wherever possible.

At a local level the Development Plan seeks high quality landscaping in Policy DE1 and Policy C4 states that development will not be permitted where it would seriously harm protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. The policy also states 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.

Policy E1 of the Brixham Peninsula Neighbourhood Plan expects development that impacts on the OANB to demonstrate that great weight has been given to conserving and enhancing the landscape and not harm dark night skies and tranquillity.

The proposal includes submitted landscaping schemes for each character area and for communal open spaces and play areas. The layout plan and facilities are in general compliance with the Urban Design Framework and Regulatory Plan as approved at outline stage.

Views from outside the site.

The site sits in the context of the AONB and countryside area of Torbay. The visual impact upon the agricultural setting has been assessed. The development features retention of existing hedgerows and the mature trees within those hedgerows. Ecological Mitigation works undertaken further to the outline permission include creation of new hedgebanks and planting of them with locally native hedge species. Fields to the south west have been planted as woodland meadow (0.7Ha) with stands of native deciduous and conifer trees. The Farming Practices Plan for the land to the west of the application site (subject of the S106 Agreement) includes grazing for cattle to maintain habitats for Greater Horseshoe Bats and planting of seed crops for curlew buntings. These fields are maintained as a dark corridor for ecological

reasons and also to reduce the impact on views from the AONB from the west (Dart Valley and plateau beyond). The groundworks and planting have been inspected and found to be successful subject to replacement of failed plants (less than 10%) in the next planting season. The community orchard (0.4Ha) has been planted at the north end of the site introducing a landscape planting type common to the Brixham Peninsula.

The RM application proposes four new cuts through the existing hedgerows for the loop road to pass through. These were agreed in principle in the outline Urban Design Masterplan Rev A and Urban Design Regulatory Framework. (Details of these works will be the subject of a CEMP under condition 17 of the outline planning permission – separate from but in accordance with this RM application).

Tree planting within the site includes an avenue along the loop road and different species of street tree in each area: flowering fruit trees in Orchards, Lime (Linden) in Walks and Quarry Edge and Acers, Lilac, Amelanchier and Beech in Nords. Many of these would develop substantial canopies and contribute to the screening of the development when viewed from outside the site. These species are appropriate to the setting where orchards and copses are characteristic elements of the landscape.

The landscaping proposals for the Brixham Road frontage of the site includes replacement and realigning of the hedgerow on either side of the roundabout access and tree planting (hornbeam and silver birch) along Brixham Road to screen the housing in the Quarry's Edge area.

Views from the AONB

The AONB is present around the site in a primary arc of around 140 degrees from the south east to the west. The impact is most notable when viewed from the south and south east (Viewpoints 8 and 9 of the LVIA) The most visually sensitive outer edge is the western/south western aspect facing Dittisham and Dart Valley. As mentioned above (in the Scale and Appearance section of this report), the use of stone and amendment of the render to an earth tone on the westernmost units aims to minimise the visual impact. The proposed tree species include those with large canopies that will in time soften the roofscape and contribute to the appearance of the development in addition to the recently planted woodland pastures and hedgerows around the site.

Taller units in the south west of Orchards area (two and a half and three storeys) are faced with natural stone and have slate roofs. The receding colours, landscape tones and natural textures work towards minimising the impact of their built form when viewed from the AONB to the west. The height of these units would screen much of the impact of taller street lamps in the roundabout area (which need to meet highway standards) on the dark skies of the rural area. The views from the AONB to the south east are demonstrated in the LVIA updates. The materials and colours used in the Nords area and large hedgerow bund present a soft edge to the development from this aspect. Three storey buildings in the Quarry's Edge area are set off the southern boundary.

The lamp columns within the site, away from the roundabout, would be a maximum of 4m high and comply with parameters set out in the submitted Lighting Strategy (A Tulla). Full details of lux levels, fall-off and light fittings will be provided further to condition 16 of the outline permission, which requires these details before development above slab level. The DCC Ecologist has confirmed that there are no objections to this approach.

Views out of the site

Vistas from the site would be afforded from the north west (west side of Orchards) to the west across farmland and over the Dart valley to the AONB and from the south west of the site, at a point on the loop road between Nords and Walks, looking out to medium and far distant views

of rolling landscape of the AONB along the River Dart. These points are both along the Countryside Access Route.

Views within the site

Planting around the site access roundabout aims to screen the nearest buildings, which are set back behind landscaped aprons with limes (*Tilia cordata*). Tree planting within the site includes an avenue along the loop road. Each character area combines native and ornamental species as described above (Character Areas).

Retained Devon hedge-banks and swathes of native and ornamental shrub planting form the framework for the public realm and contain each character area.

Communal Open Spaces

The proposal includes various open landscaped areas:- linear pockets of informal public open space, planted with trees and shrubs with benches and trim trail stations.

More formal elements include a NEAP, a MUGA, two LEAPs, a grassed kick-about area, a central avenue and, in Quarry's Edge, a pocket park. The communal orchard has been planted and the allotments are included in Phase 1 of the residential development (see Phasing Plan). These are all positioned and equipped in accordance with the outline permission.

The combination of landscaped spaces and linking routes would provide a pleasant and high-quality environment for the residents, visitors and people using the Countryside Access Route as well as creating an amenable setting for the school site.

The proposed landscaping is considered acceptable and offers substantial softening of the built form and positively influences a rural character to the scheme.

The scheme is consistent with the National 'build beautiful' agenda outlined within Section 12 of the NPPF, and would be consistent with Paras 126, 130 and 131. The landscaping is also considered acceptable and considered compliant with Policies DE1 and C4 of the Torbay Local Plan and Policies of the Neighbourhood Plans.

4. Heritage Impacts

The site does not contain listed buildings and is not within the boundaries of a designated Conservation Area. However, there are two designated conservation areas nearby: Waddeton Village, which include some Grade II listed buildings (LBs), and Galmpton, to the south-west and south of the site respectively. There are twelve Grade II LBs located within 1 kilometre of the site, eight being in or close to Waddeton. Another of those LBs, Turnpike Cottage at Windy Corner, is located within 500 metres of the site to the south-east but is significantly separated from it with restricted intervisibility.

The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 199). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 200). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202).

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

The Heritage aspects were considered at outline stage by the Appeal Inspector. The site is noticeably separated from the CAs but forms part of the wider setting of the Listed Buildings. From the CAs, particularly public vantage points, the proposed development would be largely screened from view by intervening topography and vegetation, and so intervisibility would be limited. There is a significant degree of separation between the CAs and the site, with intervening open countryside maintaining the characteristic rural setting. This would be apparent both from within the CAs and also from more distant vantage points to the south and south-west where the CAs and the site would be seen within the same views. The proposed development would be likely to be seen to varying extents from non-public land including some of the LB's. However the degree of separation and extent of intervening countryside would minimise any impact on their setting and their rural character and setting is largely retained, with the surrounding green fields reinforcing the relationship between the villages and the rural hinterland and ultimately how it is experienced as rural buildings and villages. The detailed reserved matters are considered well resolved in order to limit the impact up on the setting of these, and other, listed buildings in the area, having adequately built on the low-density, loosely arranged and landscaped-led outline proposals previously presented on those parts of the site closest to the heritage assets.

There will be an inherent urbanising impact from the development. However, the scheme is considered well-resolved within the parameters set by the outline permission, the approved Urban Design Framework and implemented ecological mitigation measures. As a result, the scale of harm is considered to be less-than-substantial.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset the NPPF guides that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202).

In this instance the public benefits being the provision of up to 373 dwellings, of which 122 will be affordable and 19 will be adaptable, in addition to the delivery of construction jobs and the resultant households and their expenditure within the local economy. Also, there is the provision of public play spaces, allotments and an orchard where there is currently none in the vicinity and enhanced public transport infrastructure. Overall, these public benefits are not insubstantial. Officers are also mindful that the principle of housing has been approved at outline stage, which would naturally present some change to the character of the site.

On balance, with a less than substantial level of harm, when considering the Development Plan and the NPPF, and the public benefits, the development is considered suitable for approval in accordance with Policy HE1 of the Torbay Local Plan and Paragraphs 199, 200 and 202 of the NPPF.

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

5. Residential Amenity and open space provisions

The Torbay Local Plan contains policies to ensure that appropriate residential standards are achieved in residential schemes, including size standards, through Policy DE3, and that

development meets the needs of residents and enhances their quality of life, through Policy SS11. The Paignton Neighbourhood Plan, in Policy PNP 1(d) (Residential Development), presents guidance on supporting elements required for residential units and the NPPF (Para 130) guides 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 and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Future Occupiers

In terms of assessing the quality of the future residential environment it is important to consider the size and quality of the internal living spaces, the levels of outlook and natural lighting afforded key habitable rooms, levels of privacy, along with the quality of outdoor spaces and access to waste, cycle and car parking facilities, which are all integral elements for household developments. The aspiration is to secure a good level of amenity for future residents.

The development proposes a variety of house types from 1 bed flats and bungalows to 2.5 storey 4 bedroom and some 5-bedroom houses. All are well-spaced and provide good natural lighting to key habitable rooms and good outlooks. Internal privacy is duly offered with adequate back-to-back distances between dwellings and landscaped borders/front garden areas. There will be some natural overlooking of gardens, but this is commonplace within residential environments and there are no unacceptable, i.e. overly dominant, relationships.

In terms of the internal living spaces the houses and flat types overall meet the minimum national internal space standards that are set out in the Development Plan (Policy DE3 Table 23) and support the concept of producing, in the round, a good level of amenity for future occupiers. Amended plans were received to the Almouth house-type (Plots 96 and 97) to two-person units to ensure these dwellings meet the required standards.

In terms of ancillary elements of parking, cycle parking and waste storage the following is considered.

Parking:

All houses have at least 2 off-street parking spaces or 2 assigned spaces within courtyards or within parking runs immediately adjacent. The 30 apartments have 1 assigned space each and there are unassigned visitor spaces within the streetscape. This level of provision accords with the standards expected in the Development Plan. Most dwellings also benefit from a garage or car port as an additional space that would be available.

Details of Electric Vehicle Charging Point locations have been supplied on Drawings 0758-120-1 and 0758-120-02. are required to be submitted with the RM application further to condition 28 of the outline permission. Appendix F of the Torbay Local Plan requires 1 point per new house and 20% for flatted developments. The applicants have agreed to provide the cabling for EVCPs to 7kWh at plan compliant levels. The flats are required to have 20% of spaces provided with a charging point. -ie units 106 to 129 (24 spaces) will require 5 generic charging points. The flats at units 305-310 (6 spaces) will require 2 points (1.5 rounded up).

Occupants will wish require charging sockets boxes compatible with their own vehicles. The specifications for the sockets have not been provided. This is a rapidly-developing technology and some compatibility issues remain. Therefore, it is recommended that a condition secures the details of the sockets to be provided by phase and be installed prior to occupation.

Waste storage

Waste storage is detailed for dwellings within the terraced arrangements and houses without garages which will guard against unnecessary street clutter. All other dwellings offer sufficient

access to garages or gardens for waste storage potential. The flatted units have identified bin storage areas and level routes to collection points on adopted highway. Collection points are shown on the Refuse Strategy Plans and there is adequate space for the number of bins at points adjacent to the highway. The final locations are recommended to be confirmed through condition.

Cycle Storage:

Appendix F of the Torbay Local Plan expects dwellings to be afforded with 2 cycle parking spaces each and flats with 1 space each. Cycle parking will be provided in accordance with local parking policy however the layout plans do not offer detail. Where dwellings have a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities.

Elsewhere details shall be sought on the location and form of cycle parking to meet the standards above. Each house has a private garden area to the rear where storage sheds could be located. It is recommended that details for these are secured through a condition.

The 24 flats in the Walks area (Units 106-129) are indicated as having semi-vertical cycle racks at ground floor level: one for 18 cycles below the staircase and six more in a separate store. The spaces are adequate. The six flats in the Quarry area (Units 305-310) are shown as having a separate ground level store with adequate space for six cycles. Details of the racks and security for the doors can be secured by condition and this is recommended.

Amenity Areas:

The houses have private gardens of reasonable size for the respective dwelling. The flatted units are three storeys high and the ground floor units have small patios and a 3m deep semi-private garden area on the frontages (east, west and south facing elevations). The upper floors have small balconies. The public open space adjacent to Units 106-129 has been separated from the bus stop area by a stone bank and semi-contained landscaped area grassed and planted with trees. The Quarry's LEAP (fenced) is located just to the south together with a seating area. These provisions are considered to provide a pleasant level of amenity for the flats. The 6 flats in the Quarry Area (units 304-310) have small west and south facing patio/balconies and are adjacent to the informal pocket park which also has footway links to the Nords area LEAP and kick-about area.

All these matters combined present good quality living spaces throughout the development. Subject to conditions, as suggested, the proposed residential environment is considered acceptable for all future users and would accord with Policies SS11, DE1 and DE3 in the Torbay Local Plan, PNP1(d) of the Paignton Neighbourhood Plan, and advice contained within the NPPF regarding creating good quality living environments.

Play and Open Space

The outline permission required the provision of a range of public open spaces throughout the site. These are shown on the submitted site layout plans and the phasing plan to be provided with the phasing of the housing development. Much of the countryside access route has been installed. The loop road and cycle path are to be built as Phase 1. Provision of the Northern Access Route is subject to conditions and s106 obligation to be implemented before first occupation.

The orchard, allotments, NEAP and MUGA and parts of the trim trail are proposed to be provided as part of the Orchards area (in phase 2). The Northern Access Route is required to be provided before the first occupation of the site (i.e. first occupation of Phase 2). The LEAP identified as the Quarry Edge LEAP would be provided in Phase 3 with the majority of the Walks area. The Nords' LEAP would be provided in Phase 4 and the Quarry Edge pocket park in Phase 5. Maintenance of these areas is to become the responsibility of the Management

Entity (further to the s106 agreement). Completion of the open space provisions in a timely manner, including the trim trail, and maintenance of all these areas can be secured through a condition.

Adjacent Occupiers

The site does not directly border residential properties with the nearest dwellings sited cross the Brixham Road. Due to the distances and natural separation afforded by Brixham Road to the east and the woodland buffer to the north, the development will not impact the amenity of adjacent occupiers. Construction impacts will be duly managed through Condition 18 of the outline consent, which requires a Construction Management Plan for each phase to be submitted to the Local Planning Authority and approved prior to the commencement of development.

The development, for the reasons above, 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.

6. Highways, Movement and Parking

Vehicular Access

The vehicle access into the site was approved at outline stage for the amount of development approved and is not considered as part of this reserved matters application.

Pedestrian Connectivity

The outline proposal established the need for a pedestrian/cycle route linking the development towards White Rock to the north and White Rock Primary School/ Steed Close to the east.

