



Friday, 30 June 2017

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 10 July 2017

commencing at **2.00 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Torquay

Members of the Committee

Councillor Kingscote (Chairman)

Councillor Barnby

Councillor Morey

Councillor Doggett

Councillor Pentney

Councillor Lewis (B)

Councillor Winfield

Councillor Hill

Councillor Tolchard

A prosperous and healthy Torbay

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

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01803 207087**

Email: governance.support@torbay.gov.uk

www.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**

To confirm as a correct record the Minutes of the meeting of this Committee held on 12 June 2017.

(Pages 4 - 6)

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. **Land West of Brixham Road, Paignton (P/2016/0411)**

Approval of reserved matters (access, appearance, landscaping, layout and scale) following outline approval reference P/2011/0197 in relation to the erection of a retail store (ground floor level) with student accommodation above (first and second floor level), associated parking and landscaping (plans and proposal/description revised 16 February 2017).

(Pages 7 - 24)

6. **Devonshire Park (Former Nortel Site), Brixham Road, Paignton (P/2017/0493 and P/2017/0494)** (Pages 25 - 40)
P/2017/0493: Demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/basements, remediating contamination and earth works to re-profile the site (Option 1).

P/2017/0494: Demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/basements, remediating contamination and earth works to re-profile the site (Option 2).
7. **79 Wall Park Road, Brixham (P/2017/0544)** (Pages 41 - 46)
Demolition of existing garage, erection of two storey side extension, two storey rear extension, first floor front extension, front and rear dormers, and improved access to dwelling.
8. **24 Barnfield Road, Torquay (P/2017/0146)** (Pages 47 - 54)
Front, side and rear extensions (Revised plans received 9 May 2017 retention of existing garage).
9. **Oddicliff, Higher Downs Road, Torquay (P/2017/0471)** (Pages 55 - 65)
One new house and demolition / remodelling of the existing house (within 15m of Babbacombe Downs Conservation Area).
10. **42 Whidborne Avenue, Torquay (P/2017/0490)** (Pages 66 - 72)
Demolition of dwelling and proposed replacement dwelling.
11. **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.
12. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 5 July 2017. 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

12 June 2017

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Lewis (B), Hill, Pentney, Morey (Vice-Chair), Robson, Stringer and Tolchard

1. Election of Chairman

Councillor Kingscote was elected as Chairman of the Development Management Committee for the 2017/18 Municipal Year.

Councillor Kingscote in the Chair.

2. Apologies for absence

It was reported that, in accordance with the wishes of the Conservative and Liberal Democrat Groups, the membership of the Committee had been amended for this meeting by including Councillors Robson and Pentney instead of Councillors Winfield and Darling (S) (respectively).

3. Appointment of Vice-Chairman

Councillor Morey was appointed as Vice-Chairman for the 2017/18 Municipal Year.

4. Minutes

The Minutes of the meeting of the Development Management Committee held on 8 May 2017 were confirmed as a correct record and signed by the Chairman.

5. White Rock Primary School, Davies Avenue, Paignton - P/2017/0295

The Committee considered an application for the erection of a prefabricated modular building to be used as nursery accommodation.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for members to view on the Council's Website. A late representation from two ward Councillors in support of the application was read out at the meeting by the Team Leader for Development Management.

Resolved:

Approved, subject to the receipt of the additional information relating to ecological habitat and final drafting of conditions being delegated to the Executive Head of Business Services.

6. Land West Of Brixham Road, Paignton - P/2016/0411

The Committee considered an application for approval of reserved matters (access, appearance, landscaping, layout and scale) following outline approval reference P/2011/0197 in relation to the erection of a retail store (ground floor level) with student accommodation above (first and second floor level), associated parking and landscaping (plans and proposal/description revised 16 February 2017).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for members to view on the Council's Website.

Resolved:

That the application be deferred for further investigation in respect of highway matters and an alternative access for delivery vehicles.

7. Land Off Brixham Road (Long Road), Former Nortel Site, Paignton - P/2017/0123

The Committee considered an application for variation of condition on planning application P/2014/0947 (Outline Application with all matters reserved except access, for demolition of the remaining buildings on the site and redevelopment for mixed use purposes comprising up to 255 Class C3 dwellings, up to 5,574sqm of B1 and /or B8 business and/or warehousing uses, up to 8,501sqm Class A1 (bulky goods) retail with up to 515sqm garden centre, and up to 139sqm of A3 cafe /restaurant uses, along with related site access, access roads and paths, parking, servicing, open space and landscaping) - Variation of Condition P1 (approved plans) to amend the access off Long Road.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for members to view on the Council's Website.

Resolved:

Approved subject to:

- (i) submission of further detail which demonstrates to the satisfaction of the Executive Head for Business Services that the quantum of development approved at outline stage (to include the 5574sqm of business uses and 515sqm of garden centre) can be appropriately delivered within the revised access arrangement. In the absence of information that

demonstrates that the quantum of business uses can be appropriately delivered the application to be refused as it fails to ensure that the distribution of uses granted at outline stage can be achieved;

- (ii) submission of revised access details that reduces the conflict between the two access points that sit in close proximity to the satisfaction of the Executive Head of Business Services;
- (iii) completion of a Deed of Variation to the original Section 106 Agreement linking the amendment to the original Agreement, to be completed within three months of the date of this meeting unless an extension of time has been agreed with the applicant. In the absence of the signed Deed within an agreed time period the application be refused; and
- (iv) conditions from the parent permission P/2014/0947 be attached to this application.

