



Friday, 1 February 2013

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of **Development Management Committee** will be held on

Monday, 11 February 2013

commencing at **2.00 pm**

The meeting will be held in the Ballroom, Oldway Mansion, Torquay Road,
Paignton, TQ3 2TE

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Hill

Councillor Kingscote

Councillor Pentney

Councillor Stockman

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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Email: governance.support@torbay.gov.uk



DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 6)
To confirm as a correct record the Minutes of the meeting of this Committee held on 14 January 2013.
3. **Declarations 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. **P/2012/1205/PA - 40 Magdalene Road, Torquay** (Pages 7 - 12)
Conversion of ancillary accommodation to form 2 self contained residential apartments – retrospective.
6. **P/2012/1131/PA - Land Off Edginswell Lane, Edginswell, Torquay** (Pages 13 - 16)
Erection/replacement of logging contractors shed and associated hard standing and track.
7. **P/2012/1074/MPA - Land Off Alfriston Road, Paignton** (Pages 17 - 47)
Minor Revisions to Layout and Reduction in Number of Dwellings: Residential development to form 92 dwellings, creation of new vehicular and pedestrian accesses and associated works.

8. **P/2012/1316/VC - Paignton Rugby Club, Queens Road, Paignton** (Pages 48 - 50)
Variation of condition 3 attached to planning application p/1994/0484 - to allow floodlighting to be used for four nights a week.
9. **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.
10. **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, 6 February 2013. Site visits will then take place prior to the meeting of the Committee at a time to be notified.



Minutes of the Development Management Committee

14 January 2013

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Hill, Kingscote, Pentney and Stockman

111. Minutes

The Minutes of the meeting of the Development Management Committee held on 10 December 2012 and 11 December 2012 were confirmed as a correct record and signed by the Chairwoman.

112. Urgent Item

The Committee considered the item in Minute 113, and not included on the agenda, the Chairwoman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

113. P/2011/0197 Whiterock Business Park

The Committee considered a verbal update regarding application P/2011/0197, Whiterock. The Committee voted to extend the time limit to complete the Section 106 Agreement by three months from the date of this committee. The Committee resolved that should the Section 106 Agreement not be completed by the revised date (14 April 2013), the whole application should be brought back to the Development Management Committee for them to revisit the proposed development and the Section 106 Agreement.

114. P/2012/1123/MPA - 250 Babbacombe Road, Torquay

The Committee considered an application to carry out alterations to 250 Babbacombe Road, Torquay in order to convert it into a supermarket with space for ancillary plant and offices.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Mr Tony Clark and Mr Alan Griffey addressed the Committee against the application and Mr Robin Langford, Mr Andrew Wiltshire and Mr Hugh Smith addressed the Committee in support.

Resolved:

Refused for the reasons set out in the submitted report and in accordance with Officer Recommendations.

115. P/2012/1124/VC - 250 Babbacombe Road, Torquay

The Committee considered an application to for a Variation of Condition 3 to enable deliveries to take place between 7am and 11pm on Mondays-Saturdays and 8am to 6pm on Sunday and Bank Holidays and the removal of Condition 5 pursuant to planning permission reference 83.353 allowing the sale of all goods within Use Class A1, thereby allowing the premises to be used as a supermarket.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Mr Tony Clark and Mr Alan Griffey addressed the Committee against the application and Mr Robin Langford, Mr Andrew Wiltshire and Mr Hugh Smith addressed the Committee in support.

Resolved:

Refused for the reasons set out in the submitted report and in accordance with Officer Recommendations.

116. P/2012/1208/MPA - Coombe Pafford School, Steps Lane, Torquay

The Committee considered an application for the demolition of 2 existing teaching blocks and replacement with 2 new educational facilities and central courtyard.

Prior to the meeting members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head of Spatial Planning subject to:

- (i) the resolution of arboriculture matters to the satisfaction of the Authority's Arboriculture Team;
- (ii) the resolution of drainage matters to the satisfaction of the Authority's Drainage Department; and
- (iii) the resolution of highway and transportation matters to the satisfaction of the Authority's Sustainable Transport Officer and Highways Department; and

(iv) conditions to include:

- Drainage matters
- Arboricultural matters
- Materials
- Detailed design
- Details of access including materials and retaining structures
- Revised parking arrangements in favour of a drop off point
- Management strategy for the access
- Management of the cafe ancillary to the school and learning facility

117. P/2012/1228/PA - Redstones, Cockington Lane, Torquay

The Committee considered an application for the demolition of a house and conservatory and the erection of a 3 bedroom replacement dwelling with use of an existing studio as a dwelling during rebuilding and use thereafter as guest accommodation; alterations to existing access to Cockington Lane and provision of private sewerage system.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit.

Resolved:

Refused for the reasons set out in the submitted schedule and in accordance with Officer Recommendations.

118. P/2012/1231/OA - 15 Newton Road, Torquay

The Committee considered an application for the formation of 4 flats in site curtilage (in outline) and revised scheme.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Mr Simon Blake addressed the Committee in support of the application.

Resolved:

Conditional approval delegated to the Executive Head of Spatial Planning subject to the inclusion of relevant conditions as determined by the Executive Head of Spatial Planning and subject to:

- (i) the completion of a Section 106 Agreement (S106) within 3 months of the date of this committee meeting to secure the Community Infrastructure Contributions [at the applicant's expense];

- (ii) that in the event that the S106 Agreement is not completed within 3 months of the date of this committee, that the application be refused for reason of the lack of a S106 Agreement; and
- (iii) the undertaking of a Percolation/Infiltration Test in relation to the proposed use of soakaways to the satisfaction of the Authority's Drainage Department.

119. P/2012/1264/MPA - Land Rear of Edinburgh Villas, Off McKay Avenue And Newton Road, Torquay

The Committee considered an application for development of a site comprising 25 Retirement Living Apartments and 50 Assisted Living Extra Care Apartments with associated parking, landscaping and servicing and communal and care facilities.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit.

Resolved:

Approved with the details of a Section 106 Agreement and conditions set out in the submitted report being delegated to the Executive Head for Spatial Planning to include:

- (i) the conclusion of a Section 106 Agreement at the applicants expense by the 24th February to secure the contributions as agreed in relation to P/2010/1389 and an enhanced loss of employment floorspace contribution and additional South Devon Link Road contribution; and
- (ii) in the event that the Section 106 Agreement is not completed by 24th February 2013, the application be refused for reason of a lack of Section 106 Agreement; and
- (iii) officers to ensure adequate provision for staff parking, mobility scooter parking and safety provisions in terms of the height of the balcony handrails.

120. P/2012/1223/MPS - Kings Ash House, Kings Ash Hill, Paignton

The Committee considered an application for the demolition of an office building; change of use to residential and the erection of 14 dwellings with associated parking and off-site works.

Prior to the meeting members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated with the conditions set out in the submitted report to the Executive Head of Spatial Planning subject to:

- (i) further negotiations on the design of the dwellings (layout and appearance) to resolve concerns relating to the street frontage, car dominated courtyard, elevation design approach and other matters of design and the successful completion of a Planning Obligation under S106 of the Act (before the expiration of the 13 week determination date); and
- (ii) in the event that the Section 106 Agreement is not completed in time to issue the consent within 13 weeks, the application be refused for reasons of a lack of a Section 106 Agreement.

121. Appeal Decisions Report January 2013

The Committee noted the outcome of recent appeal decisions and expressed their thanks to the Planning Department for all their hard work.

122. Exclusion of the Press and Public

Prior to consideration of the item in Minute 123 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

123. 2009/0426/EN - Exempt item

The Senior Planning Investigations Officer gave the Committee to give a verbal update and background information over the implications of re-issuing an Enforcement Notice which had previously been over-ruled by the Planning Inspector on the grounds that the Notice was imprecise.

The Committee were advised that the Officer recommendation was to re-issue the same Notice incorporating the amendments raised by the Inspector previously with the proposal to remove the unauthorised buildings in their entirety.

If the Notice was not complied with, it would then become a criminal offence and would be brought back to the Development Management Committee. There would also be the option for Torbay Council to demolish and remove the unauthorised structures.

The Committee were advised that the Council's Environmental Health department were aware of the situation and the Senior Planning Investigations Officer would provide further information as necessary.

Resolved:

To approve the Officer Recommendation for an Enforcement Notice to be re-issued.

Chairman/woman

Agenda Item 5

Application Number

P/2012/1205

Site Address

40 Magdalene Road
Torquay
Devon
TQ1 4AF

Case Officer

Miss Alix Cathcart

Ward

Tormohun

Description

Conversion of ancillary accommodation to form 2 self contained residential apartments - retrospective

Executive Summary

This proposal relates to the retrospective formation of two residential units, one at lower ground level, the other at ground floor and in the roof space, in a new development where the approved use was for one ancillary residential unit on two levels, lower ground and ground floor. It is considered that the proposed use as two units would result in an acceptable development and that the external alterations in the public view, which involve the insertion of windows facing onto Upton Park, can also be accepted as meeting Local Plan policy criteria.

Recommendation:

Approval.

Site Details:

The application site is a building situated along the rear boundary of 40 Magdalene Road, adjacent to Upton Park, which received planning permission in 2009 for development of a two bedroom dwelling to be occupied ancillary to the main building 40 Magdalene Road. The new building work proposed in that application has been undertaken, but two units of accommodation have been created instead of the one that received planning permission. This application seeks to regularise the position. The application site lies within the Tormohun Conservation Area and adjacent to Upton Conservation Area.

A site review meeting was held on 17 January 2013, attended by Councillors Cowell and Excell, where the outcome was that the application should be referred to the Development Management Committee for determination.

Detailed Proposals:

Creation of two units of accommodation on three floors to be occupied as self contained units, not ancillary to the main building 40 Magdalene Road. The larger

unit would occupy the ground floor and roof space, with lounge, kitchen, study and toilet on the ground floor with 3 bedrooms and bathroom over. The ground floor rooms would benefit from natural light on two aspects, the main change from the approved scheme being the insertion of 3 windows on the east elevation facing towards Upton Park and right on the boundary. The upper floor rooms would be lit by rooflights. The lower ground floor unit would comprise lounge, kitchen and 2 bedrooms with bathroom. Natural light would be afforded to each principal room from windows facing onto the courtyard.

The application has been revised since its original submission to show the windows on the east elevation to be inward opening, so as not to project over the property boundary, and laminated so as to not to cause a danger if broken as a result of the recreational use of the park. The revised plan also shows these windows to be obscure glazed.

