

Friday, 31 October 2025

PLANNING COMMITTEE

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

Monday, 10 November 2025

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Brook (Chair)

Councillor Billings

Councillor Mandy Darling

Councillor Fox (Vice-Chair)

Councillor Pentney

Councillor Strang

Councillor Tolchard

Councillor Virdee

A Healthy, Happy and Prosperous Torbay

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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 15 September 2025.

(Pages 5 - 10)

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. Singleton Gardens, Meadfoot Sea Road, Torquay (P/2025/0423)

Partial demolition of existing dwelling house, demolition of greenhouse and outbuilding and construction of replacement dwelling and associated works.

(Pages 11 - 52)

6. **Land North Of Totnes Road, Collaton St Mary (P/2024/0368)**

(Pages 53 - 92)

Major Reserved Matters relating to outline consent application P/2019/0281: Development of up to 100 dwellings, including affordable and market housing. Associated landscaping, open space, drainage and highways infrastructure at Land North of Totnes Road together with new access onto Totnes Road. Matters relating to condition 01 (RM): (i) layout, (ii) scale, (iii) appearance, (iv) landscaping. (Re-advertisement: As revised by plans received 27.01.25).

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 using 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, 5 November 2025. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Live Streaming

To encourage more people to engage in our public meetings the Council is trialling 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>.

We are also using hybrid meeting arrangements to enable registered speakers to either attend the meeting in person or to attend the meeting remotely via Zoom. **Anyone attending the meeting remotely must register their intention to do so by 11 am on the day of the meeting and provide a copy of their speech to governance.support@torbay.gov.uk by this deadline.** If anyone attending the meeting remotely loses connection the

meeting will continue and their speech will be read out by the Clerk and they will have the option to follow the meeting via the YouTube live stream.

Minutes of the Planning Committee

15 September 2025

-: Present :-

Councillor Brook (Chair)

Councillors Billings, Mandy Darling, Fox (Vice-Chair), Pentney, Strang, Tolchard and
Virdee

(Also in attendance: Councillor Long)

8. Minutes

The minutes of the meeting of the Committee held on 18 August 2025 were confirmed as a correct record and signed by the Chair.

9. 11 Alta Vista Road, Paignton (P/2025/0253)

The Committee considered a major planning application for the demolition of existing dwelling, garage and outbuildings and construction of ten dwellings plus associated access, parking, infrastructure, landscaping and associated works. (Part retrospective).

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Amy Roberts addressed the Committee in support of the application.

Resolved (unanimously):

Approval subject to:

1. the completion of a unilateral undertaking;
2. an additional planning condition requiring the strip to the rear of the coach houses to be for maintenance purposes only and to be managed by a Management Company;
3. an amendment to planning condition 2 in respect of boundary treatments to include 'height';
4. the planning conditions outlined in the submitted report, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
5. 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.

10. Pannier Market, Union Square, Market Street, Torquay (P/2025/0164)

The Committee considered a listed building consent application for the demolition and associated works to adjoining structures to south and west elevations of the Pannier Market including removal of internal fixtures. Formation of arched openings and new emergency escape doors to south and west elevation.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Bethan Huntley addressed the Committee against the application. Dr Rodney Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum in support of the application. Phil Jones addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Long addressed the Committee in support of the principle of the application but against the number of homes to be provided on the site as he felt there should be higher numbers of homes.

At the meeting the Planning Officer advised, that since the report had been published a consultation response had been received from the Victorian Society dated 11 September 2025 as follows:

"Thank you for consulting us on the above application and the resubmission of additional details.

Whilst the applicant has now more clearly demonstrated the public benefit to this scheme, The Society agrees that there is a need to regenerate the Pannier Market, and to do so would prove a positive benefit - the current schedule of planning documents demonstrates an ambitious plan that is not yet fully realised.

Namely, there are logistics to this design that have not been appropriately considered. Especially when the proposed will result in the entire loss of the original C19 fabric from the south and west elevations, these details ought to be well-established in the proposal before the level of harm and risk can be proportionally considered. These losses will most likely cause a moderate to high level of less than substantial harm to the significance of the building,

In the first instance, we recommend that the applicant undertake some investigative work to verify the viability of the existing historic fabric, as well as a detailed outline of these features and how they will be retained and conserved in the scheme. For example, could some of the architectural details on these elevations be re-incorporated into the proposed?

If your authority should be minded that demolition is deemed essential, we recommend that all features be subject to a building recording, to ensure that what is lost is amply recorded."

Resolved (unanimously):

Approval subject to:

1. planning condition 5 to be revised to provide a stone cleaning strategy for the Pannier Market;
2. the planning conditions outlined in the submitted report, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;
3. receiving a consultation response from Natural England to confirm no objection to the Council's Appropriate Assessment; 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.

11. Union Square Shopping Centre and Pannier Market, Union Square, Torquay (P/2025/0173)

The Committee considered a major planning application for the Partial demolition of existing shopping centre, demolition of 9 commercial units fronting on Union Street and Market Street and partial demolition of modern additions to Pannier Market. Redevelopment of site to provide residential development with associated amenity space, creation of new Class E commercial unit, repurposing of retained shopping centre floorspace sited below multistorey car park for Class E uses and associated external alterations, external works to Pannier Market, creation of public square and associated development infrastructure and works.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Bethan Huntley addressed the Committee against the application. Dr Rodney Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum in support of the application. Phil Jones addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Long addressed the Committee in support of the principle of the application but against the number of homes to be provided on the site as he felt there should be higher numbers of homes.

At the meeting the Planning Officer advised, that since the report had been published the following items had arisen:

- 1 no. additional letter of objection had been received, concerns that had not previously been raised were regarding loss of light.
- Typographic error on Page 128, stating "990no. residential units" instead of "99no. residential units".
- Page 131 revision to the sentence stating: "The proposal will deliver a new NHS facility in a sustainable and accessible location" to "***It is envisaged that*** the proposal will ***provide*** a new NHS facility in a sustainable and accessible location".
- Page 136 revision to third bullet point to include highlighted text "Block C – Existing Union Square Multi-Storey Car Park (MSCP), will maintain existing

451no. Car parking spaces and provide **up to** 4no. new commercial units across the ground and first floors within former Union Square Shopping Centre floorspace”.

- Typographic error on Page 136, within the brackets of the third paragraph, “Torquay Harbour” should be included.
- Natural England were yet to provide a consultation response to the Council’s Appropriate Assessment.

Revision to the Statement on Human Rights and Equalities Issues on Page 151 (Additional text in *bold italics*)

The application 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.

While it is acknowledged that planning decisions may affect the rights of individuals, in this case, any interference is considered to be justified, proportionate, and necessary in pursuit of the legitimate aims of planning policy and the wider public interest.

The proposed redevelopment of a complex town centre site such as Union Square shopping centre has the potential to affect the amenity of residents living in nearby residential properties, particularly in relation to issues such as noise, traffic, privacy, and general disturbance during both the construction and operational phases. Likewise consideration has also been given to the impact of the affected businesses and surrounding businesses and this has been weighed up as part of the proportional and balanced consideration in the application. Any adverse effects have been appropriately considered and addressed within the report. Where necessary mitigation measures and planning conditions are proposed in order to secure any potential adverse impacts to an acceptable level. As such, the application is not considered to raise any unacceptable human rights implications.

Revision to the Statement on Human Rights and Equalities Issues on Page 151 (Additional text in *bold italics*)

Equalities Act

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.

This town centre regeneration proposal has the potential to impact a wide cross-section of the community, including individuals with protected characteristics such as age, disability, race, and gender. As part of the planning assessment, consideration has been given to the accessibility and inclusivity of

the proposed development and opportunities for local employment which contribute to social inclusion. The application is accompanied by an Economic and Social Impact Assessment which provides details of contribution to social value and inclusion.

The development will provide new areas of public realm and publicly accessible pedestrian routes, which will be used by a wide demographic. These have been considered through the design development and is considered to appropriately respond to inclusive access. Where appropriate, planning conditions are proposed to secure inclusive design standards including adhering to 'Secure by Design' principles and ensure compliance with relevant policies and guidance.

In conclusion, it is considered that the proposed development has been designed and assessed in a way that aligns with the aims of the Equality Act 2010, and due regard has been given to the potential impacts on individuals or groups with protected characteristics.

Resolved (unanimously):

Approval subject to:

1. planning condition 14 being revised to provide a stone cleaning strategy of the Pannier Market;
2. an additional planning condition regarding a parking strategy, to include a section of the Union Square Multi-Storey Car Park being used by future residents, in consultation with the Council's Parking Services Team;
3. planning condition 48 be reworded to say '(excluding demolition)' rather than '(including demolition)';
4. the planning conditions outlined in the submitted report, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;
5. the completion of a Section 106 agreement;
6. receiving a consultation response from Natural England to confirm no objection to the Council's Appropriate Assessment; and
7. 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.

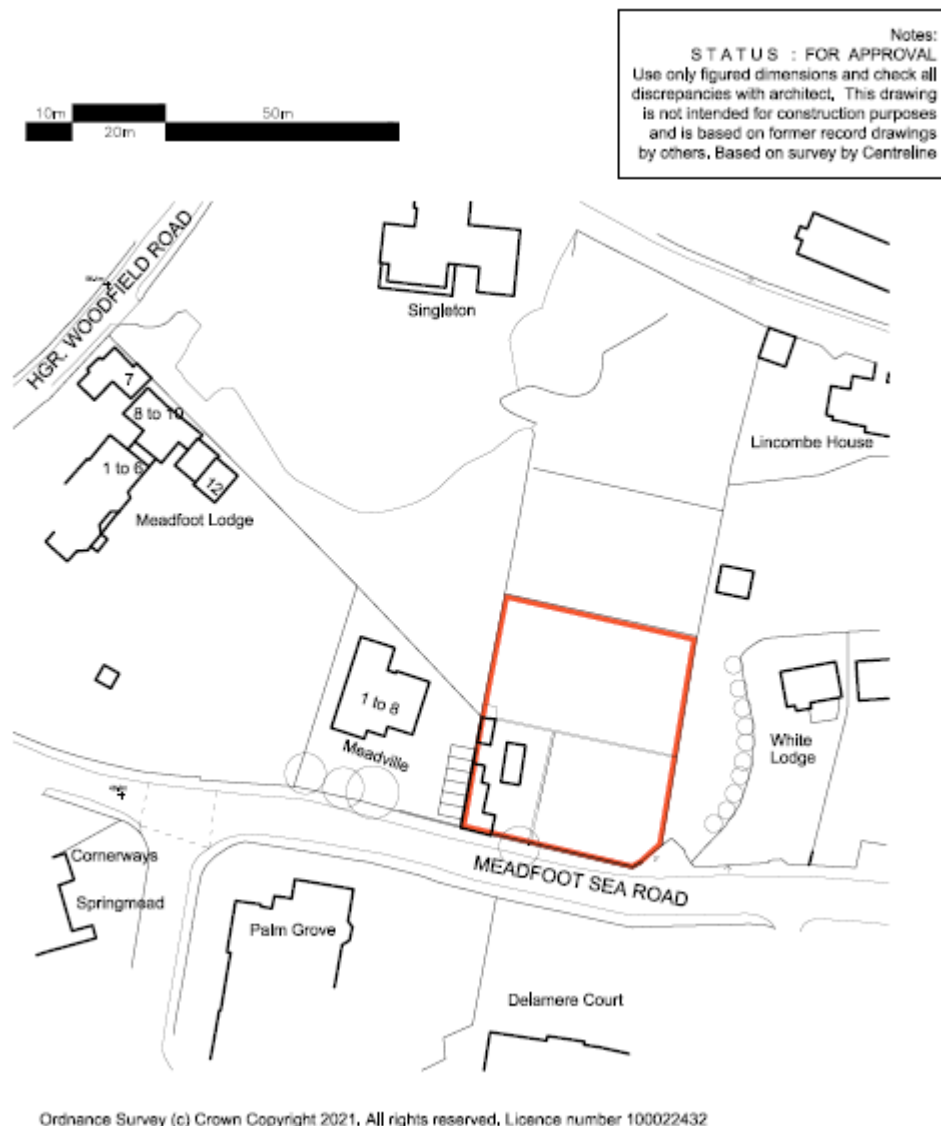
Chair

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TORBAY COUNCIL

Application Site Address	Singleton Gardens Meadfoot Sea Road Torquay TQ1 2LQ
Proposal	Partial demolition of existing dwelling house, demolition of greenhouse and outbuilding and construction of replacement dwelling and associated works.
Application Number	P/2025/0423
Applicant	Mr R Bishop - O.J. Developments Ltd.
Agent	Mr G Cridland
Date Application Valid	17/07/2025
Decision Due date	11/09/2025
Extension of Time Date	14/11/2025
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. If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee by Cllr Foster due to the history of the site, enforcement matters and heritage. The Chairman of the Planning Committee has confirmed that he considers the application should be referred to Members for determination in the interest of the public.
Planning Case Officer	Verity Clark

Location Plan



Site Details

The site, Singleton Gardens, is a residential dwelling with land on the northern edge of Meadfoot Sea Road.

Householder planning application P/2023/0994 granted consent on the 5th March 2024 for alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of greenhouse & outbuilding, landscaping and associated works. Works to implement this consent took place within the required timescale however on the 18th April 2025 the Council was made aware of works to the site that exceeded those allowed via this consent. These works included the partial demolition of the original dwellinghouse.

Contrary to the planning permission, the unlawful partial demolition of the original dwelling has taken place rather than just the extensions and external walls that were

specifically authorised by the consent. The Council's position is, therefore, that, given that the planning permission did not, within its operative part, authorise the relevant demolition (i.e. the unlawful demolition of the majority of the original building and adjoining boundary to Meadfoot Sea Road), the planning permission has not survived and is no longer implementable.

The site currently features the partially demolished residential dwelling and adjoining boundary wall to Meadfoot Sea Road.

Prior to the works that were purported to be pursuant to the P/2023/0994 consent taking place, the residential dwelling (which included a number of extensions) on the site was modest in scale within a large plot. The site was enclosed by stone and rendered boundary walls. The land rises to the north towards Lincombe Drive, with a copse of trees set above the northern extremity of the site boundary. To the north-west of the site are two large villas (Singleton and Meadfoot Lodge) with extensive grounds and directly to the north west is Meadville which is a modern building in use as flats. To the east lies an array of private houses of varying ages and types. To the south of the site, on the opposing side of Meadfoot Sea Road are large villas with extensive grounds.

The site is located within an existing residential area, is designated as Flood Zone 1, is situated within the Lincombes Conservation Area and is subject to Area Tree Protection Order (1973.001). Within the Lincombes Conservation Area map, the dwelling, greenhouse and an outbuilding are noted as other key buildings of architectural importance which make a significant contribution to the townscape. The site is adjacent to 'Singleton' (Grade II listed) and 'Palm Grove' (Grade II listed) is located on the opposite side of Meadfoot Sea Road and to the north west the nearby Meadfoot Lodge and wall and gate piers to the west of Meadfoot Lodge are Grade II listed.

Description of Development

The application seeks partially retrospective permission for the partial demolition of the existing dwellinghouse, the demolition of the greenhouse and outbuilding and the construction of a replacement dwelling and associated works.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of functions under planning legislation with respect to buildings or other land within a conservation area, special attention shall be paid by Local Authorities to the desirability of preserving or enhancing the character or appearance of that area. This statutory duty applies to the Lincombes Conservation Area. The Act also sets out the general duty as respects listed buildings, which requires Local Authorities to 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. 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 Torquay Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning Practice Guidance (PPG)
- Lincombes Conservation Area Map
- 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:

Summary of Consultation Responses

Principal Historic Environment Officer:

Detailed Proposals:

Partial demolition of existing dwelling house, demolition of greenhouse and outbuilding and construction of replacement dwelling and associated works.

Relevant Policy

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 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.

Similarly, Section 66 of the 1990 Act sets out the general duty in respect of listed buildings, which requires Local Authorities to 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.

This statutory requirement needs to be considered alongside relevant heritage guidance contained in the National Planning Policy Framework (2024) which requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (Para 208).

Paragraph 210 goes on to state that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 considers that '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'.

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 213).

Paragraph 215 adds 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'.

With regards to non-designated heritage assets (NDHA), the NPPF states in paragraph 216, that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Paragraph 217 adds that 'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.' If assets are to be lost, paragraph 218 states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

Finally, the NPPF requires local planning authorities to look for opportunities for new development within conservation areas to 'enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably' (Paragraph 219).

In terms of the 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).

Policy SS10 states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make up Torbay's built and natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay.

Significance of Identified Heritage Assets:

Designated:

Lincombes Conservation Area

The building is a mid 19th century cottage within large grounds enclosed by stone and rendered boundary walls within the Lincombes Conservation Area and is identified as being a 'key building'.

This part of Meadfoot Sea Road is characterised by the numerous large villas dating from the early 19th Century onwards and being predominantly 'Italianate' in their architectural language, with complex accretive massing, heavy articulated eaves detailing and multiple localised symmetries. The plot to building relationships and ratios are noteworthy with large villas set back from the main frontage and sitting within generous gardens.

It is likely that Singleton Gardens was built as a walled garden to serve one of these properties, most probably the house known as Singleton. The walled gardens would have yielded vegetables and top-fruits for the owners, and the historic presence of glasshouses perhaps suggests a desire to impress through the cultivation of tropical crops. This connection is of some local interest, and the surviving boundary walls and open spaces expressed through their former use contribute to the appearance and interest of the Lincombes Conservation Area.

Historically the gardens contained a well, glasshouses and other ancillary buildings. Most of the garden features and structures, which would have been standard in a small walled garden such as this, have been lost or altered and the fabric of the walled garden has been significantly eroded by cumulative post-war changes and loss. In addition, any historic association and connection with Singleton has also been lost. A modest dwelling occupies the site, although has now been largely demolished along with a significant proportion of the southern gable elevation which faces Meadfoot Sea Road and forms part of the boundary to the site.

The outbuildings within the site include the greenhouse, which is believed to date to the period between 1933 and 1953 and has been badly repaired and altered over the course of the 20th century. It is of limited heritage value.