The scheme involves a continuous pedestrian route along the edge of the site from the noncontrolled crossing to Hunters Tor Drive, along the southern boundary of the site and via routes through and/or around the edge of the development to the school, the bus stop and northern access route to White Rock and the toucan crossing on Brixham Road which leads to White Rock Primary school, residential areas to the east and further afield into Paignton.

The routes through the site are reasonably direct, naturally overlooked by proposed properties, and will be softened within the site with landscaping to provide an attractive environment for users. The route also provides adequate connectivity to the proposed play areas, trim trail, communal orchard, and countryside access route. Highways works established at outline stage will also improve connectivity across the Brixham Road for existing residents and future occupiers of the development.

Appropriate timing of the Northern Access Route is secured through condition 25 of the outline permission (prior to the first occupation of the development). Part of the route is included within the Orchards Area in the Phasing Plan. The surface of the shared cycle and pedestrian path will need to ensure a satisfactory all-weather, hard-wearing surface. Details of the surface and connection points can be secured by a condition and this is recommended.

The Countryside Access Route

The Countryside Access Route is shown on the Urban Design Framework. The route has already been partly installed on the south west and west parts of the site. This section has a hoggin surface. The remaining section in the north west of the site links into the northern access route to White Rock and related footpath network. This section is show as being part of the Phase 1 and 2 of residential development. Where this provides the main link to the Northern Access Route it will require an all-weather hardwearing surface. The other section

links the Nords LEAP play area to Brixham Road. This section is not included in a phase on the Phasing Plan. It will need to be provided prior to operation of the school site or before the occupation of Phase 4 of the residential development, whichever is earlier. The surface of this part will also require a satisfactory all-weather, hard-wearing surface.

It is recommended that these provisions are secured through a condition.

Internal Road Network

The layout accords with the indicative plans from the outline stage with a simple loop solution for the site with spurs to provide secondary loops, culs-de-sac, mews courtyards and short private shared drives.

Locations and design of pedestrian crossing points near the access roundabout and on the loop road would be subject of the s38 adoption agreement. These will need to provide for safe routes around the site and to the school site

The proposed network is considered acceptable and would support the provision of well-connected and overlooked public roads and spaces, presenting an attractive environment.

Bus Stop

Details of the bus stop infrastructure have been submitted as part of the Reserved matters application (as required by condition 22 of the outline permission).

The bus stop vehicle standing and passenger waiting area are positioned to the south west of the access roundabout with a one-way circulation system. The bus stop area is included in the proposed area for Highway adoption by Torbay Council.

Highways Department has confirmed no objection to the proposals. The bus shelter specification accords with the Council's standard requirements. Provision of this infrastructure can be secured through a condition and this is recommended.

Adoption:

The Highway Authority raised several points for clarification. Proposed materials for the surface of roads and footways proposed for adoption have been amended in accordance with maintenance regime for adopted roads.

The hierarchy of roads includes shared surfaces in the Orchards and other areas of the site. Where service runs are below surface level, on adopted roads, the surface is customarily paved to enable reinstatement after utility companies undertake repairs. It is, therefore, recommended that the appropriate surface materials are provided as necessary to enable adoption by the Council. Details of hard landscaping materials and locations can be secured through a condition and this is recommended.

The accesses, extent of adoption and swept path analysis for waste and emergency vehicles and further detail has been submitted by the applicant and is considered acceptable.

Car and Cycle Parking

A total of 926 parking spaces are provided on the site, 837 are allocated to the dwellings, 81 are visitor spaces and 8 are for the allotments. Each house has a minimum of two off-street spaces each and the flats have one each. The off-street parking spaces are either within plot or within small courtyards or immediately adjacent. This level of provision accords with the standards expected in the Development Plan. Just over half the dwellings also benefit from a garage (19 are double) as an additional space that would be available. Garage and car port sizes meet the dimensions set out in Appendix F of the Torbay Local Plan.

Electric vehicle charging point (EVCP) cabling and socket positions are set out in the submitted

plans (Drwg Nos 0758-120-1 and 2). This provision is discussed above in the Amenity Section of this report and a condition is recommended to secure details and provision of the sockets prior to occupation of the relevant dwellings further to Condition 28 of the outline permission. (which prevents occupation of any dwelling until an EVCP to serve it has been installed in accordance with details agreed in writing by the LPA.)

Condition 32 of the outline permission required details of cycle parking provision to be provided in Reserved Matters applications. The Torbay Local Plan expects dwellings to be provided with 2 cycle parking spaces and apartments with 1 space. Where dwellings have a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities. Houses without garages have rear gardens where cycle storage can be provided. For houses without garages details can be secured through a planning condition on the location and form of cycle parking to meet the standard above. The apartments are provided with cycle stores at ground floor level: details of the number of spaces and their security provisions can be secured through a condition and this is recommended.

The apartments at Plots 106-129 and 305-310 have ground floor bin stores included in the plans. Further detail and provision of the facilities for storage and collection for waste storage can be secured through a planning condition.

Waste and recycling storage is detailed for the houses and sufficient access to garages or gardens for waste storage is provided. Collection points have been identified on the revised Refuse Strategy Plans. Some collection points are shown as on the shared driveways but there is space within the layout for positioning adjacent to the highway and within the recommended distance of the respective dwellings. Final locations in each phase can be determined through a condition and this is recommended.

Other layout/movement issues:

Outline consent and detailed access have already been granted permission. A Construction Method Statement for each phase is required prior to commencement of development of each phase through condition 18 attached to the outline consent. A travel plan is required by condition 30 of the outline planning permission at the time of marketing of the dwellings.

Details of pedestrian crossing points to the school will be required. These would be on adopted roads. Condition 26 of the outline permission requires details of these to be provided, agreed and implemented before the school site comes into use. These details are not required for this RM application.

The proposals are, subject to the satisfactory resolution of the details suggested above, considered to present an acceptable layout in terms of layout and movement, in accordance with Policies DE1, TA1, TA2 and TA3 of the Torbay Local Plan, Policy PNP1(h) of the Paignton Neighbourhood Plan, and the NPPF.

7. Ecology and Biodiversity

The ecological context was duly considered when the outline consent was granted, to ensure that protected species and habitats would not be unduly harmed and that biodiversity aspirations could be met, in accordance with guidance contained within the NPPF and the Development Plan, notably policies SS8, SS9, NC1, C4 of the Local Plan, Policies E1, E7 and E8 of the Brixham NP and PNP1, PNP1(a) of the Paignton Neighbourhood Plan. Outline consent was granted subject to several conditions to mitigate against impacts on ecology:

1. Landscape and Ecological Management Plan (LEMP) (condition 8) for each phase.

2. Landscaping scheme (condition 9) for each phase.
3. Ecological Mitigation works (condition 13) -Pre-commencement and largely implemented.
4. Measures to enhance biodiversity (condition 14) including wildlife information boards and habitat boxes. Pre-commencement by phase of development
5. A monitoring strategy to provide early warning of any change in site conditions that are likely to impair or disturb greater horseshoe bats being able to commute through the site adjacent to the site boundary (condition 15).
6. A Lighting scheme (condition 16) to demonstrate compliance with the 0.5 lux design parameter set out in the Inglewood External Lighting Report and Dark Area Plan approved at outline stage.
7. Construction Environmental Management Plan (CEMP)(condition 17) for each phase.

Of these, conditions 8 (LEMP) and 9 (Landscaping) are required with the Reserved Matters application. Landscaping has been considered above under Section 3 of this report.

The other conditions fall to be considered under separate application/s for “approval of details further to condition” (discharge of conditions application).

Although the lighting strategy is not required by condition 16 until above-slab development, the Applicants have provided a lighting strategy (Ref P2022-1119-4, A Tulla 29.09.2022), which sets parameters for the more detailed designs to be submitted.

The application is supported by the following documents and plans, which respond to the requirements of the conditions attached to the outline consent in terms of ecology:

- Ecological Assessment (NPA 10874 120 P01)
- Landscape and Ecological Management Plan (P22-1499, Pegasus, Sept 2022)

The ecology matters have been considered by Devon County Council Ecologist, who has no objection to the RM application. Hedgerow to west of school is adequately detailed on the submitted Landscape Plan (Ref. Public Open Space P22-1449_EN_002_11-A). The submitted lighting strategy sets parameters that accord with what was agreed at outline stage. Their input will be sought to the discharge of conditions 14 (Habitat Boxes and Information Boards), 15 (Ecological Monitoring strategy), 16 (Lighting) and 17 (CEMP) when they are submitted for discharge.

These will need to incorporate the tree planting through the scheme, hedgerow and meadow maintenance and the dark corridor habitat for bats and birds.

The Landscape and Ecological Management Plan covers all areas of open space and communal landscaping within the proposed development, with maintenance formulated to maximise the landscape amenity of the site moving forward. The plan deals with the maintenance of trees, hedges, ornamental shrub planting, grassland and wildflower meadows, the water habitats, and the more formal areas in terms of the play area, and streets and footpaths. The LEMP is considered acceptable subject to the addition of conditions recommended by the Landscape Consultant over review, tree establishment and protection and replacement of lost/damaged items.

The development is deemed to accord with policies SS8, SS9 and NC1 of the Torbay Local Plan, Policies E1, E7 and E8 of the of the Brixham Peninsula Neighbourhood Plan and Policies PNP1, PNP1(a) of the Paignton Neighbourhood Plan.

8. Flood Risk

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 Paignton Neighbourhood Plan offers similar plan-wide aspirations in Policy PNP1(i) and area-specific aspirations are offered in Policy PNP24.

Flood risk was considered at outline stage with an accepted outline strategy. The outline consent was subject to a planning condition (C35 of P/2017/1133 as varied by P/2022/0112) requiring future reserved matters to demonstrate that the risk of flooding would not be increased, in line with the design parameters outlined within the previously submitted and approved Flood Risk Assessment and related documents.

The application is supported by drainage plans and supporting information for a scheme for surface water run-off on site which has three catchments and combines communal soakaways and infiltration with attenuation tanks (below the woodland pastures to the south west of the site and the pocket park in the Quarry Edge area). The tanks would act as on-site holding basins for surface/storm water. The proposal then seeks to discharge the attenuated water at a controlled rate equivalent to the drainage sewer in Brixham Road that run from the site within highway land.

South West Water raise no objection but state that the applicant should demonstrate to the Local Planning Authority that the prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

The Council's Drainage Engineer has reviewed the proposed surface water proposal and does not object to the overall capacity, design and means of disposal for the overall drainage scheme. There is also acceptance to the proposed discharge rate to the public sewer, which complies with the requirements of the Torbay Critical Drainage Area.

The technical details fall to be approved (under outline condition 35) for each phase of the development prior to commencement of the groundwork and highways work for that phase. That condition also requires that the agreed drainage schemes shall be implemented prior to occupation and be maintained thereafter.

However, as part of the RM application, the applicants have submitted details for Phase 1 (Highways) and Phase 1 (Residential - Orchards) (as show on the submitted phasing plan). This drainage phase involves part of the loop road and plots 1-70 and plots 100-105 which are identified as Phase 1 (residential).

The applicants have submitted details of infiltration testing, use of SUDS and modelling, man hole cover heights and pipe volumes as requested by the Council's Engineer to ensure that the detailed scheme is acceptable.

At the time of writing this report, the drainage engineer has approved the detailed scheme for the estate roads and the first 62 houses in the Orchards character area (Plots 1-56 and 100-105 consecutive) (including manhole cover heights) subject to installation as submitted. Plots 57-70 rely on infiltration through permeable paving and the details of this aspect will be confirmed prior to Committee.

Detailed drainage data for further phases of the residential development will be submitted via Discharge of Condition applications prior to commencement of respective phase in accordance with condition 35 of the outline permission.

Drainage information for the school site is not the subject of this application. However, the surface water calculations have been considered in the overall framework capacity of the site and are acceptable. Details would be sought when that RM application comes forward.

Subject to the confirmation of infiltration tests and detailed design for plots 57 to 70 that delivers a surface water drainage that would not increase the risk of flooding, the development is considered acceptable on flood risk grounds, and would accord with Policies ER1 and ER2 of the Torbay Local Plan and policy PNP1(i) of the Paignton Neighbourhood Plan.

9. Low Carbon Development

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities.

Policy BH7 of the BPNP encourages new development incorporate sustainable construction, adaptive technologies and measures to combat climate change and enable sustainable lifestyles, minimise energy use and maximise efficiency. Paignton Neighbourhood Plan Policy PNP1(f) states that new development should aim to achieve sustainable construction and water management technologies that mitigate and adapt to climate change; use reclaimed materials and natural finishes;) include soft landscaped areas for natural drainage of rain water, and compensate fully for any existing soft area lost to development; use on-site renewable energy generation and v) connecting cycleways and footpaths where development involves new road infrastructure.

The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Low carbon and energy aspirations were considered at outline stage and the outline consent was subject to a planning condition (Condition 4). This condition requires any reserved matters application relating to the proposal's layout, scale and appearance, to include details of sustainable construction, adaptive technologies, eco-innovation and other measures to minimise energy use and combat climate change.

An initial Energy and Sustainability Statement was submitted with the application (FIS Ref no 008380), which illustrated Persimmons previous approach to this issue; reliance on a fabric-first approach and achieving a 5% carbon reduction over the 2013 Building Regulation standards.

Due to changes pending to the Building Regulations in 2023 and 2025, the full details of the energy reduction measures of the proposed development are being reviewed by the applicants. They have submitted a revised Energy and Sustainability Statement of Intent (Dated 16.02.2023 and received 17.02.2023) which sets out the carbon saving strategy for the Inglewood scheme:

- a) compliance with Part L 2021 and SAP10 (formal statement to be prepared)
- b) further analysis and compliance with Part L2025 and SAP11 for future homes (relevant to later phases)
- c) electric vehicle charging is proposed for all dwellings
- d) solar PV on southerly orientated properties subject to formal assessment of final layout
- e) air source heat pumps to supply all dwellings with space and hot water heating.

The Part L 2021 Building Regulations will need to be complied with for any building that is not “Commenced” before 15th June 2023. These Regulations are assessed to deliver a substantial reduction (approximately 31%) in CO2 emissions compared with current (2013) regulatory standards. The 2025 regulations are expected to achieve 75 to 80% lower carbon emissions.

The Energy Statement of Intent demonstrates that the development will achieve these carbon reductions through higher fabric standards and low carbon and renewable energy systems being installed to offset emissions and reduce fuel bills for residents.

The Torbay Council Climate Emergency Officer has commented that the use of heat pumps, EVC Points and PV panels is welcome. There is no objection subject to a condition to secure a formal and detailed Energy Statement prior to commencement of development that addresses and ensures compliance with Policies SS14 and ES1.

To secure certainty on the low carbon credentials, it is recommended that a planning condition is imposed to secure these details in a low carbon scheme prior to the commencement of each phase of development in order to address the spirit and intent of condition 4 of the outline consent and to ensure compliance with the Policies of the Development Plan.