Consultation Responses:

Highways and Engineering Officer: The development is in an area that has a high demand for parking, however on a previous application this was highlighted by the Highways Department and discarded by the planning officer due to the proximity of the town centre and local bus services. The Highways Group agree that this is suitable mitigation and therefore raise no objection.

Strategic Transportation: Request that the SPD contribution of £3,970 (in line with the table found in Appendix 1 of Planning Contributions and Affordable Housing SPD Update 3) based on the creation of two new residential units, one under 54m² and the other approximately 100m².

This contribution will support the enhancement of pedestrian and cycling infrastructure connecting the site with local public transport routes and with the town centre. This will provide improved sustainable links to local services in a safe and accessible way. The Town Centre is within walking distance of the site but the connections could be improved, especially at junctions, to promote safe walking routes.

This accords with the Local Authority policy document aiming to improve sustainable transport opportunities and enabling travel by sustainable modes, particularly for short journeys. The works are described within the Local Transport Plan 3, Devon and Torbay Strategy 2011-2026 and is a Foundation Scheme detailed within the Local Transport Plan 3 Implementation Plan (Part B: Torbay) March 2011, section 7 – particularly 7.2, 7.3 and 7.4.

The cycle store shall be retained at all times and shall be made available to all residents for the parking of bicycles. There shall be at least one additional cycle storage space for the Ground Floor Flat as the cycle store is not accessible with the steps. If a new separate store such as a shed is proposed, it should have a secure lock and be separate to the bin storage area.

Building Inspector: Building Regulations do not control impact from balls to windows.

Senior Natural Environment Officer: The area adjacent to the building has been developed as a youth play area and it would be unusual for it to be used for football, when there is a football area already built in the park. Windows that open onto the park would have to be high enough for people not to walk or run into them when using the play facilities. If a window did break, then the glass would fall into the grass and this would be a real problem, as much as dogs cutting themselves as for people.

Natural Environment: The contribution would be used for the renovation of the dragon play area at Upton Park. We are working with the friends group for Upton Park to identify alternative play opportunities for this area to include the removal of existing equipment, soft and hard landscaping and the installation of new play equipment.

Representations:

4 Letters of objection have been received, including letters from the Friends of Upton Park and the Torquay Neighbourhood Plan and Torre and Upton Community Partnership. These are re-produced at Page T.200 and points raised include:

- The proposal differs from the 2008 permission;
- The work has been carried out retrospectively;
- Parking concerns;
- The insertion of windows on the boundary with the park with related issues of safety (from breaking glass)
- Undesirable overlooking etc.

Relevant Planning History:

P/2008/1612 Alterations and use outbuilding as ancillary accommodation to main house. Approved.

ZP/2012/0118 Pre application enquiry relating to a scheme substantially the same as is the subject of the current planning application. Informal officer response provided highlighting concerns over possible overdevelopment of the site and the absence of parking.

Key Issues/Material Considerations:

The main issues in this case are the suitability of the building to provide two units of accommodation in place of the one unit that received planning permission and the acceptability of the external alterations, in particular on the east elevation, in their context in the Tormohun Conservation Area and adjacent to the Upton

Conservation Area. The relationship with Upton Park is an issue from several points of view and the impact of the proposal on the privacy and amenities of other nearby residential occupiers, in particular those in the main building at 40 Magdalene Road is pertinent.

The advice provided at pre application stage has been noted. However, having benefitted from an internal inspection of the premises, it has been seen that the accommodation in both units have rooms of reasonable size, with reasonable amounts of natural light and pleasant outlooks. It is concluded that the new units of accommodation would both provide a satisfactory residential environment, meeting the criteria of Policy H4.

The external alterations in the public view comprise the insertion of window openings on the east elevation and in the roof. As design features, these are considered to be reasonable in their context and would not harm the character or appearance of either of the Conservation Areas. With regard to the lack of parking provision, in town centre locations, there is flexibility in the parking provision required in planning applications. In the present case, the location is convenient for access by walking or by using public transport. The lack of parking provision would be offset to some degree by the sustainable transport contribution that would be required in connection with this application.

The issues that have been raised by objectors in connection with the adjoining use of the park have been noted. Because of concerns raised over safety, the applicants have agreed to change the design of the windows to be inward opening, with laminated glass inserted and this is considered to address the issues satisfactorily. The applicants also proposed using obscure glazing in these windows. The windows contribute to the internal amenity of the accommodation and it is considered not necessary to require obscure glazing. Although concerns have been raised over undesirable viewing from the occupiers over the adjacent park, as there are many such relationships around the country, it would not be considered reasonable to impose this restriction and accordingly it is not proposed to require the use of obscure glazing in these windows. The concerns raised over safety are considered to have been satisfactorily addressed.

With regard to the relationship of windows between the new units of accommodation and the new existing windows in 40 Magdalene Road, there is a certain amount of intervisibility, but this is similar to a light well situation, on balance the relationship is regarded as being acceptable.

Response to points made in representations:

The main points have been addressed in the above comments. As regards the relationship to the approved scheme and the fact that the work has been carried out without planning permission, it is open to any applicant to seek a variation to an approved scheme and, where an unauthorised development has been carried

out, it is open to the owner to seek to regularise that. The Local Planning Authority is required to consider this type of application on its own merits. It is not part of the planning process to penalise people for carrying out unauthorised work by refusing a scheme for that reason. If a scheme meets Local Plan Policy criteria and can be supported, it is appropriate that a planning permission should be issued. If the reverse is the case, then enforcement action would be an appropriate course of action.

Sustainability:

Environment Agency Flood Risk Map Status, Flood Zones 2 and 3. Standard advice applies. As planning permission has already been granted for the residential occupation of the 2 lower ground floors, no new issues arise.

Crime and Disorder:

Issues raised in connection with the adjoining use of the park have been discussed above.

Disability Issues:

No special issues.

Section 106/CIL:

The application proposal has been assessed against the provision of the document "Planning Contributions and Affordable Housing, Supplementary Document – Update 3, Economic Recovery Measures April 2011". A financial contribution would be payable in respect of the proposed new use, as set out below.

On the basis that the new accommodation will comprise two new (non-ancillary) residential units, one 2-bed in the category 45-54m² and the other a 3-bed in the category 95-119m²:

2-bed flat:

Waste Management	£ 50
Sustainable Transport	£1,260.00
Education	£ 410.00
Lifelong Learning	£ 160.00
Greenspace and Recreation	£ 550.00
South Devon Link Road	£ 450.00
TOTAL	£2,880.00

3-bed flat:

Waste Management	£ 50
Sustainable Transport	£2,710.00
Education	£1,240.00
Lifelong Learning	£ 410.00

Greenspace and Recreation	£ 2,370.00
South Devon Link Road	£ 975.00
TOTAL	£ 7,755
Total for both flats:	£10,635

Conclusions:

The proposal reflects Local Plan Policy criteria. The applicant has confirmed agreement to the payment of the sustainable development contribution. The application is recommended for approval, subject to provision of the financial contribution being secured.

Condition(s)/Reason(s)

01. Not later than 3 months from the date of this decision, or by such later date as may be agreed by the Local Planning Authority in writing, the windows on the east elevation shall be changed to inward opening windows fitted with laminated glass as shown on the approved plan.

Reason: In the interests of safety and in accordance with the objectives of Policy H4 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The Cycle store shown on the approved plan shall be available to the residents of each of the residential units hereby approved at all times.

Reason: In the interests of sustainable transport and in accordance with the objectives of Policy T25 of the Saved Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. Summary of reasons for the grant of permission: This proposal meets Local Plan policy criteria because the use proposed is appropriate for this location and because of its size, siting and design. The scheme is appropriate in respect of its appearance, its impact on nearby residential occupiers, and in its context in the Tormohun Conservation Area.

Relevant Policies

- H4 Conversion and sub-division into flats
- BE5 Policy in conservation areas
- T25 Car parking in new development
- CF6 Community infrastructure contributions

Agenda Item 6

Application Number

P/2012/1131

Site Address

Land Off Edginswell Lane
Edginswell
Torquay
Devon

Case Officer

Miss Alix Cathcart

Ward

Shiphay With The Willows

Description

Erection/replacement of logging contractors shed and associated hard standing and track

Executive Summary/Key Outcomes

This proposed relocation of a nearby existing business is considered an appropriate use to be sited in the countryside. The site is directly adjacent to the new line of the South Devon Link Road, where it would join the existing by pass. The site is therefore sensitive, being prominently in view from the new road, in particular by traffic leaving Torbay. The appearance of the development in the landscape is therefore considered to be the main issue in this case. The siting originally proposed was considered too prominent, with outside storage of particular concern. However, if the applicants submit a revised siting with the building and outside storage less prominent, it is hoped that it will be possible to support the proposal.

Recommendation

Provided that satisfactory revised details are submitted which address the Landscape Officer's concerns, the Head of Spatial Planning be given delegated authority to issue an approval decision, subject to appropriate conditions.

Site Details

The application site is a field with access from Edginswell Lane, situated to the north west of Hamelin Way on the approach to the Riviera Way roundabout.

The site lies within areas shown on the Local Plan Proposals Map as a Countryside Zone and Area of Great Landscape Value.

The application is coming before Members for decision because the land within the application site falls within the compulsory purchase procedures for the South Devon Link Road.

Detailed Proposals

The application proposal involves the relocation of an existing business which is sited further along the same access track, adjacent to the Newton Abbot-Paignton railway line. The premises is a logging business, which is being displaced by the construction of the South Devon Link Road.

The business requires a timber building, 18.5m long by 6m deep, with mono-pitch roof 5.5 maximum height, one part of which would be enclosed and the remainder open sided, with associated yard where machinery and equipment would be parked and an area for wood to be stored in piles. Materials: Rear elevation: timber spaced boarding; side elevation box profile steel cladding; roof box profile polyester steel sheeting.

The application, as submitted, proposed a siting in the western corner of the field, adjacent to Edginswell Lane.

Details of the nature of the business have been requested, so that the applicant company's needs can be understood.

Summary Of Consultation Responses

Highways and Engineering Officer: The proposed logging shed makes use of the existing access with the adopted highway and therefore Highways would raise no objection.

Environmental Protection Officer: No objections.

Arboricultural Officer: No arboricultural constraints.