The remaining parts of the early house, the garden walls and open spaces of the walled garden do make a positive contribution to the history and character of the conservation area.

Singleton – Grade II listed building

This property is adjacent to the site, however, given the separation distance, topography and landscape features including tree screening from the application site to Singleton, there is considered to be a limited appreciable relationship or intervisibility.

The site is therefore considered to not impact on the setting of this listed building.

Meadfoot Lodge and associated wall and gate piers – Grade II listed building

This property is located to the northwest of the site, however, given the separation distance and intervening features, including that of Meadville, from the application site to Meadfoot Lodge and the listed walls and gate piers to the west of Meadfoot Lodge, there is considered to be a limited appreciable relationship or intervisibility.

The site is therefore considered to not impact on the setting of this listed building.

Palm Grove - Grade II listed building

This property is located on the opposite side of Meadfoot Sea Road and can be seen in context with the application site. The site therefore has the potential to impact on the setting, and therefore significance.

The building is a relatively well-preserved villa which was built between 1865-75. Although it has experienced some unsympathetic extensions and alterations during its conversion to apartments in the 20th Century, it does have clear aesthetic, evidential and historic value which contributes to its overall significance.

Given the context and the proximity of the application site to Palm Grove, the site is considered to make a small impact to the setting of Palm Grove and therefore makes a minor contribution to its significance as a designated heritage asset.

Non-Designated:

The site is identified as featuring ‘other key buildings of architectural importance which make a significant contribution to the townscape’ within the Lincombes Conservation Area map and are considered to constitute non-designated heritage assets due to their contribution to the Conservation Area.

Impact on Significance of Heritage Assets:

The following table identifies each major element of the proposals, the asset affected, the impact and identifies harm or enhancement:

Heritage Asset	Proposed Works	Overall Impact	Harm/Enhancement/Neutral
Singleton Gardens – NDHA	Demolition and replacement of	High	Enhancement

	modern extensions		
	Demolition and rebuilding of original parts of dwelling and associated boundary wall	High	Neutral
	Replacement fenestration	Moderate	Enhancement
	Demolition of greenhouse	Low	Neutral
	Demolition of ancillary outbuilding	Low	Enhancement
Lincombes Conservation Area	Demolition and replacement of modern extensions	Low	Enhancement
	Demolition and rebuilding of original parts of dwelling and associated boundary wall	Moderate	Neutral
	Replacement fenestration	Low	Enhancement
	Demolition of greenhouse	Low	Neutral
	Demolition of ancillary outbuilding	Negligible	Enhancement
Palm Grove (Grade II listed building)	Demolition and replacement of modern extensions	Negligible	Enhancement
	Demolition and rebuilding of original parts of dwelling and	Negligible	Neutral

	associated boundary wall		
	Replacement fenestration	Negligible	Enhancement
	Demolition of greenhouse	Negligible	Neutral
	Demolition of ancillary outbuilding	Negligible	Enhancement

As can be seen from the above table, it is considered that the proposed works would have a neutral or enhancing impact on the identified heritage assets and the local historic environment.

The loss of historic fabric in situ within a non-designated heritage asset is regrettable but in this particular case is justified through the supporting structural information provided and the sensitive rebuilding of the structure reusing existing materials where possible as outlined within the submitted application. This would, on balance, have a neutral impact and would result in the character and appearance of the conservation area to be conserved. The use of an appropriately specified and finished lime render to the external face of the boundary wall to replace the existing cement render is considered to be an enhancement.

Conclusions:

As a result of the above, there are no objections from a historic environment perspective.

Should you be minded to approve the application I would suggest the use of conditions relating to:

- Samples of proposed external materials, including a sample panel and details of mix for proposed render finish for the south elevation wall

DCC Ecology:

Having review the below information, I believe the ecology update statement to be sufficient. The works have already commenced to the previously surveyed building, and the scaffolding makes the site unsuitable for roosting bats. Please issue the applicant with the following informative:

Bats and their roosts (resting/breeding places) are protected by law. In the event that a bat is discovered then works should cease and the advice of Natural England and/or a suitably qualified ecologist should be obtained. Nesting birds are protected by law. If any nesting birds are discovered using the areas to be affected, work should not proceed until breeding has finished and all fledglings have departed the nest.

The ecological enhancements as previously secured for this site still need to be provided on the new dwelling – these are shown on the elevation drawings so please can these be conditioned.

This site is BNG exempt due to its scale.

Senior Tree Officer:

Response dated 26/08/2025:

The application proposes to rebuild the cottage which has been partially demolished, including various external works to include hard and soft landscaping.

An Arboricultural Method Statement (Tree Protection Measures) has been prepared and submitted by Aspect Tree Consultancy (Aspect) dated 7.7.25. This addresses the works to replace existing foundations with an arboricultural watching brief and monitoring programme during the works. This is broadly acceptable as a working method.

The removal of the existing concrete slab in the garden area requires a method statement for both its removal and the replacement surfacing installation. This must ensure that if any tree roots from T7 are encountered that these are protected adequately. The surfacing being replaced should also be specified with any subgrade materials levelled to avoid compaction of existing soils. Porous block paving would also be an advantage.

Tree protective fencing has not been specified in the application. Given that this is development within a garden which contains a number of protected trees (TPO & CA), if fencing is not required by virtue of how the site and development will be managed, this should be stated for the avoidance of doubt. Otherwise, a Tree Protection Plan will be required.

Recommendations

Secure the Arboricultural Method Statement (Tree Protection Measures) (Aspect) dated 7.7.25 by planning condition.

Secure an AMS for surface removal and replacement within the root protection area of T7.

Seek confirmation on whether tree protective fencing is required during the development, and or documentation to support the position. This may then be secured for implementation (if required) by a suitably worded planning condition.

Response dated 13/10/2025 following the submission of a tree protection plan and arboricultural method statement:

The updated tree protection plan (TPP) prepared by Aspect Tree Consultancy dated 22.9.25 is an improvement on the previously submitted TPP. The method statement does not make provision for the removal of the concrete slab or replacement surfacing

within the root protection area of T7. Ideally, this information would be provided as an addendum to the submitted method statement. I've noticed on the updated TPP a rainwater pipe location is provided. Please can they confirm if this is existing or a new installation (AMS required if so).

Response dated 14/10/2025 following the submission of an updated arboricultural method statement:

I'm happy with the updated approach as this still requires arboricultural supervision for the excavations. Replacement of the existing surfacing with slabs is broadly acceptable and the method for removing ties in with the specified supervision.

Senior Environmental Health Officer:

Response dated 23/07/2025:

The submitted demolition management plan is brief and contains little information on the suppression of dust.

Please could you include the following condition on any consent, which allows us to ensure that impacts during both the demolition and the construction phases are adequately controlled?

No demolition, development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall describe the actions that will be taken to protect the amenity of the locality, especially for people living and/or working nearby. It shall include as a minimum provisions for:

- I. Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- II. A noise and vibration management plan.
- III. All plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing in the CEMP.
- IV. A detailed proactive and reactive dust management plan.
- V. No emissions of dust beyond the site boundary so as to cause harm to amenity of the locality.
- VI. No burning on site during construction or site preparation works.
- VII. The erection and maintenance of securing hoarding, if appropriate. (Hoarding is to be kept free of fly posting and graffiti).
- VIII. Arrangements for communication and liaison with local residents, including regular letter drops and a dedicated contact number for complaints.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

The Planning Officer has confirmed to the consultee that the partial demolition of the dwelling has already taken place. It was therefore questioned if a CEMP condition is required and if a construction management plan condition would be more appropriate.

Response dated 23/09/2025:

Following the email from the planning officer the consultee has confirmed their agreement to a construction management plan condition rather than a CEMP.

Drainage Engineer:

As this development is located in Flood Zone 1 and the developer is proposing to discharge their surface water drainage to a soakaway, please use the recently agreed standing advice for this planning application.

South West Water:

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

Torquay Neighbourhood Plan Forum:

Planning Application P/2025/0423 is the latest in a succession of planning applications submitted by the developer seeking permission to redevelop the site. Previous applications for the construction of a block of flats on the site have been refused following careful consideration by the Planning Committee, but Planning Application P/2023/0994 for making extensions and alterations to an existing gardener's cottage was agreed.

The Access & Design Statement for Application P/2025/0423 states that "during consented demolition work, the applicant's builders reported that the remaining (south and part of the east) walls shown to be retained on former drawings were in a perilous state". Therefore, the building team "elected to partially remove the south and east

walls beyond that agreed in the planning consent. After discovering the unsafe elements of structure, it has always been the applicant's intent to rebuild these sections to match that which existed; whilst correcting the structural problems inherent in the former walls."

It was unfortunate that the perilous state of the structure had not previously been discovered during the preparation of architect's drawings and associated heritage and conservation reports. It was also unfortunate that discovery of the state of the structure only came to light over a four-day bank holiday weekend when it was impossible to contact council planning and building control officers to discuss and agree an appropriate way to proceed. However, since demolition machinery was on site, the unauthorised demolition went ahead anyway.

Subsequent to the unauthorised demolition, planning officers visited the site and issued a "Stop Notice". Some time later an "Enforcement Notice" was issued requiring the developer to reconstruct the building in its entirety as similar as possible to the building immediately prior to the demolition, as well as to reinstate the stone wall that was partially demolished at the same time.

We believe that this Application appears to be inaccurately presented as a standard proposal, when in fact it should be classified as a "part-retrospective" application. Substantial demolition works, including removal of the gardener's cottage and parts of the historic wall, have already taken place on site without authorisation. This conflicts with both the spirit and procedural requirements of national and local planning frameworks. We urge the Planning Authority to require the applicant to re-submit this as a retrospective or part-retrospective Application in order to allow for full scrutiny of what has been lost, and how it is to be remedied or reconstructed.

We would also like to remind the planning authority that this developer has separately submitted planning submissions P/2025/0362 & 0363 for the "Replacement and improvements of part collapsed boundary wall to include reinstatement of gate, addition of buttresses and reinstatement of land levels". This refers to the wall on Lincombe Drive which was demolished without prior permission some time ago and reconstructed in an unsatisfactory manner with an unauthorised vehicular entranceway. This further highlights the developer's lack of respect for the planning process.

On the face of it, P/2025/0423 is a straightforward Application for re-construction of the cottage. In view of the complicated history of planning applications associated with this site, and the widespread public interest in the future of this site, to ensure complete visibility, transparency and public confidence in the planning process, the Forum requests that this Application is not dealt with under delegated powers, but is subject to the detailed scrutiny of the Planning Committee.

As previously stated the Neighbourhood Forum remains adamant that this Application shall not in any way pre-determine consideration of any subsequent planning Appeal

or re-application for the construction of a block of flats on this site. This Application shall not be seen as the "starter phase" for the other development.

Finally, we have recently been advised that the developer has Appealed the Enforcement Notice for this site. In the interests of clarity and to avoid possible confusion, we believe that consideration of this matter should be deferred until the Planning Inspectorate has issued their findings. Otherwise, there is a risk of a conflict between the findings of the local planning authority and the Planning Inspector. It will be far more straightforward to let the Appeal process run its course first, and then for this matter to be considered in full knowledge of the Planning Inspector's Decision.

Planning Officer note – The application has been submitted as a partially retrospective application. This is confirmed within the application form which confirms that works have already started from the 24/04/2025.

Summary of Representations

At the time of writing approximately 34 letters of objection, 13 letters of support and 1 representation have been received. The following provides a summary of the main issues identified:

Note: Full responses are available to view on the public access system (<https://publicaccess.torbay.gov.uk/view/>).

Objections include:

- Design and visual appearance
- Impact on heritage and non designated heritage asset
- Impact on Conservation Area
- Impact on listed buildings and setting
- Scale and massing
- Dominant structure
- Suburbanisation
- Contrary to national and local policy
- Demolition of building and wall
- Procedural appropriateness
- Enforcement notice and planning history
- Size of replacement dwelling compared to original
- Retrospective
- No demonstrable public benefits
- Premature application
- Materials
- Impact on neighbouring properties
- Impact on tourism
- Increase in footprint and facilities
- Heritage crime
- Overdevelopment
- Brownfield sites should be developed first
- Fails to preserve or enhance

- Meaningful consultation should be undertaken
- Burning of materials
- Impact on trees
- Description of development inaccurate

Comments in support include:

- Replaces unsightly extensions and structures
- Impact on Conservation Area
- Heritage impacts
- Design
- Health and safety
- Materials
- Energy efficiency
- Private garden – not community facility
- Wall in need of repair
- Planning history
- Structural report findings
- Replace with a structure that is safe and can house people
- Trees
- Provides housing
- Enhance area

Relevant Planning History

Planning applications:

P/2025/0365: Variation of Conditions relating to application P/2023/0994: Extensions & alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of greenhouse & outbuilding, landscaping and associated works. Conditions: P1 - Approved Plans, 03 - Tree Protection Measures. Variations sought: Alterations to demolition areas and amendments to wall positioning which may impact tree protection matters.

Refused to validate due to incorrect application type. Currently under appeal.

P/2023/0994: Extensions & alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of greenhouse & outbuilding, landscaping and associated works.

Approved 05/03/2024.

P/2021/0802: Formation of 9 apartments & 2 semi-detached dwellings with access, garages & parking. Demolition of existing outbuildings. Alterations & extensions to existing dwelling to include 2 storey extension to side.

Refused 18/03/2022.

P/2022/1186 Erection of 7 apartments, 2 attached dwellings and extensions/refurbishments to an existing dwelling; plus associated landscaping and access work.
Refused 31/08/2023.

Enforcement:

2025/0093/EN –
Temporary stop notice served on the 28th April 2025.

Enforcement notice served on the 23rd June 2025.

Reason for issuing notice:

The demolished building is identified as being a 'key building' within the Lincombes Conservation Area. The south and west elevation of the demolished building, with a narrow-hipped roof, chimney and exposed natural stone walling, was readily visible from a public perspective and made a demonstrable contribution to the historic environment within the immediate area.

The works to partially demolish the stone wall in the approximate location identified by a green line on the attached plan titled "Map 2" has resulted in the unjustified loss of historic fabric and has diluted the positive impact of the stone boundary wall to the historic character of the street and the wider conservation area.

The loss of the key building and part of the stone wall has therefore caused harm to the significance of the Lincombes Conservation Area as a heritage asset. This level of harm would be 'less than substantial'; with no evidential public benefits arising from this harm. The works would, therefore, be contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SS10 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained in Paragraphs 215 and 216 of the National Planning Policy Framework.

The Council does not consider that planning permission should be given because planning conditions could not overcome these objections.

Can the current application be determined:

Commentators have raised concerns that the current application should not be determined given the ongoing enforcement action. Legal advice has been obtained on this matter. The advice confirms:

In effect, the steps within the enforcement notice required Mr Bishop to reinstate what was on the site prior to the previous application being approved. Thus, the plans submitted with the previous application, showing the building as it existed, provide a useful indication as to what "reinstatement" ought to look like. The temporary stop notice, served several weeks earlier than the enforcement notice, also required that the blocks, bricks and stone resulting from the demolition, be retained on the site, a

step designed to safeguard the LPA's position when considering the requirements of the later enforcement notice.

The LPA's position is that if the steps within the enforcement notice had required Mr Bishop to rebuild the dwelling using materials of his own choosing, that would have required planning consent and could have caused harm to the heritage asset as there would have been no control over the nature of the materials used.

Whilst the Principal Historic Environment Officer's consultation response might have some relevance to ground (f) of the appeal (ie that the steps required within the notice are excessive), his assessment of the impact of the proposal (using modern materials) on the heritage asset is discrete and has no bearing on the requirement within the enforcement notice to reinstate the unlawfully-demolished building, using the original materials.

In light of the above, I would advise that the planning application is determined as it is a valid one.

On the basis of this advice, it is the LPA's assessment that the determination of this application can and should proceed and this will not prejudice the ongoing enforcement appeal. It should be noted that if this application is approved, it would not result in any requirement for the works to be carried out.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of development
2. Design, Visual Appearance and the Character of the Area
3. Heritage
4. Amenity
5. Flood Risk and Drainage
6. Highways, Movement and Parking
7. Ecology
8. Trees

1. Principle of Development

The proposal is for the partial demolition of the existing dwelling, the demolition of greenhouse and outbuilding (retrospective) and the construction of a replacement dwelling with associated works.

In the context of development within the built-up area, there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

2. Design, Visual Appearance and the Character of the Area

Paragraph 131 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Prior to any of the recent works taking place, the application site included a modest, two storey, residential dwelling with large grounds including a dilapidated greenhouse and a disused outbuilding. The dwelling had uPVC openings and poor quality extensions. The grounds of the plot gradually raise up from south to north forming terraces separated by stone walls. The natural stone walls define the site due east, west and north, whilst the southern boundary, along Meadfoot Sea Road, featured a rendered wall. The existing dwelling occupied the south-western corner of the site. The building was built in the boundary walls and has an existing vehicular access at the south-east corner off Meadfoot Sea Road.

This part of Meadfoot Sea Road is characterised by the most significant buildings being 'Italianate' in their architectural language, with complex accretive massing, heavy articulated eaves detailing and multiple localised symmetries. The plot to building relationships and ratios are noteworthy with large villas set back from the main frontage and sitting within generous gardens, visible verdant landscape and orientated somewhat to gain sea views. The streetscene and locality benefits from mature trees, including an off-site tree (T7 London Plane) owned by Torbay Council.

The application follows on from approved application P/2023/0994 which permitted alterations and extensions to the existing dwelling 'Singleton Gardens' including the demolition of existing extensions and the formation of a two storey extension to the northern side elevation and a single storey extension to the eastern front elevation of the dwelling, including a new pitched roof to replace a section of existing flat roof. The proposal included a render finish, slate roofs and powder coated aluminium openings to the existing dwelling. The consent also allowed the demolition of the greenhouse and outbuilding with landscaping and associated works.