8. Land At Brixham Road, Yannons Farm (Areas C And D), Paignton - V/2017/0001

The Committee considered an application for a Deed of Variation to the Section 106 Agreement which supports P/2015/0124/MPA.

Prior to the meeting, written representations were available for members to view on the Council's Website.

Resolved:

That completion of a Deed of Variation of the Section 106 Agreement that accompanies planning permission P/2015/0124 to allow a Nomination Agreement for affordable housing to be entered into prior to occupation of the affordable housing instead of six months prior to occupation be ratified.

Chairman

Agenda Item 5

Application Number

P/2016/0411

Site Address

Land West Of Brixham Road
Paignton
TQ4 7RZ

Case Officer

Carly Perkins

Ward

Blatchcombe

Description

Approval of reserved matters (access, appearance, landscaping, layout and scale) following outline approval reference P/2011/0197 in relation to the erection of a retail store (ground floor level) with student accommodation above (first and second floor level), associated parking and landscaping (plans and proposal/description revised 16 February 2017)

Update Report:

On the 12th June 2017, the Development Management Committee considered a reserved matters application for the approval of the access, appearance, landscaping, layout and scale of a retail store with student accommodation above, landscaping and parking to serve the development. The Committee resolved to defer the application to allow for further investigation in respect of highway matters, particularly the opportunity to use an alternative access for delivery vehicles rather than White Rock Way and to consider whether student parking could be provided on the main South Devon College site.

Servicing the retail store by providing delivery vehicle access only from Waddeton Road would mean that there would be no vehicular access to the application site from White Rock Way. This is because the Council's Strategy and Project Officer previously advised that the use of this access for private domestic vehicles would lead to potential conflict between commercial and domestic vehicles and would result in highway safety issues unless an alternative layout is pursued. It is noted that the submitted plan also shows provision of an access into the adjacent site to serve a further area of development. The applicant has been advised to revise the plan to provide access only to the adjacent site from White Rock Way and to remove direct access to the application site. The applicant has also been requested to provide a turning bay for delivery vehicles within the site that would minimise conflict with private domestic vehicles. At the time of writing this report, the applicant had not responded to this advice but revised plans have been requested from the applicant. Members will be updated on these at the Development Management Committee.

Since the Committee in June, further discussions have taken place with highways colleagues and the applicant to explore whether additional parking can be provided on site. At the previous committee meeting, the proposed plans indicated 84 parking spaces for the retail use and 14 parking spaces for the student

accommodation use. For the retail element of the scheme, the ratio of parking provision would be 1 space per 19.6sqm of gross retail floor space. On balance, this level of parking provision was considered acceptable by Officers in light of the local centre location. Following Member concerns, the location of the development within a local centre has been reconsidered alongside the opportunities for alternative modes of transport and relevant TRICS data (database of trip rates for developments in the UK). Having considered this information, in consultation with Highways Officers, an approximate parking provision level of 1 space per 17sqm of gross retail floor space is considered appropriate taking into account use of sustainable modes of transport. This would require approximately 97 parking spaces to serve the retail element of the proposal however in line with Policy TA3 and associated Appendix F, this is a guideline requirement only and is negotiable taking into account the impact of the use and existing parking provision. In addition, a transport plan to encourage sustainable transport use and a car park management strategy to address the operation of the parking and allocation of spaces will be secured by condition. Revised plans have been sought from the applicant to detail this level of parking provision and members will be updated on these at the Development Management Committee.

Members also asked that the applicant to explore alternative parking provision elsewhere within the South Devon College campus. The applicant has agreed to explore this option further and the Members will be updated at their meeting. However whilst this would allow additional spaces to be used solely by the retail element of the scheme, there is concern about the student accommodation parking being located so remotely from the accommodation itself. Whilst there may be opportunities for additional student parking elsewhere within the South Devon College campus, such an arrangement is unlikely to be suitable and may encourage on-street parking within the locality. Members will be updated on this point at the Development Management Committee.

The Policy position in relation to on-site car parking provision is as follows; Policy TA3 in the Torbay Local Plan states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development and that development proposals will be expected to meet the guideline requirements as set out in Appendix F. Appendix F states that in local centres, a minimum level of parking provision will be negotiated taking into account the impact of the use and existing parking provision. The previous outline consent (P/2011/0197 refers) included a supporting Transport Statement which stated that the parking provision for the development would not exceed the maximum standards set out in the adopted Local Plan 1995-2011 (at the time of the outline consent). No parking provision figure was provided for the retail element within the Transport Statement but it was noted that at the time of the outline consent, policy T25 of the Torbay Local Plan 1995-2011 stated that parking provision should be provided at a maximum level of 1 parking space per 14sqm of gross retail floor space and therefore 118 spaces maximum. At the time of this Local Plan (1995-2011) there was no differentiation between out of centre and local centre

proposals. The current Local Plan 2012-2030 however recognises this retail hierarchy defining local centres as areas of shops and similar uses generally serving only the immediate area. In line with this, they tend to be located within or adjacent to residential estates and accessible by a range of transport modes including walking, cycling and public transport. There is therefore a case for a lower level of parking provision than that required for out of centre retail proposals which are subject to a different standard. This is also supported by policy TA1 of the Torbay Local Plan 2012-2030 which states that developments should ensure that the use of cars is reduced wherever possible and that the most sustainable and environmentally acceptable modes of transport are promoted as integral parts of developments. In line with this it is not considered appropriate to provide an oversupply of parking such that it would encourage use of the private car when the location of this development is such that it should encourage access via walking, cycling and public transport predominantly.