Landscape Officer: The area falls within Rolling Farmland Character Type and Area of Local Character: 1D Hamelin Way and Parson's Bridge in the Torbay Landscape Character Assessment and is described as:

'the area comprises a pattern of sloping arable and pasture fields defined by hedges that follow the contours. The hedgerows and trees along the eastern side of the area create a significant screen along the urban edge. There is significant noise from the by-pass apparent through much of the area. The north-western part of this area at Parsons Bridge is identified for road improvements in the Torbay Local Plan. The bypass is becoming well integrated being partially screened by cuttings and establishing planting; the side slopes are identified as being of local conservation interest.'

I have no doubt that this modest development can be successfully assimilated into the landscape without affecting landscape character. However the position of the building illustrated on the drawing dated 3.12.12 is not the best position for the building being on the highest part of the site and clearly visible in elevated views from the north. I recommend that the building is sited as far north on the site as possible and adjacent to the new A380 road junction embankment. The

yard should be sited to the south of the new building and will be screened by the building itself in views from the new road junction (see attached sketch plan). The building can be accessed from the existing lane.

I also recommend that:

- The building should be painted a dark earth colour and preferably constructed of timber.
- I understand that the applicant wants to site a shipping container on the site to which I strongly object to in this rural landscape, if more storage space is required then a small timber shed would be more appropriate.
- The development will be adequately screened by existing hedgerow and trees from the south and the proposed shrub and woodland planting on the new embankment to the north. I would however recommend that a landscape condition be attached to any approval to secure some 'gapping up' of the existing hedgerow on Edginswell lane.

With the amendments above I raise no objection to the proposals on landscape grounds and can recommend approval.

Summary Of Representations

No representations.

Relevant Planning History

None found.

Key Issues/Material Considerations

Local plan policies contain strong support for local businesses. In the case of this proposal, where the business is being displaced by construction of the new road, this is particularly the case. There is therefore support, in principle.

The proposed development would be relatively small in scale and relates to a business for which it is accepted that a siting in the countryside is appropriate and would meet the criteria for Policy L4. The main issue in this case is considered to be the resulting visual impact of the proposal, which would be in close proximity to the alignment of the new slip road linking Hamelin Way with the South Devon Link Road, which would be elevated at this point.

The proposed new building and the associated machinery equipment and log piles would be prominently in view from the new road. It is considered that its visual impact would be unduly intrusive and could not be supported. This view has been formed with the benefit of having seen the landscape proposals associated with the new road, which show a seeded verge at road level, dense

shrubs along the crest of the embankment and woodland planting on the outer slope.

It is however, wished to endeavour to accommodate the relocation needs of this business and, accordingly, the applicants have been invited to consider a siting closer to the foot of the embankment of the new road, as recommended by the Landscape Officer. There is continuing liaison at the time of preparation of this report, with the housing of machinery and equipment in buildings to be considered, if revised siting is not a practical option. The elements which it is hoped that a revised scheme would incorporate are: optimum siting of the building or buildings; minimising outside storage of machinery and equipment; using the built structures as screening of any storage which has to be outside.

In all other respects, in particular the impact of the proposals on the nearest occupiers, the proposal is considered to be satisfactory.

S106/CIL -

The impact of the relocated business on local infrastructure would be the same or similar to its existing impact and, in these circumstances, no sustainable development or financial contribution would be sought.

Conclusions

At the time of the preparation of this report, revised siting details have been invited from the applicant, but not yet received. Details will be reported at the meeting. Provided that satisfactory revised details are submitted which address the Landscape Officer's concerns, it is expected that the proposal would receive officer support, subject to conditions addressing the following matters: outside storage of machinery and equipment, extent of outdoor log storage and the height of log piles; building materials and colours; landscaping. If revised details are submitted and Members are minded to approve, it would be requested that the Head of Spatial Planning be given delegated authority to issue an approval decision, subject to appropriate conditions.

Relevant Policies

- ES Employment and local economy strategy
- E9 Layout, design and sustainability
- L2 Areas of Great Landscape Value
- L4 Countryside Zones
- T21 Improved northern approach road

Agenda Item 7

Application Number

P/2012/1074

Site Address

Land Off Alfriston Road
Paignton
Devon

Case Officer

Matt Diamond

Ward

Blatchcombe

Description

Minor Revisions to Layout and Reduction in Number of Dwellings: Residential development to form 92 dwellings, creation of new vehicular and pedestrian accesses and associated works

Executive Summary/Key Outcomes

The application is a full application to develop a site on part of the land known as Great Parks Phase 2, which is allocated for housing in the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan'). A masterplan is currently being prepared for Great Parks Phase 2 and this application has been submitted before the masterplan principles have been established for the site and wider area. However, the proposal would result in early delivery of housing on the site, helping the Council to meet its 5 year land supply, and could help to 'pump prime' the overall development.

The original proposal was for 98 dwellings on the site, but following two sets of revisions the proposed number of dwellings is now 92. However, there are still a number of issues to be resolved with the design of the scheme, which could be attributed in part to the fact that too much development is trying to be squeezed onto this steeply sloping site. The amount of development on the site in terms of building footprint has not decreased in the reduction to 92 units, as the reduction has been achieved by removing the second storeys of three blocks of flats.

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. At this point in time the junction would go over capacity making the proposed development unacceptable. However, by this time the rest of Great Parks Phase 2 should have been delivered, including the access road to the site from the northwest. When this new access road has been built, the access from Alfriston Road can be closed to all but pedestrians, cyclists and buses, which can be secured in a S106 Agreement. Therefore, there would not be a detrimental impact on the Cotehele Drive/King's Ash Road junction in that event. The provision of MOVA traffic signals at the junction by the applicant would possibly extend the capacity

of the junction by a year, but this would need to be confirmed by further traffic modelling closer to the time.

Officers are still negotiating with the applicant over the acceptable amount of contributions for the development and mix and tenure of affordable housing. The applicant has stated that it is able to make contributions up to £450K, but, due to a number of site acceptability issues needing to be dealt with, the full suite of contributions normally required to make the development acceptable would exceed this amount. The updated position in respect of s106 obligations will be reported at Committee.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning; subject to overcoming the remaining design issues (through a moderate reduction in the number of dwellings, resultant improvements to the layout, revisions to the general architecture, materials, parking layout and hard and soft landscaping), and; subject to the signing of a s106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee or the application be reconsidered in full by the committee. Appropriate planning conditions to be determined by the Executive Head of Spatial Planning.

If members consider that the resolution of outstanding matters should be reviewed by the committee then the application will be returned to a future committee for further consideration.

Site Details

The site is located on the western edge of Paignton. It is bounded by residential properties to the southeast, a public footpath (Luscombe Road) and residential properties to the northeast, and open countryside to the northwest and southwest. The site area is 1.8 ha. The site is allocated for housing in the Local Plan as part of Great Parks Phase 2. The Council has commissioned external consultants to produce a masterplan for Great Parks Phase 2, which is currently being prepared. The site is also part of the Ramshill County Wildlife Site (CWS) and SINC (Sites of Importance for Nature Conservation).

The countryside to the northwest and southwest also forms part of the CWS and SINC. It is also designated in the Local Plan as an Area of Great Landscape Value (AGLV). A large part of it is also located within the 5km buffer greater horseshoe bat sustenance zone and a strategic flyway associated with the South Hams Special Area of Conservation (SAC) at Berry Head. These come to within 5 metres and 30 metres of the southwest boundary of the site. Luscombe Road is designated as a cycle route in the Local Plan.

Alfriston Road is a cul-de-sac that meets the site approximately half way along the southeast boundary. This could provide vehicular access to the site. In

addition, there is an existing pedestrian access to the site from Luscombe Road in the northern corner of the site.

The site comprises a field of improved grassland surrounded by both species rich and species poor hedgerows, with trees. A 1-2m margin of tall ruderal plant species borders the hedgerows, with a bank of bracken also present along the eastern edge. A number of protected and/or notable species of flora and fauna have been recorded on the site. The site topography rises from southeast to northwest by 12.23m, measured from the lowest point in the far eastern corner to the highest point approximately half way along the northwest boundary.

Detailed Proposals

The proposals have been revised twice since the application was originally submitted, following comments from the Design Review Panel and planning officers. The latest plans are for a residential development with a total of 92 dwellings, comprising: 30 no. 2-bed dwellings (1 coach house, 20 flats and 9 terraced houses); 37 no. 3-bed dwellings (1 maisonette, 22 terraced houses and 14 semi-detached houses); and 25 no. 4-bed houses (8 terraced houses, 10 semi-detached houses and 7 detached houses).

The number of dwellings has reduced by 6 from the plans originally submitted, this has been achieved by reducing the heights of three of the blocks of flats from 3 storeys to 2 storeys, resulting in the loss of 2 flats in each block. This has been carried out in order to provide enough parking for these blocks of flats with reference to the Council's parking standards. Building heights range from 2 storeys to 3 storeys, with a number of 2 and a half storey terraced houses and split 2/3 storey semi-detached and detached houses also.

28 (30%) of the dwellings are proposed as affordable housing (12 no. 2-bed flats, 7 no. 2-bed terraced houses, 7 no. 3-bed terraced houses and 2 no. 4-bed semi-detached houses). The mix of affordable housing is 68% 2-bed, 25% 3-bed and 7% 4 bed. This compares to the total mix of dwellings of 33% 2-bed, 40% 3-bed and 27% 4-bed. About two thirds of the affordable housing would be located to the north of the site, with a smaller cluster in the centre and 3 affordable dwellings to the south.

Vehicular access to the site would be from Alfriston Road. This would continue through the site by looping to the north before turning through 90 degrees and meeting the northwest boundary more-or-less directly opposite Alfriston Road to provide a future vehicular connection to the rest of Great Parks Phase 2. This connection is annotated as a bus link on the plans. A stepped pedestrian footpath would be built directly up the slope from Alfriston Road to the new connection to provide a more direct and shorter route for pedestrians. An access road would be built to provide access to the southern part of the site. This would be block paved instead of tarmac to indicate a more pedestrian friendly

environment and to slow traffic. Three parking courtyards would also be built, one in block paving in the northern corner of the site and two in permeable paving to the south of the site entrance from Alfriston Road and for the 'L' shaped block of flats. A footpath would connect the end of the parking courtyard to the north with Luscombe Road.

The buildings would have fairly simple standard designs, with pitched roofs and render and brick elevations. The amount and patterning of brickwork to render varies across the site according to unit type, although the amount of brickwork has been reduced on some of the units following comments from planning officers in order to try and enhance the character of the scheme. Some of the larger dwellings would have integral garages. Buildings would generally be arranged back-to-back with new and existing properties.