As noted within the site details section above, works to implement this consent took place within the required timescale however on the 18th April 2025 the Council was made aware of works to the site that exceeded those allowed via this consent. These

works included the partial demolition of the original dwellinghouse. Contrary to the planning permission, the unlawful partial demolition of the original dwelling has taken place rather than just the extensions and walls that were specifically authorised by the consent. The Council's position is, therefore, that, given that the planning permission did not, within its operative part, authorise the relevant demolition (i.e. the unlawful demolition of the majority of the original building and adjoining boundary to Meadfoot Sea Road), the planning permission has not survived and is no longer implementable.

The current application is therefore seeking to regularise the unauthorised partial demolition of the original dwellinghouse, including a boundary wall facing Meadfoot Sea Road, and seeks consent for the construction of a replacement dwelling. The application also seeks consent for the retrospective demolition of the greenhouse and the demolition of the outbuilding, which were previously approved, but no longer authorised given the previous consent authorising this is no longer implementable.

Objectors have raised concerns, including on matters such as the scale and massing, that the proposal would represent overdevelopment and suburbanisation, not be in keeping with the local area, set a precedent, would constitute inappropriate development with the increase in footprint and facilities and have raised concerns about the materials. The supporters have stated that the proposal would replace unsightly extensions and structures, enhance the area and is of good design.

The key differences between approved application P/2023/0994 and the current application is the partial demolition of the original dwelling and wall facing Meadfoot Sea Road and the rebuilding of the dwelling using modern materials and methods. The wall facing Meadfoot Sea Road will be rebuilt using reclaimed stone (where suitable). Planning conditions are suggested to ensure materials are carefully controlled and the proposal delivered in accordance with the approved plans. Externally the footprint of the replacement dwelling is the same as the works approved under the previous consent, as is the height of the building and roof form. Windows and doors are detailed in the same location. Internally the layout remains the same with the exception of the location of one of the first floor en-suite bathrooms along with other minor internal changes such as locations of internal doors.

The replacement dwelling detailed is considered to result in an acceptable size, scale and visual appearance. The two storey flat roof element present on the dwelling prior to demolition was considered to result in a poor visual appearance and the use of two pitched roofs on the proposed replacement dwelling is considered to appear visually coherent. The lower pitched roof will sit adjacent to Meadfoot Sea Road as the dwelling did prior to the demolition works, and a stepping up of height further into the plot is considered to be an acceptable design rationale. The dwelling in situ prior to the demolition works featured a single storey flat roof element on the eastern front elevation and in its place the replacement dwelling will feature a single storey pitched roof element. This appears subordinate to the main two storey elements of the building and the design as a whole is considered to result in an acceptable visual appearance.

The proposal also includes landscaping works which will include the removal of an existing low wall and area of concrete adjacent to the dwelling, which will be replaced by flagstone slabs and a larger area of lawn. This change is considered to be visually acceptable and will improve the existing appearance of the landscaping.

The development as a whole is not considered to be overly dominant or visually intrusive and the overall size, scale, massing and visual appearance is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the area. The development as a whole is considered to accord with Policy DE1 of the Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

3. Heritage

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) sets out the general duty as respects Conservation Areas, which requires Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of the 1990 Act sets out the general duty as respects listed buildings, which requires Local Authorities to 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.

The site is situated within the Lincombes Conservation Area. Within the Lincombes Conservation Area map, the dwelling, greenhouse and an outbuilding are noted as other key buildings of architectural importance which make a significant contribution to the townscape. The site is adjacent to 'Singleton' (Grade II listed) and 'Palm Grove' (Grade II listed) is located on the opposite side of Meadfoot Sea Road and to the north west the nearby Meadfoot Lodge and wall and gate piers to the west of Meadfoot Lodge are Grade II listed. The buildings listed as 'other key buildings of architectural importance which make a significant contribution to the townscape' within the Lincombes Conservation Area map are considered to constitute non designated heritage assets due to their contribution to the Conservation Area and these include, but are not limited to, Osbourne House, Delamere Court and Marstan Hotel. The application has been supported by a Design, Access and Heritage Significance Statement which analyses the site, the historic environment records, the heritage value and significance of the site and assesses and discusses the design response put forward, with reference to policy and heritage considerations.

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

Historic England were previously approached with a request to add the site to the Register of Parks and Gardens of Special Historic Interest in England. A decision was made on the 26th January 2023 not to list the site. Historic England in their consideration confirmed:

The walled garden at Singleton Gardens historically had some connection to one of the grand mid-C19 villas nearby, most probably the house known as Singleton. The walled gardens would have yielded vegetables and top-fruits for the owners, and the historic presence of glasshouses perhaps suggests a desire to impress through the cultivation of tropical crops. This connection is of some local interest, and the surviving boundary walls and open spaces expressed through their former use contribute to the appearance and interest of the Lincombes Conservation Area. However, the layout and features shown on mapping from the C19 to the post-war period have largely been lost. The garden structures in the south-west corner of the southern garden have been altered and converted to a modern house. The 'icehouse' has some architectural merit, but it has also been altered and alongside vagaries about its purpose, it cannot itself have any claims to special interest. Additionally, the separation in ownership in the post-war years has divorced the garden of any contextual connection to Singleton. Any natural or biodiverse interest which the gardens have is not relevant to this listing assessment. Therefore, judged against the criteria for listing the walled garden and its associated structures at Singleton Gardens, Torquay do not merit listing for the following principal reasons:

Lack of architectural interest:

- * most of the garden features and structures, which would have been standard in a small walled garden such as this, have been lost or altered;*
- * the 'icehouse' has some architectural merit, but alterations and uncertainty of use reduces any claims to special interest.*

Lack of historic interest:

- * any historic association and connection with Singleton has been lost;*
- * the contribution of the garden to this area of Torquay and its villa residences is of local rather than national interest.*

CONCLUSION The walled garden and its associated structures at Singleton Gardens, Torquay, dating to the mid-C19 with alterations and losses, do not meet the criteria for listing in a national context.

Following this decision, a further request was made to Historic England to reconsider listing the site. A decision was made on the 11th July 2023 not to list the site with the following comments made:

Singleton Gardens is understood to have been constructed between 1836 and 1861 and is therefore part of the initial period of villa development in Torquay. Other villas on the Palk estate with walled gardens, such as at the neighbouring Osborne Villa, and at Vomero (1838) in the Warberries area, are shown on the 1880 OS map but they were not of a comparable size. These and other smaller walled gardens have largely been lost to development pressures, so the survival of the boundary walls to

two of the three compartments of the walled garden for Singleton is a rarity for the area.

However, any significance of the walled garden as a surviving C19 walled garden needs to be carefully balanced against its surviving fabric and layout. The structures that do survive (walls and bothy structure) do not display particularly interesting or unusual elements of construction or function. Other elements including the glasshouse bases and gardener's cottage are now fragmentary, as successive changes have been made to their rather modest historic fabric. The layout of the walled garden and its inter-relationship with its immediate surroundings has also largely been lost reducing the impact of the walled garden within its marine landscape and therefore any claims to interest for this. It does not survive as a particularly good or well preserved example of a walled garden.

Claims have been made for the significance of Torquay's mid-C19 planned suburban villa landscape as part of the national trend in the development of seaside resorts in the C18 and C19, and that the construction and survival of the walled garden at Singleton contributes to this significance. It is clear that the scale and quality of the villa developments in the Warberries and Lincombes areas of Torquay over a short period of time is notable, and this interest is reflected in those areas being designated as separate conservation areas, within which many of the C19 villas and their associated boundary walls and gate piers are listed. Smaller details such as street signs, granite kerbs, cobbled surfaces all contribute to the history and character of the conservation area, as do the boundary walls and open spaces of the walled garden at Singleton. Torquay's place within the contextual history of suburban coastal and urban villa developments of the time is undeniably of importance, but it is not considered that this was uniquely innovative, particularly at the level as is claimed. The recognition of this at conservation area level is regarded as being an appropriate designation.

Claims for historic association have also been made for the walled garden. The only known significant figure associated with Singleton and its walled garden is Reverend Canon Alan Campbell Don KCVO (1885-1963), who, with his brother was put in trust of Singleton in the early 1940s, selling the garden in 1945. At no point did the Dons live at Singleton and therefore no claims to special associative historic interest can be made. Wider claims have been made for the town with various notable visitors and personalities attached but none of these relate directly to Singleton or its walled garden.

In terms of the significance of the suburban villa landscape in Torquay, this interest is recognised by many of the villas being listed at Grade II, and the designation of conservation areas. The history of the walled garden associated with Singleton adds an important layer to the understanding of the area, although little specific documentation is currently known to survive. Whilst it is recognised that Singleton Gardens is an unusual survivor, any claims to rarity or uniqueness are rather unaccomplished. With this in mind, and considering the considerable losses to its

historic fabric, associated structures and layout, the walled garden known as Singleton Gardens is not considered to meet the criteria for Registration.

CONCLUSION

After examining all the records and other relevant information and having carefully considered the historic interest of the case, the criteria for the registration of the walled garden associated with the property known as Singleton Gardens, Torquay, Devon are not fulfilled.

REASONS FOR DESIGNATION DECISION

The walled garden associated with the property known as Singleton Gardens, Torquay, Devon is not recommended for inclusion on the Register of Historic Parks and Gardens for the following principal reasons:

Historic interest:

** the features of the walled garden are modest for this type of structure and gardens of the period and it does not survive as a notable example of a particularly important phase of garden development;*

** Singleton and its walled garden contribute to an understanding of the early-C19 development of Torquay and the walled garden is recognised as being an uncommon survivor, however this is not sufficient to raise the level of interest to that required for national designation.*

Degree of survival:

** the fabric of the walled garden has been significantly eroded by cumulative post-war changes and loss;*

** the loss of the pathway layout within the walled garden and removal of the access from Singleton has reduced the understanding of the patterns of movement around the garden.*

The Council has assessed if the site should be considered curtilage listed and has considered the detailed representations previously received, including the comments made by Historic England.

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that any object or structure within the curtilage of a listed building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building. The object or structure is considered to be part of the listed building and is listed (these structures are often called "curtilage listed"). This only applies to objects or structures ancillary and subordinate to the listed building itself (*Debenhams plc v Westminster City Council* (1987) AC 396).

In the case of *Methuen-Campbell v Walters* [1979] QB 525 the court held that property will be within the curtilage of another property if it is so intimately associated as to form

part and parcel of it and this will depend on the circumstances of every case. The curtilage may be confined to a small area around the principal property but not necessarily so and again this will depend on all the circumstances, including the nature and location of the properties.

In *Attorney-General, ex rel Sutcliffe, Rouse and Hughes v Calderdale Borough Council* [1983] JPL 310, the Court of Appeal concluded that the following factors should be taken into account in determining whether or not a structure or object was within the curtilage of the principal listed building:

- The physical layout of the listed building and the structure or object.
- The ownership of the listed building and the structure or object, both past and present.
- The use or function of the listed building and the structure or object, both past and present.

In *Hampshire CC v Blackbushe Airport Limited* [2021] EWCA Civ 398, the court held that the land must be so intimately connected with the building as to lead to the conclusion that the former is in truth part and parcel of the latter.

The question is whether the structures within the application site were within the curtilage of any listed building when that building was listed.

Singleton was Listed Grade II on 10 January 1975. The listing states that it preserves its C19 garden plot. Meadfoot Lodge was listed Grade II on 2 May 1974. The listing entry states that the building was already in use as holiday flats.

Singleton Gardens consists of 2 parcels of land, forming a series of 4 smaller walled areas set between a number of historic villas, north of Meadfoot Sea Road. On the basis of the evidence we have, our conclusions on the curtilage listing of the site are as follows:

Meadfoot Lodge:

Singleton Gardens does not appear to be within the curtilage of Meadfoot Lodge. Meadfoot Lodge is recorded as being in use as flats when it was listed. There is no known connection between Singleton Gardens and Meadfoot Lodge on the basis of ownership, physical layout or use/function. As noted below it appears that Singleton Gardens was sold off from Singleton in 1945.

Singleton:

- Physical layout: Reviewing the available historic documents, the title plan to Singleton indicates that it has laid out gardens and appears unconnected with Singleton Gardens. It is also separated by a belt of mature trees indicating the length of time this separation has been in place. There is a linear common boundary running

from Lincombe Drive to Meadfoot Sea Road which would also appear to show separation. The issue is whether the layout means Singleton Gardens is so intimately associated as to form part and parcel of Singleton. Reviewing the layout of both sites (whether or not used together or in common ownership) it appears that the layout does not demonstrate intimate association. The listing of Singleton refers to the retention of its garden plot. It does not refer to any walled garden greenhouses or market garden. Whilst not conclusive this strongly indicates that Singleton Gardens was not considered to be part of the listing of Singleton.

- Ownership: The title to Singleton contains the following entry: The land has the benefit of the following rights reserved by a Conveyance of Singleton Gardens adjoining the south-east corner of the land in this title dated 14 September 1945. The title to Singleton Gardens contains a corresponding entry that the land is subject to the provisions of the 1945 conveyance. This shows that Singleton Gardens was sold off in 1945 prior to Singleton being listed.

- Use or function. Historic mapping appears to show some smaller structures, likely glasshouses/greenhouses, within the sites although the number of these appears to have fluctuated over time, with many being removed or demolished as the site has evolved. The use of site as a whole following its sale in 1945, appears to have been walled gardens completely separate to Singleton.

Only ancillary structures would be curtilage listed. As mentioned above the use as a walled garden appears to be independent of any listed building. In addition, Singleton Gardens itself is an independent dwelling. If the use commenced prior to the listing of Singleton then it would not be curtilage listed in any event.

On the basis of the evidence we have, we consider that the structures in Singleton Gardens are not curtilage listed.

The outbuildings proposed for demolition, include a single storey outbuilding with a shallow pitched roof with modern windows and openings and a greenhouse which has now been demolished. The heritage assessment of application P/2022/1186 stated that the greenhouse dates to the period between 1933 and 1953. The timbers do not suggest anything like the kind of quality that one might expect of Victorian glasshouses and its orientation and juxtaposition with the cottage suggest a more modern use. It is of limited heritage value and has been badly repaired and altered over the course of the 20th century. Within the wider grounds, a number of brick and stone outbuildings appear to be late 19th- early 20th century in date, extended and altered with modern roofs and in various states of dilapidation. Historic England in their consideration of the listing note that 'The structures that do survive (walls and bothy structure) do not display particularly interesting or unusual elements of construction or function. Other elements including the glasshouse bases and gardener's cottage are now fragmentary, as successive changes have been made to their rather modest historic fabric.

Objectors have raised concerns, including on matters of the impact of the proposal on the Conservation Area, listed buildings and designated and non designated heritage assets.

The Design, Access and Heritage Significance Statement states:

Approval was granted in 2024 for broadly the same scheme now intended. However, during consented demolition work to remove the outbuildings, greenhouse, roof, rear 20th century sections, etc, the applicant's builders realised the remaining (south and part of the east) walls shown to be retained on former drawings were in a perilous state. They were out of plumb, with degraded or entirely missing wall cores, and in places were made from beach pebbles with inadequate bonding between the stones (please refer to the report by Redstone Jones, Chartered Structural Engineers). As roof members and floors were taken down (as consented for removal in 2024) it became clear that the structure was not safe and, following calls to the project engineer, the building team elected to partially remove the south and east walls beyond that agreed in the planning consent for reasons of safety for operatives and those on the public road and footpath. After discovering the unsafe elements of structure, it has always been the applicant's intent to rebuild these sections to match that which existed; whilst correcting the structural problems inherent in the former walls.

The statement goes on to describe the design response:

4.1) Size and scale

The proposal removes and replaces ad hoc extensions and buildings due north of the early property with extruded extensions that are set away from the major road-front boundary. The result is a net reduction in the visibility of 20th century elements added to the early building. The extensions suggested create improved living and bedroom accommodation with three large double bedrooms, a utility space, a ground floor accessible toilet, and an improved stair to the altered first floor. This increase in accommodation is modest when one considers that the ancillary accommodation due north may be used as an additional guest bedroom without planning control. Removing this poor quality building and the concrete surfacing that surrounds it (fig. 4) will help to rationalise the appearance of the dwelling house from within the site, and will have limited effect on the appearance of the building from within the public domain.

4.2) Morphology

The forms and styles used replace modern flat roofed extensions with narrow format pitched, hipped roofs as an extrusion of the early structure. The forms are hence respectful to the character of the early building in the land (see fig. 2 and 3).

4.3) Street scene and frontage

The extensions to the early focus of the building are deliberately sited away from the road elevation to reduce impact on the street scene. The ground floor lean-to will be invisible from the road, mirroring the current flat-roofed single storey room it will replace (see fig. 5).

4.4) Appearance and materials

The scheme takes the opportunity to remove the modern asymmetric windows and replace these with portrait format casement windows. These will calm the busy appearance of the current 20th century glazing. The removal of the poor quality felt flat roofs will similarly improve the elevations and the longevity and repair of the building more generally. Replacement materials such as render and natural slate roofs remain in keeping with those materials present in the host property. The loss of stone fabric to the south and east walls (demolished) was a concern but the applicant has agreed to reuse material from the site so far as reasonably possible with structural considerations in order to preserve the character of the Conservation Area. The outward appearance of the early sections will not change.

A structural report has been submitted in support of the application. This states and concludes:

Partial demolition of some walls of the cottage was attempted on Friday 18th April 2025 in accordance with planning permission P/2023/0994. Due to the poor construction of the cottage that caused significant instability of the superstructure during the works, most of the walls of the cottage were demolished upon health and safety grounds.

The Engineer was called to site on Friday 18th April to give an opinion on the stability of the remaining walls. Advice was given to remove loose masonry from the top of the party wall with Meadville, and to reduce the height of the boundary wall against Meadfoot Sea Road since it presented a real danger to users of the highway. Advice was also given to infill some of the voids in the walls to the boundary and party walls.

We do not consider that the boundary wall adjacent to Meadfoot Sea Road is suitable or stable upon which to rebuild the cottage walls. A section of the wall should be taken down as shown in photograph 18, and rebuilt on a suitable foundation in similar materials to the existing wall (without the cobblestones), forming a rendered appearance to match the existing, but using stone-faced blockwork to create a stable wall construction. The remaining section of boundary wall adjacent to the party wall should have the voids in the wall filled with a suitable grout and then tied to the new structure. The party wall appeared stable and can be incorporated safely into the reconstruction.