Each scheme shall be in accordance with the Energy Statement of Intent and will be expected to include:

- Delivery of no less than 20% of the energy demand via renewable energy systems.
- dwellings to be fitted with high-efficiency air source heat pumps/combination boilers.
- PV panels to be installed to take advantage of favourable pitch and orientation where feasible and where the visual impact makes this acceptable. Panels shall be grouped into cost-effective system sizes to ensure that the capital outlay for the systems is biased towards the energy-producing element.
- Address over-heating risk
- Water consumption and measures to reduce usage and collect water for domestic use.

The proposal is considered, with an appropriate planning condition, to deliver on the low carbon aspirations of the Development Plan and the NPPF.

10. Affordable Housing

Affordable housing provision has been largely established at outline stage with the amount and general parameters for the provision set in a s106 Legal Agreement that accompanies the outline consent. This established that 30% of all units would be affordable units, which is the policy compliant level for development of this scale on greenfield sites. The Legal Agreement set the type of affordable units in accordance with policy guidance, with the need to deliver a tenure split of a third-third-third between social rent, affordable rent, and part ownership, and 5% of the provision being adapted dwellings.

The Affordable Housing Distribution Plans (0758-112-1 and 2) show the locations of the affordable housing units. A schedule of the house types/size and tenure is included in the legend for the composite planning layout (Ref No 0758-102 COL).

The legal agreement also established the broad requirement for a proportionate mix of dwelling types, and for these to be distributed through the development. The legal agreement allows for variation of the mix in agreement with the Affordable Housing Manager.

Table 1. Proposed Affordable Housing Provision
(Figures in brackets are from s106 Agreement Table A) Adaptable units are in green

House Type	Social rent	Affordable Rent	Shared Ownership	Total
1bed/2pers	15 (15)			15 (15)
2bed/4pers	18 (15)	19 (20)	19 (21)	56 (56)
adaptable	2	6	5	13
3bed/5pers	3	15 (17)	16 (17)	34 (34)
adaptable			3	3
4bed/6pers	2 (7)	2	3	7 (7)
adaptable	1		2	1
Total	38 (37)	36 (37)	38 (38)	112
adaptable	3	6	10	19

The submitted Affordable Housing Plan details the provision of 112 units, which accords with the requirement to deliver 30% of the units as affordable units.

In terms of tenure split the plan details 38 units of social rent, 36 units of affordable rent, and 38 units of shared ownership. This is considered to accord with the requirement to have an even split of tenure types through the scheme.

In addition, the Legal Agreement requires that prior to commencement of development of each phase, a schedule of the location, house type/size, specification and tenure of the affordable housing units shall be submitted for the written approval of the Local Planning Authority and attached to the s106 Agreement. Compared to the s106, the tenure of proposed four-bedroom units has been widened and social rent units include three-bedroom units.

The locations of the units are distributed in 'clusters' in the Walks and Quarry Edge Areas of the development. Clusters are usually preferred by Registered Providers for management and maintenance reasons.

The Council's Housing Strategy and Enabling Officer has reviewed the proposed provision and concludes that it is a good Affordable Housing scheme, noting that the affordable housing is spread across the site in clusters and that there is a good range of house types, including up to 7 x 4 bedrooms.

The plans also indicate provision of 5% of all the housing units (5% of 373=19) as Adaptable dwellings in accordance with Policy H6 of the Torbay Local Plan. Clarity on which units will be delivered to adapted standards in accordance with the Legal Agreement has been provided by the developer. If the adaptable Units were spread proportionately across the housing tenures on the site, 6 affordable adaptable units would be required (split: 2 social rent, 2 affordable rent and 2 intermediate). However, the 19 units proposed are all affordable ones and these requirements are met as set out in the submitted Schedule (Doc Ref No 0758-102B): 14 in Walks and 5 in Quarry's Edge areas with tenure mix as set out in the table above. The Council's Housing Delivery Officer supports the proposal in terms of the affordable housing offer.

The number and tenure mix of the proposed affordable housing units is compliant with Policy H2 and the number of adaptable units is 5% in accordance with Policy H6 of the Torbay Local Plan.

11. Housing Supply

The Council cannot currently demonstrate a 3- or 5-year housing land supply, as sought by Government. 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 conflict with the Development Plan it should be noted that the absence of a 3- or 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.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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

CIL

Not applicable to this development.

S106

Not Applicable to these Reserved Matters. However, the outline consent is subject to a S106 legal agreement which secures the following if a scheme is delivered;

- 30% Affordable Housing
- Land for a primary/nursery school and

- Bus Service
- Health contributions for Compass House Medical Centre (148,827) and a new health and wellbeing centre (775 per dwelling) to be delivered through the NHS
- Berry head Grassland Improvements - proportionate in accordance with the adopted SPD
- Employment Contributions to Claylands Industrial Park or other jobs in Torbay
- Sustainable Transport Contributions in accordance with the adopted SPD
- Lifelong Learning Contribution in accordance with the adopted SPD
- Sports Contribution in accordance with the adopted SPD
- Waste and recycling Contribution in accordance with the adopted SPD
- Provision of on-site Public Open Space including allotments, community orchard and play areas.

EIA/HRA

EIA: Considered at outline stage, which concluded that due to the scale, nature and location the development was considered to be EIA development. An Environmental Report was submitted at outline stage and the principle of the development approved subject to Ecological Mitigation works secured through conditions and a s106 agreement. Considering these reserved matters aside the outline proposals it is not apparent that the project would likely have further significant effects on the environment and hence no further formal screening is considered necessary.

HRA: Considered at outline stage, which concluded that due to the scale, nature and location the development could affect European Sites and ecological mitigation works were secured through conditions and a s106 agreement. Reserved matters applications will not normally need to re-consider HRA and as the proposed development principally accords with the form and layout of development previously presented it is not considered necessary to carry out a further HRA.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme, in terms of providing housing, would produce a significantly positive impact overall and help with the supply of much needed housing. The provision of 112 affordable homes, including 19 adaptable units is also a significant material benefit.

The provision of public play areas and footpaths with countryside access is also a significant public benefit. The nearest formal play area being at White Rock.

The provision of enhanced public transport facilities is also a material benefit with the proposal including the pull-in bus stop and extension to an existing bus route. It is also proposed to secure a toucan crossing and three non-controlled crossings, which will improve the access to the bus stop and aid crossing a strategic road to provide access to the countryside route and school.

Conclusions and Reasons for Decision

The site already has outline planning permission (with an approved vehicular access design) and is consistent with the approved outline application for the site. The proposal is considered acceptable with regards to detailed design within the principles of the outline permission.

The scheme is adequately resolved and would provide an adequate standard of living accommodation and is acceptable in terms of access, ecology and flood risk matters.

There are also demonstrable public benefits that weigh in favour of the scheme, notably housing provision, including 112 affordable units (19 of which would be adaptable), formal equipped child's play areas, informal open space and public transport facilities.

The principle of housing development on the site has been approved at outline stage. The NPPF (paragraph 11) guides that decisions should apply a presumption in favour of sustainable development for housing proposals within situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

The impacts on protected areas or assets of particular importance were considered at outline stage and the current proposal satisfactorily includes the implemented ecological mitigation works and the design principles of the approved site layout and design. There are no impacts on protected areas of particular importance that provide a clear reasoning for refusal.

Officer Recommendation

Approval: Subject to;

The conditions as outlined below, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Recommended Conditions

1. Phasing Plan

The development shall be undertaken in strict accordance with the approved Phasing Plan (Drawing Numbers 0758-116-1B, 0758-116-2B and 0758-116-3B.) unless otherwise agreed in writing.

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

2. FRA detail for phase 1. Later phases to be submitted

Phase 1 of the development as defined on the approved Phasing Plan (Plots 1 to 56 and 100 to 105) shall be implemented in accordance with the submitted and approved Drainage Scheme. Details of infiltration and permeable paving for Plot 57 to 62 shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on those plots. The Drainage Scheme and approved details shall be provided in full working order prior to the first occupation of Phase 1 (Residential) and shall be maintained in that condition thereafter for the lifetime of the development.

No further phase of the development shall commence until the detailed surface water drainage scheme for the respective phase has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage designs shall be in accord with the

principles established in the approved framework FRA (WB03590/FR01 V5), Technical Note WB03590 TN01(v4) Appendix F Updated Drainage Strategy Drawing) further to condition 35 of the outline planning permission.

No phase of the development shall be occupied or brought into use until the approved surface water drainage scheme for that phase has been completed as approved. The scheme shall be continually maintained as such thereafter.

Reason: In the interests of securing a satisfactory drainage scheme prior to commencement of the development that adapts to climate change and manages flood risks on the site and in the vicinity further to Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained in the National Planning Policy Framework.

3. Waddeton Gate Piers

Prior to first occupation of the development the stones that formed the Waddeton Gate piers at the Brixham Road entrance to the site shall be retained on the site and reused as a landscape feature within the site in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with a timetable to be agreed in writing by the LPA and maintained in good and safe condition for the lifetime of the development.

Reason: In the interests of the timely development of the site, amenities of the area and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

4. Materials: samples

Notwithstanding the approved drawings and house-type booklets no construction of external walls or retaining walls in each phase of the development shall commence until 2sqm sample panels of each of the external materials and finishes to be used in that phase including natural stone, reconstituted stone, bricks, self-coloured render, copings and timber cladding have been erected on site and the materials have been approved in writing by the LPA. The sample panels shall be kept on site for reference until the development is completed.

Reason: In the interests of the appearance of the development and the surrounding area and AONB in accordance with Policies DE1 and C1 of the Adopted Torbay Local Plan 2012-2030 and policies BH5 and E1 of the Brixham Peninsula Neighbourhood Plan 2019.

5. Boundary fences to rear of specific plots

Prior to the first occupation of the following plots their a 1.8m high close-board fences shall be installed along the boundaries with planted areas/hedgerows and hedgebanks.

- Orchards Plots 1 to14 consecutively and Plots 57, 58 and 70
- Walks Plots 89 to 99 consecutively and Plot 100
- Nords Plots 208 to 220 consecutively, 222 to 230 consecutively .

The fences shall be retained in those positions and maintained in good condition thereafter for the lifetime of the development.

Reason: In interests of security of the development and the protection of planting buffers and hedgerows further to Policies DE1, NC1 and C4 of the Adopted Torbay Local Plan 2012-2030.

6. Plot Boundary hedges

The boundary hedges on plot frontages and street boundaries once installed, shall be retained and maintained for the lifetime of the development.

Reason; In the interests of the visual character of the area, in accordance with Policy DE1 of the Torbay Local Plan.

7. Levels

The development hereby approved shall be constructed in accordance with the levels shown on the approved plans (reference 0758-104-1A to 9A - External Works, received 03.02.2023) unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of the visual character of the area, in accordance with Policy DE1 of the Torbay Local Plan.

8. Low Carbon

The development shall be implemented in accordance with the Energy Statement (003830 dated 16.02.2023).

Prior to the commencement of development of each phase of the development above Slab level details of the location and arrangement of on-site renewable energy generation for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The proposals shall as far as practicable demonstrate the following:

- (a) Be sited so as to minimise its effect on the external appearance of any building;
- (b) Be sited so as to minimise its effect on the amenity of the area.
- (c) Be detailed so that solar panels do not protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope, and would be no higher than the highest part of the roof

The renewable energy equipment approved within each dwelling plot shall be implemented in full and operational prior to the first occupation of the building and maintained thereafter.

Reason: In interests of tackling climate change and securing low carbon development, in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030, Policy BH7 of the Brixham Peninsula NP, Policy PNP1(f) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

9. Secured by design

Prior to the above ground development of each phase, a scheme detailing security measures and how designing out crime, fear of crime and anti-social behaviour and ensuring the security and safety of future residents have been considered and submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any entry control and/or monitored CCTV system and that a clear passport to compliance document will be put in place prior to installation to ensure that the system is fit for purpose. Development shall take place in accordance with the approved details and shall be fully implemented prior to the occupation of the building(s) to which it relates. The scheme shall be retained and maintained for the lifetime of the development.

Reason

To ensure the safety and security of persons and property and to minimise opportunity for crime, fear of crime and antisocial behaviour. In accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan 2012-2030.

Play Areas

10. Details of fencing and surfaces of NEAP, MUGA other play areas

Prior to the commencement of installation of each of the NEAP, MUGA and LEAPs in accordance with the approved plans, details of the fencing and ground surfaces for the respective area shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include a hardwearing and weatherproof surface for the play areas. The development shall be implemented in accordance with the approved details and maintained in good and safe condition thereafter.

Reason: In the interests of providing public open space and play facilities to meet the needs of the development further to Policies SC1 and SC2 of the Torbay Local Plan 2012-2030.

11. Completion of Play areas.

The play areas, public open spaces and allotments hereby approved shall be completed in accordance with the approved Phasing Plan (and further to conditions 6 and 7 of the outline permission). Any equipment that is damaged or falls into disrepair throughout the lifetime of the development shall be replaced as soon as practicable and within a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of providing public open space and play facilities to meet the needs of the development further to Policies SC1 and SC2 of the Torbay Local Plan 2012-2030.

12. Trim Trail implementation (in accordance with the approved plan P22-1499_EN_001-06 Rev D)

The Trim Trail shall be installed in phases and prior to occupation of 50th dwelling in the phase in which the respective equipment pieces are located in accordance with the Phasing Plan. The full set of Trim Trail equipment in the approved scheme shall be implemented prior to occupation of 50th unit in Phase 4. The Trim Trail shall be maintained in a safe working condition for the lifetime of the development. Any equipment that is damaged or falls into disrepair shall be replaced as soon as practicable and within a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of providing public open space and play facilities to meet the needs of the development further to Policies SC1 and SC2 of the Torbay Local Plan 2012-2030.

13. Allotments

Prior to the first occupation of the first phase of the development, details of the fencing for the allotment area shall be submitted to and agreed in writing by the Local Planning Authority. The Allotments shall be laid out and provided in accordance with the approved plans and the ground prepared prior to first occupation of the 50th dwelling in Phase 1 (Residential) as defined on the approved phasing plan (0758-116-3 B).

Reason: In the interests of providing public open space in a timely manner and supporting local food production to meet the needs of the development further to Policies SC1 and SC2 of the Torbay Local Plan 2012-2030.

Landscaping

14. Lighting/Service Runs and Trees

Further to condition 16 of the outline permission, the details of the lighting scheme for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Each lighting scheme shall include a review of the tree positions with regards to lamp and service run positions and, in the case of any conflict between these, the scheme shall resolve the tree positions to ensure that as far as practicable there will be no net loss of trees.

Reason: In the interests of the amenities and biodiversity of the area and in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030.

15. Landscaping (in accordance with the approved plans and implement).

All planting, seeding and turfing comprised in the approved details of landscaping within each phase of the development shall be carried out in the first planting and seeding season following the practical completion of the dwellings in that phase, or at such other time as agreed by the Local Planning Authority in writing.