A (soft) landscape scheme has been submitted. This includes provision of ornamental shrub and grass borders in front of properties, as well as a limited number of street trees and hedgerows. No public open space would be provided except for a small area of low maintenance grass either side of the bottom part of the proposed public footpath up the slope.

The majority of the proposed housing has 2 parking spaces in accordance with the Council's maximum parking standards, either within the curtilage of the proposed dwelling or within unadopted parking bays adjacent to the street, or in a few cases a combination of both. However, 12 houses only have 1 parking space (plots 33, 34, 58-61, 69-71 and 85-87). The proposed flats have 1 parking space per dwelling, provided within parking courtyards and unadopted parking bays adjacent to the street. However, the required amount of visitor's parking to comply with the Council's parking standards would only be provided for the three blocks of flats to the north of the site. The larger 'L' shaped block of flats would have no visitor's parking.

The plans show that the main vehicular route through the site would be adopted by the Local Highway Authority, as would the access road to the south, pedestrian footpath up the slope and parking courtyard and footpath connecting to Luscombe Road to the north. The parking courtyards to the south of the site entrance from Alfriston Road and for the 'L' shaped block of flats would be private, as would the end part of the access road to the south.

Summary Of Consultation Responses

Given the current position with this application and the recent receipt of further amended plans, the following provides a substantive summary of current consultation responses.

Torbay Design Review Panel:

Original Scheme (application drawings presented by officers)

- Notwithstanding the lack of the masterplan, a connection across the site will be desirable in creating a well connected enlarged neighbourhood with good internal permeability and this is likely to be fairly high in the masterplan 'street hierarchy'.
- The slope is a considerable challenge, but it is not clear that this is the only solution in highway terms and further investigation of alternative ways of dealing with the contours is desirable.
- Taller blocks of flats located on the higher part of the site should be of exceptional architectural quality due to their prominence, otherwise they might be better located lower down.
- A pedestrian link to the adjoining public footpath (Luscombe Road) should be provided and properties should adopt a positive posture towards the route as it passes the site.
- Several disadvantages with the road layout not least because resulting rear gardens are likely to be very difficult for residents to use in many locations. Unattractive retaining structures may be necessary. Potential overlooking and loss of privacy.
- Integration with Alfriston Road is good – orderly posture of houses and gardens opposite seem good devices, but this is lacking elsewhere, e.g. opposite the future western connection. Large building on corner presents gable to street. Poor groupings of buildings forming less than ideal spaces between them to the south.
- The large building on the 'hairpin' bend is supported, but this needs to be a bespoke piece of design due to special location.
- The planned on-street parking provision is good, especially perpendicular spaces with tree planting as it helps create a distinct place. This should be repeated elsewhere.
- The parking strategy elsewhere, particularly to the south, is weak and double banked spaces carries inherent risks for success. Lines of vehicles parked in front of front facades should be avoided.
- Cul-de-sacs should be designed as shared spaces and possibly Home Zones to promote the social use of street spaces. The change in road surface in the southern area needs to be part of a larger design ambition for the space.
- Even if the form of the main street is compromised by the slope, a more direct pedestrian route should be included within the layout. This would help support inclusive design principles.
- The character of the existing neighbourhood is very weak and should not provide a benchmark for the new development. Hope to see architectural compositions and detailing that represents a significant improvement. There are landscape possibilities in dealing with the slopes that might make the development more distinct, e.g. 'raised pavements' are characteristic of South Devon.
- The slope on this site is a serious constraint and the proposed street layout does not fully overcome the challenge and leaves the

- development with some clear weaknesses.
- The quantum of development proposed (similar to what might be expected on a flat site) are bound to lead to a living environment for the residents that is less satisfactory – increased over-looking, sloping private gardens, awkward stepped accesses prevalent, etc.
 - There may be alternative solutions available once the Great Parks masterplan has been completed and a clearer understanding of the role of this land within that wider framework is identified.
 - Perhaps the grading of the main street could commence further west (off site) to allow it to become a straight route with secondary streets running perpendicularly along contours? Alternatively, if the Great Parks masterplan proves that this link is less significant (although we doubt it) then perhaps the site could be split into an upper portion and lower portion separately accessed by vehicles from above or below with only pedestrian and cycle routes connecting the two?
 - The Panel does regret not having the opportunity to explore these and other ideas with the applicants but nevertheless hope that alternatives might still be explored, preferably in conjunction with the wider master-planning exercise.

Draft First Revision (presented by applicant)

- We are pleased to see some areas of strong improvement to the earlier scheme, but would now offer the following guidance some of which re-iterates our earlier findings where we detect little change.
- This sloping site is a considerable three-dimensional challenge; certain relationships within the site appear still untested and clearer information is required re over-looking/privacy and the utility of rear gardens.
- Encouraged the local character of the existing development is not being used as a precedent for the proposed architectural language. Needs to be a step change in the aesthetic quality of the neighbourhood, with more restricted palette of materials and greater consistency of detailing.
- A clearer idea driving the appearance needs to be developed that might give the place an identifiable and distinct character, rather than an assembly of individual housing units/types.
- Would like to see a stronger pattern of urban form developing in the layout – random changes in building line are unhelpful.
- Pleased with connection to Luscombe Road now, but this needs to be simplified to avoid conflicts between the route and private space. There needs to be a consistent building line along the northwestern edge, with the final block of flats turned to face southeast.
- The pedestrian route across the site is welcomed and this has potential with careful landscape design.
- Parking might be too dominant in the lower shared space.
- Support focal shared spaces as ‘incidents’, but find these amorphous –

need more careful urban design of building masses and trees to create more 'legible' places. 3D representations of these spaces should be constructed and tested. Perhaps a clearer/stronger geometry should be employed?

- Still a lack of a coherent idea to the grouping of buildings in the far south of the site – perhaps they should be better organised around a further 'place' created here?
- The architecture of the 3 storey building on the higher ground should be very strong. The appearance of this and neighbouring buildings should be tested in a landscape and visual impact assessment of the proposals, as they will be visible from further west and existing streets/houses to the east.
- The larger building commanding the inside of the corner to the northern end of the site is still not at ease with the site layout – this point was noted in our previous guidance.
- There is a general improvement in parking, but still several errant spaces in different parts of the site. Parking needs to be integrated with the streetscene and/or places created, e.g. with street trees.
- There have been some good improvements since the initial review. A more rounded exploration of the three-dimensional appearance of the neighbourhood still has the capacity to improve the scheme dramatically. We would like to see further refinement of place making that has been attempted and the formation of integrated streetscapes which have a logic and an order to them capable of combining street trees, parking, etc. with stronger urban form.
- The pedestrian route eastwards connecting with Luscombe Road should be simplified and strengthened.
- The architectural character and language has been barely presented or discussed but we have noted that the existing context sets a very low standard and must be significantly improved upon.

South West Water:

Original Scheme

No objection. Any on site drainage surface water drainage requiring connection to the existing public surface water sewer network must be designed in accordance with and meet the requirements of Sewers for Adoption to qualify as public sewers.

First Revision

Having reviewed the revised flood risk assessment the majority of the domestic surface water flows from the development are to now be directed to soakaways with the proposed highway generating the majority of surface water to be discharged to the public sewer in Alfriston Road.

This being the case South West Water will not adopt the on site surface water

drainage as it will not qualify as a public sewer, or allow such a connection to the public sewer until confirmation is obtained from the Highway Authority that they will adopt the proposed highway drainage and application being made under S115 of the Water Act for its subsequent connection.

Second Revision
Comments awaited.

Engineering – Drainage:

Original Scheme

- The preliminary drainage strategy within the FRA appears satisfactory, however further detailed design works are required before the proposed surface water drainage can be approved.
- Trial holes undertaken not in location of individual property soakaways or the communal soakaway. Trial holes and infiltration tests must be carried out at the location and invert level of all the proposed soakaways. These details must be submitted with the detail design. Soakaways must be designed for critical 1 in 100 year storm event plus allowance for climate change.
- The surface water system discharging to soakaways must be designed so that no flooding to properties is predicted for critical 1 in 100 year storm event plus allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- No design details for surface water drainage system to storage tank at point where surface water drainage will discharge to South West Water sewer. This must be designed for critical 1 in 100 year design storm event plus an allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- Micro drainage design sheets in FRA only identify the rainfall parameters used together with the results from the range of 100 year rainfall events plus climate change. There are no details of the system data used in these designs. All this information is required.
- All the above details must be submitted before planning permission is granted.

First Revision (Draft Flood Risk Assessment V2 received 17/12/12; Flood Risk Assessment V2 received 20/12/12)

- Comments based on Draft FRA V2.
- Flood risk mitigation measures for Clennon Valley in Great Parks development were only designed for Great Parks Phase 1, with no allowance for Phase 2.
- Drainage strategy included within the FRA appears satisfactory, however the detailed design works in Section 4.4 are required before

- the proposed surface water drainage can be approved.
- Trial holes undertaken not in location of individual property soakaways or the communal soakaway. Trial holes and infiltration tests must be carried out at the location and invert level of all the proposed soakaways. These details must be submitted with the detail design. Soakaways must be designed for critical 1 in 100 year storm event plus allowance for climate change.
 - The lowest infiltration rate identified from the three trial pits undertaken to date should be used in the sample soakaway designs, i.e. 0.087m/hr not 0.125m/hr.
 - The surface water system discharging to soakaways must be designed so that no flooding to properties is predicted for critical 1 in 100 year storm event plus allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
 - No design details for surface water drainage system to storage tank at point where surface water drainage will discharge to South West Water sewer. This must be designed for critical 1 in 100 year design storm event plus an allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
 - The proposed box culverts for the surface water attenuation tank have a storage volume of 196.6 cubic metres, assuming there is no dry weather flow channel or benching within the box culverts. The required storage volume identified is 193.9 cubic metres. The applicant must confirm if there is a dry weather flow channel within the box culvert and how the box culvert has been designed to remove the risk of siltation during low flows. Normally box culverts of this nature are benched and hence there would be a significant reduction in storage volume due to the benching.
 - Micro drainage design sheets in FRA only identify the rainfall parameters used together with the results from the range of 100 year rainfall events plus climate change. There are no details of the system data used in these designs. All this information is required.
 - As the storage volume for the Great Parks storage lagoon only caters for the phase 1 development, as part of the phase 2 development further works are required at the storage lagoon with a view to increasing the storage capacity in order to reduce the risk of flooding to properties downstream. As this work is required as a result of the proposed second phase of the Great Parks development the cost of these works together with the increased cost of the future maintenance of the storage lagoon should be secured from the developer through S106 funding.
 - All the above details must be submitted before planning permission is granted.