The Council's Principal Historic Environment Officer notes within their consultation response that Singleton – Grade II listed building is adjacent to the site, however, given the separation distance, topography and landscape features including tree screening from the application site to Singleton, there is considered to be a limited appreciable relationship or intervisibility. The site is therefore considered to not impact on the setting of this listed building. Meadfoot Lodge and associated wall and gate piers – Grade II listed building, is located to the northwest of the site, however, given the separation distance and intervening features, including that of Meadville, from the application site to Meadfoot Lodge and the listed walls and gate piers to the west of Meadfoot Lodge, there is considered to be a limited appreciable relationship or intervisibility. The site is therefore considered to not impact on the setting of this listed building. Palm Grove - Grade II listed building, is located on the opposite side of Meadfoot Sea Road and can be seen in context with the application site. The site therefore has the potential to impact on the setting, and therefore significance. The building is a relatively well-preserved villa which was built between 1865-75. Although it has experienced some unsympathetic extensions and alterations during its conversion to apartments in the 20th Century, it does have clear aesthetic, evidential and historic value which contributes to its overall significance. Given the context and the proximity of the application site to Palm Grove, the site is considered to make a small impact to the setting of Palm Grove and therefore makes a minor contribution to its significance as a designated heritage asset. In terms of impact on Non-Designated heritage assets, the site is identified as featuring 'other key buildings of architectural importance which make a significant contribution to the townscape' within the Lincombes Conservation Area map and are considered to constitute non-designated heritage assets due to their contribution to the Conservation Area.

It was considered within the committee report of P/2023/0994 that the outbuildings within the site, including the greenhouse, which is believed to date to the period between 1933 and 1953 and has been badly repaired and altered over the course of the 20th century, is of limited heritage value. It was considered that the demolition of the greenhouse will have a neutral impact on the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and the Grade II listed Palm Grove and this is still considered to be the case. The demolition of the ancillary outbuilding was considered to result in an enhancement to the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and Palm Grove and this is still considered to be the case.

The Council's Principal Historic Environment Officer considers the proposal as a whole will result in a mixture of a neutral impact and an enhancement to the non designated heritage asset of Singleton Gardens, and the heritage assets of the Lincombes Conservation Area and Palm Grove. Overall, it is considered that the proposed works would have a neutral or enhancing impact on the identified heritage assets and the local historic environment. The loss of historic fabric in situ within a non-designated heritage asset is regrettable but in this particular case is justified through the supporting structural information provided and the sensitive rebuilding of the structure reusing existing materials where possible as outlined within the submitted application.

This would, on balance, have a neutral impact and would result in the character and appearance of the Conservation Area being conserved. The use of an appropriately specified and finished lime render to the external face of the boundary wall to replace the existing cement render is considered to be an enhancement. As a result there is no objection from a historic environment perspective. The officer does recommend a planning condition requiring samples of proposed external materials, including a sample panel and details of mix for proposed render finish for the south elevation wall to ensure a good quality finish.

The use of aluminium window frames is considered to be an improvement on the uPVC windows which were previously in situ in this particular case, and the development will not be dominant and visually intrusive and is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the Conservation Area. The submitted joinery details of the fenestration are considered to be acceptable. The slate and paving slabs detailed within the materials samples sheet are acceptable. A compliance condition is recommended to ensure the use of the joinery, fenestration, slate and paving slabs detailed.

The proposal will partially demolish the existing dwelling, an ancillary outbuilding and greenhouse. Given the siting and footprint of the replacement dwelling, the open aspect of the existing gardens is considered to be retained, conserving their character and quality, in addition to the contribution they make to the Conservation Area.

Overall, with the addition of the recommended conditions, the proposal is considered to result in a mixture of a neutral impact and an enhancement to the designated and non designated heritage assets and will retain the character and quality of the existing garden which provides an open aspect within the Conservation Area. The proposal therefore accords with Policy SS10 of the Local Plan and the NPPF.

4. Amenity

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

Quality of living accommodation for future occupiers:

Policy DE3 of the Local Plan which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Internal floor standards are set out from the DCLG technical housing standards document and echoed in Table 23 of the Torbay Local Plan 2012-2030. This states that a three bedroom 6 person dwelling set over two floors should have a minimum internal floor area of 102m².

Policy THW4 of the Neighbourhood Plan states that all new houses shall have not less than 20 sqm of outside space (excluding space for cars or parking) and must have garden areas with not less than 10 sqm of space suitable for growing plants or the

equivalent allocated communal growing space within an easy walk. The Neighbourhood Plan provides the primary guidance on outdoor amenity space where there is divergence with policy guidance within the Local Plan.

The replacement dwelling exceeds the recommended minimum internal floor area and therefore complies with the Government's Nationally Described Space Standards. The replacement dwelling is considered to provide an adequate and suitable environment for future occupiers in terms of outlook and natural light levels. The replacement dwelling will feature an external amenity area which exceed 20m² in line with the Neighbourhood Plan policy requirement.

Adjacent neighbouring amenity:

Objectors have raised concerns including on the impact on neighbouring properties.

Prior to the partial demolition, the dwelling at Singleton Gardens had a width from south to north of approximately 15m. The adjacent garages at Meadville have a width of approximately 15.2m. The replacement dwelling will have a width of approximately 16.3m. The garages will still extend around 1.35m further to the north than the replacement dwelling. The height of the highest part of Singleton Gardens prior to partial demolition (the two storey flat roof element) was approximately 6.1m. The ridge of the highest roof of the replacement dwelling will feature an approximate height of 6.3m.

The replacement dwelling will extend the dwelling along the shared west boundary with Meadville and the ridge height will be higher than the adjacent wall and garages. Given the replacement dwelling will sit adjacent to the existing block of garages with hardstanding parking area to the west of the garages, combined with the separation distance to the nearest habitable room within Meadville, the replacement dwelling is not considered to result in a loss of amenity to the occupiers of the flats and the associated grounds and this was found to be the case in approved application P/2023/0994.

Given the separation distance from the replacement dwelling and associated works to all other surrounding properties, the proposal is not considered to result in a negative impact on neighbouring amenity.

A construction/demolition management plan condition for any further works is recommended to ensure an acceptable impact on neighbouring properties during the construction phase.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

5. Flood Risk and Drainage

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

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment. The flood risk assessment states that surface water drainage will be dealt with by infiltration using a soakaway or other sustainable drainage system.

The Council's Drainage Engineer has confirmed that as this development is located in Flood Zone 1 and the developer is proposing to discharge their surface water drainage to a soakaway, the agreed standing advice should be applied.

As per the drainage standing advice, as the developer has identified on the flood risk assessment that surface water drainage will discharge via a sustainable drainage system such as soakaways, there are no objections on drainage grounds to planning permission being granted providing the infiltration testing and soakaway design are carried out in accordance with BRE365 and the design is undertaken for 1 in 100 year storm event plus 50% for climate change. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. A planning condition is recommended to secure this.

With the addition of this condition the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

6. Highways, Movement and Parking

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA1 of the Local Plan states that the Council seeks to improve road safety, quality of life and equality of access for all, minimising conflict between road users and prioritising the transport hierarchy. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy TH9 of the Torquay Neighbourhood Plan states that all housing developments must meet the guideline parking requirements contained in the Local Plan, unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

Appendix F of the Torbay Local Plan states that 2 car parking spaces should be provided for a dwelling. Appendix F states that parking spaces should be 4.8 metres by 2.4 metres except for when they abut the public footpath and/or public highway and then the spaces should be 5.5 metres by 3.2 metres to prevent vehicles from

overhanging and causing an obstruction to the public footway and potentially the public highway.

The proposal will retain the existing access and parking provision which will provide in excess of two full parking spaces in accordance with the requirements of Policies TA3 and TH9 and the highways standing advice. Given the parking area is as existing, the access and visibility is considered to be acceptable and will not result in a detriment to the existing circumstances.

Appendix F requires one EV charging point to be provided per dwelling. Appendix F also requires space for two cycles per house. No details of such a provision have been identified but there is space within the site to adequately provide this and as such planning conditions are recommended to secured suitable cycle storage and an EV charging point.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. While no details have been provided there is sufficient space within the curtilage for waste and recycling storage.

The proposed development is considered to comply with Policies TA1, TA2, TA3 and W1 of the Local Plan and TH9 of the Neighbourhood Plan.

7. Ecology

The application has been accompanied by an ecology update statement dated 27th June 2025 alongside the previously submitted preliminary ecological appraisal update and a bat emergence/activity survey.

The preliminary ecological appraisal update and bat emergence/activity survey confirm that a single Common pipistrelle was observed foraging intermittently within the curtilage for the entire bat emergence survey. Foraging and commuting bats may be negatively impacted by this development although it was previously noted by the DCC Ecologist that the species recorded utilising the site are common, light tolerant species. A preliminary roost assessment of buildings was undertaken in April 2021 with an external inspection of all buildings on site. The assessment identified two buildings onsite; an existing two storey property and a stone built outbuilding which has a pitched slate roof covering in part as well as a flat roof. Both buildings were deemed by the consultant ecologist to offer 'low-medium' bat roost potential due to the presence of gaps and potential roosting features. A single bat emergence survey was recommended for each building to ascertain bat presence/likely absence and this survey was undertaken on 10th May 2021. A follow up bat survey was undertaken in May 2023 to update the 2021 survey results. No bats were observed emerging from either building during either survey. It is noted that the Bat Conservation Trust Bat Survey Guidelines are indeed guidelines, and it is left to experience of the bat ecologist

as to the amount of survey effort required to determine the presence/likely absence of bats (as per Section 1.1.3 of the guidelines). The DCC Ecologist previously confirmed they were satisfied that the consultant ecologist has provided sufficient ecological rationale for the deviation away from published guidance in this instance. It is also noted that the site temperatures during the survey (as detailed in Page 6 of the submitted ecology report) were 13C at the time of survey, which is deemed suitable and in line with guidance.

The new ecology update statement confirms that as conditions had not changed between 2021, 2023 and the commencement of survey work by Lakeway Ecology in 2025 (other than the erection of scaffolding), the recommendations for enhancement provided in Green Lane's 2023 report are still valid. There is a small population of slow worms at Singleton Gardens (Lakeway, 2025), with animals seen at the north-western corner of the site. Whilst the rubble from the dwelling does provide some shelter for reptiles, the presence of reptiles in this area is unlikely as rubble was largely sited on hardstanding and no reptiles were found to the south of the main dividing wall running roughly east/ west through the middle of the walled garden. The statement concludes that the recommendations set out in Green Lane (2021 and 2023) are still relevant to the site despite the building no longer being present. The risk of harm to protected species was previously assessed and no evidence of roosting bats or nesting birds was found. Lakeway Ecology's assessment is in line with Green Lane Ecology's findings. As the current application relates solely to a replacement dwelling, it will take no natural habitat and is therefore exempt from Statutory Biodiversity Net Gain. There are no additional ecological implications over those stated in Green Lane's ecology reports relating to the dwelling at Singleton Gardens and previous recommendations are still valid.

The DCC Ecologist has considered the proposal and has confirmed that having reviewed the information, they believe the ecology update statement to be sufficient. The works have already commenced to the previously surveyed building, and the scaffolding makes the site unsuitable for roosting bats. They recommend that an informative is added to any consent relating to bats and their roosts. The ecological enhancements are as previously secured for this site and still need to be provided on the replacement dwelling. These are shown on the elevation plans and are recommended to be secured by planning condition.

A plan detailing external lighting has been provided and details the same lighting already agreed via the previous consent. A condition requiring adherence to the detailed external lighting is therefore recommended.

A condition is also recommended which requires any further vegetation clearance and demolition work to take place outside of bird nesting season unless the developer has been advised by a suitably qualified ecologist that the works will not disturb nesting birds.

In England Biodiversity Net Gain (BNG) for minor applications has been mandatory from 2nd April 2024 under the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021). This means that, subject to certain exemptions, development must deliver a 10% gain in biodiversity. The application is supported by a BNG exemption statement. This states that the proposal meets the criteria for the de minimis exemption because the land affected as part of the proposal contains less than 25m² of non-priority habitat and less than 5m of linear habitat. There are no priority habitats on the site.

The applicant has undertaken works to the application site including the partial demolition of the dwelling. The application is therefore part-retrospective. BNG does not apply to retrospective applications and the proposal would fall within the de minimis exemption. The proposal is therefore not BNG liable.

With the addition of the recommended conditions the proposal is considered to comply with Policy NC1 of the Torbay Local Plan.

8. Trees

Policy C4 of the Local Plan states that development will not be permitted when it would seriously harm, either directly or indirectly, protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy C4 goes on to state that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

The site is protected by 1973.01 Area TPO and lies within the Lincombes Conservation Area. Both the TPO and Conservation Area provide statutory protection to the trees impacted by the development.

Objectors have raised concerns relating to the impact of the proposal on trees.

The Council's Senior Tree Officer has confirmed that an Arboricultural Method Statement (Tree Protection Measures) has been prepared and submitted by Aspect Tree Consultancy (Aspect) dated 7.7.25. This addresses the works to replace existing foundations with an arboricultural watching brief and monitoring programme during the works. This is broadly acceptable as a working method. The removal of the existing concrete slab in the garden area requires a method statement for both its removal and the replacement surfacing installation. This must ensure that if any tree roots from T7 are encountered that these are protected adequately. The surfacing being replaced should also be specified with any subgrade materials levelled to avoid compaction of existing soils. Porous block paving would also be an advantage. Tree protective fencing has not been specified in the application. Given that this is development within a garden which contains a number of protected trees (TPO & CA), if fencing is not required by virtue of how the site and development will be managed, this should

be stated for the avoidance of doubt. Otherwise, a Tree Protection Plan will be required.

The Officer recommended that the Arboricultural Method Statement (Tree Protection Measures) (Aspect) dated 7.7.25 is secured by a planning condition. An Arboricultural Method Statement should be secured for surface removal and replacement within the root protection area of T7 and it should be confirmed whether tree protective fencing is required during the development.

The applicant has subsequently provided a tree protection plan and arboricultural method statement which the Tree Officer has confirmed is acceptable. The updated arboricultural method statement and adherence to the tree protection plan is recommended to be secured by condition.

With the addition of the recommended condition the proposal is considered to accord with Policy C4 of the Local Plan.

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. The development would see the re-development of an existing dwelling to provide a larger dwelling.

There are no adverse economic impacts that would arise from this 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 proposed development would be the provision of a replacement dwelling which provides a good quality form of accommodation.

The use of the site for a replacement dwelling would provide an appropriate use and the site is within a sustainable location. On balance, the social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered especially relevant to the proposed development are impacts on the built environment, heritage, making effective use of the land, ecology, arboriculture, flood risk and drainage. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of any biodiversity net gain, where it is proposed to require enhancement measures. The proposal as a whole is considered to result in a mixture of a neutral impact and an enhancement to designated and non designated heritage assets. The proposal will include bicycle storage and an EV charging point and sustainable drainage which will be required by condition.

It is concluded that the environmental impacts of the development weigh positively within the planning balance.

Sustainability Conclusion

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

Statement on Human Rights and Equalities Issues

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

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

Local Finance Considerations

Affordable Housing:

Not applicable.

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

EIA/HRA

EIA:

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

HRA:

Not applicable.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is concluded that the proposal in terms of addressing the Development Plan would result in a mixture of a neutral impact and an enhancement to the designated and non designated heritage assets, would be in keeping with the existing streetscene and would not have an adverse impact on the surrounding area in terms of its size, scale, design and impact on neighbouring amenity. Matters of highways, trees, ecology and drainage are adequately addressed. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Conclusions and Reasons for Decision

The proposal is acceptable in principle and would result in a mixture of a neutral impact and an enhancement to the character of the area and designated and non designated heritage assets. Matters relating to highways, amenity, ecology, trees and drainage are acceptable. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

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.

If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.

Conditions

1. Construction/Demolition Management Plan

No further development, including demolition, shall take place until a Construction/Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include, but not be limited to:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the erection and maintenance of security hoarding, where appropriate
- (e) wheel and/or highway washing facilities
- (f) measures to control the emission of dust and dirt during construction
- (g) measures to minimise noise nuisance to neighbours from plant and machinery.
- (h) construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Construction/Demolition Management Plan shall be adhered to throughout the construction period.

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 in accordance with Policy DE3 of the Torbay Local Plan. These details are required prior to any further works to secure suitable parameters for the construction phase.

2. External materials - house

Prior to the construction of the external walls of the dwelling, sample panel(s) of all new facing walls shall be provided on site detailing the mix for the proposed render finish.

Approval of the materials and methods shall be confirmed in writing by the Local Planning Authority prior to their final construction and development shall then take place in accordance with the approved details. The approved sample panel(s) 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: In the interest of visual amenity and the character and appearance of the Conservation Area and the setting of listed buildings in accordance with Policies DE1 and SS10 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

3. External materials – wall

Prior to the construction of the southern boundary wall facing Meadfoot Sea Road, sample panel(s) of the new facing wall shall be provided on site detailing the mix for

the proposed render finish. The wall shall be constructed using reclaimed stone where suitable.

Approval of the materials and methods shall be confirmed in writing by the Local Planning Authority prior to their final construction and development shall then take place in accordance with the approved details. The approved sample panel(s) 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: In the interest of visual amenity and the character and appearance of the Conservation Area and the setting of listed buildings in accordance with Policies DE1 and SS10 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

4. Materials – roof and paving

The roof and paving material shall be carried out in accordance with the details contained within approved plan '818-EM1 Rev A' and shall be retained as such thereafter.

Reason: In the interests of the appearance of the development and the surrounding area within the Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

5. EV Charging Point

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

Reason: To ensure the parking provision of the new residential unit is in accordance with the requirements of Policy TA3 of the Torbay Local Plan.

6. Cycle Storage

Prior to the first occupation of the replacement dwelling hereby permitted, provision shall be made for the storage of bicycles according to details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: To ensure adequate bicycle storage facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and in the interests of sustainability.