Revised plans have been received which show an updated landscaping scheme detailing species mix and details of implementation and maintenance. Comments from the Council's Arboricultural Officer have been sought and will be presented to Members at the Development Management Committee.

Conclusion:

The provision of a retail store and student accommodation within the site has been established by the earlier outline application for the wider Whiterock site. This application granted permission for the principle of this development. In addition provision of these uses in this location is supported by current Local Plan policies. Consequently the principle of these uses on this site remains acceptable.

The form and design of the building is considered acceptable subject to the inclusion of conditions. Whilst further clarification is required in terms of access for commercial vehicles, the level of on-site parking provision and landscaping, officers believe these issues can be resolved, in compliance with national and local policy.

Recommendation:

Conditional approval subject to the submission of revised plans relating to access, on-site parking provision and landscaping. Final drafting of conditions to be delegated to the Executive Head of Business Services.

Recommended Conditions:

1. Implementation of landscaping
2. Details of plant
3. Parking provision
4. Cycle storage provision
5. Electrical charging
6. Waste storage provision
7. Materials

8. Large scale details
9. Provision of resident manager or similar
10. Management plan for student accommodation
11. Travel plan
12. Lighting
13. Drainage
14. Restricted access from White Rock Way
15. Car Parking Management Strategy.

Committee Report 12th June 2017: Amendments in bold

Executive Summary/Key Outcomes:

*The application is a reserved matters application submitted pursuant to outline application reference P/2011/0197 which sought outline consent for 37,000 square metres of employment space, 350 new homes and a local centre. The application seeks approval for the **access**, appearance, layout, scale and landscaping for 1,652sqm (gross) food retail store, 50 bed student accommodation and associated parking, landscaping and access from White Rock Way and Waddeton Road.*

The proposed building is three storeys to Brixham Road and three storeys stepping down to two storeys along White Rock Way. The proposed building is located along White Rock Way, between the eastern end of the building and Brixham Road is an area of public open space. To the north of the building are 116 parking spaces (8 of which are allocated for disabled people). Cycle parking is proposed to serve the retail and student accommodation use, the plans indicate that 10 cycle loops are proposed. Materials include vertical timber cladding, blue engineering brick, white rendered walls, aluminium framed windows and shopfronts, light brick with weathered appearance, PPC finished grey doors, grey metal cladding, slatted timber screens, brushed stainless steel bollards and cycle hoops, black metal railings and PPC dark grey canopy and cappings. Roads and car parking areas are proposed to be asphalt and the entrance area to the retail units is proposed to be concrete block. Landscaping is proposed throughout the site.

The provision of a retail store and student accommodation within the site has been established by the earlier outline permission for the wider White Rock site. This permission established the principle of development, and the continued provision of these uses in this location is supported by current Local Plan policies. Consequently the principle of these uses on this site remains acceptable.

The application site relates to the eastern bowl of the wider White Rock site which is largely grassed scrubland. The specific part of the wider White Rock site subject of this application was previously occupied by a number of light industrial units, an office and Sure Start centre, the site has now been cleared. Part of the wider site is under construction under the approved reserved matters scheme P/2013/1229 with a number of dwelling houses complete and occupied.

The application site is noted as a committed and other deliverable development site under policy SPD3.5 of the Torbay Local Plan for both housing and employment uses. The application site is also identified as a Proposed Local Shopping Centre under policy TC2.3.19 of the Torbay Local Plan and is located to the west of the Brixham Road, part of the Torbay Major Road Network. The site is bounded by White Rock Way to the south and existing hotel and restaurant developments to the north.

The form and design of the building is considered acceptable subject to the inclusion of conditions. Whilst the submitted landscaping scheme requires revisions these can be secured by condition. Further clarification is required in terms of access for commercial vehicles, parking and cycle storage, officers believe these issues can be resolved, in compliance with national and local policy. Conditions are also required to ensure there is no adverse impact to residential amenity by reason of noise and odour.

Recommendation:

Conditional approval subject to clarification regarding access and parking/cycle provision and revised plans where necessary following such clarification. Final drafting of conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period:

13 weeks. An extension of time was agreed to allow further consideration of the application.

Site Details:

Outline consent was granted in April 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197 and subsequent reserved matters application were approved under applications references P/2013/1009 for industrial buildings, P/2013/129 and P/2014/0071 for dwelling houses and P/2016/0188 for a sports pavilion and associated pitches. The application site relates to the eastern bowl of the wider White Rock site which is largely grassed scrubland. The specific part of the wider White Rock site subject of this application was previously occupied by a number of light industrial units, an office and Sure Start centre, the site has now been cleared. Part of the wider site is under construction under the approved reserved matters scheme P/203/1229 with a number of dwelling houses complete and occupied.