Second Revision
Comments awaited.

Environment Agency:

Original Scheme

- Support the principle of the surface water drainage strategy proposed, but object to the current design. Confident our concerns can be overcome by an amended redesign.
- There is a history of flooding downstream of this site and further development should not add to this. Aware that a drainage strategy was developed, and measures put in place, to deal with surface water runoff from the Great parks Phase 1 development, and this took into account the Phase 2 aspect. However, this strategy was based upon old, superseded hydrology, which didn't take the effects of climate change into account. It would not therefore be unreasonable to state that it is very important that runoff from this site and other sites within Great Parks Phase 2 is managed in accordance with current guidance.
- The proposed management of surface water runoff for the development site includes much best practice, including allowance for climate change. However, we raise concern with the intent to discharge 'all events up to the 100 year return period plus 30%' at what in effect would be the existing 30 year greenfield runoff rate. This approach would not mimic greenfield performance and in particular circumstances waters would drain off the site at rates over and above existing. This would inevitably risk an increase in both surface water and fluvial flooding.
- It would appear that the provision of a hydrobrake control, which would better manage the lower return period events, in conjunction with providing more attenuation storage would resolve the issue and we advise this approach be appraised.

First Revision

- No in principle objection subject to the inclusion of a condition and contribution towards the upkeep of an existing flood risk management asset.
- The proposed strategy for the management of surface water runoff, as shown on Drawing 'Proposed Surface Water Drainage Strategy 19896-905-SK01 P4', includes infiltration and attenuation arrangements. The features shown would better mimic current surface water runoff rates and represent an improvement over the original proposal. The use of soakaway features should very much take priority over other techniques, in particular hard attenuation features, because such offer the best way to limit inflow to the existing surface water drainage

system and watercourse downstream. However, despite the provision of soakaways it is clear that a large proportion of the site would be drained downstream into the existing piped system and watercourse.

- Therefore, the following condition is required and a contribution towards the upkeep/upgrading of the existing attenuation lagoon that is situated on the Clennon Valley watercourse off Old Widdicombe Lane.

“CONDITION

No development approved by this permission shall be commenced until such time that a scheme for the management of surface water runoff has been submitted to, and approved in writing by, the Local Planning Authority. Priority should be given to the use of infiltration features, such as soakaways, given it has been proven that ground conditions are favourable.

REASON

To ensure that surface water is managed in line with best practice with a view to ensuring there is no increase in flood risk downstream of the site.”

- A financial contribution towards the maintenance and future upgrading of the existing attenuation lagoon situated on the Clennon Valley watercourse should be secured. The existing lagoon is an important strategic asset and failure to maintain it risks an increase in flood risk occurring downstream of the site, including residential properties, parts of the A380, A3022, A379 and parts of Torbay Leisure Centre. Upgrading the existing flood attenuation lagoon would help reduce flood risk downstream and the NPPF very much advocates using development opportunities to achieve such.

Second Revision
Comments awaited.

Highways & Engineering:

Original Scheme

- The small section of road immediate left, when entering the site outside plots 93 and 94 has inadequate turning facilities.
- The on street parking outside plots 5 to 8 would not be acceptable protruding into the adoptable highway.
- From the Long section drawing the bend outside plots no 12 to 20 has a vertical alignment of 1:12 which if correct is acceptable, but the drawing shows an 8m horizontal radius with an inner radius of 5.25 which is far too tight and this radius would not work.
- This bend would require widening to make it work with forward visibility required as well. The length and width of the widening would depend on the transport assessment of the road.
- Highways would not accept designated on street parking spaces on an

adoptable road.

- The bend leading into the future Development is also too tight.
- The final drawings would require technical approval on layout and materials before a section 38 Agreement is entered into.

First Revision

- Top junction adjacent to Plot 41 is not acceptable as a right angle and needs to be a radius (minimum 10m, preferred 12m radius), the width of the road is not annotated but looks narrow with poor visibility. The trees cannot be placed on the junction as again this causes problems with visibility. The bus link also looks insufficient for future use in terms of width as you drive out of the site at the top.
- On street designated parking is not acceptable as previously advised.
- The forward visibility is obscured by the block of flats and the proposed hedge on block 48-55 which causes an almost blind corner.
- Echelon parking for plots 91–94 does not work as there is not enough room to be able to turn and drive out.
- Tree is obscuring visibility adjacent to Plot 1, again the radius needs to be a minimum of 10m or the preferred 12m.
- Bus tracking is very tight and on all the corners needs the whole road to make the manoeuvre leaving no room for opposing traffic, if there are any visitors parking or residents who leave the vehicles on street, the bus will have difficulty and possibly no chance of getting round the loop. For information we do not as a rule put yellow lines in residential areas. Should the bus go up through the middle, the loop would be more usable for residents assuming all the points have been addressed.
- All the information is given from plan only as there are no annotated drawings to make observations from.

Second Revision (initial comments)

- 0455-105 Tracking Drawing ... None Shown?
- Adoption Plan – Bend adjacent to parking spaces 48/49 has not been widened and should be widened. Radius adjacent to plot 68 is not sufficient should be 10m. Plot 77 has parking on the highway? We have stated many times that we will not accept designated parking on the highway. Shape of road layout adjacent to plot 57 does not look very good. None of the plans are annotated and therefore widths are not shown of footpaths and carriageways. I cannot see any provision for cyclists, which was mentioned as being important if this were to be viewed as a main street type layout.
- 0455-105. 1B – Tracking only shows one vehicle and turning looks very tight adjacent to plot 74. The road looks too narrow adjacent to plot 24 as tracking is showing an override of the kerb by the bus; the tree adjacent to plots 20 -23 look vulnerable. It would be helpful if the tracking was colour coded, i.e. green one way and red the opposite to

better view the opposing lines. On street parking by visitors and residents would severely restrict movement.

- 0455-105.3B – Refuse tracking not shown?
- Torbay Council will adopt the highway drainage as long as it is only highway water and South West Water allow the connection or an alternative drainage strategy will be required.
- Whilst Alfriston Road is wide enough for two buses to pass in accordance with Manual for Streets, it should be noted that it is not designed as a major street nor is Cotehele Drive.
- The visibility for the parking access for plots 33, 34 and 35 look poor. The developer needs to look to see if he can get the appropriate X and Y distances for visibility, which I feel being so close to such a tight junction and with a building line so close to the road is almost impossible. The minimum X distance should be 2.4m; for a distributor road Y distance should generally be 33m each side. There are other parking areas on the main route that are also vulnerable to this, which need to be checked.

Strategic Transportation (based on Transport Assessment submitted with the application and Addendum Transport Assessment submitted 14/12/12):

- Review of TA and Addendum TA set within context of Council's TA by Jacobs.
- There is currently some spare capacity at the Cotehele Drive/King's Ash Road junction. The applicant shows that the junction is reaching capacity (although not exceeding) with the introduction of 100 dwellings up until 2018 when King's Ash Road north arm saturates. Its opposite arm is close to saturation at this point in time.
- The proposal to introduce MOVA traffic signals might provide a further year's worth of capacity before going over capacity, but that cannot be modelled with any certainty at this point in time.
- The Jacobs work focused on a higher number of dwellings, therefore showing the junction to exceed capacity.
- The applicant's analysis has not taken into account future traffic growth from developing the rest of Great Parks Phase 2, which is why the traffic growth from the proposed development is shown to be accommodated within the capacity of the Cotehele Drive/King's Ash Road junction.
- Unless the new access from the northwest of the site is delivered before 2018, without improvements to maintain free flow along King's Ash Road the Cotehele Drive/King's Ash Road junction will exceed capacity in 2018; MOVA traffic signals could potentially provide another year's worth of capacity.
- With reference to the original TA and modal split, the applicant has extracted modal split estimated percentages from TEMPRO for the Paignton area, and as a result it includes a low car/van driver

proportion of 49%. This is not considered to be representative because 2001 Census data for the Blatchcombe Ward is 72% car/van driver. The site is not located in the centre of Paignton, so there are fewer alternative modes of transport to the car available.

Torbay Local Access Forum:

Original Scheme
No comments.

First Revision
No comments.

Arboricultural Officer:
Original Scheme

- Comments based upon review of the following supporting documents/plans:
- Arboricultural Constraints Report D34 03 05
- Arboricultural Plan D34 03 P1
- Landscape scheme plans 5130-L-01 and 02
- Ecological impact assessment (ead) September 2012
- Study of the landscape plan indicates a tree planting programme of 23 Heavy Standard trees. The site has an area of approximately 1.81ha and therefore a greater number of trees can be accommodated to both comply with the requirements of the present Local Plan, NPPF, Torbay Green Infrastructure Delivery Plan, etc.
- Use of cellular type rooting systems should be used where verges or garden areas are not available for tree planting, and a suggestion of a staggered planting to spine roads would create an avenue type theme giving local identity. Significant sized trees should be planted to quickly soften the highly visible built environment from elevated topography to the East and South East and long range views to other aspects from the wider countryside. The entrance to the new estate could be marked visually by a pair of flanking large canopy sized trees to create a sense of arrival and local distinctiveness to the new build contrasting with the present form of Great Parks.
- A brief study of the Ecological Impact Assessment finds that it informs a need for hedgerow management. This has not been detailed as yet and its creation should be conditioned as part of any permission. Given the sensitive nature of the site adjacent to the County Wildlife Site this should be undertaken by an ecologist supported by a landscape architect.
- The tree survey has no detail of tree and hedgerow protection methodology which should be both approved and installed prior to any commencement.

- In other phases of the Great Parks development hedges have become isolated by private residencies either side of a strip of highway land. This has placed an ongoing management burden on the authority. To prevent this situation all hedge banks should be within the ownership of the associated dwelling; fence lines may be placed within the hedge line for aesthetic or privacy/security reasons, but ownership should encompass the hedge and exclude the Local Authority. Trees of merit can be subject to a TPO and the conditioned ecological management plan will protect species within.
- Recommendation: That the scheme be suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions as follows:
 1. Tree protective fencing should be installed in line with BS 5837 2012: Trees in Relation to Design, Demolition and Construction Recommendations (plan required).
 2. Detailed landscaping plan to be submitted and approved that is attentive to the wider landscape context and ecological requirements of the site.
 3. No grade changes to root protection areas to hedgerows to be retained.
 4. Detailed hedgerow management plan to be submitted.