Those areas outside the Phases shown on the approved Phasing Plan shall be carried out in the first planting and seeding season following the practical completion of the phase to which it is adjacent.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities and biodiversity of the area and in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030.

16. LEMP +

The landscaping of the development shall be undertaken in strict accordance with the approved Landscape and Ecological Management Plan (Ref P22-1499, Pegasus, Sept 2022). Details of triggers and a time-schedule for implementation of the LEMP for each phase shall be submitted to the LPA prior to occupation of each phase. All post-construction site management shall be undertaken in accordance with the LEMP.

In addition ,the landscaping shall be implemented in accordance with the following:

- a) A review be undertaken 15 years form the first planting season and any supplemental planting required to achieve the required landscape impact shall be undertaken within a timescale agreed by the LPA
- b) Identification of which hedgerows are suitable for layering and implementation of a time-schedule for those works.

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

17. Trees Method Statement

Notwithstanding the approved LEMP (Ref P22-1499, Pegasus, Sept 2022) the development shall be implemented in accordance with the approved Tree Report (EV-377-3-1-AMS (dated 21.09.2022)) and Tree Protection Plans.

Prior to the commencement of above ground development for each phase shown in the approved Phasing Plans a Tree Method Statement shall be submitted to and approved in writing by the LPA. The Tree Method Statement shall include details of

- a) tree guards for young trees
- b) root cells and stem protection for street trees within or adjacent to roads or parking areas
- c) strimmer guards for trees in grassed areas
- d) irrigation for trees in all areas

Each phase of the development shall be implemented in accordance with the approved Tree Method Statement and Tree Protection Plans.

Reason: In the interests of the amenities and biodiversity of the area and in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030.

18. POS litter bins and benches

Notwithstanding the approved Public Open Space Landscaping Plans the details of the benches and litter bins and their positions shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation in each phase of the development. The development shall be implemented in accordance with the approved details and maintained in that condition thereafter.

Reason: In the interests of maintaining the amenities of the area and in accordance with Policies DE1 of the Torbay Local Plan 2012-2030.

19. Hard Landscaping materials

Prior to the above ground development of each phase of the development hereby permitted, the scheme of hard landscaping treatment for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the following details:

- a) any walls, railings and fences
- b) surfacing of roadways, drives, parking, turning areas and paths

The development shall be implemented in accordance with the approved plans. Once provided, the agreed hard landscaping treatment shall be retained for the life of the development.

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

20. Northern Access Route –

Notwithstanding the approved external works and landscaping plans, details of the surface and construction of the Northern Access Route shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of above ground development of Phase 1 (Residential). The development shall be implemented in accordance with the approved details and the Northern Access Route constructed and made available for its intended purpose prior to the first occupation of the development.

Reason: To ensure adequate access is provided to the development in a timely manner and in the interests of highway safety, active travel and sustainable transport provision further to Policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

Highways

21. Highway Standards Adoptable Streets

Construction of the internal roads (including footpaths) within the development shall be in accordance with the Torbay Highways Design Guide for new developments in operation at the time of construction. The roads and footways shown on the approved plans (Drawing Nos 0758-107-2A, 0758-107- 3A and 40_09_01-P2 S38 Sheet 1 of 3) as being for adoption and serving each phase of development shall be completed to adoptable standards (further to Condition 24 of the outline permission P/2022/0112) prior to the occupation of the dwelling served by the respective road. Those roads identified for adoption shall be the subject of an agreement with the Council made pursuant to S38 of the Highways Act 1980

Reason: To secure an acceptable residential environment and to ensure highway safety is not impaired, in accordance with Policies SS11, TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

22. Parking provision of spaces and garages.

Prior to the occupation of each dwelling hereby approved, their associated car parking spaces and garages, as shown on the approved layout plans, shall be provided and thereafter made permanently available free of charge for the use of the associated properties. The visitor spaces and allotment parking shall be provided prior to the completion of all the dwellings within the relevant phase.

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

23. ECVP cabling

The cabling for Electric Vehicle Charging Points shall be provided in accordance with the approved drawings 0758-120-1 and 0758-120-02. Details of charging sockets shall be submitted to and agreed in writing by the Local Planning Authority for each phase prior to first occupation of that phase and the socket serving each unit shall be installed and provided in full working order prior to the occupation of that dwelling.

Reason: In the interests of carbon reduction and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030.

24. Refuse and Recycling

Notwithstanding the approved Refuse Strategy Plans, the locations of refuse bin collection points shall be provided in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of above ground development of each phase. The approved facilities shall be provided prior to occupation of the relevant unit and shall be retained thereafter.

Details of a scheme for storage and collection of waste and recycling for the apartments at Plots 106 - 129 and 305 - 310 (consecutive) shall be submitted to and agreed in writing by the Local Planning Authority prior to the above ground development of the respective plots.

Reason: To ensure a satisfactory completion of development and protect the amenity of future occupants and the appearance of the development in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

25. Cycle Storage

Prior to the first occupation of each phase details of cycle storage (secure and weatherproof) for the houses without garages and the apartments (Plots 106-129 and 305-310 consecutive) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with approved details prior to the first occupation of the respective Plots and maintained for the lifetime of the development.

Reason: In the interests of reduction of carbon fuel usage and residential amenity, and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030

26. Bus shelter and bus stop infrastructure

Details of the Real-time Information equipment for the bus stop shelter shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of above ground development of Phase 1.

The bus shelter and all bus stop infrastructure shall be implemented in accordance with approved plans and specifications in accordance with condition 22 of the outline permission (upon occupation of the 50th dwelling). The shelter shall be provided and installed and maintained in full working order and maintained thereafter.

Reason: To ensure adequate access is provided to the development in a timely manner and in the interests of highway safety and sustainable transport provision further to Policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

Post Development

27. PD Rights Part 1 (A to F) and Part 2

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015, Article 3, Schedule 2, Part 1, Classes A to F, and Part 2, or any Order amending or revoking said Order;

- i. No enlargements, improvements or other alterations shall take place to dwellings within the application site, and no outbuildings shall be erected within the garden areas of these dwelling houses, with the exception of one ancillary structure each up to 10 cubic metres in volume,
- ii. No additional means of hard surfacing shall be provided forward of the principal building line of each dwelling hereby approved, and
- iii. No alternative means of enclosures shall be erected within the site.

The development shall accord with the above unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interest of the amenity and appearance of the area and functionality of the site in accordance with Policy DE1 of the Torbay Local Plan.

28. No wind turbines Part 14 Class H.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015 Order (or any Order revoking or re-enacting that Order with or without modification) no development falling within Article 3, Schedule 2, Part 14, Class H - "installation or alteration etc. of wind turbines on domestic properties" shall take place unless

permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

Informative(s)

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.

02. Conditions and a s106 agreement relevant to these reserved matters are present on the outline consent P/2017/1133 (as varied P/2022/0112).

Relevant Policies

Development Plan Relevant Policies

Torbay Local Plan

SS8 - Natural Environment

SS9 - Green Infrastructure

SS11 – Sustainable Communities

SS12 – Housing

SS13 – Five year housing land supply

SS14 - Low carbon development and climate change

H1 – Applications for new homes

TA1 - Transport and accessibility

TA2 - Development access

TA3 – Parking requirements

C4 - Trees, hedgerows and natural landscape

DE1 - Design

DE3 - Development Amenity

DE4 - Building heights

ER1 - Flood Risk

ER2 - Water Management

ES1 - Energy

W1 - Waste management facilities

W2 – Waste audit for major development and significant waste generating developments

NC1 - Biodiversity and geodiversity

Brixham Peninsula Neighbourhood Plan

BH4 – Housing Development

BH5 – Good Design

BH6 – Roofscape

BH7 – Sustainable Construction

BH8 – Access to New Dwellings

E1 – Landscape Beauty and Protected areas

E8 – Ecological Sites

T1 – Travel Improvements

SL1 – Space for Outdoor Sport and Leisure

SL2 – Sport and Recreation Facilities in New Development

Paignton Neighbourhood Plan

PNP1 – Area wide

PNP1(a) - Rural Character Area

PNP1(c) – Design Principles

PNP1(d) – Residential Development

PNP1 (f) – Towards a sustainable low carbon energy efficient economy

PNP1(g) – Designing out crime

PNP1(h) – Sustainable transport

PNP1(i) - Surface Water

Supplementary Planning Committee Report

13th March 2023

Agenda Item 5.

P/2022/1119 - Land to The South Of White Rock, Adjacent to Brixham Road, AKA Inglewood, Paignton.

Major Reserved Matters application relating to outline consent P/2022/0112 for approval of (i) layout, (ii) scale, (iii) appearance, (iv) landscaping for the construction of 373 dwellings (Use Class C3), provision of serviced land for primary school and nursery school, internal access roads including vehicular and pedestrian/cycle access, the provision of public open space (formal and informal) and strategic mitigation.

A revised schedule of Adaptable affordable housing units was received on 07.03.2023 (Drawing Number 0758-102B Issue 2).

The table below updates the table in the Affordable Housing Section of the Committee Report.

House Type	Social rent	Affordable Rent	Shared Ownership	Total
1bed/2pers	15 (15)			15 (15)
2bed/4pers	18 (15)	19 (20)	19 (21)	56 (56)
adaptable	3	6	3	12
3bed/5pers	3	15 (17)	16 (17)	34 (34)
adaptable	1		2	3
4bed/6pers	2 (7)	2	3	7 (7)
adaptable	2		2	4
Total	38 (37)	36 (37)	38 (38)	112
adaptable	6	6	7	19

(Figures in brackets are from s106 Agreement Table A. Adaptable units are in green.)

The submitted Affordable Housing Plans (0758-112-1C and 0758-112-2C) detail the provision of 112 units, which accords with the requirement to deliver 30% of the units as affordable units with Policy compliant tenure mix.

The number of adaptable units remains at 19 but the tenure mix and type of units has been improved to increase the number of social rent adaptable units from three to six in a range of sizes.

TORBAY COUNCIL

Application Site Address	Former St Kilda's Residential Home 15 Drew Street Brixham TQ5 9JU
Proposal	Partial demolition of existing care home and development of 23 'later living' flats with associated parking; Change of use of retained villa to single dwelling (24 units total), and minor works to retained villa.
Application Number	P/2021/0531
Applicant	TDA
Agent	KTA Architects
Date Application Valid	15.02.2022
Decision Due date	17.05.2022
Extension of Time Date	31.03.2023
Recommendation	<p>Approval: Subject to;</p> <p>Recreation pressures mitigation obligation of £3,240.00 secured via s106 legal agreement.</p> <p>The completion of the Nomination Agreement to secure 23 units of affordable housing.</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major Application and land owned by The Council.
Planning Case Officer	Scott Jones

Location Plan



Site Details

The site is located to the west of Drew Street close to the centre of Brixham. The town centre lies to the north of the site, and Brixham Hospital can be found within the site's immediate context.

The site consists of two vacant buildings which were formerly used in combination as a retirement home. The first building, St. Kilda's, is a large two and three storey 1970's brown brick building with areas of cream render, green hung tiles and a brown tile roof. This building is sited to towards the rear of the plot. The second building, 15 Drew Street, is an early C19th 2-storey Grade II listed building, with cream rendered walls, timber windows and a slate roof. This building is sited at the front of the plot and addresses Drew Street. The site has one point of vehicular to the side of 15 Drew Street, with pedestrian access to 15 Drew Street from the front of the building.

To the east of the buildings the site is primarily hard landscaped and used for vehicular access and parking. Vegetation is principally low-quality scrub growth around the borders to the north and west of the buildings. Trees to the north and western fringes appear to have been removed within the last few years.

In terms of context the area is predominantly residential in character with interspersed commercial and public buildings in the area.

In terms of topography there is a gentle gradient with land levels dropping from the entrance to the watercourse at the rear of the site. The northern fringe of the site adjacent to this watercourse is identified as having a high risk of flooding with the remainder of the site having a low risk of flooding.

In terms of heritage context as detailed the villa at the front of the site is a listed building. In addition the adjacent buildings (No.s 17-19) are also listed. The front of the site and villa sit in the Higher Brixham Conservation Area but the rear building and most of the site sit outside the defined boundary of the conservation area.

Description of Development

The proposal is to demolish the large 2/3 storey modern building to the rear of the site and the modern link to the listed building and provide a new over 55s affordable housing development of 23 new flats, with communal bin, bicycle and buggy storage, over a broadly similar footprint to the current building. The listed building to the front of the site is proposed to be changed in use to a single dwelling (open market) with remedial works proposed to remove the existing link corridor to the wider care home and some repair works to address its deteriorated state.

The accommodation within the new build is to be 15x 1-bed and 8x 2-beds. 6 parking spaces are proposed to serve the apartments of which 2 will be disabled and 1 being demarked as a drop off space. The conversion of the listed building to a dwelling will be served by 2 car parking spaces immediately adjacent to the building.

The proposed new apartment building will present a similar 'H' shaped building that will cover a similar but amended footprint. The building line to the south towards the listed building will be regressed by approximately 4m and the building line to the east that addresses the parking area will be regressed between 4m-6m. The northern building line addressing the watercourse is principally unchanged as is the western building line.

The scale of the apartment building is a uniform 3-storeys with pitched roof wings bookending a slimmer recessed central link. The wings are pitched and are set approximately 1m above the current ridge heights of the existing pitched roof wings. The central recessed link will be flat roofed, similar to the existing link, but will be one storey (3m) higher. The wing close to the listed building will be cut into the slope of the site which principally facilitates the additional floor being provided in this area of the building.

Materials are a mix of two bricks with grey tones within the elevations with elements of natural oak cladding. The pitched elements of the roof will be 'slate-grey' metal seamed. Windows and rainwater goods are cited as being bronze in colour however the applicant has indicated that a colour change to grey is requested to match the revised colour palette for the building.

Revised plans have been submitted through the course of the application to include the listed building within the application and thus provide a holistic redevelopment of the plot, and to address officer concerns on design and potential neighbour amenity impacts. Also, further detail has been submitted that has sought to address concerns raised by the Environment Agency.

Relevant Planning Policy Context

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

Development Plan:

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Brixham Peninsula Neighbourhood Plan 2012-2030 (BNP)

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.
- Listed building and setting of listed building*
- Conservation Area*

*The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With regard to Conservation areas the Act requires that in considering this application, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Pre-Application Enquiry

DE/2020/0058: Construction of 23 1 and 2 bed apartments – General Support.

Relevant Planning History

P/2021/0532/LB: Listed Building Consent for works related to this application, associated with the partial demolition of existing care home and development of 23 'later living' flats with associated parking; Change of use of retained villa to single dwelling (24 units total), and minor works to retained villa. Pending consideration.

Summary of Representations

3 submissions, 2 objections.