7. Arboricultural Method Statement and Tree Protection

The development shall not be carried out otherwise than in strict accordance with the hereby approved 'Arboricultural Method Statement (Tree Protection Measures) reference P20250423-10 (Tree Protection)' dated 13/10/25 and 'Tree Protection Plan 05942 TPP (Tree protection)'.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policies NC1 and C4 of the Adopted Torbay Local Plan 2012-2030.

8. External Lighting

No external lighting, other than that detailed in accordance with approved plan 818-L1 A (lighting inc. spec)' shall be installed on the site.

Reason: To safeguard legally protected species, including safeguarding foraging paths for legally protected bats, and in the interests of biodiversity and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

9. Drainage

Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 50% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations.

The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan.

10. Joinery and Fenestration

The development hereby permitted shall be implemented in accordance with the details of windows, doors and joinery detailed on approved plans '818-25 B (windows & eaves)'; '818-26 A (door details)' and '818-27 (wall details)'.

The windows, doors and joinery shall be retained in that condition thereafter.

Reason: In the interests of the appearance of the development and the surrounding area within the Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

11. Bird nesting season

No vegetation clearance or further demolition works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan.

12. Ecology report

Prior to the first occupation of the replacement dwelling hereby approved, in accordance with approved plan '818.19D', one bat box on the eastern elevation of the dwelling and one bird box on the northern elevation of the dwelling shall be installed. Once installed the bat and bird boxes shall be retained thereafter.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan.

Informative(s)

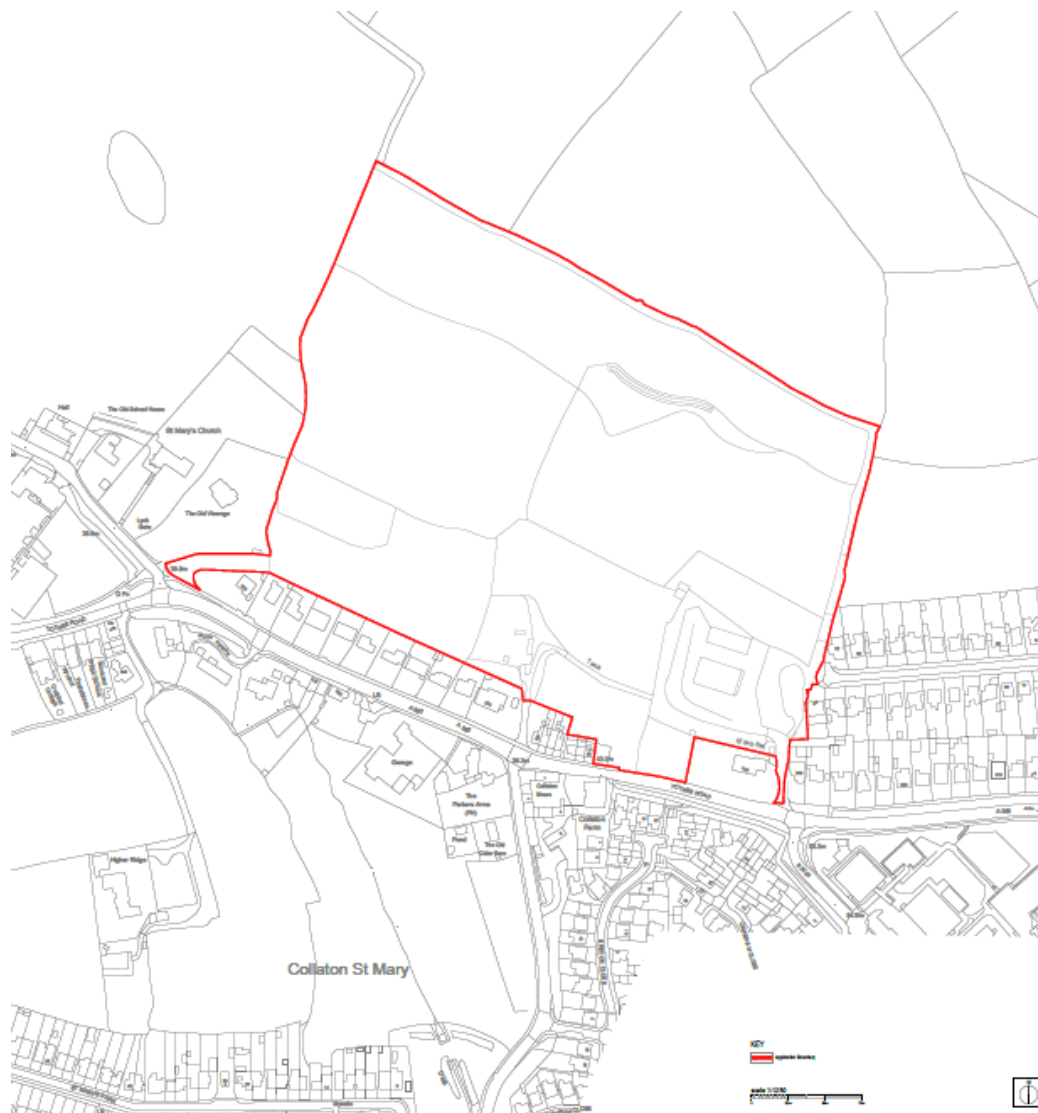
1. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.
2. Bats and their roosts (resting/breeding places) are protected by law. In the event that a bat is discovered then works should cease and the advice of Natural England and/or a suitably qualified ecologist should be obtained. Nesting birds are protected by law. If any nesting birds are discovered using the areas to be affected, work should not proceed until breeding has finished and all fledglings have departed the nest.
3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information provided to determine the application this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Relevant Policies

DE1 – Design
DE3 – Development Amenity
ER1 – Flood Risk
ER2 – Water Management
NC1 – Biodiversity and Geodiversity
TA1 – Transport and Accessibility
TA2 – Development Access
TA3 – Parking Requirements
W1 – Waste Hierarchy
SS14 – Low Carbon Development and Adaptation to Climate Change
ES1 – Energy
C4 – Trees, Hedgerows and Natural Landscape Features
SS10 – Conservation and the Historic Environment
HE1 – Listed Buildings
TH8 – Established Architecture
THW4 – Outside Space Provision
TH9 – Parking Facilities

Application Site Address	Land North of Totnes Road, Collaton St Mary, Paignton
Proposal	Reserved matters relating to P/2019/0281 (Up to 100 dwellings) - relating to (i) layout, (ii) scale, (iii) appearance; and (iv) landscaping.
Application Number	P/2024/0368
Applicant	Cavanna Homes
Agent	AR Land and Planning Ltd
Date Application Valid	14.06.2024
Decision Due Date	13.09.2024
Extension of Time Date	14.11.2025
Recommendation	Approval: Subject to; 1. The satisfactory resolution of outstanding highway points, to be delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency. 2. The conditions as outlined, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency. 3. 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 Transport 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	Scott Jones



Site Details

Description

The application site sits to the north of the Totnes Road (A385) and encompasses approximately 10.5 hectares of what is largely fields but includes an element of previously developed (brownfield) land of approximately 1 hectare.

The site largely sits behind residential properties along Totnes Road where the fields rise northwards towards a hedge and tree lined hilltop. Although largely contained behind the existing frontage development there is a section of the site that fronts directly onto the Totnes Road, comprises a hedge-lined frontage of approximately 64 metres forming a gap between existing residential plots. There is also an access to the existing developed area within the site further east, close to the brow of the hill and the junction with Borough Road, and within the southwest corner the site extends to the border of the public highway near to the junction of Blagdon Road with Totnes Road.

Local Character & Services

The existing field system is largely laid to pasture with hedge borders and the occasional small copse. The site is quite steep in places and there is an overall rise of approximately 55 metres from the low points adjacent to the Totnes Road and Kings Ash Road to the hilltop at the northern border of the site.

Across the Totnes Road, to the south there is a public house and to the west there is a parish church and a primary school. Within the wider area there is a secondary school, numerous food retail outlets and a trading estate within relatively close proximity, on the outskirts of Paignton. The general character is a transitional one from an edge of town, residential character to the east to a rural character with more intermittent development (largely residential ribbon development and holiday parks) and open countryside to the west.

Heritage

There are a number of designated heritage assets nearby and immediately to the south of the site across the Totnes Road lies the Grade 2 listed Collaton Farm building and (converted) barns. To the west, off Blagdon Road there is the Grade 2* listed Church of St Mary, Grade 2 Old School House and Old Vicarage, and a further four Grade 2 listed properties, 391-397 Totnes Road.

Development Plan

In terms of the Local Plan the site is identified as part of the wider Collaton St Mary (Paignton North and West Area) Future Growth Area and is also a site identified for housing within the Collaton St Mary Masterplan, which is an adopted Supplementary Planning Document for the area (adopted February 2016). The Paignton Neighbourhood Plan does not allocate housing sites and hence is silent in terms of designation, however Policy PNP24 does cite that within Collaton St Mary further development beyond the currently developed areas will be supported where the proposals are in accordance with the adopted masterplan for the area. In terms of other relevant context the valley floor to the south of the site is a linear area with an identified risk of flooding, and the site sits in the Sustenance and Landscape Connectivity zones associated with the South Hams Special Area of Conservation (SAC)(Greater Horseshoe Bat).

Description of Development

This is a reserved matters application that is seeking approval for the layout, scale, appearance and landscaping for 100 dwellings following the grant of outline consent under application reference P/2019/0281 for up to 100 dwellings. The outline consent granted detailed access with the creation of a single vehicular access off the Totnes Road (A385) east of the existing zebra crossing. A previous Reserved Matters application pursuant to the outline planning consent P/2019/0281 has already been approved under planning reference P/2022/0888. This application presents a revised form of development for the site.

In accordance with the outline consent the proposal is for 100 dwellings offered in the development area presented in the indicative plans submitted and considered at outline stage. The dwellings are again focused within the lower part of the site, up to a line roughly in line with the rear boundaries of the dwellings off Borough Park Road.

In terms of layout the proposal loosely respects the indicative layout at outline stage with the approved single access filtering off to a network of roads across the hillside. The precise layout has changed though. The reserved matters include public elements identified at outline stage, with orchards, allotments and an equipped play space (LEAP) central within the upper part of the development and some more incidental play space (LAP) within the southeast corner of the site.

In terms of form the buildings are generally two-storeys or 2/3 storey split level, with pitched roofs. Accommodation type is largely houses with a range of bedroom numbers up to 4-bed properties.

The scheme is substantially one of detached houses with 70 out of the 100 units being either detached or linked-detached. The remainder are provided in a mix of semi-detached units, short terraces, or combined building with dwellings and apartments beside each other. There are 8 apartments within the scheme across two linked buildings with houses attached, 4 towards the southeast corner of the development near to Borough Park Road and 4 towards the southwest corner of the development near to the vicarage and church.

The proposal includes the provision of 30 affordable units in accordance with the outline consent.

Materials are varied through the scheme. Roofs materials are either slate, concrete tiled or finished in a standing seam grey membrane. Wall elevations across the scheme are also mixed and materials include reconstituted red stone, red brick, render and boarding panels. The dwelling type and material choices are presented as offering character areas that respond to the pedestrian/cycle gateway from Borough Park Road to the east, the central green spine to the site, and the listed church and vicarage to the west.

All dwellings are supported by parking which is a mix of driveway and garages, or courtyard or street-edge parking.

Pre-Application Enquiry

(Design West) Torbay Design Review Panel 31.01.2024 and comments issued 16.02.2024.

Summary Comments:

- Scheme now works more harmoniously with the topography, is more landscape led, and provides space for green infrastructure to mature and organise the site.
- Significant landscape spine holds potential to add great value to both existing community and new residents.

- 3D modelling will be essential for a site such as this in terms of exploring, developing, and communicating design proposals.
- Civil engineering to manipulate or retain levels should be limited to guard against unviability as well as potential issue around character and accessibility.
- Views into and out of the site should both be considered.
- The approach to respect the setting of heritage assets and enhance their setting is welcomed. Evident that special attention has been paid to the GII* Parish Church of St Mary (namely in the detailed consideration of contemporary 'alms-houses').
- The layout and house designs could work harder to foster distinct characteristic areas within the development.
- Connections could be improved between Borough Park Road and the courtyard development, perhaps with an urban square.
- The 'Alms' character area needs more confidence and robustness in its approach, and closer reference to that typology if it is to be adopted.
- The southern pedestrian/cycleway connection to the school could be explored and further strengthened.
- Play and temporal activity could be more effectively anticipated and woven into the landscape and streets across the site (play on the way). The SuDS spine in particular should be optimised as a social and play space that helps capitalise on views.
- Materials should be reused where possible (stone).
- The use of landscaping to help mitigate road noise should be explored.
- Support for the main access and Totnes Road frontage being open and welcoming to stitch new and existing communities together rather than discrete and introverted.
- The Quarry and Public Open Space is a significant asset for the community, both for residents of this scheme and existing residents nearby.
- Active travel, cycle parking and EV charging should be supported and encouraged.
- Movement patterns north-south and east-west should be duly considered for pedestrians and cyclists.
- The consideration of adjusting standard house types and understand that a more bespoke approach is being developed by Cavanna Homes to address sites such as this is welcomed, where topography and soil conditions call for more of a 'split level' approach.
- A pallet and hue of materials with the emphasis upon a development that sits comfortably against the hillside is suggested. Treatment of roofs important due to wider views of the site.
- Greater ambition in terms of sustainability and low carbon is suggested.

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 Paignton Neighbourhood Plan (PNP)

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published Standing Advice
- Collaton St Mary Masterplan
- Setting of various listed buildings, including the Grade 2* Church of St Mary.
- 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

Outline consent:

P/2019/0281: Outline application: Development of up to 100 dwellings, including affordable and market housing. Associated landscaping, open space, drainage and highways infrastructure at Land North of Totnes Road together with new access onto Totnes Road. Approved with legal agreement.

Reserved matters consent:

P/2022/0888: Reserved matters relating to P/2019/0281 (Up to 100 dwellings) - relating to (i) layout, (ii) scale, (iii) appearance; and (iv) landscaping. Approved.

Summary of Representations

39 submissions objecting. The summary of concerns raised are as follows;

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

- Flooding concerns
- Privacy, loss of light and noise impact on dwellings to the south
- Limited overlooking of play space
- Designing out crime and access to rear of plots
- Location of affordable housing
- Location of greenspace central in the development
- Doesn't integrate well
- Impact on ecology
- Impact on the listed church
- Poor design

Reasons for objection not relevant to this Reserved Matters application for layout, scale, appearance and landscaping:

- Impact on services such as schools, health etc.
- Access safety
- Traffic capacity
- Principle of housing
- General noise
- Loss of green fields
- There should be no connection to Borough Park Road
- Affordability

- Carbon produced by the housing

Summary of Consultation Responses

Torbay Council Affordable Housing Manager

The plans provide a better mix of unit sizes that was proposed under the previously approved reserved matters application P/2022/0888. There will now be provision of:

- 8 x 1 bed
- 4 x 2 bed
- 4 x 3 bed
- 4 x 4 bed

This totals 30 Affordable Homes which accords with the policy requirement of H2.

Due to the overriding betterment in terms of the mix compared to the previous reserved matters approval the provision of single person 1-bed units over 2-person units, and the provision of 3-person 2-bed units over 4-person units, is considered acceptable. Notably the provision of the 4 bed units which will accommodate 6 persons is positive as these units will meet the needs of the larger families who are generally more difficult to rehouse and ultimately would be overcrowded. There are also ample people on the Housing Register suited to the smaller one bed as well as the 4 bed units.

It is also be noted that the applicant is providing M4(3) units which will meet the needs of applicants who would generally require specialist adaptations within their homes.

It is vital that we secure these properties with a local connection to Torbay. Larger units, i.e. the 4 bed properties and the M4(3) units are not always provided as the emphasis is usually on smaller units of accommodation. Torbay will want and need to ensure that these properties are offered in the first instance to people with a local connection to Torbay.

The fact that the units are concentrated in two groups is a welcome change to the early proposals. Registered Providers generally prefer this for housing management purposes. There were some suggestions from the team on changes regarding the flats. These suggestions have been incorporated to remove shared access. Each property now has its own access which reduces the issues around communal areas.

Highway Authority

Summary points:

1. Dropped kerb detail on main access should match the approved detailed plans consented at outline stage.
2. Walk/cycle link should be considered from the 6 units in the SW corner of the site to the east-west footpath/cycle route.
3. Central path through greenspace should be tarmac not paved
4. Small parking court arrangement in SW corner could be improved and access to bins should meet building regulations.
5. Certain trees should be set back from highway to improve visibility.
6. Materials near plot 93 should be reconsidered to define what is expected to be public highway.
7. Visibility splays should be clear of obstruction.

8. Private drive adjacent to plot 88 may benefit from a turning head.
9. Link from private drive near unit 69 to the adjacent footpath should be considered.
10. Plan consistency re footpath link in the central greenspace near plot 61.
11. Extended kerb width near plots 52 and 53 not required.
12. Raised table near plots 32 and 47 should be pulled south slightly to align with crossing point.
13. Footway near plot 32 would be better aligned re predominant desire line.
14. Waste collection distances in upper private drive need to accord with guidance.
15. Table crossing near plots 1 and 2 a concern re movement out of the nearby drive possibly obstructing the footway.
16. Communal cycle stores need to show they are adequately sized.
17. Concern on the two sharded surface treatments on the east-west route through the site.
18. Footways etc should be built to adoptable standards for adoption purposes.
19. Low lighting acceptable where necessary for ecology reasons.
20. Adoption plan should be updated to refer to updated guidance..
21. Foot/cycle connection to Blagdon Road should be opened during phase 1.
22. Link to Bourgh Park Road should also be marked for cycle use on plan AMP.01 C and route near to plot 71 should be marked for pedestrians.
23. Wayfinding information can be addressed in the S.38 highway agreement process.
24. Waste plan requires updating to reference the changes made.
25. Commuted sum should be sought for management of landscaped areas/features.
26. Highway drainage will be covered under the S.38 process.
27. Construction Management required agreeing.
28. Updated travel plan is required.