First Revision

Comments based upon review of the following supporting documents/plans:

- Landscape plans 5130-L-01 B and 2. Rev B
- Study of the revised layout plan and supporting documents indicates that recommendations 2 and 4 have not been addressed.
- Study of the tree planting schedule notes that 1 less tree is proposed than that within the original plan. This is contrary to officer recommendation 2 which requires greater contextual planting in terms of numbers, species and strategic positioning.
- The species selected are not of long term landscape scale benefits, and will not serve to integrate the scheme into the wider landscape.
- It is of note that a Tree Preservation Order was served in 1974 which serves to protect all trees and hedgerow trees within the local area and indicates the importance of the landscape at this time.
- It is likely that minor amendments to the highways layout may occur but in terms of overall implications this will not greatly restrict planting opportunities. I have marked the attached plans loosely indicating planting opportunities which may be forwarded to the landscape architect. It indicates options in private and shared public spaces where trees may be planted. Not all have enough space to be large trees but given the site a mixture of higher and lower canopy sized trees is necessary to again soften the site when viewed from external view receptors.
- Where engineered surfaces exist proprietary soil rooting systems are

available that allow paved surfaces above that would allow pedestrian and vehicle passage.

- Recommendation: That the reduction in the number of trees to be planted serves to prevent any integration of the scheme as it exists into the local and wider landscape. Until comments made within this and earlier emails are addressed no recommendation for approval on arboricultural merit could be made.

Second Revision
Comments awaited.

RSPB:
Original Scheme

- Have concerns relating to the adequacy of mitigation for the loss of part of the Ramshill County Wildlife Site (CWS) that supports farmland habitats and species, including cirl buntings, and also forms part of the sustenance zone/strategic flyway for greater horseshoe bats, designated features of the South Hams Special Area of Conservation, and urban biodiversity provision.
- Seek confirmation how this application relates to strategic ecological mitigation for masterplanned area, including the level and timings of financial contributions, in the form of enhancements to the Ramshill CWS, including habitat for cirl buntings.
- The extent of proposed loss of existing habitat arising from this development means mitigation via enhancement of off-site habitat (e.g. on the remainder of the CWS) is in our view necessary. However, there is scant information in the application regarding off-site mitigation provision and, in our view, an insufficient level of confidence that effective mitigation would be delivered in an appropriate location within an acceptable timescale. Financial contributions for the management and enhancement of habitats, including for cirl buntings, should be required as part of the any planning permission, and payments made before development occurs. Without such provision, the impact of the proposed development on part of the Ramshill CWS will not be adequately mitigated and there will not be any 'biodiversity gain'.
- There is inadequate on-site provision for 'green infrastructure' and therefore a need for disproportionate provision within the larger Great Parks development. Such provision should not adversely affect the biodiversity value of the CWS or the enhancements to the habitats of the CWS that are proposed via financial contributions as part of a Section 106 Agreement relating to this application. There is no information on how the potentially conflicting requirements of enhancing the habitats and wildlife interest of the CWS and providing accessible areas of greenspace for future residents will be resolved.
- Welcome provision of bat and bird boxes on trees, and wildlife friendly

planting schemes, but there is no mention of maximising opportunities for birds associated with built development by incorporating nesting sites for species such as swift, house sparrow, starling, house martin and swallow within the proposed new housing. Designing in such nest sites should be a condition of any planning permission.

- Welcome recommendations for mitigation and enhancement in the Ecological Impact Assessment. These should be secured as appropriate via planning conditions or via adequate financial contributions as part of a Section 106 Agreement. This is in accordance with Local Plan Policies NC3 and NC5.
- Our recommendations are supported in the NPPF (paragraphs 9, 109 and 118).

First Revision

No further comments and our original comments are still relevant.

Second Revision

Comments awaited.

Natural England:

Original Scheme

- Support RSPB comments dated 23/10/12. In particular, how the proposals fit with the Great Parks masterplan and measures to safeguard Ramshill County Wildlife Site.
- The proposals will need to demonstrate that there is no detrimental impact upon the strategic flyway and sustenance zone associated with the South Hams SAC. Avoidance of light spillage from the proposed development will ensure that potential habitat is effectively safeguarded.
- In accordance with national legislation and the NPPF, the ecological assessment should provide clear detail on appropriate mitigation and adequate enhancement measures that deliver net gain for biodiversity. The ecological assessment should provide details relating to area of new/enhanced BAP habitat. It should include an effective mitigation strategy (based upon an up-to-date biodiversity budget that provides a breakdown by habitat of losses/gains (in hectares/metres) and considers impact at the various stages of the proposed development).
- Where on-site mitigation opportunities are restricted, off-site compensation should be considered – the Torbay biodiversity offsetting pilot might be a good mechanism for this. One of the benefits of biodiversity offsetting is that it provides a clear and transparent mechanism to evaluate biodiversity impacts and allows the applicant to successfully demonstrate that the proposals deliver sustainable development.
- Keen that green infrastructure is integrated into the proposals.

- The proposals should consider potential impact upon the landscape and visual context (Landscape Visual Impact Assessment).
- The potential mitigation strategy will only be considered sufficiently robust where delivery mechanisms are explicitly identified and secured in perpetuity through appropriate planning condition/obligation. The mitigation strategy should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities. A Construction Environmental Management Plan (CEMP) and landscape and Environmental Management Plan (LEMP) are useful mechanisms towards ensuring sufficient certainty for delivery of environmental outcomes.
- Our standing advice for protected species is a material consideration.

First Revision

The plans need to be cross referenced to supporting text to show how the matters that we raised in our previous letter (dated 7th November) have been addressed.

- Cotoneaster should not be used as part of the planning proposals.
- Locally sourced native plants should be used as part of the proposed planting scheme to maximise biodiversity value.

Second Revision

Comments awaited.

Housing Services:

Original Scheme

- Whilst we appreciate the current proposals are providing the required number of affordable units which is to be commended, Torbay Council's affordable housing policy requires that the mix of affordable housing provided should be proportionate to the mix as a whole. Currently the scheme is made up of a disproportionately higher number of 2 bedroom flats and houses and although a number of 3 bedroom houses are being provided, this number does not meet the policy requirement. The current proposals are not providing any 4 bed properties as affordable units and whilst we have a need for all types of affordable housing in Torbay, larger family homes are a strategic priority for us as there is currently a very long wait for these types of units.
- Delivering accessible units suitable for wheelchair access is also a policy requirement and a strategic priority; it is not clear from the current plans if accessible accommodation is being provided, but we would also expect to see 5% of the rented provision to be wheelchair accessible.
- The affordable housing is currently clustered in one area of the site,

however we would want to see the affordable housing distributed throughout the scheme in more than one area.

- To date we have received insufficient information as to why this scheme is unable to provide the policy requirement and without this information we are unable to support this application.

First Revision

- Although it is to be commended that the revised scheme is providing 30% affordable housing and the required tenure split, the affordable provision is not proportionate to the development and without further information to justify these proposals, Housing Services would not be able to support this application.

Second Revision

Comments awaited.

Torbay Coast and Countryside Trust: No response.

Devon and Cornwall Police: No response.

Refuse Collection & Disposal: No response.

The various Consultees comments have been copied and re-produced at Page P.201.

Summary Of Representations

The application has been publicised twice, once for the original scheme and once for the first set of revised plans amending the proposed development layout. Following the submission of a second set of revised plans on 25/01/13 reducing the proposed number of dwellings from 98 to 92 and minor revisions to the layout, the application is currently being publicised for a third time. Any further representations from statutory consultees or members of the public will be provided as late representations or reported verbally at Committee. On the date of Committee, the second set of revised plans will have been publicised for 11 days.

There were 27 objections to the application following the first publicity, including an objection from Paignton Heritage Society. Two more representations were received, one raising no objection provided another vehicle access to the site could be found, which does not go through the existing road network, and another raising significant concerns with the impact of the proposal on local highways. The following material considerations were raised:

- King's Ash Road and the estate are at capacity and cannot cope with more traffic

- Alfriston Road not wide enough/suitable to accommodate an access road
- More housing is required, but the infrastructure should be put in place first with access from a new junction on King's Ash Road near Spruce Way
- There is only one access to the estate from King's Ash Road
- Impact of construction traffic on residential amenity/child safety
- Premature to proceed ahead of the masterplan in a piecemeal manner
- Any approval should be conditional on the construction of an alternative vehicular route to the north
- Housing density is very high and not in keeping with surroundings
- Few detached houses – not in keeping with existing surrounding properties
- 3 storey buildings on top of slope will cause visual impact – buildings should be no more than 2 storeys
- Steep nature of site will create problems overlooking and reduced privacy for existing houses
- Not enough parking, which is likely to lead to roads cluttered with cars
- Concerns with impact of proposals on localised flooding
- Render on elevations will not fit in with the existing estate and will deteriorate quickly if not properly maintained
- Storage areas for the large refuse bins have not been identified
- Noise and dust pollution during construction
- No plans to develop local facilities and services within the application – the area has very poor services and facilities, especially recreation and play facilities
- Impact on local wildlife
- Location of proposed substation in close proximity to existing residential property
- No public consultation has been carried out
- No foot or cycle path links in or out of development
- Still outstanding work from Phase 1
- Light pollution
- Would spoil Area of Great Landscape Value
- Pressure on local schools and medical facilities
- Potential slope instability from water entering upper levels of slope/soakaways
- Trial pits not in location of individual property soakaways or communal soakaway
- Concern over the location of the communal soakaway above and behind existing properties to the south of the site
- Impact on trees/hedgerows
- Overdevelopment – housing not needed
- Loss of potential agricultural land
- Impact on foul drainage

There were 6 further objections following the second publicity, 5 of whom had already objected and 1 changing from no objection provided another vehicle access to the site could be found to objection. The following issues were raised:

- The revised plans take no account of the major objection of local residents – impact on local highways during construction and after the development is completed
- Access to the site from the northwest must be constructed before any development begins, leaving Alfriston Road as pedestrian access only
- Does nothing to address previous objections
- No change to the access to the site
- No advances on the original scheme

These representations have been copied and re-produced at Page P.201.