The concerns raised are summarised as follows:

- Potential loss of light from a higher building.
- Loss of privacy from overlooking.
- Wouldn't wish to see maintenance access lost.

Summary of Consultation Responses

Brixham Town Council:

No comment on current scheme. Original scheme advertised and consulted on BTC offered no objection.

Drainage Engineer (Torbay Development Agency)

Providing the surface water drainage is constructed in accordance with the submitted Flood Risk and Drainage Assessment dated 19th October 2021, I have no objections on drainage grounds to planning permission being granted for this development.

Environment Agency

Update comments 27.02.2023: We consider that the information contained within the Case Consultants letter dated the 9th Feb 2023 (and associated drawing SITE SECTION ADJACENT TP WATERCOURSE C716/FRA02 REV P) and revised cross sectional drawing 'Proposed Sections' SK-KT-XX-XX-DR-A-2013-SK210-S0-P4 dated 24/02/2023 are sufficient to enable us to remove our objection to this proposal. However, we suggest the inclusion of a planning condition to secure that there will be no land raising in the flood corridor adjacent to the watercourse. The suggested wording for this condition provided, together with advice regarding flood risk informatives.

South West Water

No objection Stated. SWW can provide water and foul sewerage services. The applicant should contact SWW if development is within 3m of any public sewer. The surface water disposal is considered acceptable and accords with the local hierarchy of disposal.

Conservation Advice (internal – Torbay Council)

The significance of the listed building has been somewhat compromised by previous development within its setting and by past insensitive extensions. The proposals to remove the rear 1970s link and to sensitively repair the listed building would have a positive impact on the existing character and appearance of the listed building and, if carried out appropriately, would contribute to the enhancement of its significance as a designated heritage asset.

The removal of the existing structures within its setting is to be encouraged, and whilst the replacement development is larger with regards to its scale and massing, it is located further away from the listed building which would gain a small defensible garden area to the rear.

Whereas it can be considered that the development, when viewed in isolation, would cause a degree of harm to the significance of the heritage asset due to its size and proximity to the listed building, this level of harm can be outweighed by the heritage gains of the proposals and the benefit of replacing the existing structures in this location. To help achieve this, it is essential that the proposed development is constructed using high quality materials commensurate with their sensitive setting to mitigate its visual impact.

It is also considered that the proposals would allow the optimum viable use of the building to be achieved by reinstating it as a single dwelling.

Police Designing Out Crime Officer

It is welcomed that Secured By Design has been a key consideration for the design process.

It is recommended that access to the building is via the use of a security encrypted key such as a fob or card and include the ability to permit remote access from each apartment.

Access into the communal areas of the building via the bin store and the bike store should also be via the access control system to prevent unauthorised access into the building.

It is recommended that low level lighting is installed for during the hours of darkness to cover all entrance and exit that the residents have access to. We would not recommend the use of PIR lighting due to the fear of crime that can be caused by repeat activation.

It is also recommended that 24-hour internal lighting (switched using a photoelectric cell) is installed to communal areas of the property.

It's requested that further details are submitted for rear boundary treatments. A boundary rear treatment should be installed to vulnerable areas such as exposed side and rear gardens. It is noted that the proposal is to use the existing boundary treatments however these must be a minimum height of 1.8m.

It is recommended that utility meters can be read remotely.

It is welcomed that the mail delivery system is inside the lobby area, we would recommend that the lobby is made into a secure area to prevent onward movement and access within the property. The mail delivery system should be of robust construction and have anti fishing properties, to prevent theft of mail.

A clear management and maintenance plan must be in place before the first residents occupy the development.

Waste and Recycling Officer (Swisco)

Access to the site must be kept clear of parked vehicles and safe with room to turn and clear of any obstructions when angling in behind number 15. I note that SWISCo will need to drive on to unadopted highway to collect recycling and waste from this development, SWISCo will not drive on to unadopted highway to collect recycling and waste unless formally indemnified against any damage caused. An indemnity would need to be in place before collections can commence.

The bin store will need to level with no steps as the bins will need to be wheeled to the vehicle. A drop curb and level surface from bin store to the vehicle loading area will be needed.

I would like to request waste management contributions for this development in line with the table below. As communal bins will be used at this site there will be a reduced capacity to recycle.

Further comment (22.02.2022): Torbay Council and its previous contractors have collected from here in the past. Collections were made by reversing onto site and then pulling out back onto Drew Street in forward gear. SWISCo are happy to make collections in this way for the new development, however it should be noted, access from the entrance of site to the bin store must be kept clear. Historically, vehicles would park at the entrance and then leading to the building which prevented refuse vehicles being able to make collections.

Torbay Council Community Protection

No objection subject to a construction management plan condition being attached to any grant of consent, in the interests of protecting the amenity of surrounding occupiers during construction.

Highways Authority

In conclusion, the following information is required before a recommendation can be made on highways grounds in respect to this application:

- Swept path analysis demonstrating that refuse vehicles are able to safely manoeuvre within the site and exit in a forward gear.
- Clarification over the number of disabled spaces is required*.
- Electric vehicle charging points should be considered**.
- Swept path analysis is required for the parking spaces in the northern extent of the site***.

* Chapter 7 of the Design and Access Statement demonstrates that 4 disabled spaces are to be provided, whilst the proposed site layout sets out only 2 spaces. Clarification is required; however, either is considered acceptable in line with the Torbay Local Plan (2012-2030).

** Consideration of electric vehicle charging points is also required. In accordance with the Torbay Local Plan (2012-2030), a minimum requirement of 20% of all spaces should have access to charging points.

*** The 8 parking spaces are clearly demonstrated in the proposed site layout, and swept path analysis has been demonstrated on 2 of these parking spaces. However, swept path analysis is required on the spaces in the northern extent of the site which appear to require a tight manoeuvre.

Green Infrastructure Manager (Swisco)

No comments received.

Devon County Council Ecologist

No objection subject to conditions and securement of a recreational pressures financial obligation inline with the council's adopted SPD.

- Construction and Ecological Management Plan.
- Landscape and Ecological Management Plan.
- Post-construction pollution control measures.
- Lighting Plan.
- No External Lighting unless approved.
- Compliance with the Ecological Impact Assessment.
- No vegetation clearance within the nesting season.

Planning Officer Assessment

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 key issues have been identified and will be discussed in relation to the relevant development plan policies and material considerations.

1. Principle of Development.
2. Affordable Housing
3. Design and Visual Impact.
4. Impact on Heritage Assets.
5. Impact on Residential Amenity.
6. Access, Movement and Parking
7. Ecology and Biodiversity.
8. Drainage and Flood Risk.
9. Designing out Crime
10. Low Carbon Development.
11. Other Considerations.

1. Principle of Development

The site is a long-vacant brownfield site located in the established urban area of Brixham relatively close to the town centre and various shops, services and transport options. It sits in an area where there is a strong residential character with interspersed community and commercial uses.

In terms of its brownfield character and central location the principle of residential development is supported within the Development Plan. Policy BH4 of the BNP cites that subject to compliance with the other policies of the Neighbourhood Plan, residential development on brownfield (or previously developed) sites in preference to greenfield sites will be encouraged and supported. The policy furthers that brownfield sites within the defined settlement boundaries are the preferred locations for development. These policies support the principle of residential development on this previously used and central site.

Within the Torbay Local Plan Policy H1 states that proposals for new homes within the built up area will be supported subject to accordance with the other policies contained within the Local Plan, and Policy SS12 supports a sustainable pattern of housing provision with an emphasis on brownfield sites and provision being made for affordable housing. These policies support the principle of residential development on this previously used central site for an affordable housing scheme.

In terms of site-specific policy guidance relevant to the principle of redevelopment the site is an allocated housing site under Policy H3 of the BNP. The proposed development is deemed to be aligned with this BNP housing allocation. Notwithstanding this St Kilda is also allocated for assisted living (not open market) housing in accordance with Policy HW1 of the BNP. Policy HW1 guides the retention of current health and social care estates and includes guidance that the site must not be lost to developments that are unrelated to health and social care need. Drawing together the guidance of Policies BH3 and HW1 of the BNP the development proposals do present some policy tension. There is alignment in terms of delivering housing, and in terms of delivering specialist non open market housing, as the development seeks to deliver over 55s affordable housing units within the new build element. There is however tension in terms of the housing use not being related to health or social care. The application is supported by a policy assessment that also covers this policy tension but presents some context to support the merit of the current proposal. This includes the wider policy support for affordable housing and specialist over 55s housing, and the benefits of this

being a 100% affordable unit scheme. The statement also outlines that the BNPs Housing Site Assessment states that, in regard to St Kilda specifically, “The current facility is scheduled to close with the services, in part, being moved to another location”. This suggests the services were not lost and hence suggests the current loss is acceptable as the services were provided elsewhere. Linked to this point Policy HW1 does reference that where the current locations of facilities cannot be retained, an alternative facility within the Brixham Peninsula with as good accessibility will need to be provided. It is suggested that the historical closure relocated services at the time which in turn lessens the policy tension and strengthens the broad policy support for the current form of development proposed.

Considering the policy landscape in the round there is deemed to be a supporting policy framework for the provision of a residential use on the site. The policy support is clear within Policies BH3 and BH4 of the Brixham Peninsula Neighbourhood Plan and the current shortfall in housing land supply strengthens this support. There is some tension with Policy HW1 of the BNP but considering the sites long-standing closure it is not considered to present a loss of services per se. There is also support across Local Plan Policies SS12 and H1.

Pertinent to the judgment on principle it is pertinent to recognise that the Council cannot currently demonstrate a 3- or 5-year housing land supply. For decision making this means that the policies most important for determining applications for housing in the Neighbourhood Plan and the Local Plan are considered to be out of date and therefore should be afforded limited weight within the current decision-making process. The ‘tilted balance’ in favour of sustainable housing development therefore applies subject to the detailed wording of the NPPF Para 11 and the associated footnotes. This principally means that for permission to be withheld either (a) the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development or (b) harm would significantly and demonstrably outweigh benefits. This current context therefore increases the prospect of planning permission being granted because it ‘tilts’ the balance in favour of approving an application for housing.

Considering the policy context above, including the housing land supply position, it is concluded that the principle is considered acceptable for the form of housing proposed. This position is however subject to wider policy considerations that are relevant to the development proposal, which will be discussed in the Officer Assessment below.

2. Affordable Housing

Policy H2 (Affordable housing) of the Local Plan requires a development of this scale and on brownfield land to provide 20% affordable housing. Policy BH2 (Occupation of new affordable homes) of the BNP states that new affordable homes in the Peninsula shall only be occupied by persons (and their dependants) whose housing needs are not met by the market and:

- who have had a minimum period of 5 years in the last 10 years of permanent and continuous residence in the Peninsula and are currently living in the Peninsula; or
- who have lived in the Peninsula for at least 5 years and whose parents or children are currently living here and have at least 10 years continuous residency; or
- who are a key worker as defined by the UK Government and are working within the Peninsula.

The applicant (TDA) has stated that the scheme will be delivered as a 100% affordable housing within the new build element. This will present 23 units which deemed to present a significant public benefit over the policy position of 5 units. The converted listed building is proposed as an unrestricted open market dwelling.

Council planning policy is that 20% of the units delivered on this site should be affordable, of which, at least 1/3 should be for social rent, 1/3 affordable rent and up to 1/3 shared ownership. This tenure mix is not being provided as part of this application although this is mitigated by the fact that 100% of the homes being delivered are affordable rather than only 20%. The additional numbers of affordable units is a significant benefit. Given the scheme will deliver 18 additional units over and above the policy position and in total 23 units of over 55s specialist affordable units, there is sufficient mitigation to allow support and permit flexibility on type of tenure, which is not detailed in the application.

The level of affordable housing is considered a significant public benefit over and above policy expectations and the development is considered in broad accordance with Policy H2 of the Torbay Local Plan and BH2 of the Brixham Peninsula Neighbourhood Plan.

3. Design and Visual Impact

The National Planning Policy Framework (2021) states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition, it 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'. New development should be sympathetic to local Nationally achieving good design is a central thread within government guidance and Part 12 of the NPPF (Achieving well-designed places) offers key guidance. Paras 126, 127, 130, and 134 are particularly relevant and accumulatively guide that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, that good design is a key aspect of sustainable development, and the importance of design being sympathetic to local character (built environment and landscape setting). Para 134 advises 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 (Design) of the Torbay 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 DE4 states that the height of new buildings should be appropriate to the location, historic character and the setting of the development. New development should be constructed to the prevailing height within the character area in which it is located unless there are sound urban design or socio-economic benefits to justify a deviation from this approach.

The redevelopment to the rear of the plot replaces the existing poorly detailed slightly deteriorated 1970s building with a modern apartment building of a broadly similar size. The footprint of the proposed building is similar to that which exists but is smaller, where the existing building lines are regressed in two of the four as directions. The existing layout and building sits as a material consideration and the proposals are considered a betterment, with the reduced footprint and regressed building lines providing scope for an enhanced layout that

offers an improved relationship with the listed buildings to the south and increased scope for landscaping to present a more balanced and softened form of development.

In terms of scale the proposed building height is comparable to the existing and presents only a minor rise to the eaves and ridge heights of the northern and southern wings compared to the current building. The rise in heights being approximately 1m. The central section of the building does present an additional storey to that which existing rising from 2-storeys to 3-storeys, however this section is slim and recessed between the wings, which lessens the central section's prominence and any impact of the additional bulk. In terms of scale the building adequately respects the existing building which has stood for many decades within the site. The minor rise in height also retains adequate respect for the adjacent listed buildings and the increased gap between the building and the listed building offsets the minor rise in height.

The general design of the building is of sufficiently good quality, with staggered building lines and pitched and flat roofing breaking up the massing, which takes direct reference from the current building.

In terms materials the building will present a mix of two bricks with grey tones within the elevations with elements of natural oak cladding. The pitched elements of the roof will be 'slate-grey' metal seamed. Windows and rainwater goods are cited as being bronze in colour however the applicant has indicated that a colour change to grey is requested to match the revised colour palette for the building. The materials are considered appropriate for the context and will present a modern building that is finished in materials that respond to the stone and slate finishes that are locally present. The use of timber cladding will help break up the building and the natural tones will soften and help bed the building within the garden setting and re-landscaped surrounds.

Bearing the above points in mind the proposal is deemed to comply with Policy BH5 of the BNP and DE1 of the Local Plan which, amongst other criteria, requires development to be uncluttered and attractive, acknowledge local character and develop distinctive character in townscape and landscape terms, relate to the surrounding built environment in terms of scale, height and massing and have a clear urban structure and grain that integrates with the surrounding context.

It is considered that the proposed appearance, landscaping, layout and scale would not result in unacceptable harm to the character of the area. Based on the information provided, the proposed development is, for the reasons above, considered to demonstrate a satisfactory form of development.