The application site is noted as a committed and other deliverable development site under policy SPD3.5 of the Torbay Local Plan for both housing and employment uses. The application site is also identified as a Proposed Local Shopping Centre under policy TC2.3.19 of the Torbay Local Plan and is located to the west of the Brixham Road, part of the Torbay Major Road Network. The site is bounded by White Rock Way to the south and existing hotel and restaurant developments to the north. Beyond White Rock Way to the south of the site is

existing residential development approved under reference P/2013/1229 and proposed residential development under reference P/2014/0071.

Detailed Proposals:

The application is a reserved matters application submitted pursuant to outline application reference P/2011/0197 which sought outline consent for 37,000 square metres of employment space, 350 new homes and a local centre. The application seeks approval for the appearance, layout, scale and landscaping for 1,652sqm (gross) food retail store, 50 bed student accommodation and associated parking, landscaping and access from White Rock Way and Waddeton Road.

The proposed building is three storeys to Brixham Road and three storeys stepping down to two storeys along White Rock Way. The proposed building is located along White Rock Way, between the eastern end of the building and Brixham Road is an area of public open space. To the north of the building are 116 parking spaces (8 of which are allocated for disabled people). Cycle parking is proposed to serve the retail and student accommodation use, the plans indicate that 10 cycle loops are proposed. Materials include vertical timber cladding, blue engineering brick, white rendered walls, aluminium framed windows and shopfronts, light brick with weathered appearance, PPC finished grey doors, grey metal cladding, slatted timber screens, brushed stainless steel bollards and cycle hoops, black metal railings and PPC dark grey canopy and cappings. Roads and car parking areas are proposed to be asphalt and the entrance area to the retail units is proposed to be concrete block. Landscaping is proposed throughout the site.

Summary of Consultation Responses:

South West Water: No objections

Natural England: No objection in relation to statutory nature conservation sites. Reference to standing advice in relation to protected species.

Senior Environmental Health Officer: No objection but a condition is recommended to ensure there is no detriment to neighbouring residential amenity as a result of plant and equipment within the retail unit. Condition recommended in relation to noise and odour and deliveries being between 0700 and 2300 Monday to Friday.

Arboricultural Officer: The proposed development involves the removal of 14 trees and 1 hedgerow with replacement landscaping of 12 trees and 1 hedgerow, a net loss of 2 trees. The development should include a clear net gain in the number of trees present on site given the location of the site. The supporting soft landscaping plan contains insufficient detail of proposed planting specification and indicative tree species and numbers are not considered compatible with integrating the scheme with the landscape character and species predominance of the neighbouring AONB and countryside.

Comments on the revised plans:

The continued absence of the updated tree survey prevents an understanding on the constraints posed by the mature hedgerow which comprises a mature linear tree group, aligning with a field boundary shown in early edition OS maps. This has potential to be negatively affected by the build if approved without supporting tree protection plans and method statements. The landscape plan requires greater detail of landscape management proposals such as tree pit design, watering, staking, replacement of losses, tree nursery stock type, and specification of soil etc. The 2 tree species selected are of limited size and of only local visual prominence with short useful life expectancies. This may be exacerbated by species being prone to diseases known to be present in the local tree populations both private and publically owned. The use of trees of larger final canopy sized trees planted as minimum 20-25cm semi mature standards for quicker effect and resistance to vandalism is strongly recommended. The scheme is suitable for approval on arboricultural merit however tree survey effort as described is necessary and revision to landscape detail which should be supported by a landscape management plan.

Environment Agency: The submission makes no reference to how surface water runoff will be managed. Further information relating to how the management of surface water runoff from this plot will dovetail into any previously agreed strategy as at outline stage.

Comments on revised details:

The site lies within Flood Zone 1 and therefore standing advice applies and the Lead Local Flood Authority should be consulted.

Green Infrastructure Coordinator: No ecological information has been submitted to support the application. Further information required.

Police Designing Out Crime Officer: Disappointing that there is no reference to designing out crime or crime prevention in the Design and Access Statement, therefore it is not possible to confirm how these issues have been considered. It is recommended that the store is constructed to achieve full Secured by Design compliance to ensure a consistent level of security throughout and opportunities for crime, the fear of crime, ASB and conflict are minimised.

Car parking areas appear to benefit from good natural surveillance from adjacent roads, paths and nearby dwellings but advise care is taken with planting to avoid impeding CCTV and creating short cuts. Vehicular access should be prevented to car parking areas when store is closed or car parking areas should be broken up with planters and landscaping to deter speeding and anti-social driving. Bollards should be of a standard to prevent ram raiding. Design of features and smooth surfaces should deter skateboarding etc. Care should be taken with open access as this can attract loitering and ASB problems. CCTV should form part of an overall security plan. Blank elevations should be covered by CCTV. Shopping trolleys

should be secure where store is closed. Lighting should be appropriately designed.