Relevant Planning History

ZP/2007/0714	Residential Development (pre-application enquiry): Split Decision 30.08.2007
ZP/2012/0151	Housing development (pre-application enquiry): Refuse 20.08.2012
P/2012/0660	Screening opinion: EIA not required 04.09.2012

Key Issues/Material Considerations

The key issues are:

- 1 The principle of the development
- 2 Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction
- 3 Design
- 4 Car parking
- 5 Privacy and amenity
- 6 Impact on biodiversity/loss of part of CWS
- 7 Surface water drainage
- 8 Affordable housing

1. The principle of the development is acceptable, as the site is allocated for housing in the Local Plan as part of Great Parks Phase 2 (Policy H1). The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- 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; or
- specific policies in this Framework indicate development should be restricted. (Para 14)

Unless material considerations indicate otherwise.

Therefore, provided the design and technical matters of the application are in accordance with the policies in the Local Plan, the application should be approved. Where issues are not addressed by policies in the Local Plan, or policies are out-of-date, the application should be approved unless its impacts are significantly greater than its benefits, taking into account the policies in the NPPF, or policies in the NPPF restrict development on the site.

Until March 2013, full weight may be given to the policies in the Local Plan even if there is a limited degree of conflict with the NPPF. After this, weight should be given according to their degree of consistency with the NPPF.

The NPPF states that its policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system (Para 6).

The sections below discuss the acceptability of the proposed development with reference to the other relevant policies in the Local Plan and the policies in the NPPF, i.e. how sustainable is the proposed development?

2. Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. This could be extended by about 1 year through the introduction of MOVA traffic signals at the junction, but this would have to be confirmed by carrying out further traffic modelling closer to the time. Therefore, the proposed development is acceptable in this regard, as by the time the Cotehele Drive/King's Ash Road junction goes over capacity in 2018/2019, the rest of Great Parks Phase 2 will have been built, including the access road to the site from the northwest. When access to the site from the northwest has been provided, access to the site from Alfriston Road can be closed to vehicular traffic except for buses.

As the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this, the development should contribute to funding the new access. This should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole.

Should for any reason the rest of Great Parks Phase 2 not be built prior to

2018/2019 when the Cotehele Drive/King's Ash Road junction goes over capacity, the funding towards the new access should be spent instead on upgrading the existing junction to ensure that it operates within capacity. The funding should be secured as a bond in a S106 Agreement.

Whilst the above does not take into account the impact of development coming forward on the rest of Great Parks Phase 2 on the Cotehele Drive/King's Ash Road junction as a result of additional traffic flow along King's Ash Road, which might realistically be built before the access road to the site from the northwest has been completed, it allows the delivery of housing on the site now rather than waiting, which is a material consideration given the Council's lack of a 5 year land supply. In addition, the development could be seen as 'pump priming' delivery of the rest of Great Parks Phase 2.

The proposed development would not have an impact on other local highways on the estate or in the area. The acceptability of the internal configuration of highways on the site will be discussed as part of 'Design' in the next section. Should planning permission be granted, local residents' concerns regarding the impact of construction traffic on the estate roads and local amenity can be addressed through a condition for a Construction Method Statement requiring these details.

Based on the above, the proposal accords with criteria (2) and (3) of Policy T26 of the Local Plan, subject to a bond towards funding the new access to Great Parks Phase 2 or improvements to the Cotehele Drive/King's Ash Road junction secured in a S106 Agreement.

3. To date, the proposed design layout of the scheme has been revised twice. The first was in response to two Torbay Design Review Panels, one presented by officers and the other by the applicant. The main changes were to the structure of the scheme, in particular providing a pedestrian route up through the middle of the site and providing a pedestrian connection to Luscombe Road. These changes provided a significant improvement in terms of pedestrian permeability and therefore sustainability. However, planning officers felt that nothing had been done to respond to the DRP's comments in terms of place making and adding character and identity to the scheme. This was reiterated by the Arboricultural Officer who noticed that even fewer street trees were proposed than before, when too few had been proposed in the first place.

Planning officers provided further design comments to the applicant raising these issues, as well as confirming that the main street through the site needs to be designed as a 2 way bus route and the streets need to be designed according to an appropriate street hierarchy (as recognised by the DRP, the main street is likely to form a primary route through the whole of Great Parks Phase 2). In addition, a number of blank 'inactive' elevations were identified, most notably facing onto the junction at the top of the slope, as well as other details, and

inadequate provision of car parking in relation to the Council's parking standards and poor relationships of some of the spaces to the proposed dwellings.

At the time of writing, the applicant has just submitted a second set of revised plans responding to some of these comments. The main changes are to the streets, so they fit in with an appropriate hierarchy, loss of 6 flats on the second storeys of three of the blocks of flats to accord with the Council's parking standards (these blocks are now 2 storeys instead of 3 storeys), provision of windows on blank elevations, and minor changes to the materials to provide more render instead of brick to create a more distinctive identity. There has also been a concerted effort to ensure that as many of the proposed dwellings as possible have 2 parking spaces to accord with the Council's parking standards.

At first glance there are still issues with the design of the scheme: There is still little attempt at place making and creating local character, the generic building typologies and lack of local distinctiveness in materials and design are still evident. The attempt to comply with the Council's parking standards has resulted in even more parking bays along streets and beside dwellings that detracts from place making principles and would lead to a car dominated environment.

There is also little room on the plan for landscape features that might enhance the quality of the streets. There is also still no provision of visitor's parking for the large 'L' shaped block of flats, which raises significant concerns with potential overspill parking on the street. 12 of the houses also still only have one parking space. This all points to the view that the applicant is seeking to provide too much development on the site to the detriment of good design and sustainability.

At least one of the blocks of flats to the north should be removed due to inadequate provision of private amenity space for the future occupants of the flats. This may provide an opportunity to improve the pedestrian route to Luscombe Road, which is through a parking courtyard and not well overlooked. The removal or reconfiguration of the 'L' shaped block (perhaps through its replacement with a dwellinghouse) would provide scope for a more policy compliant parking provision and would allow the development room to breath.

As mentioned, the design of the main street through the site must be designed as a 2 way bus route, so that it is 'future proofed' for this when the rest of Great Parks Phase 2 is built. Highways officers have raised concerns with the geometry of the street, as the bus would override the kerb at certain points. Other highways issues have been raised (see consultation responses above), including poor visibility related to some of the parking spaces. The parking space for plot 35 adjacent to plot 35 looks particularly dangerous on this bend.

There is still no public open space on the site or provision of green infrastructure, whilst a contribution towards providing this elsewhere on Great Parks Phase 2 would be acceptable, this does not obviate the need to provide a 'place' with

sufficient openness.

Based on the above, it is considered that the proposal does not accord with Policies H9, H10, H11, CF2, BE1, BE2 and T26(1) of the Local Plan or Section 7 of the NPPF. However, officers are continuing negotiations and believe that acceptable design is achievable, subject to a moderate reduction in the number of dwellings to allow an improved layout and taking place making opportunities through revisions to the general architecture, materials, revised parking layouts and streetscape enhancements through hard and soft landscaping.

4. The Council's parking standards require 2 garages/car parking spaces per dwelling within the curtilage, or 1 car parking space per dwelling plus 1 visitor's space per 2 dwellings located within reasonable walking distance of the units to be served. For flats it is 1 garage/parking space per unit plus 1 space per 2 units for visitors. Whilst these are maximum standards, the location of the development site on the edge of Paignton means that the maximum provision is required.

As stated previously, 12 of the houses (plots 33, 34, 58-61, 69-71 and 85-87) only have 1 car parking space, with no visitors parking, and the 'L' shaped block of flats (8 flats) has no visitors parking. There is a significant risk that visitors to these plots will park on the street to the detriment of highway safety and function, and the quality of the streetscene.

Therefore, the proposal does not accord with Policy T25 of the Local Plan. However, as above, officers are confident that acceptable parking provision can be achieved subject to a moderate reduction in the number of dwellings to allow an improved layout and place making opportunities.

5. The separation distances between the proposed dwellings and existing properties surrounding the site appear satisfactory in order to maintain adequate levels of privacy and amenity. This can be supplemented with vegetation screening if necessary.

The separation distances between the proposed dwellings within the central perimeter block in the north of the site is less than what would usually be expected, especially given the difference in levels. However, this cannot be improved without significant and dramatic changes to the layout that could lead to the loss of a significant number of dwellings. Therefore, as future occupiers will be aware of this when they buy/let the property and vegetation screening could be used to provide greater levels of privacy, this is considered acceptable in the circumstances.

Therefore, in terms of privacy and amenity, the proposal accords with Policy H9 of the Local Plan.

6. Both the RSPB and Natural England have expressed concern over the lack of detail in the application of how the proposal will mitigate for the loss of part of the Ramshill County Wildlife Site, and how this mitigation will relate to mitigation for the rest of Great Parks Phase 2. Natural England has recommended using the Torbay biodiversity offsetting pilot to help calculate off-site compensation, where on-site mitigation measures are restricted. The Council's Green Infrastructure Coordinator has used this tool to calculate a contribution from the proposed development towards the proposed community park adjacent to Great Parks Phase 2 to offset the biodiversity loss on the site, including ongoing management and maintenance. This contribution should be secured in a S106 Agreement.

Therefore, the proposal accords with Policy NC3 of the Local Plan, subject to a contribution for biodiversity offsetting secured in a S106 Agreement. In addition, recommendations for biodiversity enhancements in the application should be secured by condition.

7. The Council's Engineering – Drainage department has confirmed that the proposed drainage strategy appears satisfactory, but further details are required before planning permission is granted. Following the submission of the revised Flood Risk Assessment (V2), the Environment Agency has confirmed that it would be happy with a condition to deal with these details. This has yet to be discussed and agreed with the Council's Engineering – Drainage department.

As part of the surface water runoff from the site would drain into the main sewer, both the Council's Engineering – Drainage department and the Environment Agency require a financial contribution towards works to increase the storage capacity of the Great Parks storage lagoon situated on the Clennon Valley watercourse and its maintenance. This is necessary because it currently only caters for the phase 1 development and in order to reduce the risk of flooding to properties downstream. The contribution should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole. It should be secured in a S106 Agreement.

Therefore, the proposal accords with paragraphs 99-104 of the NPPF with reference to managing flood risk, subject to the submission of the details requested above before development commences on the site and a contribution towards upgrading and maintaining the Great Parks storage lagoon secured in a S106 Agreement.