The proposal is deemed to be in broad accordance with Policies DE1, DE4, SS10 and H1 of the Torbay Local Plan, Policy BH5 of the Brixham Peninsula Neighbourhood Plan, and guidance contained within the NPPF in terms of good design.

4. Impact on Heritage Assets

On terms of heritage assets the 19th Century building at the front of the site (15 Drew Street) is a designated Grade II Listed Building and the remainder of the terrace, outside of the site boundary, is similarly listed. This building and part of the site is also within the boundary of

the designated Higher Brixham Conservation Area. The large 20th century care home building and its surrounds deeper within the plot are not listed and sit outside of the conservation area boundary but are within the setting of the conservation area.

The accompanying Listed Building Consent being considered (P/2021/0532) identifies and seeks express LB Consent for associated physical works to the listed building.

In terms of the Local Development Plan it is guided that development proposals should have special regard to the desirability of preserving heritage assets and their setting (Policies SS10 and HE1 of the Local Plan and Policy BE1 of the BNP). These policies are aligned with the duties on local planning authorities as required by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, for decisions to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and for applications that affect a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The titled balance requires an assessment of the NPPF policies that protect heritage assets. NPPF (2021) provides guidance as to when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 199). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 200). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202).

A Heritage Impact Assessment (Avalon Planning & Heritage: 18-08-2022) has been submitted with the application, which assesses the current context and the impacts of the proposed development. The key heritage considerations are as follows.

In terms of use the change of use of the listed building to a private residential dwelling is considered an appropriate use and returns the building to its original use. The proposed use of the listed building as a single dwelling is considered more appropriate than the care use and I considered a positive aspect of the development. The proposed use is considered to present a viable for the building moving forward and would present an attractive living environment for future occupiers that is likely to help safeguard the building in the long-term. The internal layout and space will present an acceptable level of amenity with outdoor space and parking engrained within the proposed layout.

The removal of the single storey link and making good the exposed elevation will be beneficial to the listed building and its' setting and would positively influence the buildings contribution to the character and appearance of the Higher Brixham Conservation Area. The link is a modern unsympathetic structure, and its removal will improve the spatial arrangement within the setting of the listed building. The restoration of the original appearance of the lime washed

stonework will improve the rear elevation of the listed building and overall presents a positive aspect of the development.

A number of works are also proposed which will address damp issues and water ingress to ensure the building does not suffer from deterioration during the period where it is unoccupied. Addressing external aspects of the building that are failing is considered a positive aspect of the development in terms of the heritage considerations. External works should be secured by a planning condition tied to the occupation of the wider development to ensure the delivery of the improvements. The supporting heritage information details a number of measures however clarity on repair works, including methods for repair, requires greatly clarity secured by a planning condition.

Away from the listed building the existing large 20th century building to its rear is of a poor design and is in a deteriorated condition. It is considered to negatively impact on the setting of St Kilda and the adjacent listed buildings (Numbers 17& 19 Drew Street) and the setting of the Higher Brixham Conservation Area. The replacement building is of a similar scale and footprint to the existing but is slightly smaller in footprint and is positioned further away from the listed building and conservation area boundary. The increased space afforded the listed building will improve the relationship and the improved design and materials of the proposal replacement building will present a more sympathetic form of development. The introduction of a defined boundary will separate the proposed building from the listed building, detailed as a proposed boundary wall is detailed in the Heritage Statement as being finished in a stone facing similar to that found on the existing south west wall (rubble coursed sandstone) and topped with hedging to provide greater privacy without an overbearing sense of enclosure. There is however some conjecture with annotation on the proposed layout plan differing from this description. The introduction of a sympathetic boundary between the retained listed building and the new building will introduce an improved sense of plot enclosure for the listed building and is supported as a positive aspect, subject to detail. Stone rather than brick is considered an appropriate detail, as suggested in the Heritage Statement. Overall, the development will present a positive impact upon the listed building, the setting of the listed buildings and the character and appearance of the conservation area and its' setting.

It is considered that the proposal presents enhancement to the listed building, the setting of the listed buildings or the setting of the Higher Brixham Conservation Areas, and thus accords with Local Plan Policies SS10 and HE1 and Policy BH3 Oof the Brixham Peninsula Neighbourhood Plan, and advice contained within the NPPF.

This conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Sections 66 and 72) in terms of listed buildings and conservations areas, and their settings.

5. Impact on Residential Amenity

The NPPF guides (Para 130) 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. Policy DE3 of the Local Plan states that development proposals should be designed to ensure a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses.

Quality of living accommodation for future occupiers

Policy DE3 of the Local Plan requires that new residential provides a good level of amenity and that units provide adequate floor space to achieve a pleasant and healthy environment. The Neighbourhood Plan is largely silent on the matter of amenity but does cite expectations for outdoor amenity space. Policy DE3 sets out guidelines for minimum floor space standards for new dwellings and apartments, which reflect the Government's National Space Standards.

The proposal seeks to provide 23 units within the new build element, with 15x1-bed units and 8x2-bed units. The two bed apartments will have an internal space of circa 65sqm and one bed apartments will have an internal space of circa 50sqm. The internal spaces accord with the national space standards engrained within Policy DE3 of the Local Plan.

In addition to the size of the space the quality of the space should be considered, in terms of how it is positively influenced by natural light levels and outlooks. In this regard all apartments provide a good level of both light and outlook with adequately sized windows to all key spaces and suitable open outlooks.

Policy DE3 also seeks secure the provision of usable outdoor amenity space where apartments should deliver 10sqm per unit either individually or communally. The development has a landscaped setting of around 700sqm to the north and west of the building and some apartments are afforded private balconies. The provision exceeds the Local Plan expectation and will provide adequate outdoor amenity space for the new apartments.

In terms of key ancillary elements Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage of waste. Communal bin storage areas have been provided within the building, located on the corner which aids access for collection services. The proposed bin storage facilities are considered acceptable and compliant with Policy W1.

The development also includes the change of use of the listed building to a single dwelling, which would have been its historic use. The building will present an attractive and pleasant habitable space which would be supported by a rear garden for outdoor amenity and bin storage. Parking is also provided for 2 cars adjacent to the building. Overall, the created unit will present a suitable residential environment.

Considering the various aspects that influence a good living environment development is considered to provide a good standard of living accommodation for future occupiers, in accordance with policy guidance, notably Policy DE3 of the Torbay Local Plan and advice contained within the NPPF.

Adjacent neighbouring amenity

Policy DE3 also states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers.

The construction phase will naturally have some temporary impacts however such impacts are not unusual and can be limited through positively managing the process through a

Construction Method Statement and detail of practices and compliance can be secured through the suggested planning condition.

In terms of the finished development the residential use aligns with the residential uses nearby and the additional dwellings would not result in undue noise or general disturbance.

In terms of light and outlook afforded adjacent occupiers the proposed building will be a similar scale and over a similar footprint to that of the existing building and the minor changes in height and location will not present a demonstrable change to the light or outlook afforded adjacent occupiers. The increased gap to the listed building will also afford sufficient space for the future use of Number 15 as a dwelling when considering layout and elevation treatment to the rear, which has limited openings. Concern has been raised by a neighbour to the east over the impact on light afforded their garden with the building changing from 2-storeys to 3-storeys on the slightly higher part of the site, however the increased number of floors is largely achieved through setting the building into the slope of the site and the overall heights are similar and present limited change. The main rise in height is within the central section, which is one storey higher, however the building line of this central section is recessed which limits any impact and is circa 15m from the boundary of the site with the plot of the concerned resident.

In terms of privacy and overlooking although the proposed building will be a similar scale and over a similar footprint to that of the existing building it will present a different form of residential occupation and different elevation treatments regarding windows etc, and hence due assessment is necessary. Concern has been raised regarding the impact across the southwest boundary due to the change in use and the proposed treatments of windows/doors and balconies. Discussions with the applicant were undertaken to highlight areas of concern and revised plans have been submitted that seek to address concerns. In terms of amendments within the southwest elevation the 1st floor balcony has been removed within the southern wing and the door/window combination has been reduced to a window. Obscured reeded glass has been introduced to the lower half of the resultant window and the matching window above. The removal of the balcony is welcomed however the upper sections of the first and second floor windows would introduce views to private gardens in very close proximity to the joint boundary (less than 5m). In the context and in line with Officer aspirations it is retained that the widows should be fully obscured unless they were high level, which these are not. To overcome this a planning condition is proposed to secure obscure glazing through the two windows to protect neighbour amenity. The end elevation of the northern wing facing southwest is further away and the current elevation presented extensive glazing towards the boundary. Considering this context, and that the adjacent plot has a tarmacked parking area rather than garden immediately adjacent the elevation treatment proposed is considered to present an acceptable relationship.

To the northwest obscure reeded glass has been introduced to lessen the perception of overlooking across the adjacent watercourse and towards the rear of neighbouring plots. Considering the distances involved and the ability for future landscaping to offer some softening of views, the relationship is considered to present no undue impacts on privacy. The northeast relationships are similar to the existing but with slightly recessed building lines offering some mitigation for the change in use and elevation treatment. There are no balconies

on the wings facing east. Considering the context the relationship to the east will not present any undue loss of privacy.

All matters considered, and having received revised plans that improve certain aspects relating to amenity impacts, subject to the condition noted above regarding additional obscure glazing, in terms of amenity and for the reasons above, the proposal is considered to comply with Policy DE3 of the Torbay Local Plan and advice contained within the NPPF, as it would present good quality living environments and would not unduly impact the amenities afforded neighbouring occupiers.

6. Access, Movement and Parking

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 110). It also furthers (Para 111) 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.

Vehicular access to the site will be retained via the existing access from Drew Street, which is considered acceptable. This access would have previously served the care home facility. There is no objection from the highway authority on the safety of the access and in accordance with Policy TA2 of Local Plan.

Policy TA1 of the Torbay Local Plan and advice contained within the NPPF principally seeks to develop a sustainable model of travel. This baseline aspiration is there to try and meet the travel needs of everyone, whilst also reducing the need for travel and thus the environment impact of movement from development. The site is centrally located and sits in an established urban environment characterised by residential properties and commercial activities. As a centrally located brownfield site it is considered a good location for residential development, and one that could meet the travel needs for occupiers equally, not just car owners, whilst also presenting options for sustainable modes of local travel for all. The development of the site for housing presents a basis for development that accords with the broad policy direction for sustainable travel patterns.

Policy TA2 of the Torbay Local Plan states that all development should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided. The Brixham Peninsula Neighbourhood Plan is largely silent on access and highway matters beyond guiding that, to encourage use of sustainable forms of transport seeking to minimise commuting distances and seek to include improvements to the safety of pedestrians and cyclists (Policy T1). The application is in a sustainable location as stated above. In terms of on-site facilities, the apartment development includes integral cycle storage facilities that exceed the Development Plan policy guide of 1 space per apartment. These facilities will facilitate and encourage cycle ownership and use. The proposed change of use of 15 Drew

Street to a dwelling should be afforded cycle storage for 2 cycles, which should be evolved and secured through a planning condition in the absence of submitted detail.

In terms of the proposed site layout the change of use of 15 Drew Street to a dwelling is supported by 2 parking spaces. This accords with parking standards within the Development Plan and is considered commensurate parking facilities for the dwelling. The apartment development is to be supported by 6 parking spaces, 2 of which are disabled spaces. These are set to the east of the building in a convenient location close to the entrance to the building. Development Plan parking standards seek 1 space per 5 apartments for age restricted units, which means that the parking provision is deemed adequate. To provide facilities for visitors it is proposed that one of the spaces should be clearly demarked and purposed for visitors, which can be secured by a planning condition. The level of parking is, for the reasons above, considered acceptable and there is no objection from the highway authority on the level of parking proposed. It is noted that the highway authority has requested swept path evidence for all the parking space, stating that swept paths are only shown for two spaces. The swept paths currently provided show manoeuvring for the two turning areas serving the general area rather than spaces. On plan the space is considered to provide adequate manoeuvring to serve the layout without presenting undue reversing.

The proposed layout does not identify electric charging facilities. The Development Plan seeks 20% provision within apartment developments and hence at least one charging point should be development within the proposed layout. This can be secured by a planning condition together with one charging point for the dwelling at the front of the plot. The details for the dwellings EVC point should be submitted and approved due to the sensitive context in the setting of the listed building.

In terms of waste collection, the highway authority has requested swept path detail showing that a refuse vehicle can access and egress the site. Notwithstanding this the Council's waste and recycling team has confirmed that previous collections were undertaken by reversing into the site and it is expected that Swisco will undertake previous manuring for the development. It is noted that the waste storage area is located within the corner of the building nearest to Drew Street which will limit the need for refuse vehicles to manoeuvre deep within the site. With support from the Council's Waste and Recycling Team it is not considered necessary to further the Highway Authority's request for further information however further detail has been submitted confirming that a large waste vehicle can reverse in to the site.

Considering the developments broad accordance with the Development Plan and advice contained within the NPPF the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA1, TA2 and TA3 of The Local Plan and guidance contained within the NPPF.

7. Ecology and Biodiversity

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. Guidance within the NPPF provides similar guidance to the above and notably Para 180 guides that when determining planning applications, local planning authorities should apply principles that include opportunities to improve biodiversity in and around developments should be integrated as part of the design, especially where this can secure measurable net gains for biodiversity.

Policy C4 of the Torbay Local Plan seek the retention of trees and other natural features. Policy E1 of the BNP states that the natural beauty, landscape character, tranquillity and biodiversity of the Brixham Peninsula will be preserved and enhanced, and that new development will respect these qualities and wherever possible enhance them, and Policy E8 requires that internationally important sites and species will be protected.

The site comprises a former care home site with a large building dominating the site and large expanses of tarmac service space and hardstanding. Landscaped areas are contained to scrub areas along the northwest border with the watercourse and the southwest border and a small, enclosed area behind the listed building. Trees are absent from the site however there is mapping and survey detail that suggests tree removal has taken place within the past few years. Therefore, in terms of ecology the site character has limited value in terms of flora and fauna. Contextually the site is within the Berry Head Sustenance Zone for greater horseshoe bats which requires due consideration.

The application is accompanied by an Ecological Impact Assessment and this has been reviewed by a Devon County Council ecologist as a consultee to the Local Authority.

The submitted ecology report concludes that the site is of relatively low ecological interest. However, a bat roost of low conservation significance was found, and the report confirmed that a licence from Natural England would be required once planning permission was granted and prior to commencement of works. The report also confirmed that a nesting herring gull was found states the potential for other nesting birds, concluding that works will need to be timed to avoid actively nesting birds. In addition, a breeding population of slow worms was identified and although translocation has been undertaken the report states that further translocation visits are required to remove reptiles from the site due to lack of vegetation management. The report concludes no adverse impacts are predicted on other protected species.