Comments on the revised scheme: No further comments on the retail store aspect of the proposal. Student accommodation can be vulnerable to criminal incidents. The main entrance door to the student accommodation should be designed to acceptable security standard with access control and visitor door entry system. The door should be self closing and locking. The shared access doors must be self locking and closing but with a thumb turn lock inside for emergencies. Bedrooms must have secure door and locking system. CCTV should be considered for communal areas. Features should be designed to prevent climbing. Bicycle storage should be secure. External areas should be designed to prevent nuisance to neighbouring properties. Parking areas should be separate for the retail and student accommodation uses. Recommend parking layout is revised.

Drainage Engineer: No objection providing a condition is imposed to require the applicant to submit a detailed surface water drainage design including drainage design and hydraulic modelling data for approval prior to the commencement of the development.

Senior Strategy and Project Officer: No objections to proposed access which reflects the access proposed at outline stage. There is a slight overprovision of parking spaces but this is within an acceptable range. Additional disabled spaces are required, consideration should also be given to parent and child spaces and the provision of electrical charging bays. Cycle parking should be provided for staff and shoppers. Cycle parking should be secure and covered and located on the forecourt.

Comments on revised scheme: Comments request clarification on the number of parking spaces and which uses they are allocated to. 1 space per 14sqm is required for the retail unit and electrical charging points, cycle parking and storage should be provided in accordance with Appendix F. Student accommodation will require 1 space per 5 bed spaces (10 spaces) with one additional space for any resident warden/staff. This should include a proportion of disabled parking and one covered cycle parking/storage per unit plus visitor capacity. Confirmation requested regarding whether the road is to remain private. Confirmation requested regarding how the southern access from White Rock Way will function and whether this will be limited to service uses only. Passing places are required to prevent cars needing to reverse on to White Rock Way

Comments on revised layout plan: The access point proposed is within 15m of another junction. The layout indicates that the access will not be able to provide a safe access for articulated lorries and deliveries, necessitating reversing at the junction with the proposed car park and over-running the pavement as currently indicated on the tracking diagram. The access road from White Rock Way will only be acceptable in restricted to commercial and service delivery vehicles only. This

road would **not** be adopted as Public Highway unless it is intended to serve a number of residential properties. If further residential development is proposed in the future further layout amendments will be required. The access ramp should not exceed the gradient set out in the Highways Design Guide. Conditions may be able to resolve these issues. Comments regarding the level of disabled/access spaces and parent with child spaces have been made. Additional and revised cycle storage is required. Electrical charging points do not meet the required standard. Clarification required regarding the allocation of spaces. A travel plan is required.

Waste Client Manager: Confirmation requested as to whether the development constitutes a domestic or charged collection.

Urban Design Consultant: Various concerns raised regarding the design of the scheme. Several revisions have been submitted to respond to these concerns. Below is a summary of the latest comments.

The scale, massing and general composition of the development is satisfactorily resolved and is a good response to its setting. The mixed use development has a strong presence at the 'gateway' to the new local centre and has characteristics and follows the design principles originally agreed at outline stage. The modest public space and tree planting at the corner of the site is a good response as an alternative to developing this part of the site with built form. The inclusion of the student accommodation will add the desired vitality and intensity of use that will help the local centre to be a safe and attractive 'hub' of the new neighbourhood.

The external appearance, materials and detailing are acceptable in principle. Large scale details and materials should be sought by condition. This should include the 'blind' windows at ground floor level on the southern elevation. Details of signage should be secured by a pre-commencement condition.

Full details of soft and hard landscaping design should be secured by condition. Tree pit detailing should be included in this condition.

Summary Of Representations:

6 public representations (4 objections, 2 support) have been received. Issues raised:

- o No need for another retail store*
- o Student accommodation not appropriate for a residential area*
- o Three storey building will look out of place in a residential area and will overlook houses opposite*
- o The restaurant use has been omitted from the plans and needs to be included*
- o Car park layout will encourage anti-social behaviour and crime*
- o Retail store too big for area*
- o Overdevelopment of retail in the area*

- o *Development would result in an increase in traffic*
- o *Impact on residential amenity*
- o *Support development as it will create jobs and remove an eyesore*
- o *Retail store will be convenient for those who do not have a car*
- o *Support the proposal and it will bring extra choice, more jobs and will bring extra money into the area*

Relevant Planning History:

P/2011/0197 Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m² A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) APPROVED 29.04.2013

P/2013/1009 Reserved matters application for P/2011/0197 including appearance, landscaping, layout and scale of 2 industrial units, enabling work for new road, demolition of unit 31, relocation of 10 parking spaces for unit 33-34 APPROVED 16.10.2013

P/2013/1229 Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development APPROVED

P/2014/0071 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 APPROVED

P/2015/0918 Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development (Variation of condition P1 of P/2013/1229 - MMA to units 37, 94 and 237 to allow wheelchair access) APPROVED

P/2015/1061 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 WITHDRAWN 18.05.2017

P/2015/1229 Approval of appearance, landscaping, layout and scale in relation to 217 dwellings and associated development - EIA NOT REQUIRED

P/2015/1126 Approval of appearance, landscaping, layout and scale in relation to 216 dwellings and associated development REFUSED 13.04.2016

P/2016/0094 Erection of 42 dwellings and associated infrastructure REFUSED 24.08.2016

P/2016/0188 Approval of appearance, landscaping, layout and scale in relation to a sports pavilion and associated development including a sports playing pitch, multi-use games area and car park APPROVED 11.04.2017

P/2016/0842 EIA Screening in relation to one industrial unit of 6,000 sqm floorspace - EIA NOT REQUIRED

P/2016/0880 6000sqm Industrial building (Use Class B2) parking, access and landscaping APPROVED 03.03.2017

Key Issues/Material Considerations:

The key issues to consider are the principle of development, appearance, impact on the landscape and biodiversity, landscaping, drainage, access, parking and residential amenity.