8. Affordable housing

The proposal would provide 30% affordable housing in accordance with Policy H5 of the Local Plan. However, the applicant proposes a tenure split of 75% affordable rent and 25% shared ownership. As stated in the Planning Contributions and Affordable Housing SPD (LDD6), the Council usually seeks 75% social rent and 25% intermediate; however, the SPD Update 3 states that

as an interim measure affordable rent will be sought as an element of development and treated as social housing for planning purposes. The emerging preference is for 33% social rent, 33% affordable rent and 33% shared ownership/intermediate. Since this will still provide social rented accommodation to meet local needs.

The Council also seeks a proportionate mix of affordable housing to the overall development. In this case the affordable housing mix proposed is disproportionate to the mix of dwellings across the site, with a greater number of smaller 2-bed units instead of larger family housing.

Housing Services has objected to the proposed mix of affordable housing and formal comments are awaited on the proposed tenure split of 75% affordable rent and 25% shared ownership. Negotiations are ongoing and the latest position will be reported at Committee.

S106/CIL -

The following contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD Update 3:

- Waste Management (Site Acceptability)
- Sustainable Transport (Sustainable Development)
- Stronger Communities (Sustainable Development)
- Education (Sustainable Development)
- Lifelong Learning – Libraries (Sustainable Development)
- Greenspace and Recreation (Sustainable Development)

Figures have not been calculated for the latest set of plans, which changed the number of units from 98 to 92. The applicant must also confirm which units are social rent, affordable rent and shared ownership, as this will have a bearing on the calculations.

In addition, the following further site acceptability contributions are required:

- Bond for contribution towards Great Parks Phase 2 access minus cost of MOVA traffic signals
- Biodiversity/CWS offsetting (works and maintenance)
- Upgrading and maintenance of Great Parks storage lagoon

Again, the above contributions have to be recalculated for the reduced number of dwellings in the latest set of plans.

In addition, a contribution is required towards the South Devon Link Road (SDLR) in accordance with the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012. This must

be subtracted from other contributions, taking into account the recommended order of priority in the SDLR report.

A contribution is also required towards the provision of a Local Centre elsewhere on Great Parks Phase 2.

30% affordable housing is also required, as previously discussed.

The total sum of contributions for 98 dwellings was in the region of £1 million. The applicants have stated that they are able to make contributions up to £450K, whilst including 30% affordable housing. Therefore, planning officers are continuing to negotiate with the applicant over the required contributions, taking into account the tests in paragraph 204 of the NPPF. The updated position will be reported at Committee.

It is likely that, given the Council's s106 priorities, the site acceptability matters, the SDLR contribution and the affordable housing provision will take precedence over the other sustainable development contributions in this case.

Justifications

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also accords with Local Plan Policy W7.

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards the enhancement of local bus/cycle infrastructure. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards stronger communities is justified in paragraphs 4.31-4.35 of LDD6 and will be used towards the provision of a street warden in the area.

The contribution towards education is justified in paragraphs 4.40-4.46 of LDD6 and will be used towards funding Children's Services Capital Programme, which includes projects at Roselands Primary School and White Rock Primary School in Paignton. The proposed development includes family dwellings where children might reasonably be expected to go to these schools; therefore, the development should contribute towards education. It also accords with Local Plan Policy CF7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at Paignton Library, including Wi-Fi. The proposed dwellings would place additional demand

on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6. No public open space will be provided on-site; therefore a contribution is required towards provision of off-site public open space elsewhere on Great Parks Phase 2.

The bond for a contribution towards Great Parks Phase 2 access, minus the cost of MOVA traffic signals, is justified because the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this.

The contribution required to offset biodiversity impact on the site and loss of part of the County Wildlife Site is justified because biodiversity mitigation will not be provided on-site. Further justification is provided in the consultation responses from the RSPB and Natural England. This approach is given weight in Section 11 of the NPPF.

The contribution towards upgrading and maintaining the Great Parks storage lagoon on the Clennon Valley watercourse is justified because surface water from the development site will drain into the main sewer, which will place additional burden on this infrastructure and increase the risk of flooding to downstream properties. The storage lagoon and other attenuation measures were only constructed to accommodate the downstream discharge from Great Parks Phase 1, not Great Parks Phase 2 also.

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

The contribution towards the Local Centre is justified, as the development site forms part of Great Parks Phase 2, which must include a Local Centre in order to deliver a sustainable community. The land required for the Local Centre will have less value than land for residential development and this cost should be borne equally by all the land owners of Great Parks Phase 2.

30% affordable housing is justified in Section 3.0 of LDD6. It also accords with Local Plan Policy H5.

Conclusions

Whilst the principle of the development is acceptable and the main constraint in developing the site, namely the capacity of the Cotehele Drive/King's Ash Road junction, can now be overcome through a bond in the S106 Agreement, there are still some issues with the design of the scheme that need to be resolved before

planning permission can be granted.

In particular these relate to the integration of the required amount of car parking in the scheme and the provision of place making principles that are currently lacking, as well as a safe and functional highway layout incorporating a two way bus route. The scheme needs to be amended accordingly, which may result in the loss of further dwellings. It is considered that the applicant is trying to squeeze too much development on the site at present leading to the problems identified and a much better development is achievable if the number of dwellings was reduced. This does not necessarily mean that a significant number of dwellings need to be lost though.

In addition, negotiations are still ongoing concerning the contributions required to make the development acceptable in planning terms and deliver sustainable development. Contributions need to be recalculated for the reduced number of dwellings as a result of the latest set of plans and would need to be recalculated again should the number of dwelling reduce further. In addition, negotiations are still ongoing concerning the proposed mix and tenure of the affordable housing.

In light of the above, the recommendation is that the principle of the development should be approved, subject to officers finalising the design and number of dwellings accordingly and agreeing the contributions required and mix and tenure of affordable housing to be secured in a S106 Agreement.

Relevant Policies

HS	Housing Strategy
H1	New housing on identified sites
H5	Affordable housing on identified sites
H9	Layout, and design and community aspects
H10	Housing densities
H11	Open space requirements for new housing
CFS	Sustainable communities strategy
CF2	Crime prevention
CF6	Community infrastructure contributions
CF7	Educational contributions
CF14	Health Centre, Great Parks
INS	Infrastructure strategy
IN1	Water, drainage and sewerage infrastructure
LS	Landscape strategy
L2	Areas of Great Landscape Value
L8	Protection of hedgerows, woodlands and o
L9	Planting and retention of trees
L10	Major development and landscaping
NCS	Nature conservation strategy

NC1 Protected sites - internationally import
NC3 Protected sites - locally important site
NC5 Protected species
EPS Environmental protection strategy
EP1 Energy efficient design
EP3 Control of pollution
EP5 Light pollution
EP10 Water supply
BES Built environment strategy
BE1 Design of new development
BE2 Landscaping and design
BE9 Archaeological assessment of development
TS Land use transportation strategy
T1 Development accessibility
T2 Transport hierarchy
T25 Car parking in new development
T26 Access from development on to the highway
T27 Servicing

Agenda Item 8

Application Number

P/2012/1316

Site Address

Paignton Rugby Club
Queens Road
Paignton
Devon
TQ4 6AT

Case Officer

Mr John Burton

Ward

Roundham With Hyde

Description

Variation of condition 3 attached to planning application p/1994/0484 - to allow floodlighting to be used for four nights a week

Executive Summary/Key Outcomes

Paignton Rugby Club currently has planning permission to use floodlighting at Queens Park for two evenings per week up to 9:30 and excluding Sundays. This position appears to have operated well since early 2000 without complaint to the Local Planning Authority. The Club now seek the flexibility of having four days, as it has become more popular specifically with the younger children. It is not considered that the two extra days now sought would cause any harm to any interest of acknowledged importance. A continuation of the approved time limit of 9:30 would ensure night time disruption is kept to a minimum.

Recommendation

The application be approved for 4 days per week, with a condition re-iterating that the lights shall not be used after 9:30 on each night of operation.

Site Details

Queens Park is off located off of Sands Road to the south and Queens Road to the east. More specifically the proposed development area of the site is located towards the north of Queens Park and adjacent to the bowling green.

Detailed Proposals

Permission is now sought to use floodlighting for rugby training and matches on 4 unspecified days per week. The rugby club does not wish to be tied to specific days as the ground is prone to flooding during high tides and this would make the pitches unusable. As this cannot be verified in advance, a degree of flexibility is sought. Permission granted in 2000 allowed two such days, so this is an increase of 2 days. The lighting would be the same as already used, same

wattage, same direction of light flow, and the club is happy to accept the current planning restrictions of no use beyond 9:30 p.m. until daylight.

Summary Of Consultation Responses

None.

Summary Of Representations

Received and reproduced at Page P.200.

Relevant Planning History

- P/1994/0484 Installation of floodlighting for sports pitch and erection of 12m high perimeter fence. Approved 24th February 1995, with condition 3 stipulating that the floodlighting shall operate on one day per week, and condition 4 stipulating that the floodlights shall not operate after 9:30 p.m. and before daylight.
- P/2000/1265/R3 Variation to allow floodlighting to be used for two days per week (not specified, but excluding Sundays). Approved 3 March 2002

Key Issues/Material Considerations

The primary issue with this application is whether or not the increase in use of the floodlights by two evenings would unduly impact upon any interest of acknowledged importance. The floodlights are already capable of use for two evenings per week and has operated as such for over a decade without known detriment or complaint to the Local Planning Authority. It is not therefore expected that two extra nights would cause any more adverse impact, so long as the same time restrictions were adhered to. As there have been no complaints received about light pollution so far, it is not considered that the proposal would be likely to infringe the terms of policy EP5 (Light Pollution). This is after all a park and sports ground facility where such use is to be expected. The extra use and membership that the club has now attracted, particularly amongst the youth of Torbay, should be applauded and encouraged, and as such the proposal does meet the criteria of Policy RS of the Saved Adopted Torbay Local Plan.

This application is placed before Members as the land belongs to the Council (and is leased to the Paignton rugby and cricket clubs).

S106/CIL -

There are no s106 implications arising out of this proposal because the use of

the land as a sporting venue already exists.

Conclusions

It is not considered that the extra use now sought would adversely infringe any neighbouring interest, nor is it felt that the extra 2 days use would lead to unacceptable light pollution such that the proposal could be considered to be contrary to policy EP5 of the Saved Adopted Torbay Local Plan. The L.P.A. should be encouraging the extra use of the facility, particularly by kids. Bearing these points in mind it is considered that the proposal is appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Relevant Policies

Adopted Torbay Local Plan 1995-2011.

RS Recreation and leisure strategy
EP5 Light Pollution.

Relevant Policies

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