Proposed mitigation includes application for a Bat Mitigation Class Licence from Natural England as the consultant ecologists believe an offence cannot be avoided. i.e. there is a bat roost in the building to be demolished that requires consent. In this situation prior to the grant of permission the authority must consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant a licence which would permit the proposal to lawfully proceed. In terms of the first test the redevelopment of an unused building and site to provide 23 units of affordable housing provides public benefit and social/economic reasons. In terms of the second test the roost is within the disused building that sits in middle of the site and there is no obvious satisfactory alternative to redevelop the site. In terms of the third test the DCC ecologist considers with the mitigation proposed, which includes the creation of a compensatory bat box, and the low numbers of a common species to be impacted, it is deemed that the development will not be detrimental to the maintenance of the population of the species concerned. Considering the three tests it is reasonable to conclude that Natural England would grant an EPS licence.

In terms of off-site matters the report highlights that new residential development at St Kilda has potential to increase recreational pressures on designated Sites, and specifically the calcareous grassland and European dry heath at Berry Head. The report confirms that a

financial contribution to off-set recreational pressures would be required. This should be secured via a legal agreement prior to the formal grant of planning permission.

The conclusion of the Devon County Ecologist is that the development is acceptable on ecology grounds subject to conditions to secure appropriate construction and operational ecological practices and protections, mitigation and biodiversity measures, and financial mitigation being secured to offset additional pressure on the calcareous grassland at Berry Head. The council's adopted SPD states an obligation level of £135 per new dwelling, which for a scheme of 24 units in total would present an obligation of £3,240.00.

In light of the conclusions above the development is considered aligned with the aims and objectives of Policies NC1 and C4 of the Torbay Local Plan, Policy E8 of The Brixham Peninsula Neighbourhood Plan, and guidance contained within the NPPF.

8. Drainage and Flood Risk

The NPPF's key guidance (Para 167) is when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate applications should be supported by a site-specific flood-risk assessment. It further states that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

In terms of context most of the site sits within Flood Risk Zone 1 (Low Risk) with a small strip adjacent to the Eden River within Flood Zone 2 & 3 (Medium & High Risk). The entire site sits within the Torbay Critical Drainage Area (CDA), which is designated due to critical surface water drainage problems, and as such there is a need for surface water to be managed to a higher standard than normal to ensure any new development will contribute to a reduction in flooding risks in line with NPPF.

The application is supported by a Flood Risk and Drainage Assessment and an addendum that responded to an Environment Agency objection on the risk of flood posed by the adjacent watercourse. The addendum provided further clarification on the ground levels adjacent to the watercourse and the finished floor levels responding to the 100-year flood event. The addendum and additional sectional detail has been considered by the Environment Agency and their objection has been removed (consultation memo dated 27.02.2023). The development is considered acceptable in terms of its resilience and risk from potential flooding.

In terms of surface water the submitted Flood Risk and Drainage Assessment confirms that the existing buildings surface waters are discharged into the adjacent watercourse in an unrestricted manner and the development will replace this with an attenuated and controlled discharge based on a greenfield run-off rate to the watercourse. This will provide betterment on the current drainage regime and accords with the CDA guidance to reduce flood risk from

surface water run-off. The discharge to the watercourse is considered aligned with the Development Plan hierarchy where on-site SUDS testing has shown soakaways to be unsuitable due to high groundwater levels. The drainage design has been considered by the Council's drainage engineer and is supported. There is also no objection from South West Water.

It is relevant to note that as the site has been allocated for housing within the Brixham Peninsula Neighbourhood Plan, which has undertaken the process of public scrutiny and is an adopted document that forms part of the Development Plan, the sequential test does not need to be satisfied as part of the application process and the key tests are the developments flood resilience and safety and whether it would increase the risk of flooding elsewhere. As detailed above these matters are considered acceptable following the receipt of the Food Risk Assessment Addendum and the removal of the Environment Agency's objection.

For the reasons above the development is deemed acceptable on flood risk and surface water drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the NPPF.

9. Designing out Crime

Policy BH5 of the BNP requires that the design of major housing schemes should adequately take into account the safety and security of the users of the facilities and that of neighbouring residents. Policy SS11 of the Local Plan includes guidance that development should help reduce and prevent crime and the fear of crime.

No objections were raised by the Devon and Cornwall Police and they welcomed that Secured By Design has been a key consideration for the design process. The Police furthered aspects of operational detail and management that could improve the safety and security. A condition is suggested to deliver details on the finer operational detail, in accordance with Policy SS11 of the Local Plan and Policy BH5 of the BNP.

10. Low Carbon Development

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources. Policy ES1 seeks to ensure that carbon emissions associated with existing buildings (heating, cooling, lighting and energy consumption) are limited.

The submitted Energy Statement includes options assessed to reduce the energy needs of the development, including onsite provision of renewables.

The fabric of the building was modelled to the specification provided and the resultant u-values matched or improved notional dwelling values.

Decentralised and Communal utilities was modelled with a communal air source heat pump. A Mitsubishi Electric air-to-water heat pump was selected and will be based in a ground floor plant room, and will provide heating to both the apartments and the corridor areas, as well as providing hot water. This option is cited as reducing the carbon emissions greatly compared to direct electric or gas heating.

On site renewables has been considered with a modelling of a photovoltaic array added to the flat roof, facing south with an elevation of 30 degrees from horizontal.

A condition is suggested to require detail to evolve and provide certainty on design elements for low carbon development and for these measures to be engrained within the development.

The development is, for the reasons above, considered suitable for approval subject to satisfactory condition to secure the measures outlined within the applications Energy Statement. The development is in accordance with Policy SS14 and ES1 of the Torbay Local Plan and advice contained within the NPPF.

11. Other Considerations

The Council is unable to demonstrate a 3- or 5-year supply of deliverable housing land. The 5 year supply position represents a significant shortfall and must be treated as an important material consideration weighing in favour of the proposal.

Considering the current housing supply position, it is advised that in determining the application, the tilted balance is in favour of sustainable development as set out in Paragraph 11 of the NPPF must be applied. Paragraph 11 of the NPPF states 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 the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development or where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the units were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing, which are intended to be 100% affordable housing within the new build element for older people. Given the NPPF priority to significantly boost the supply of housing, in particular affordable housing, the additional dwellings to be provided must carry significant weight in this balance.

Impacts on neighbour amenity have been discussed above where it is concluded that the proposal does not cause significant harm to residential amenity.

On balance, the social impacts of the development weigh strongly in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the heritage, townscape, ecology, biodiversity and surface and foul water drainage. These matters have been considered in detail above.

The proposed development is in a sustainable location with a range of public transportation links. It is considered a high-quality redevelopment of a brownfield site, minimising the impact on the listed building, setting of listed buildings, setting of the conservation areas and street scene. It provides betterment in terms of replacing uncontrolled surface water discharge into a watercourse with a controlled discharge. In respect of the environmental element of sustainability, the balance is considered to be in favour of the development.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

S106 / Local Finance Considerations

S106

Recreational pressures mitigation payment will be required in accordance with the Council's adopted SPD at a level of £135 per dwelling created. This will be required via a legal agreement (unilateral or bilateral). This presents an obligation requirement of £3,240.00

The applicant will be required to enter into a Nominations Agreement with the Council which specifies that 100% of the new build dwellings to be constructed shall be Affordable Dwellings and shall not be Occupied other than as Affordable Housing. The Nominations Agreement will need to be completed prior to planning permission being granted.

Community Infrastructure Levy

Not applicable to affordable housing.

EIA/HRA

EIA

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

HRA

The development has been reviewed by a DCC ecologist as consultant for the authority and this included HRA matters. See ecology and biodiversity section. As detailed provided mitigation is secured to counter potential recreational pressures on the calcareous grassland at Berry Head there is not likely to be a Significant Effect on the Annex I habitats - alone or in combination with other proposals or projects.

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 and regeneration of a long-standing empty site. Applying the tilted balance, the heritage policies in the NPPF do not provide a strong reason for refusing development and the benefits of the development outweigh any harm.

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. The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- open discussions to resolve design and neighbour amenity concerns and where possible suggesting solutions.

Conclusions and Reasons for Decision

The proposal is considered a good use of a redundant brownfield site and would provide much needed housing to help meet local need. The provision of 23 affordable housing units is significantly above the policy threshold and provides a significant public benefit.

The proposal is in overriding accordance with the provisions of the Development Plan and the 'Tilted Balance' adds significant weight in favour of the development in the absence of significant harm being identified.

The proposal is considered acceptable in principle, would provide positive benefits to heritage assets, and would provide an adequate standard of living accommodation which would not unduly impact local amenity. The development is acceptable in terms of access, ecology and flood risk matters.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Brixham Peninsula Neighbourhood Plan, the NPPF, and all other material considerations.

The Officer recommendation is therefore one of conditional approval with measures to secure the 100% affordable housing and the necessary funding for identified ecological mitigation.

Officer Recommendation

Approval: Subject to;

Recreation pressures mitigation obligation of £3,240.00 secured via s106 legal agreement.

The completion of the Nomination Agreement to secure 23 units of affordable housing.

The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Land levels and flood risk

The development shall proceed in full accordance with the submitted and approved 'Site Section Adjacent to Watercourse (C716/FRA02 REV P) plan and the revised cross sectional drawing 'Proposed Sections' (SK-KT-XX-XX-DR-A-2013-SK210-S0-P4) dated 24/02/2023, and at no time shall there be any raising of ground levels between the footprint of the building and watercourse or within Flood Zone 2 as part of the development thereafter.

Reason: To safeguard a potential flood flow corridor alongside the watercourse and in order to guard against an increased risk of flooding, in accordance with Policies ER1 of the Torbay Local Plan 2012-2030 and the NPPF.

FRA / Drainage

The development shall be carried out in accordance with the approved Flood Risk and Drainage Assessment and Addendum document, which shall be implemented in full prior to the first occupation of the development and retained and maintained for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and 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 and guidance contained in the NPPF.

Affordable housing

At all times not less than 20% of the residential units hereby approved shall be occupied (or where vacant) available for occupation as affordable housing for rent as defined in the Glossary to the NPPF (July 2021). Thereafter the affordable units shall remain as such in perpetuity. The affordable units shall be provided in accordance with details submitted to and agreed by the Council's Affordable Housing Manager and shall be constructed at least in accordance with the minimum quality and design standards set by Homes England.

Reason: In accordance with Policy H2 of the Torbay Local Plan 2012-2030.

Obscure Glazing

Notwithstanding detail on the plans hereby approved prior to the first occupation of the relevant apartments the first and second floor windows within the southwest elevation of the 'southern wing' of the apartment building shall be fully obscure glazed to an equivalent of Pilkington Level 3 or higher. The windows shall at all times thereafter be maintained as such.

All other obscure glazing detailed on the plans hereby approved shall be installed prior to the first occupation of the associated apartment and shall be maintained as such at all times thereafter.

Reason: To protect neighbour amenity in terms of undue loss of privacy and overlooking, to comply with Policy DE3 of the Torbay Local Plan and advice contained within the NPPF.

Materials

The apartment building hereby approved shall be finished strictly in accordance with the stated materials schedule.

Notwithstanding detail and reference to bronze within the plans hereby approved the windows and guttering within the apartment building shall be coloured grey.

Reason: To secure an appropriate form of development in accordance with Policy DE1 of the Torbay Local Plan 2012-2030, BH5 of the Brixham Peninsula Neighbourhood Plan and the NPPF.

Construction Management Plan (pre-commencement)

Prior to the commencement of development a Construction Management Plan shall be submitted to approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of construction traffic, noise and dust. The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.

- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays subject to specified exceptions.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.
- Details of construction traffic and vehicle management
- Details of the storage of materials, plant and equipment and;
- Location and details of any construction workers compound and/or facilities building.

Development shall take place in strict accordance with the approved plan.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users, having regard to Policies TA2 and DE3 of the Torbay Local Plan 2012-2030. This condition needs to be a pre-commencement condition to ensure the impacts of the development are mitigated from the beginning of the development.

Schedule of Repair/Vegetation Removal – External (semi pre-commencement)

Prior to the commencement of development, excluding demolition and works pertaining to the approved 'Method Statement for the removal of the 1970s link from the rear wall of St Kilda', or site clearance, a detailed schedule of repair work and vegetation removal, including methods and materials, shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the work shall be carried out only in accordance with the approved details and shall be completed prior to the occupation of any part of the development.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan. This is a pre-commencement condition because the works have the potential to harm retained historic fabric and therefore these details need to be agreed before work commences.

Schedule of Repair – Internal

Prior to the first occupation of the development a detailed schedule of internal repair and remedial work for Number 15 Drew Street, including methods and materials, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall be carried out only in accordance with the approved details and shall be completed prior to the occupation of any part of the development.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan.

Demolition Method Statement

The works to remove the existing link as shown within the plans hereby approved shall be carried out in accordance with the 'Method Statement for the removal of the 1970s link from the rear wall of St Kilda' received 01.09.2022. The works shall be carried out prior to the occupation of any part of the development and shall be permanently retained thereafter in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan.

Door Joinery Details

Notwithstanding the approved plans and details prior to the installation of new doors within 15 Drew Street, the following shall be submitted to and approved in writing by the Local Planning Authority:

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

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan.

Boundary Wall Sample Panel

Notwithstanding detail shown on plan reference SK200-S0-P5 (proposed layout) all proposed boundary and garden walls within the immediate setting of the listed building shall be finished in natural stone. Prior to the first occupation of the development and prior to the construction of the walls detailed design drawings and a sample panel of all new facing stonework shall be provided on site showing the proposed - stone types, sizes, colour, texture, and face-bond, pointing mortar mix, joint thickness and finish profile, and height and form of all walls.

Approval of the materials and methods shall be confirmed in writing by the Local Planning Authority prior to installation of the materials and development shall then take place in accordance with the approved details. The approved sample panel shall be retained on site until the work is completed.

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policies DE1 and HE1 of the of

the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan.

Nesting season

The demolition and removal of vegetation shall be undertaken outside of the bird nesting season (March-September 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 and a buffer zone of at least 5 metres must be established around the nest and an effective barrier put in place to ensure this remains undisturbed.

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

Bat Licence (Pre-commencement)

Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and the NPPF. This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

Pollution control measures

Prior to the first occupation of the development details of ongoing pollution control measures post-construction will be submitted to and approved in writing by the Local Planning Authority, including mitigation against waterborne pollutants entering the SAC and mitigation for the increased demand on foul water systems. The development shall proceed in full accordance with the approved details at all times thereafter.

Reason: In the interests of protected habitats and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030, Policy E8 of the Brixham Peninsula Neighbourhood Plan and the NPPF.

Construction and Environmental Management Plan (pre-commencement)

Prior to the commencement of development a Construction and Environmental Management Plan shall be submitted and approved in writing by the Local Planning Authority, which will include details of environmental protection throughout the construction phase. The

construction phase of the development shall proceed in full accordance with the approved detail.