General conclusion:

The Highway Authority have reviewed the updated information provided by the Applicant and their Agents and subject to receipt of further detailed plans and updated documents which satisfy the matters outlined above would not object to the application. However, it is considered that there are several items to be addressed that would materially affect the site layout and appearance and therefore would not be possible to deal with as part of the Section 38 Agreement. Accordingly, the Applicant is required to address each and every item to the satisfaction of the Highway Authority at this time.

Updates to the Highway Adoption Plan will be required as well as ensuring all layout and other plans are consistent in terms dwelling types and extent of surfaces and proposed adopted areas.

Natural England

No objection subject to appropriate mitigation being secured.

The LPA should address all the detailed comments raised by the County Ecologist prior to determination. We make particular reference to:

- Confirming whether there will be lighting along the footpath on the east of the site. In order to comply with the outline application and the requirements of the HRA, the illumination of this corridor should be under 0.5 lux.
- Clarifying the functionality of the eastern flight corridor to ensure that flight paths are not constrained.

- We agree with the reasonable requests of your ecologist regarding updating the CEMP and LEMP.
- The LPA should ensure that BNG can be legally secured.

Ecology Advisor (Devon County Council)

All of ecology comments have been addressed by EAD Ecology. The Reserved Matters scheme is in line with the ecological requirements as set out by the outline consent.

There are however still points that the council need to consider:

The proposed cycleway/footpath to the south of the site and its associated junction, along with the footpath connection to Borough Park Road to the east – this is shown as dark within the HRA approved for the outline consent. I believe we need to understand from Torbay Highways whether this footpath is going to be lit because if not, then the functionality of the dark corridor along the eastern boundary will need to be reassessed. If Torbay want to adopt this footway, then they will need to accept no lighting.

The other aspect is the offsite BNG provision. As previously discussed, the applicant is proposing going to a habitat bank provider to provide the required units. There are currently no habitat banks in Torbay, as if we accept this approach, the council must be made aware that the offsite habitat provision will be outside the district.

The above two points are for the Council to decide. There are no further ecology comments.

Waste and Recycling Officer (SWISCo)

Please refer to waste collection comments contained within the Highway Authority response.

Torbay Council Drainage Engineer

Regarding the revised surface water drainage details for the above development, confirm that the revised drawings do not affect the previously approved surface water drainage design for this development. As a result, providing the drainage is constructed in accordance with the latest drawings and hydraulic design, there is no objections on drainage grounds to planning permission being granted.

Environment Agency

No objections to these reserved matters. Whilst a small part of the site is within an area of fluvial flood risk (the pedestrian link in the south west of the site) there are alternative means of access which join the highway in an area of flood zone 1 (low risk). No flood risk assessment has been provided with these reserved matters, but we recognise that the outline permission managed the requirements for flood risk assessment regarding surface water. This is, however, a matter on which we defer to the Lead Local Flood Authority.

South West Water

Surface Water:

Having reviewed the applicant's current information as to the proposed surface water disposal for its development, the method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

It is noted infiltration testing showed insufficient capacity for soakaway drainage to be effective at this site. The applicant therefore proposes that on-site surface water drainage network will connect to the off-site public surface water drainage, via an attenuation system comprising underground tanks and shallow attenuation basins. The public sewer consequently discharges to the existing watercourse.

For Highway run off please contact the Highway Authority to agree disposal method. South West Water response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to South West Water network, we are not commenting on this as it is not our responsibility.

Foul Water

South West Water is assessing the waste supply network for wider growth in this area, which includes this site. Any network reinforcements identified will take this development into account

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Assets:

Asset Protection

Plan provided showing the approximate location of a public 4-inch water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Addendum comment received 20.10.2025 states that having re-consulted the Development Evaluation Team for this proposal, the assessment referred to in our consultation response of Feb 25 has been completed and there will be no need for network reinforcements to serve this proposal.

Police Designing Out Crime Officer

From a designing out crime, fear of crime and anti-social behaviour perspective, offer the following advice and recommendations below.

Request that a condition is in place for the access gates providing entry into the private rear gardens. Where they provide pedestrian access into the rear gates must also attain a height of 1.8m and be lockable by means of a key or similar to allow for the garden to be secured on exit as well as entry. This has been requested in the interest of designing out crime.

The gates that provide access into the landscape buffer zones such as those ones between the rear gardens must be lockable to prevent unauthorised access. I would also ask that these are conditioned, in the interest of designing out crime.

Where there are shared access pathways providing access to multiple private rear gardens these must be lockable as well to provide access to residents only. The gates must be installed at the start of the pathways to prevent unnecessary recessed areas.

Planting should be designed to maximise visibility and seek not to create pinch points or place of concealment.

Where lighting is being installed for the footpaths or cycleways and parking courts this should be lit in accordance with BS 5489-1:2020.

With regards to the apartments communal entrances have a visitor door entry with an access control system.

The communal bin stores and cycle stores should be lockable to prevent unauthorised access. The internal side of the external doors should also be fitted with a thumb turn or other associated emergency release equipment to allow for a person to exit if inadvertently locked in. It would also be recommended that a light is installed within the internal side of the stores to allow for the residents to have a clear line of site into the building to prevent fear of using them during the hours of darkness.

A secure mail delivery system should be installed for the apartment buildings to prevent theft of mail and parcels which can be a common issue with buildings with multiple dwellings.

Where smart meters are not being installed into the apartment buildings then meters should be in an area that access does not introduce security risk to the residential areas, for example it would be beneficial if these were installed to the front of the building line or in the communal lobby area.

Torbay Council Community Safety Officer

The emissions from vehicles using this development have the potential to impact air quality, particularly on Kings Ash Road where nitrogen dioxide concentrations from vehicle emissions are already close to the legal objective. It is not clear from the outline application whether an air quality impact assessment was conducted.

This reserved matters application also seeks to discharge the requirements for a CEMP on the outline consent. I have the following comments and questions on the submitted CEMP:

- Please provide further information on the use of water for dust suppression when required.
- Please include details of how dust emissions will be monitored and how the site will react to dust emissions.
- Will the site compound be powered by a generator? If it will, where will this be located and will it operate over night? (a noise assessment may be required).
- Will there be any driven piling of foundations or structures?

The submitted contaminated land report concludes that further investigation is required. This should be controlled by a condition on any consent. The wording of any condition will depend on whether further investigation has been done by the applicant by the time this application is determined or not.

The plans for this block show that lack of natural light may be a problem in parts of the property.

SWISCo Green Infrastructure Team

Standing advice regarding future management of open space:

Without prejudice SWISCo would be seeking to take on the management of the open space provision for a period of 25 years.

A review of the proposed management of open space identified a requirement for grass cutting/non-residential bin emptying/playground inspection/bench repair/non-highway path repairs. The cost of the committed sum can be provided and will be plus RPI for 25 years.

Planning Officer Assessment

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

1. The Principle of Development

Outline consent has been granted for up to 100 dwellings pursuant to planning permission P/2019/0281. This has established that the principle of 100 dwellings served off an approved detailed access arrangement off the Totnes Road is acceptable.

This Reserved Matters application is solely to consider the Layout, Scale, Appearance and Landscaping, as the principle and detail of access has been established, and has been submitted in accordance with the time limit of the outline consent.

Subject to ensuring that the proposal provides an acceptable form of development, in terms of securing a suitably designed scheme, a good quality living environment and one that retains adequate amenity levels for adjacent occupiers, whilst also according with the conditions attached to the outline consent, the principle is considered acceptable.

Due to the reasons stated above the principle of residential development on this site is accepted, when considering strategic policies SS1, SS2, SS5 and SS12 of the Torbay Local Plan and Policies PNP1 and PNP24 of the Paignton Neighbourhood Plan, and the Development Plan as a whole, subject to other material considerations, which will be discussed in more detail below.

2. Housing Supply

The Government published the most recent Housing Delivery Test in December 2024. Torbay's result was 66% (i.e. between 2020/21 to 2022/3 there were only 66% as many completions as the number of homes required). Recently the Inspector considering the Copythorne Road appeal in Brixham agreed the Authority only had a 1.72-year housing land supply. There is a significant housing shortage, and the Housing Delivery Test requires that the presumption in favour of sustainable development be applied as per Paragraph 11 of the NPPF.

Paragraph 11 of the NPPF states:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [Footnote 8], granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance [Footnote 7] provides a strong reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [Footnote 9].*

Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

There is a clearly stated government objective of boosting the supply of housing. Policies SS3 and SS13 of the Local Plan also set out a presumption in favour of sustainable development separately to the NPPF. Accordingly, the presumption in favour of sustainable development is applied to applications involving the provision of housing.

Under the presumption, in this instance permission should only be refused where either:

- (i) The application of policies in the Framework that protect the South Hams SAC or designated heritage assets provides a strong reason for refusal (i.e. the “tilted balance” at Paragraph 11(d)i) or
- (ii) The impacts of approving a proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (i.e. the “tilted balance” at Paragraph

11(d)ii).

Development plan policies are taken into account when assessing whether the harm caused would “*significantly and demonstrably*” outweigh the benefit.

In accordance with Footnote 8 and Paragraph 11(d) of the NPPF the policies within the Development Plan which are most important for determining the proposal are out-of-date. The presumption in favour of sustainable development indicates that planning permission should be granted unless one of the two circumstances apply as detailed above.

As concluded within this report neither of the above positions are breached in order to signify the proposal should be refused. The provision of housing and the local housing supply context weighs heavily in favour of the grant of planning permission. This conclusion is informed by there being no ecology reasons associated with the South Hams SAC, or heritage reasons, that provide clear reason for refusing the application, so the ‘tilted balance’ is engaged, and the broader conclusions present that it is clearly in the public benefit to grant planning permission for these reserved matters.

3. Design and Visual Impact (Layout, Scale and Appearance and Landscaping “the reserved matters”)

Achieving good design is a central thread within national guidance and Part 12 of the NPPF “Achieving well-designed and beautiful places” offers key guidance on this. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 furthers key guidance including that on functionality, adding to the overall quality of an area, responding to local character and being visually attractive as a result of architecture, layout and landscaping, and creating safe and inclusive places. In addition, paragraph 139 states that ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design’.

There is consistency with the NPPF across Local Plan Policies SS2 (Future Growth Areas), SS11 (Sustainable communities) and DE1 (Design). Policy SS2 seeks development to integrate with existing communities and reflect landscape character, 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.

In terms of further policy context design outcomes are also prominent within the Paignton Neighbourhood Plan with PNP1 (Area Wide) including reference to enhancement of local identity, PNP1(a) citing the importance of development

responding positively to its context when in the Rural Character Area, PNP1(c) again identifying the importance of strengthening local identity, and PNP19 (Safeguarding the open countryside) and PNP24 (Collaton St Mary) both express the importance of sensitive development within the rural context.

In terms of context the early evolution of these revised reserved matters was considered by the Design West Design Panel in early 2024 approximately 6 months in advance of the submission of this application. The submitted Design and Access Statement details how the application has responded to the comments of the Panel, summarised below.

- Working in 3D. A 3D massing model has been made of the proposal and images from this are attached.
- Where needed retaining walls and steps have been incorporated into the extensive Landscape Proposals.
- The opportunities for views out – particularly towards the Dart Estuary have been fully considered.
- Evolving the design around the entrance to integrate with the existing Heritage assets and being clearer in the approach to visitors and general permeability of the site.
- Strengthening the 'Almshouse' character Area and being clearer in how the concept is implemented to integrate with the existing Heritage assets.
- Strengthening the gateway to Borough Park Road by creating a 'square'.
- Strengthening the route and opportunities created by the Pedestrian / Cycleway that runs through the site enabling a future connection from the School to Borough Park Road.
- Bringing the area to the north (termed the Quarry) into the site by making the POS direct accessible to residents and the wider community.

Consideration of the reserved matters for layout, scale, appearance and landscaping are as follows.

Layout

In terms of the layout the proposal is broadly respectful of the outline information with the basic principle of a network of roads on the lower slopes with play space engrained and public open space and community facilities to the upper slopes. The layout is considered in broad accordance with the indicative layout submitted at outline stage. As a point of clarification the detailed vehicular access was approved at outline stage together with the expectations for an east-west connections for permeability and to provide linkages that support non-car modes for local travel. These Reserved Matters align with these previous outcomes.

In terms of basic principles the development pattern leans heavily on perimeter development which presents active street frontages and overlooked public spaces, and private back-to-back gardens that offer secure and enclosed gardens. Perimeter development is supported as a broad urban design principle for the reasons stated.

In terms of the detail the layout presents a loose arrangement of streets being formed across the hillside, with east west 'branches' off a sweeping access road from the site's entrance in the south. A central green spine runs from the vehicular entrance diagonally up the hillside which incorporates a landscaped path route, drainage features, and play

space. The green public spine through the development provides a positive easing of development and fragments the eastern and western elements slightly. The general street pattern and public landscaping within the built area is considered softer and more organic as an arrangement compared to the more engineered and road dominant vision from the previously consented reserved matters (P/2022/0888).

The rise in levels between streets is largely managed by utilising split level properties, which limits the amount of freestanding retaining walls needed to traverse the rise in land levels northwards. Having the engineering solution within the built form presents less exposed engineering and is considered a positive concept for the site. The move away from large expenses of exposed engineering walls between gardens of the previous reserved matters approved is considered to present a more positive outcome.

In terms of the street pattern the buildings and building lines are relatively regular and present quite a formal and somewhat suburban influence. The scheme leans heavily on detached dwellings and there is a regularity to the plot arrangement, including parking and garaging. The building lines enclosing the streets are also relatively regular, which would appear influenced by the restricted depth to plots borne from managing the rise in levels from south to north. All these tensions were evident in the previous reserved matters. In terms of step-change forward from the previous scheme that was approved the road pattern is less uniform and more irregular than the previous scheme, and there remains some curvature to the streets that does offer some informality to the layout. The significant green swathe through the scheme also provides a welcome break to the built form in the layout, and the treatment of the peripheral areas presents some welcome change in character to the broader arrangement of dwellings. The layout does also present opportunities for regular 'street' trees throughout, which is a welcome element in the proposed layout.

The revised location of the principal play space (LEAP) is central within the site at the head of the green spine before transitioning to the informal public open space in the upper fields. The location presents a sensible and very legible location that is linked to both the developed area and the informal space to the north, and the landscaped path through the scheme. The location also retains natural surveillance with dwellings nearby. Allotments are proposed on the upper east side and orchards on the upper west side close to the rear church yard. Both locations are considered suitable and provide a transition from the developed area to the informal natural public greenspace on the upper slopes.

Permeability is adequately considered through the scheme with east-west and north-south pedestrian routes providing more direct movement options and ensures there isn't a full reliance on the vehicular routes. Steps are necessary in places due to the topography of the site, which is considered acceptable in the context.

All matters considered the layout and detailed arrangement of buildings and streets presents the foundations for a far more positive outcome for the site than the previously consented reserved matters. There remains some concern around the relatively regular suburban form of development, however a number of elements of the layout will aid in limiting the impact when considered in the round. The influence of layout on the overall character needs to be considered in the round, taking into account other elements of the development that influence the overriding character.

Scale

The development broadly follows the outline proposals and keeps development within a domestic scale.

All buildings have relatively small domestic scaled footprints presenting single detached, linked detached, semi-detached, short terraces and small apartment buildings.

The scale, in terms of height, presented through the scheme is a mix of 1/2 storey split level, two-storey, and 2/3-storey split level buildings, all under pitched roof forms.

The outline application presented 2-storey development through the scheme, which was amended to suggest split level development within the uppermost properties. This was to address concerns on the creep of development up the hillside slightly beyond the line of development suggested within the adopted Collaton St Mary Masterplan. These reserved matters, like the previously approved reserved matters deviates slightly from the indicative information submitted at outline.

The reserved matters are accompanied by a Landscape and Visual Impact (LVIA) Technical Note that reviews the proposed scheme against the consented outline and the previously approved reserve matters scheme, seeking to conclude on the differences and any potential effects on landscape character or visual amenity that may arise as a result.

The LVIA Technical Note concludes that the current reserved matters scheme is broadly compliant with the existing consents on the site. Conclusions are drawn whilst appreciating that the highest ridge heights are higher than those suggested at outline and that in places that the proposed ridge heights will be higher than those consented in the previous reserved matters scheme. Overall though the conclusions are that the maximum ridge heights along the hillside edge are comparable to the height consented within the previously approved reserve matters, and that the changes would be imperceptible within the context of the wider scheme and existing development surrounding the site. The Technical Note concludes that current reserved matters scheme would not bring forward any additional harm to either landscape character (locally or wider area) or visual amenity than that initially identified. Officers do not disagree with the conclusions of the Technical Note considering the layout and form of development together with the scale that is proposed.

All matters considered, as concluded with the previous reserved matters, there is some concern on the uppermost dwellings in terms of the development being more prominent on the hillside than that considered at outline stage, however broadly the scale of buildings is considered acceptable and is supported. The previously approved reserved matters also now sit as a material consideration in the determination of this application, and the scale and overall height is closely comparable, which adds weight in favour of support and acceptability to the scale submitted.

Appearance (form and materials)

In general terms the form of buildings expresses a contemporary approach. The use of

asymmetric roofs within the scheme add to the modern expression together with the use of more contemporary architectural detailing and provision of rooftop terraces. There is a mixed palette of materials and the use of a panel arrangement of materials with materials used together to give emphasis to the principal elevations and entrances. The choice of materials differs through the scheme and to express 'character areas' that are expressed as a response to the site's context.

Character areas are identified to respond to the listed church and vicarage to the west, the listed barns opposite main access, and the sustainable travel link proposed to Borough Park Road to the east. The expression of character areas seeks to respond positively to the Design Panel comments on the strengthening of this concept.

The character area presented in the western corner of the site seeks to reflect the details and materials of the church and vicarage, but in a contemporary manner. The concept that is suggested is one of a creating a group that could be read as Almshouses connected to the Parish Church (Almshouses being a term for charitable houses from circa the 10th Century onwards in England, often built for the poor or the elderly etc). The building form here is simpler, the scale up to 2-storeys. The materials palette in this area is one of slate roofs, reused or reconstituted stone and red brick. Their setting is framed by stone Devon Bank walls and tree planting to the public realm.