Principle:

The site is identified within the Torbay Local Plan (SDP3.5) as a committed strategic mixed use employment/housing development that will provide 8.5ha of employment land, local centre, around 1,200 jobs and around 350 dwellings largely over the first half of the Plan period.

As this is a reserved matters application pursuant to an approved outline application, the previous planning history on this site remains a material consideration. Outline consent has been granted for the mixed use development of the site. This application was approved following extensive consultation. It was subject to Habitat Regulation Assessment and was accompanied by a detailed Environmental Statement. The principle of development in this location was established by this application and the general position of the proposal is in accordance with the indicative layout agreed at outline stage being within the Eastern Bowl which was highlighted for mixed use development and more specifically the local centre including food retail and student accommodation uses. The design and access statement submitted with outline application reference P/2011/0197 specifically stated that the local centre was to incorporate a local convenience food store, restaurants and/or small complimentary retail or services uses, offices above the ground floor level, residential apartments and student study bedrooms. A public open space was also to be incorporated with the local centre.

Policy TC1 of the Torbay Local Plan supports new or enhanced district, local and neighbourhood centres that complement town centre facilities, provide a range of goods and services that meet the day to day needs of local communities, including the provision of healthcare facilities, local skills training facilities, local employment and local food outlets. Similarly Policy TC2 of the Torbay Local Plan supports retail development in local centres where it is appropriate to the role, function and scale of those centres. Supporting paragraph 6.1.1.8 states that local centres provide a range of small scale retail and other related services capable of meeting local needs, top-up shopping, and act as the focus for the local community such as post

offices, newsagents, pharmacies and groceries. It notes that the provision of new local centres may be required to meet demand arising from major new residential developments, including White Rock. Policy TC3 of the Torbay Local Plan goes on to state that new retail development in local centres will be supported when the scale of the development is appropriate to the nature and size of the centre and will complement its role and character and it provides for and sustains a range of services and facilities which contribute to the long-term vitality and viability of the centre and the ability of people to meet their needs locally.

There are no policies within the Local Plan which relate directly to student accommodation. The student accommodation proposal would be sui generis use and would not strictly be considered as a house in multiple occupation however the tests of policy H4 would remain relevant to the proposals. Policy H4 of the Torbay Local Plan states that houses in multiple occupation will only be supported where the property is in easy reach of public transport and community facilities, can provide an acceptable standard of residential accommodation, the scale and nature would not harm residential amenity, the proposal would not lead to an over concentration of similar uses, the proposal would not adversely affect the character of the area, adequate storage facilities can be provided and there is supervision by a resident owner or manager, or an appropriate alternative level of supervision.

The scale and nature of the development reflects the principles agreed at outline stage. The proposals are located within a proposed local centre as designated by the Torbay Local Plan and its impact on the vitality of the town centre was considered at outline stage. The proposals are in close proximity to public transport opportunities and being within a proposed local centre will be close of community facilities such as retail, education and restaurant uses. The number of student bedrooms and its impacts on the local area would be a consideration at outline stage and the proposals reflect the agreed principles. Criteria relating to the quality of the residential environment and impact on residential amenity are considered further in later paragraphs. Consequently, the principle of the proposed development is acceptable following the principles of the outline consent and compliant with the Torbay Local Plan 2012-2030.

Appearance, Scale and Layout:

Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition paragraph 64 states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". Consistent with these paragraphs, Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials, whether they protect local and longer distance views and the impact on the skyline especially from public vantage points, having regard to the location and prominence of the site and whether they positively enhance the

built environment.

The design and access statement submitted with outline application reference P/2011/0197 stated that the Brixham Road corridor is poorly defined for much of its length and that previous developments have not addressed the importance of this corridor and have, for much of its length, avoided any positive frontage on to this route. The outline application aimed to create a positive principal frontage to the Brixham Road with a scale of development (3-4 storeys) that helps to define the corridor. The retail uses were located along this active frontage so that they are easily accessible from the surrounding area and therefore improve these facilities.

The reserved matters proposal reflects the principles set out at outline stage being located on the junction of Brixham Road and Whiterock Way. The building presents largely three storey frontages on to Brixham Road and Whiterock Way which are identified as principal frontages, the building presents active frontages on to these two principal roads. The material choices and architectural details help to break up the mass of the overall building. The material choices appear to be of good quality and this can be secured through the imposition of conditions requiring the submission of materials and large scale details for approval. In line with the comments from the Urban Design Consultant, these large scale details must include the 'blind windows' at ground floor level on the south elevation. The proposals are considered to comply with Policy DE1 of the Torbay Local Plan 2012-2030.