Reason: To secure a satisfactory form of development in accordance with Policies DE1, SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and the NPPF.

Landscape and Ecological Management Plan

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 to and approved in writing by the Local Planning Authority. The LEMP 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 DE1, SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and the NPPF.

Lighting Plan

Prior to the first occupation of the development a Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority which shall detail measures and design to avoid any light spill (maximum 0.5lux) onto wildlife habitat (stream, trees, scrub, vegetation etc). The Plan shall accord with the requirements set out in the submitted Ecological Impact Assessment.

The development shall proceed in full accordance with the lighting details approved and no further or varied external lighting shall be installed at any time at the application site without the written permission of the Local Planning Authority.

Reason: To secure a satisfactory form of development in accordance with Policies DE1, SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and the NPPF.

Ecological Impact Assessment

The development shall be carried out in accordance with the actions set out in the Ecological Impact Assessment and any measures required under licence from Natural England.

Prior to the first occupation of the development details of compliance shall be submitted by a suitably qualified ecologist to the Local Planning Authority and acknowledged.

Reason: To secure a satisfactory form of development in accordance with Policies DE1, SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and the NPPF.

Landscaping

Prior to the first occupation of the development a detailed hard and soft landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall seek to maximise the biodiversity value of the site.

The approved hard landscaping shall be implemented prior to the first occupation of the development and the approved soft landscaping shall be implemented in full within the first available planting season. The scheme shall be managed for the lifetime of the development in accordance with the approved landscaping scheme.

In the event of failure of any trees/plants, planted in accordance with any approved scheme, to become established and to prosper for a period of 5 years from the date of the completion of implementation of that scheme, such trees/plants shall be replaced in the next planting season.

Reason: In the interests of visual amenity and in accordance with Policies DE1, DE3, SS8 and C4 of the Torbay Local Plan 2012-2030 and the NPPF.

Parking Provision

Prior to the first use of the development the parking facilities hereby approved shall have been provided in full. These elements shall thereafter be retained as parking facilities for the exclusive use of the development for the life of the development.

At all times the two parking spaces demarked on the approved plans for '15 Drew Street' shall be retained and solely for the use of the dwelling approved (15 Drew Street).

Reason: To secure an appropriate form of development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

Electric Charging Facilities

Prior to the first occupation of the apartment building at least one Electric Car Charging point shall be provided within the approved car parking area and shall be made operational and available for use by occupants of the apartment development. Once provided facility shall be retained for the life of the development for such purposes.

Prior to the first occupation of 15 Drew Street details of the form and location of one Electric Car Charging point shall be submitted and approved in writing by the Local Planning Authority, which seeks to limit its visual impact and impact upon the listed building or its setting. The approved facility shall be made operational and available for use by occupants of the dwelling

prior to its first occupation and once provided facility shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

Cycle Provision (apartments)

Prior to the first occupation of the apartment building the cycle storage facilities, 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 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.

Cycle Parking (15 Drew Street)

Prior to the first use of the dwelling hereby approved details of safe and secure cycle parking facilities for at least 2 cycles shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be implemented prior to the first occupation of the dwelling and retained at all times thereafter.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030.

Refuse and Recycling

Prior to the occupation of any dwelling hereby approved, the refuse and recycling facilities shown on the approved plans to serve that dwelling shall be provided in full. Once provided the storage arrangements shall be retained for the life of the development.

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

Detailed design

Prior to installation detail shall be submitted to and approved in writing by the Local Planning Authority including, but not limited to:

- a) Window and door materials, colours and profiles showing sections at a scale between 1:1 and 1:10.
- b) Reveal sections, drawn to a scale of 1:1-1:10;
- c) Sill and stone surround sections, drawn to a scale of 1:1-1:10.
- d) Details of all fencing and other mains of enclosures including balconies.
- e) Rainwater goods.
- f) Details of parapet cappings.
- g) Details, including materials and colour, of the 'lift overrun'.

The development shall proceed in full accordance with the approved detail and shall be retained as such for the lifetime of the development.

Reason: In order to protect visual character and heritage assets in accordance with Policies C2, DE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy BH5 of the Brixham Peninsula Neighbourhood Plan and advice contained within the NPPF.

Low Carbon Development

The construction of the development shall be carried out in strict accordance with the energy reduction measures proposed in the Energy Statement hereby approved and shall be maintained as such for the lifetime of the development.

Reason: In the interests of sustainable development and in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030, Policy BH7 of the Brixham Peninsula Neighbourhood Plan and the NPPF.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable. Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy BH5 of the Brixham Peninsula Neighbourhood Plan.

Informative/s

1. The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact SW.Exeter-PSO@environment-agency.gov.uk

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

2. 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.
3. 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.

Relevant Policies

Local Plan

Policy SS3 Presumption in Favour of Sustainable Development

Policy SS8 Natural Environment

Policy SS9 Green Infrastructure

Policy SS10 Conservation and the Historic Environment

Policy SS11 Sustainable Communities

Policy SS12 Housing

Policy HE1 Listed buildings

Policy TA1 Transport and Accessibility

Policy TA2 Development Accessibility

Policy TA3 Parking Requirements

Policy C4 Trees, Hedgerows and Natural Landscape Features

Policy NC1 Biodiversity

Policy H1 New Homes

Policy DE1 Design

Policy DE3 Development Amenity

Policy DE4 Building Heights

Policy ER1 Flood Risk

Policy ER2 Water Management

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Policy BH1 Affordable housing site allocations

Policy BH2 Occupation of new affordable homes

Policy BH3 Delivery of new homes

Policy BH4 Housing development – brownfield and greenfield sites

Policy BH5 Good design

Policy BH6 Roofscape and dormer management

Policy BH7 Sustainable construction

Policy BH8 Access to new dwellings

Policy E8 Internationally and nationally important ecological sites

Policy BE1 Heritage assets and their setting

Policy T1 Linking of new developments to travel improvements

Policy HW1 Retention of current health and social care estates

TORBAY COUNCIL

Application Site Address	Former St Kilda's Residential Home 15 Drew Street Brixham TQ5 9JU
Proposal	Listed Building Consent related to; Partial demolition of existing care home and development of 23 'later living' flats with associated parking; Change of use of retained villa to single dwelling (24 units total), and minor works to retained villa (P/2021/0531/MPA).
Application Number	P/2021/0532
Applicant	TDA
Agent	KTA Architects
Date Application Valid	07.10.2022
Decision Due date	02.12.2022
Extension of Time Date	31.03.2023
Recommendation	That Listed Building Consent is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Divisional Director of Planning, Housing & Climate Emergency
Reason for Referral to Planning Committee	Linked to P/2021/0531; which is a Major Application and land owned by The Council.
Planning Case Officer	Scott Jones

Location Plan



Site Details

The site is located to the west of Drew Street close to the centre of Brixham. The town centre lies to the north of the site, and Brixham Hospital can be found within the site's immediate context.

The site consists of two vacant buildings which were formerly used as a retirement home. The first building, St. Kilda's, is a large two and three storey 1970's brown brick building with areas of cream render, green hung tiles and a brown tile roof. This building is sited to towards the rear of the plot. The second building, 15 Drew Street, is an early C19th 2-storey Grade 2 listed former house, with cream rendered walls and a slate roof. This building is sited at the front of the plot and addresses Drew Street. The site has one point of vehicular and pedestrian access on Drew Street.

To the east of the buildings the site is primarily hard landscaped, used for vehicular access and parking. Vegetation is principally low-quality scrub growth around the borders to the north and west of the buildings. Trees to the north and western fringes appear to have been removed within the last few years.

In terms of context the area is predominantly residential in character.

In terms of topography there is a gentle gradient from the entrance to the watercourse at the rear of the site. The northern fringe of the site adjacent to this watercourse is identified as having a high risk of flooding with the remainder of the site having a low risk of flooding.

In terms of heritage context as detailed the villa at the front of the site the villa is listed. In addition the adjacent buildings (No.s 17-19) are also listed. The front of the site and villa sit in the Higher Brixham Conservation Area, the rear building and most of the site sit outside the defined boundary though.

Description of Development

Listed Building works linked to the proposal to demolish the large 2/3 storey modern building to the rear of the site and the modern link to the listed building and provide a new over 55s affordable housing development of 23 new flats to change the use of the listed building to a single dwelling.

The LBC proposals principally cover the demolition of the modern corridor link between the listed building, 15 Drew Street, and St Kilda's, the large 1970s care home set to its rear, and remedial works to the exposed elevation, including installation of an external timber door and surround.

Relevant Planning Policy Context

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

Development Plan:

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Brixham Peninsula Neighbourhood Plan 2012-2030 (BNP)

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.
- Listed building

*The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Pre-Application Enquiry

DE/2020/0058: Construction of 23 1 and 2 bed apartments – General Support.

Relevant Planning History

P/2021/0531/MPA: Partial demolition of existing care home and development of 23 'later living' flats with associated parking; Change of use of retained villa to single dwelling (24 units total), and minor works to retained villa. Pending consideration.

Summary of Representations

3 submissions, 2 objections submitted on the 'host' MPA application. No issues raised pertaining to listed building issues.

Summary of Consultation Responses to the listed building consent

Brixham Town Council:

No comment on current scheme. Original scheme advertised and consulted on BTC offered no objection.

Conservation Advice (internal – Torbay Council)

The significance of the listed building has been somewhat compromised by previous development within its setting and by past insensitive extensions. The proposals to remove the rear 1970s link and to sensitively repair the listed building would have a positive impact on the existing character and appearance of the listed building and, if carried out appropriately, would contribute to the enhancement of its significance as a designated heritage asset.

The removal of the existing structures within its setting is to be encouraged, and whilst the replacement development is larger with regards to its scale and massing, it is located further away from the listed building which would gain a small defensible garden area to the rear.

Whereas it can be considered that the development, when viewed in isolation, would cause a degree of harm to the significance of the heritage asset due to its size and proximity to the

listed building, this level of harm can be outweighed by the heritage gains of the proposals and the benefit of replacing the existing structures in this location. To help achieve this, it is essential that the proposed development is constructed using high quality materials commensurate with their sensitive setting to mitigate its visual impact.

It is also considered that the proposals would allow the optimum viable use of the building to be achieved by reinstating it as a single dwelling.

Planning Officer Assessment

Impact on the Listed Building

The 19th Century building at the front of the site (15 Drew Street) is a designated Grade II Listed Building and the development proposals seek listed building consent for direct works affecting this building.

In terms of the local Development Plan it is guided that development proposals should have special regard to the desirability of preserving heritage assets and their setting (Policies SS10 and HE1 of the Local Plan and Policy BE1 of the BNP). These policies are aligned with the duties on local planning authorities as required by sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, for decisions to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The titled balance requires an assessment of the NPPF policies that protect heritage assets. NPPF (2021) provides guidance as to when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 199). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 200). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202).

A Heritage Impact Assessment (Avalon Planning & Heritage: 18-08-2022) has been submitted with the application, which assesses the current context and the impacts of the proposed development.

The listed building considerations are as follows.

The removal of the single storey link and making good the exposed elevation will be beneficial to the listed building and its setting and would positively influence the buildings contribution to the character and appearance of the Higher Brixham Conservation Area. The link is a modern unsympathetic structure, and its removal will improve the spatial arrangement within the setting of the listed building. The restoration of the original appearance of the lime washed stonework will improve the rear elevation of the listed building and overall presents a positive

aspect of the development. A timber door and surround will be installed within the exposed elevation, which is considered to present an acceptable form to the elevation and which is proposed in an acceptable material. Details should be secured by condition prior to installation.

It is considered that the proposals present enhancement to the listed building and thus accords with Local Plan Policies SS10 and HE1 and Policy BE1 of the Brixham Peninsula Neighbourhood Plan, and advice contained within the NPPF.

This conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 66) in terms of listed buildings and their settings.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the listed building alterations is that they will facilitate a residential use of the building and facilitate the wider redevelopment and housing provision.

Given the NPPF priority to significantly boost the supply of housing, in particular affordable housing, the additional dwellings to be provided must carry significant weight in this balance.

The Environmental role

With respect to the environmental role of sustainable development the key element is the impacts on the heritage.

The proposed has a positive impact on the listed building and it's setting as outlined above. In respect of the environmental element of sustainability, the balance is considered to be in favour of the development.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

S106 / Local Finance Considerations

S106

N/A.

Community Infrastructure Levy

N/A.

EIA/HRA

EIA

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

HRA

The LBC element of the scheme development is not likely to be a Significant Effect on the Annex I habitats - alone or in-combination with other proposals or projects.

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 protect or enhance listed buildings produces a positive impact overall.

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.

Conclusions and Reasons for Decision

The works to the listed building are considered positive and will enhance its character and appearance whilst facilitating the good use of a redundant brownfield site and would provide much needed housing to help meet local need.

The proposed listed building works are considered acceptable, having regard to the Torbay Local Plan, the Brixham Peninsula Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

Grant of Listed Building Consent: Subject to;

The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Demolition Method Statement

The works to remove the existing link as shown within the plans hereby approved shall be carried out in accordance with the 'Method Statement for the removal of the 1970s link from the rear wall of St Kilda' received 01.09.2022. The works shall be carried out prior to the occupation of any part of the development and shall be permanently retained thereafter in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan.

Schedule of Repair/Vegetation Removal – External (pre-commencement)

No external works to the building, excluding demolition of the link in accordance with the approved 'Method Statement for the removal of the 1970s link from the rear wall of St Kilda', shall be carried out until a detailed schedule of any repair work and vegetation removal, including methods and materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall be carried out only in accordance with the approved details and shall be completed prior to the occupation of any part of the development.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan. This is a partial pre-commencement condition because the works have the potential to harm retained historic fabric and therefore these details need to be agreed before work commences.

Stonework – Making Good

The new facing stonework to the listed building as shown within hereby approved shall match the existing stonework adjacent in respect of dimensions, colour, texture, face bond, pointing and finish. The works shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan.

Door Joinery Details

Notwithstanding the approved plans and details prior to the installation of new doors within 15 Drew Street, the following shall be submitted to and approved in writing by the Local Planning Authority:

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

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan.

External Cleaning

No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the Local Planning Authority. Before cleaning work begins, any other cleaning proposals must be submitted and approved in writing by the Local Planning Authority and then carried out strictly in accordance with those details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy BE1 of the Brixham Neighbourhood Plan.

Nesting season

The demolition and any immediate associated removal of vegetation shall be undertaken outside of the bird nesting season (March-September 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 and a buffer zone of at least 5 metres must be established around the nest and an effective barrier put in place to ensure this remains undisturbed.

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

Informative(s)

1. 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.
2. 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.

Relevant Policies

Local Plan

Policy SS10 Conservation and the Historic Environment

Policy HE1 Listed Buildings

Policy NC1 Biodiversity

Brixham Peninsula Neighbourhood Plan

Policy BE1 Heritage assets and their setting