The character area towards the eastern border seeks to create a small, shared surface 'square' to form a subtle gateway into the site from Borough Park Road where a sustainable (walking and cycling) travel route is suggested. The materials and appearance of the proposed houses and flats arranged around the square is seeking to be compatible with the existing buildings that face onto Borough Park Road, using render or brick within the walls under concrete tiled pitched roofs. The creation of a square was a concept raised the Design Panel and is supported.

The final character area is the central area from the entrance up through the site, through the green spine. Materials within this character area are a mix of reused or reconstituted stone, red brick or render, together with boarding panels within the elevations, under raised standing seam membrane roofs. The houses at the base near to the new access from Totnes Road will be faced in red stone to compliment the listed Farmhouse and Barn that are situated opposite, set within a landscape setting, seeking to provide a 'soft' entrance to the development. The red stone and brick houses then continue up through the spine of the development where there is a change to render and boarding facing the public landscaping. In terms of the main access the Design Review Panel supported evolving a concept of the access being open and welcoming to stitch new and existing communities together rather than discrete and introverted. The proposal is considered to respond positively to this recommendation.

Red stone and red brick houses are then used throughout the site layout to frame the pedestrian routes.

In terms of defining public-private boundaries and changes in levels bunded banks with hedge tops are proposed around the periphery of the site and along certain public borders within the development. Private garden borders are generally enclosed by fencing, with public facing borders generally enclosed by brick or rendered walls. Back-to-back gardens are generally broken up by linear tree planted zones that sit outside of

the domestic curtilages. These features will break up the series of gardens and the enclosing fences that will be visible from certain public vantage points.

Landscaping

Landscaping is a key component of placemaking and in a rural context is an important influencer of character. The importance of contextual and effective landscaping is highlighted within the NPPF within Chapter 12, Achieving well-designed places, as part of the drive towards delivering visually attractive development that also responds to and is sympathetic to local character (Paragraph 135). 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 PNP1(c) of the Paignton Neighbourhood Plan includes relevant references to development proposals, where possible, retaining existing natural features, and furthers that hedgerows should be provided to at least one boundary and also should include tree planting, being encouraged to plant 3 new trees for each dwelling.

The scheme outlines landscape proposals developed collaboratively with the ecological and design teams, ensuring that ecological value is integrated alongside aesthetic enhancements to the development. The submission also presents a strategy aimed at strengthening connections between the site and its natural surroundings, including links to the wider countryside and throughout the development itself.

Working through the scheme, the site's entrance and primary street seeks to provide a transition and welcoming access from Totnes Road along a tree-lined avenue before changing into a hierarchy of secondary streets, each characterised by distinctive structural and ornamental planting. The generous proportions to planting through the entrance to the site is deemed positive.

The entrance moves through to the central public open space forms a green spine through the middle of the site. This connects to the equipped play area and also the wider informal space and countryside. The space has been sensitively designed to accommodate the sloping nature of the site and includes attenuation ponds amongst the winding route north up the hillside. The feature is a substantial and attractive feature through the scheme that provides some demonstrable softening of the built form and helps break down the mass of the development as a whole.

In terms of additional elements smaller pockets of incidental green amenity spaces sit

alongside pedestrian links planted with what is proposed as being “rich sensory and ornamental” planting. These areas are positive aspects within the scheme and are welcomed.

‘Street’ trees close to the highway are prevalent which will, certainly as they mature, provide some softening of the built form, and pedestrian routes are generally lined with planted devon banks as boundary treatments. Both details are supported as positive landscaping elements.

Planting along the south boundary will primarily provide an attractive east-west walking route, whilst also providing some softening of the development for existing occupiers in the properties on Totnes Road. Reverse the planting will also soften the outlook for the new properties adjacent.

At the northern fringes of the developed area orchards and allotments, framed by hedges, provide a transition to the undeveloped upper slopes. On the western side a significant landscaped corridor also draws the built form away from the boundary with the listed church and vicarage, which is considered a positive aspect when considering landscaping aside heritage setting sensitivities.

On the upper slopes proposed mown paths through open meadows and along hedge banks are proposed, presented as to provide opportunities for leisurely walking and with seating opportunities. These new paths connect into the existing sunken lanes alongside the northern and eastern boundaries forming a circular walking route. The proposals for the upper slopes are supported and provide a very beneficial landscaped setting for future occupiers and residents.

The proposals are considered to present a stronger landscaped response to the consented reserved matters (P/2022/0888) and the ‘step forward’ is welcomed.

All matters considered the proposed layout, scale, appearance and landscaping is considered to present a form of development that acknowledges and responds to the rural context. 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, and Policies PNP1, PNP1(a), PNP1(c), PNP19 and PNP24 of the Paignton Neighbourhood Plan.

4. Heritage Impacts

There are no designated heritage assets such as listed buildings or structures on the site, nor is it within the boundaries of a designated Conservation Area. However, to the west off Bladgon Road there is the Grade 2* Parish Church of St Mary and Grade 2 Old School House and Old Vicarage buildings. There are also further Grade 2 listed properties set off the Totnes Road. The development does sit within the setting of these listed buildings, where there are direct views and/or where there is a kinetic experience of their settings as you pass through Collaton St Mary. Hence impact on their settings needs to be duly considered.

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 212). 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 213). 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 215).

In terms of the 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 section 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.

In terms of what is possibly the most sensitive relationship, with the church and the organic cluster of surrounding historic buildings, their rural character and setting is currently largely retained, with the surrounding green fields reinforcing the relationship between the church and the rural hinterland and ultimately how it is experienced as a rural village church. It is likely that the development and church will be experienced as you pass through the area, but views of the development are likely to be muted by the existing dwellings facing Totnes Road, as they themselves sit on higher ground, and where the southeast corner acts a landscaped buffer through which a pedestrian route is to be formed. In terms of a response to the setting of the church and vicarage the development as set off the boundary and presents green corridor that will sit as a buffer.

In addition the form of development immediately adjacent seeks to present character area that responds to this context where the appearance of the buildings seek to reflect the details and materials of the Church and Vicarage in a contemporary manner with the narrative of creating a group that could be read as a group of Almshouses connected to the Parish Church. It is detailed that the 'inward looking' character around a shared courtyard is commonly seen in lay buildings associated with a church.

In terms the listed farm buildings near to the proposed entrance, the development will be large screened behind existing properties and the entrance created will retain and reform the stone wall into the site. The entrance will also be landscaped and will lead through to a green spine to the development. This will present a suitable rural character that would not impact the setting of the listed buildings.

All matters considered the detailed reserved matters are considered adequately resolved to limit the impact up on the setting of these, and other, listed buildings in the area. However, there will be an inherent urbanising impact from the development and certain views and the general experience through the area will be impacted. As the scheme is considered suitably resolved the scale of harm is deemed 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 215).

In this instance the public benefits being the provision of up to 100 dwellings, of which 30 will be affordable, 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 space, allotments and orchards to consider. Overall these public benefits are substantial. Officers are also mindful that the site is identified for housing and the principle of housing has been established, and development 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 Policies SS10 and HE1 of the Torbay Local Plan and Paragraphs 212 and 215 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 section 66.

5. Residential Amenity

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 135) 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 good level of amenity for future residents.

The development proposes a variety of house types. 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 or outlooks to landscaped borders. 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.

The relationship between properties on uneven ground is improved by the provision of linear landscaping features that will sit outside of the domestic borders of dwellings, which will provide greater certainty on the retention of trees set within these areas to provide visual relief and filter views. In addition positive work has been secured to revisit rooftop terraces in order to present less impact on adjacent properties that may have been subject to an unequal relationship in terms of overlooking of respective outdoor spaces. Where considered sensitive terraces have been regressed to limit the impact of overlooking.

In terms of the internal living spaces all houses and apartments meet the national internal living spaces standards that are engrained within the Development Plan (Policy DE3) and support the concept of producing, in the round, a good level of amenity for future occupiers. Each dwelling is afforded adequate amenity space that exceeds the 55sqm expected within the Development Plan. The apartments, following revised plans, will be afforded communal space to the east that exceeds the 10sqm per flat expectation in the Development Plan.

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

All of the houses have 2 parking spaces in accordance with the expected level of parking outlined in the Development Plan. The vast majority also benefit from a further garage space/s. Each of the apartments has 1 assigned space in accordance with the level expected in the Development Plan and there is 1 visitor space within one of the pockets of apartments.

In terms of electric car charging facilities the Development Plan expectation is for all dwellings and 20% of apartments to have such facilities. Charging points are detailed for all houses and apartments within the submitted parking layout plan.

Waste storage is generally detailed to the rear gardens and there are collection points marked on occasions where necessary due to the arrangement. The apartments have a formal area close to the buildings.

In terms of cycle parking the Development Plan expects dwellings to be afforded with 2 spaces and apartments 1 space. Where dwellings are afforded a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities. The apartments deliver cycle parking within enclosed facilities near to each building aside the waste storage.

In terms of designing out crime Policy PNP1(g) of the Paignton Neighbourhood Plan expects all developments to show how crime and the fear of crime have been taken into account. It is recommended that a planning condition is attached to secure details on how the development responds to Secured By Design. Notable details expected are the locking arrangement for all communal cycle parking structures, all maintenance gates to restricted areas and gates to rear gardens.

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.

Adjacent Occupiers

The site directly borders residential properties to the south and east, and the vicarage and church to the west, but due to the layout proposed, the distances between properties and plots, and natural separation afforded by landscaping, the development will not impact the amenity of adjacent occupiers. In terms of the consideration to each border and likely impacts the following context and conclusions are offered.

To the eastern edge of the development the proposed layout presents properties that are at least 20m from the adjacent buildings set towards the end of Borough Park Road, with the prevailing distances being generally more towards the 25-30m distance from building to building. The distance is more than adequate within a low domestic scale of buildings and would not impact adjacent occupiers in terms of light, outlook or privacy. The relationship is further improved by the existence of a landscaped corridor that is part of the required dark ecological corridor. There has been some degree of public concern regarding the proposed link with Borough Park Road, however this will only provide connectivity for pedestrians and cyclists which will not unduly impact amenity of occupiers locally and holds broad connectivity and sustainability benefits. The link provides benefits to existing residents as it would offer direct access to the play and open space the scheme will be providing, and more direct access to Collaton St Mary, including the school, within a more pedestrian and cycle friendly environment away from Tweenaway junction and the Totnes Road, which requires crossing and recrossing due to intermittent footways locally. The link will be a positive element for occupiers of the development and Collaton St Mary, providing a route eastwards towards Paignton and local schools, which will again afford a route away from the Totnes Road and Tweenaway junction. The only vehicular access via this link would be for emergency vehicles and day to day movement would be impeded through a designed barrier.

To the south the site abuts a number of existing properties which, due to the drop in levels, naturally sit lower than the proposed development. To the eastern end the proposed properties are generally orientated to reduce any sensitivity to the properties nearby (No.338 and 336 Totnes Road). In addition landscaping outside of residential gardens will provide an addition softening buffer to further aid the protection of amenity. To the west of the main access Numbers 352-386 are afforded very comfortable separation distances of circa 30m or more with the front of new properties set across a landscaped border public foot/cycleway and road. Notwithstanding the fall in levels distances above 30m from fronts to backs, with landscaping offered to further break up intervisibility in the form of a hedge topped devon bank and regular tree planting, will help ensure against any undue impact in terms of privacy and overlooking. Garden privacy would also not be unduly impacted across the distance and with landscaping proposed and the hedge topped devon bank will provide a suitable visual barrier to hinder any feeling of overlooking from use of the adjacent foot/cycle way. In terms of detail the southern border proposes a landscaped edge with a prevailing width of around 8m (tapering to 5m at the western end and extending to +30m at the eastern end), tree lined and featuring a devon bank planted with native hedgerow, behind which will be 1.2m post and wire fence. As a point of detail, the devon bank has been pushed closer to the southern border to remove a screened landscaped corridor, as a more positive

solution in terms of designing out crime. The landscaped edge detail of a hedge topped devon bank is considered a suitable edge treatment to the adjacent residential properties.

To the western edge the development is set some distance from the boundary with the adjacent church and vicarage with a demonstrable landscape corridor to be provided adjacent to the already heavily vegetated and tree -lined border. The proposals are considered to present no undue impact on these uses.

In terms of Construction impacts these will be duly managed through Condition 2 of the outline consent, which requires a Construction Method Statement approved and adhered to.

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

Key policy guidance within the Development Plan is engrained across Policies TA1, TA2 and TA3 of the Local Plan, and in terms of parking standards within Appendix F of the Local Plan. National guidance is largely framed within Chapter 9 of the NPPF. The general thrust of local and national guidance is to promote sustainable modes of travel, provide safe access, and to provide safe and attractive environments for all users, including the disabled and those with reduced mobility.

Vehicular Access

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

Connectivity

The outline proposal established the benefit for a pedestrian/cycle route linking the development towards Borough Park Road to the east. This would offer clear connectivity benefits for the general community. A link to the edge of the site is shown on the submitted layout. In addition, again as expected through the outline plans, there is a pedestrian/cycle link at the southwest corner of the site that links to the junction of Totnes Road and Blagdon Road. Supporting this there is a clear pedestrian/cycle route within the site along the southern border. This presents opportunity for movement patterns to and from the school (for example) to use an improved route over the existing generally inhospitable section of the Totnes Road adjacent, which has narrow pavements and suffers from on-pavement parking. There is also connectivity to the northern public open space detailed in the plans.

The connectivity is well considered and sits as a positive aspect to the scheme.

Internal Movement Network

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

Pedestrian permeability within the site is considered to be suitably resolved with east-west and north-south route provided through a mix of roadside and non-roadside routes. Steps are present within some of the more direct north/south routes however this appears necessary due to the gradients experienced. There are non-stepped options to all areas of the site though to ensure adequate access for all users.

The Highway Authority retain several observations and points of concern on a number of matters that largely relate to surface treatments, landscape treatments within visibility splays, minor connectivity points, minor layout points regarding some parking areas, waste collection distances in places, cycle parking capacity, and plan consistency.

These matters have been considered by the applicant with revised plans submitted and currently under consideration. Further comments from the Highway Authority have been sought.

As matters stand Officers are content that the proposals, subject to the receipt and consideration of further comments from the Highway Authority, substantially presents a suitable movement environment for vehicles, pedestrians and cyclists. As matters stand the proposals are expected to deliver a form of development that comfortably conforms with relevant policies within the development plan and guidance contained within the NPPF, and notably within the Paragraphs 115, 116 and 117. Notably Paragraph 116 guides 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, following mitigation, would be severe, taking into account all reasonable future scenarios”*.

The proposal, subject to the satisfactory resolution of the minor design matters raised by the Highway Authority, is considered to present an acceptable road and movement layout, in terms of providing for and promoting non car modes, addressing the needs of people with disability and reduced mobility, creating a safe and attractive environment, and providing adequate delivery and emergency access. Aside this safe access was established through the outline consent.

Car and Cycle Parking

All dwellings have at least 2 off street parking spaces or 2 assigned spaces within courtyards or within parking runs immediately adjacent to the highway. All apartments are provided with 1 assigned parking space within either courtyards or private runs adjacent to the highway. The allotments are supported by 4 off street parking spaces immediately adjacent to the plots, and the electricity substation has an assigned off street parking space immediately adjacent to it for maintenance vehicles to use. The 4 apartments within the southwest corner of the development have an additional visitor space within the courtyard, however the 4 apartments within the south east corner of the development do not benefit from a visitor space, although there are demarked street spaces in close proximity. Across the scheme there are 7 demarked street parking spaces where the highway design purposely widens to provide these facilities. Overall the parking proposals are aligned with the expectations outlined within Appendix F of the Local Plan. There is a minor non-conformity where the 4 apartments in the southeast corner of the development do not benefit from additional visitor parking. However, the number of apartments is few and there are designed street spaces nearby

that could be used. Considering the overriding conformity with policy expectations the proposals are considered acceptable in terms of the car parking proposals.

Further to the above in terms of the parking facilities electric charging is detailed to an acceptable level with all houses and apartments being provided with charging facilities. This accords with the Development Plan expectations for all dwellings and is an exceedance in terms of the apartments.

In terms of cycle parking the Development Plan expects dwellings to be afforded with 2 spaces and apartments 1 space. Where dwellings are afforded a garage as a third and/or fourth space this facility is considered adequate to be considered as providing cycle parking facilities. Elsewhere either communal cycle stores are provided, or storage is detailed within rear gardens that can house cycles to meet the standard above. Evidence has been requested to demonstrate that the communal stores are adequately sized for the number of cycles and detail should be conditioned on the security of these elements, in terms of their locking arrangements.

The proposals are, subject to the satisfactory resolution of the matters discussed, considered to present an acceptable layout in terms of layout and movement, and provide satisfactory parking and cycle facilities, 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 and PNP1, PNP1(a) of the Paignton Neighbourhood Plan. Outline consent was granted subject to reserved matters including certain detail.

1. A Lighting Assessment to demonstrate compliance with the 0.5 lux design parameter set out in the Shadow HRA (Condition 2).
2. Details of a proposed bat roost (Condition 3).
3. A Landscape and Ecological Management Plan (CEMP)(Condition 4).
4. A Landscape and Ecological Management Plan (LEMP)(Condition 5).
4. 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 6).
5. Measures to enhance biodiversity (Condition 11).

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 details to be submitted:

- Ecological Compliance Statement
- Landscape and Ecological Management Plan
- Lighting Impact Assessment
- Construction Environmental Management Plan

- Greater Horseshoe Bat Management Plan
- Biodiversity Metric Assessment
- Bat roost details

The ecology detail has been considered by Devon County Council ecologist and following revised detail received through the course of the application the application is considered acceptable on ecology grounds, in accordance with the latest advice dated 17.10.2025, with all of the previous ecology comments having been addressed by EAD Ecology. It is confirmed that this Reserved Matters scheme is in line with the ecological requirements as set out by the outline consent.

Two matters of note were raised, as follows.