Impact on the wider landscape and biodiversity:

As part of the outline application, off-site landscape mitigation and enhancement works (Landscape and Ecological Management Plan secured by S106) includes significant belts of woodland planting on land to the south of the White Rock site. This planting will provide a strong landscape buffer between the development and undeveloped countryside to the south. The proposed development is separated from the wider countryside by the residential development approved under references P/2014/0071 and P/2013/1229. In light of the structural planting proposed to the south which will act to contain the site once established, the proposals are not considered to result in significantly greater impact in views from the AONB to the south or views from the South Hams.

*In terms of on-site landscaping there are **12** trees proposed within the proposed layout. Policy C4 of the Torbay Local Plan states that proposals for new trees will be a specific requirement of proposals in Strategic Delivery Areas and Policy DE1 states that proposals will be assessed against their ability to meet certain design considerations, with one identified as being the provision of high quality soft landscaping.*

In line with comments from the Arboricultural Officer, the submitted landscaping scheme lacks detail and further information is required, particularly in terms of tree

pit design, watering, staking, replacement of losses, tree nursery stock type and specification of soil etc. In addition it is considered the 2 tree species selected are limited in size, will only be of local visual prominence, suffer from short life expectancy and prone to disease. The Arboricultural Officer has recommended the use of larger canopy trees planted as 20-25cm semi mature standards as a minimum to ensure quicker establishment and visual effect together with being more resistant to vandalism. These details can be secured by condition.

The Arboricultural Officer has raised concern regarding the absence of an updated tree survey since the scheme approved at outline stage. At outline stage a tree retention and removal proposal was submitted with the application. A condition of outline consent also required that prior to the commencement of each phase of the development, a full tree protection plan and method statements detailing tree protection be submitted. This tree protection plan is required to detail how existing trees and hedges on site will be protected during the course of the development. This condition would continue to apply to the reserved matters proposals. Whilst additional information by way of an updated tree survey has been requested, as this matter relates to issues dealt with at outline stage it would not be reasonable to request this information during the course of this reserved matters application. Subject the imposition of a landscaping condition and for matters of clarity, a tree protection and method statement condition, the proposed landscaping is considered acceptable and consistent with local plan Policies DE1 and C4.

The proposed development site falls within a greater horseshoe bat sustenance zone associated with the SAC roost at Berry Head. Sustenance zones are key feeding and foraging areas for greater horseshoe bats associated with the South Hams SAC. The permanent loss of existing or potential habitat within the sustenance zone and in proximity to the Berry Head roost has the scope to adversely affect the favourable conservation status of the Berry Head maternity colony. It is recognised that the development needs to be screened in terms of the Habitat Regulations Assessment, which has to be carried out prior to the decision being issued. The comments from Natural England are however noted; Natural England have advised that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Comments from the Council's Green Infrastructure Co-ordinator are noted. The Green Infrastructure Co-ordinator has recommended that habitat surveys be submitted to support the application. As this matter relates to issues dealt with at outline stage it would not be reasonable to request this information during the course of this reserved matters application as the proposals continue to be consistent with principles agreed at outline stage. It is therefore considered that the proposal remains compliant with policies SS8 and NC1 of the Torbay Local Plan.

Residential Amenity:

The proposals are to be sited to the north of the approved residential development

(P/2013/1229 and P/2014/0071). The position of the proposals in relation to the residential development reflects that shown within the indicative layout shown at outline stage. Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DE3 of the Torbay Local Plan 2012-2030 states that developments should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses, with one of the criteria for assessment being the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution. The proposed building is positioned some distance from residential dwellings and is separated by White Rock Way. The proposals are not considered to result in any serious detriment to residential amenity by reason of loss of light, loss of privacy or by reason of being unduly dominant or overbearing due to the separating distances involved which are a minimum of approximately 22m.

In terms of noise, both the retail unit and student accommodation have the potential to impact upon residential amenity. In line with comments from the Environmental Health Officer, conditions are recommended requiring details of any proposed extraction and ventilation to serve the retail unit. As this is a reserved matters application and the principle of the development was accepted at outline stage it is not reasonable to request these details at this stage. The student accommodation has potential to impact upon residential amenity by reason of noise particularly through the inclusion of the first floor terrace areas if not managed correctly. Whilst not strictly a house in multiple occupation, policy H4 of the Local Plan remains a relevant consideration. Criteria 7 of this policy requires supervision by a resident owner or manager or an appropriate alternative level of supervision such as resident wardens. This is recommended to be included as a condition. This condition will include a requirement to submit a management plan detailing how the property will be managed including details of managing complaints and addressing issues should they arise.

Drainage

Surface water drainage methods were agreed at outline application stage. However the Council's Drainage Engineer has confirmed that the proposals reflect those agreed at outline stage subject to the imposition of a condition requiring detailed design and hydraulic modelling to be submitted and approved by the Local Planning Authority prior to commencement of the development.

Access and Parking:

The amount of retail floor space and the number of student bedrooms reflects the scale of development approved at outline stage. The access to the site largely reflects that agreed at outline stage with two points of access from Waddeton Road and White Rock Way. A new section of road is already in situ, enhancing Waddeton Road and including a roundabout with access in to the development site. The impact on traffic generation was considered as part of the outline

application and the proposals continue to reflect the principles set out at outline stage and therefore do not require reconsideration as part of the reserved matters application. The Council's Strategy and Project Officer has requested confirmation regarding whether the road is to remain private and how the southern access from White Rock Way will function including whether this will be limited to service uses only. Further requests have been made requiring passing places on the access from White Rock Way, the submission of a swept path analysis and clarification regarding distances between the service roads.