Firstly, the proposed cycleway/footpath to the south of the site and its associated junction, along with the footpath connection to Borough Park Road to the east, pass through the dark corridor identified within the Habitat Regulations Assessment (approved for the outline consent). It was raised that it would be important to understand from Torbay Highways their lighting requirements for these areas, to ensure the functionality of the dark corridor is safeguarded. In accordance with Highways comments reference is made towards the understanding that ecological corridors, established through a sensitive ecological context, can remain 'dark' with low level lighting below 0.5lux. This matter is considered adequately addressed.

The second point of note had regard to offsite BNG provision, where although the application is not subject to the statutory requirements there is a requirement through condition to ensure a net gain. As submitted the applicant is proposing to use a habitat bank provider to provide the required units to secure a net gain. In terms of the developments biodiversity outcome the submitted detail shows that the Landscape Strategy will lead to a net gain in hedgerow Biodiversity Units (+1.92% in 'Hedgerow Units') but the development overall will present a loss of -0.87% in overall 'Habitat Units'.

At present there are currently no habitat banks in Torbay and hence this approach is likely to present the offsite habitat provision being outside of the district. Officers consider the proposals acceptable when considering the on-site ecological mitigation measures and habitat creation. In terms of this point the application does propose onsite ecological mitigation and accepting a degree of offsite mitigation via a habitat bank is considered acceptable where it provides accordance with the planning condition towards securing no net loss in biodiversity.

In terms of ecological considerations Natural England consider the amendments that these reserved matters make to the previously consented development are unlikely to have significantly different impacts on the natural environment than the original proposal.

The development is deemed to accord with policies SS8, SS9 and NC1 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan.

8. Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the

prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. The 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 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.

Flood risk was one of the central public concerns at outline stage and clearly remains a central concern with multiple references within public representations made.

Surface water management is one of a controlled discharge to the public sewer system, which in turn discharges to a local watercourse.

The application is supported by detailed drainage plans and supporting information that details a drainage strategy that uses gravity sewers, attenuation basins providing water treatment, and attenuation tanks providing required attenuation, together with the minor use of swales. The attenuation tanks are underground with a series located through the central green spine of the development, before connecting into the public sewer system on the Totnes Road.

The submissions stated design parameters is of a system that has been designed for 1 in 100 years storm event, included capacity for 10% urban creep, and for an additional 50% climate change allowance.

The submission details that, according to the current regulations, any capacity requirements required by South West Water to fund improvements would be secured by an Infrastructure Charge through the connection agreement process.

In terms of foul water the detailed strategy is for the drainage design to connect to South West Water network, where it is noted that, in accordance with the current regulations Infrastructure Charges will fund any South West Water network improvements if and when required.

South West Water consultation response has confirmed that they are assessing the waste supply network for wider growth in this area, which includes this site, and further that any network reinforcements identified will take this development into account.

Following revisions to the plans package through the course of the application the Council's Drainage Engineer now raises no objections to planning permission being granted for these reserved Matters, having concluded that flood risk would not be increased as a result of the development. South West Water also raise no objection. The Environment Agency have offered a position of no objection and comments recognise that the outline permission managed the requirements for flood risk assessment regarding surface water, and defer to Torbay as the Lead Local Flood Authority regarding surface water flood risk issues.

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. ES1 also states that the retrofit of energy efficiency measures to existing buildings will be encouraged and supported, and that opportunities for reducing carbon emissions associated with energy use will be sought through the development management process as part of the wider conversion/ refurbishment of buildings where planning permission is required.

In terms of the Paignton Neighbourhood Plan Policy PNP1(f) states that new development should aim to achieve where appropriate and subject to viability: i) the latest developments in sustainable construction and water management technologies that mitigate and adapt to climate change; ii) the use of reclaimed materials and natural finishes; iii) include soft landscaped areas for natural drainage of rain water, and compensate fully for any existing soft area lost to development; iv) on site renewable energy generation to achieve 20% of subsequent in-use requirement wherever possible. Solar arrays will be encouraged where they do not adversely affect residential amenity, a vista of landscape value, or designated conservation area; 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 14) for any reserved matters application relating to the proposal’s layout, scale and appearance, to include details of energy efficiency measures. The application is supported by an energy statement that seeks to address this condition and the ambitions of the Development Plan and the NPPF.

The energy statement details a number of measures that the development and dwellings shall incorporate in terms of addressing energy and low carbon considerations. Details include:

- Fabric first approach and sustainable building design to ensure the envelope of the new home reduces the amount of heat loss and energy consumption at source.

- Photovoltaic Panels, Air Source Heat Pumps and Waste Water Heat Recovery are found on most of the dwellings from 2023 onwards.
- Access to Electric Vehicle Charge Point per property
- Providing 100% energy efficient light fittings within each dwelling.
- Locating fridges and freezer points away from cookers.
- Where installed, specifying energy efficient white goods throughout with energy ratings of no worse than 'A'.
- Providing advice on energy saving measures to residents and building occupants via provision of a non-technical Home User's Guide.
- Well insulated Hot Water Cylinders (where installed)
- Dual flush toilets
- Low output showers
- Water efficient white goods.

These measures broadly satisfy the ambitions of Policies SS14 and ES1, and PNP1(f).

What is absent from the submitted Energy Statement is understanding on site renewable energy delivery, where PNP1(f) seeks no less than 20% being delivered where practicable. The submission references the use of solar panels but is non-specific. The site sits on south facing hillside and there would appear some clear potential to deliver an efficient provision of solar energy. As the submission fails to fully address Policy PNP1(f) of the Paignton Neighbourhood Plan a planning condition is proposed to secure a positive response in terms of on-site renewable energy production.

In addition the submitted Energy Statement details the use of air source heat pumps and Waste Water Heat Recovery systems on 'most' dwellings they now build. The ambitions are supported but again certainty should be secured. It is proposed that the above referenced condition includes wording to secure these elements where practicable and a have review mechanism to secure assessment of this ambition.

The proposal is considered, with an appropriate planning condition, to deliver on the low carbon aspirations of the Development Plan, Policies SS14, ES1 and PNP1(f), and the NPPF.

10. Affordable Housing

Affordable housing provision has been largely established outline stage with the amount and general parameters for the provision set in a Legal Agreement that accompanies the outline consent. This established the provision of 30% affordable units, which is the policy compliant level for development of this scale on greenfield sites, occupation type, specifications, and delivery. The Legal Agreement set the type of affordable units in accordance with policy guidance, with the need to deliver a split of a third-third-third between social rent, affordable rent, and part ownership, with 5% of the provision being adapted dwellings. The legal agreement also established the broad requirement for a proportionate mix of dwelling types, and for these to be distributed through the development.

In addition to the requirements of the Legal Agreement a planning condition was placed on the outline consent (Condition 10) that any application for reserved matters relating to the proposal's layout and scale, a scheme of affordable housing shall be submitted for the written approval of the Local Planning Authority, which shall include information about the siting, size, and tenure type of the affordable units.

The requirement of Condition 10 to submit details with the reserved matters has been met and the submission is accompanied by an Affordable Housing Plan. The plan details the provision of 30 units, which accords with the requirement to deliver 30% of the units as affordable units.

In terms of detail, following positive and proactive discussions through the period of the application, the settled affordable housing provision presents four clusters of affordable housing, two within the southwest corner of the site and two clusters towards the eastern border of the site, as outlined within the submitted Affordable Housing Plan.

Cluster 1 sits adjacent to Borough Park Road and will deliver 6 affordable dwellings and 4 affordable apartments. Cluster 2 sits close to the western edge of the site accessed off the upper estate road and will deliver 8 dwellings across a short terrace and 2 pairs of semi-detached properties. Cluster 3 sits south of Cluster 2 at the end of the lower southern-most road in the southwestern corner of the site and will deliver 4 affordable dwellings and 4 affordable flats. Cluster 4 is sat north of Cluster 1 but sits off the upper eastern estate road within the layout and will deliver 4 affordable dwellings.

The final mix following negotiations will deliver 8 x 1 bed units, 14 x 2 bed units, 4 x 3 bed units, and 4 x 4 bed units. This final mix is a betterment on the previous mix approved as part of the earlier reserved matters approval. Notably the provision of the 4 bed units which will accommodate 6 persons is positive as these units will meet the needs of the larger families who are generally more difficult to rehouse. There are also ample people on the Housing Register suited to the smaller one bed units as well. The detail has also evolved so that each apartment now has its own access which reduces the issues around communal areas.

It is also be noted that the applicant is providing M4(3) units which will meet the needs of applicants who would generally require specialist adaptations within their homes. This is a positive for the package proposed. (M4(3) of the Building Regulations pertains to wheelchair user dwellings, ensuring accessibility and adaptability for individuals with mobility challenges).

In terms of layout it is considered that concentrating the provision in four clusters that are loosely seen as two groups (they sit as two pairs of clusters but are served off 4 streets which provides some loosening of the clusters) is a welcome solution as Registered Providers generally prefer such arrangements for housing management purposes.

The Council's Affordable Housing Manager has reviewed the final proposals and has advised that the affordable housing submission is supported and presents an improved offer on the previous affordable housing provision approved as part of the previously consented reserved matters. In light of the comment received the proposal is deemed acceptable in terms of an affordable housing offer.

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. The development would see the use of an empty site that has an outline consent for housing. Once the development is 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.

There are no adverse economic impacts that would arise from this 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 proposed development would be the provision of additional housing, including 30 Affordable Housing units. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance, with the benefit heightened by the inclusion of 30% of dwellings being Affordable units. The provision of housing should be given substantial weight and the provision of 30 affordable dwellings should be given very substantial weight. The social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development the development is supported by drainage, landscaping and ecological measures to mitigate impact, as detailed in this report. It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

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

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. The outline consent is subject to a S106 legal agreement that secures the following if a scheme is delivered;

- 30% Affordable Housing.
- Education Contributions in accordance with the adopted SPD.
- Sustainable Transport Contributions in accordance with the adopted SPD.
- Highway Works Contribution to the sum of £152,800 towards improvement works to the A385.
- Lifelong Learning Contribution in accordance with the adopted SPD.
- Waste and recycling Contribution in accordance with the adopted SPD
- Cirl Bunting Contribution £87,500.00
- Delivery of Public Open Space and SUDS facilities.
- Greater Horseshoe Bat mitigation in perpetuity

EIA/HRA

EIA: Considered at outline stage, which concluded that due to the scale, nature and location the development it would not have significant effects on the environment and therefore was not considered to be EIA development. Considering these reserved matters aside the outline proposals it is not apparent that the project would likely have 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 was not considered to have a likely significant effect on European Sites. 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.

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

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 the housing supply is a substantial public benefit. The provision of 30 affordable homes is also a very substantial material public benefit.

The provision of a public play area is also a significant public benefit, certainly in light of the current absence of child play facilities within the area. The nearest formal play area being at Claylands near the junction of Borough Road and Brixham Road, notwithstanding that there is a housing development nearby that is coming forward and thus likely to provide an operational play area within the short-to-medium term. The provision of allotments, orchards and public open space are further public benefits that weigh in the schemes favour.

Conclusions and Reasons for Decision

The site already has outline planning permission (with an approved vehicular access design) and is identified for housing within the Development Plan, and the proposal is broadly consistent with the approved outline application for the site. The proposal is considered acceptable in principle.

There are demonstrable public benefits that weigh in favour of the scheme, notably housing provision, including 30 affordable units, a formal equipped child's play area in Collaton St Mary, orchards, allotments and public access to informal greenspace.

The residential environment for future occupiers is acceptable and there are no unacceptable impacts upon the amenity of adjacent occupiers.

Ecology matters are duly resolved in terms of protected species, habitats and biodiversity net gain aspirations.

Flood risk will not be increased and the proposals include a detailed surface water management scheme that is supported by the Council's Drainage Engineer and there is no objection from South West Water.

The internal road and footpath network, and its connectivity, is considered acceptable, subject to some final consideration of minor matters raised by the Highway Authority.

The design and visual impact of the scheme is considered adequately resolved and a positive response for this allocated housing site and is considered to present a more positive outcome for the site to that previous approved under an earlier reserved matters application.

When considered in the round the proposed development is deemed to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations.

The NPPF guides that decisions should apply a presumption in favour of sustainable development and for decision making that means approving development proposals that accord with an up-to-date development plan without delay, or where 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.

There are no impacts on protected areas or assets of particular importance to provide a clear reasoning for refusal when considering the scheme in the round and the public benefits noted.

Officer Recommendation

Approval: Subject to;

The satisfactory resolution of outstanding highway points, to be delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency.

The conditions as outlined, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing, Transport 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, Transport and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Phasing Plan PC - TBA

Notwithstanding the submitted details, prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall set out how the development will be implemented in accordance with an agreed timetable of works. It shall include the timing and delivery of key elements such as:

- Play space
- Public open space
- Allotments
- Orchards
- Landscaping
- Ecological enhancements
- Amenity footpaths and pedestrian links
- Other ancillary infrastructure

The phasing plan shall specify the timing of delivery for each of the above elements within each phase, referenced against the number of dwellings to be occupied in that phase.

The development shall thereafter be carried out in full accordance with the approved phasing plan.

Reason:

To ensure that essential components of the development are delivered at appropriate stages, in accordance with Policies SS2, SS9, SS10, NC1, and DE1 of the adopted Torbay Local Plan 2012–2030, and Policies PNP1(a), PNP19, and PNP24 of the Paignton Neighbourhood Plan. These details are required prior to commencement to secure the timely provision of key infrastructure in the absence of such detail within the reserved matters, in accordance with the outline consent.

BNG PC - TBA

Prior to the commencement of development details confirming the off-site delivery of no less than 0.87 Habitat Units shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure no net loss in biodiversity as a result of the development, in accordance with Condition 11 of the outline planning permission P/2019/0281 and Policies SS8 and NC1 of the Torbay Local Plan and NPPF. These details are required prior to the commencement of development to secure certainty on no net loss and accordance with Condition 11 of the outline consent.

POS elements

Notwithstanding the approved Landscaping Plans the details of 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 phasing and maintained in that condition thereafter.

Reason: In the interests of maintaining the amenities of the area and in accordance with Policies SS11 and DE1 of the Torbay Local Plan 2012-2030

Completion of POS

The play areas, public open spaces, allotments and orchards hereby approved shall be completed in accordance with the approved Phasing Plan. 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.

Low Carbon - PVs

Prior to the commencement of development above Damp Proof Course level details of the following measures shall be submitted to and approved in writing by the Local Planning Authority:

1. The location and arrangement of on-site renewable energy generation, demonstrated to achieve no less than 20% of subsequent in-use requirement, and;
2. Confirmation of the inclusion of Air source Heat Pumps and Waste Water Heat Recovery on all dwellings, or details identifying where they are absent from dwellings and reasoning for their absence, together with the location and arrangement of all air source heat pumps.

Where solar energy production is proposed 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 as not to 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

Any solar equipment approved within each dwelling plot shall be implemented in full and made operational prior to the first occupation of the building and retained and maintained thereafter.

Where air source heat pumps are proposed their location 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 residential amenity.

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 PNP1(f) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

Levels

The development hereby approved shall be constructed in accordance with the levels shown on the approved 'External Levels Plans' (SLR Consulting).

Reason: In the interests of the visual character of the area and amenity, in accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan and the NPPF.

Waste Storage - apartments

No dwelling shall be occupied until the approved waste storage facilities serving that dwelling, including where relevant, collection day points, has been completed in full and made available for use. The facilities shall be maintained and operational at all times thereafter.

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

Cycle Parking

No dwelling shall be occupied until the approved cycle storage facility serving that dwelling has been completed in full and made available for use. The facility shall be maintained and operational at all times thereafter.

Reason: To secure an acceptable form of development and to ensure adequate facilities for visitors, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030, Policy PNP1(d) of the Paignton Neighbourhood Plan and the NPPF.

Electric Parking Provision

No dwelling shall be occupied until the electric vehicle charging point serving that dwelling has been completed and made operational in accordance with the location identified in the submitted and approved plans. The facility shall be retained and be operational at all times thereafter to serve the dwelling that it relates to.

Reason: To secure an acceptable form of development and provide adequate electric charging facilities, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030.

Residential Amenity Space

Prior to the first occupation of any dwellinghouse or apartment the identified garden amenity space to serve the property shall be enclosed in accordance with the submitted and approved boundary treatments and made available for use by that property.

Reasons: In order to protect amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Materials

Prior to their installation within the development samples of all external materials of the buildings, retaining walls, walls and structural banks, detailing where applicable the material choice and colour, shall be submitted to and approved in writing by the Local Planning Authority through the provision of physical or electronic samples.

The development shall proceed in full accordance with the details approved pursuant to this condition and all other materials shall accord with the materials schedule detailed and approved.

Each building shall be externally finished in full accordance with the approved materials schedule for that building.

Reason: To secure an appropriate form of development in accordance with Policy DE1 of the Torbay Local Plan 2012-2030, Policies PNP1 and PNP1(c) of the Paignton Neighbourhood Plan and the NPPF.

Stone Walls

Prior to installation within the development a sample panel of all new and reused stonework shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the approved detail.

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

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.

The approved measures for each dwelling/plot shall be implemented in full prior to the first occupation of each dwelling/plot and shall include security/locking arrangements for all communal stores, gates to maintenance areas, and gates to private areas of residential properties.

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: In the interests of crime prevention in accordance with Policies SS11, DE1, DE3 of the Torbay Local Plan and Policy PNP1(g) of the Paignton Neighbourhood Plan.

Pedestrian Links

The pedestrian links to the southwest corner to Totnes Road and eastern edge to Borough Park Road shall be completed to the edge of the site and made available for public use and retained and maintained thereafter.

The approved links shall be implemented in full as detailed above or within a timeline agreed pursuant to this condition and maintained for such purposes thereafter.

Reason: In the interests of amenity and connectivity, in accordance with Policies SS11 and DE1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

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 relevant to these reserved matters are present on the outline consent P/2019/0281.

Relevant Policies

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
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

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
PNP19 – Safeguarding open countryside
PNP24 – Collaton St. Mary Village