In response to this request, the applicants have submitted a revised layout plan. Whilst this responds to some of the queries raised on highways grounds, some remain unanswered. Of particular concern is the position of the access point on to White Rock Way and safe access for articulated lorries and deliveries. The Officer has stated that this layout will only be acceptable if the access is restricted to 'Commercial/Service Delivery Vehicle Only' and not open to all traffic. Alternatively the road layout could be amended. This will be discussed further with the applicants and the Member's will be updated at the Committee meeting. Access restrictions on this access could be dealt with by a condition requiring details of how the access will be managed to ensure it is only used by commercial and service delivery vehicles.

*The application shows parking for 104 cars, including 8 disabled parking spaces to serve the **retail and student accommodation** development. The Local Plan states that, within local centres, a minimum requirement will be negotiated taking into account the impact of the use and existing parking provision. There are no existing public parking spaces within the immediate vicinity, and on street parking locally is already under pressure within the nearby housing estates. The Council's Strategy and Project Officer has stated that within this context, the out of centre parking requirement is relevant. This would require a parking provision of 118 spaces for use by the retail unit. In addition the Officer has stated that 1 space per 5 student bedrooms plus 1 additional space for any resident warden should be provided. This would require a total of 129 parking spaces. This would suggest that the proposed scheme has a shortfall of 25 spaces. Whilst the comments from the Council's Strategy and Project Officer are noted, the location of the site within a designated local centre must be recognised and therefore there is scope for a reduction in parking provision below that stated within requirements for out of centre retail proposals. In light of the location of the site within a designated local centre, the current level of parking provision is considered appropriate subject to further information regarding the allocation of spaces.*

Within the application site there are a total of 116 spaces. 90 of these spaces are allocated to the retail use (6 of these for disabled persons) and 14 of these spaces are allocated to the student accommodation use (2 of which are for disabled persons and 2 of which are for staff). The 12 remaining spaces are to serve the EPIC Innovation Centre in a subsequent application. The plans however do not detail how the spaces will be distributed throughout the site or how they will be

managed between the two uses. A condition is recommended requiring the submission of a plan which details the distribution of spaces and details of how these will be managed. The number of disabled spaces is below the recommended 10% noted within appendix F of the Torbay Local Plan. Parent with child spaces have not been included within the layout. The applicant has been asked to give this issue further consideration and the Members will be updated at the Committee meeting. A travel plan for the development is recommended by condition.

In terms of cycle provision, the proposed plans indicate that 10 cycle loops (5 for each of the two uses proposed) are proposed. This would be below the recommended standards as set out in appendix F of the Local Plan. Whilst student accommodation uses are not referred to specifically within the appendix F guidance, it would be appropriate to apply the guidelines attached to houses in multiple occupation. This would suggest that 50 cycle spaces are required. Cycle storage provision to serve the student accommodation will need to be secure and covered. Cycle storage to serve the retail park for both visitors and staff will also be required. Cycle loops are considered appropriate to serve visitors to the store however cycle storage for staff will be required to be secure and covered to ensure its use. As this level of cycle storage would need to be appropriately design into the scheme, revised plans are requested. Electrical charging points are required for 10% of parking spaces and these will be secured by condition. These points have been raised with the applicant and comments on these requirements are expected. The Members will be updated at the Committee meeting.

Conclusions

The provision of a retail store and student accommodation within the site has been established by the earlier outline application for the wider Whiterock site. This application established the principle of development and the continued provision of these uses in this location continues to be supported by current Local Plan policies. Consequently the principle of these uses on this site remains acceptable. The form and design of the building is considered acceptable subject to the inclusion of conditions. Whilst the submitted landscaping scheme requires revisions these can be secured by condition. Whilst further clarification is required in terms of access of commercial vehicles, parking and cycle storage, officers believe these issues can be resolved, in compliance with national and local policy. Further information and revised plans are required in order to demonstrate that such issues can be successfully resolved. Conditions are also required to ensure there is no adverse impact to residential amenity by reason of noise and odour.

Conditions:

- 1. Landscaping*
- 2. Details of plant*
- 3. Parking provision*
- 4. Cycle storage provision*
- 5. Electrical charging*

6. *Waste storage provision*
7. *Materials*
8. *Large scale details*
9. *Provision of resident manager or similar*
10. *Management plan for student accommodation*
11. *Travel plan*
12. *Lighting*
13. *Drainage*
14. *Restricted access from White Rock Way commercial/service vehicles only*
15. *Submission of plan detailing allocation of parking spaces and how parking will be managed.*

Relevant Policies

SDP1 - Paignton
TC2 - Torbay retail hierarchy
TC3 - Retail Development
SDP3 - Paignton North and Western area
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
SS8 - Natural Environment
C4 - Trees, hedgerows and natural landscape
NC1LFS - Biodiversity and Geodiversity_
H7 - Houses in multiple occupation (HMOs)
SC3 - Education, skills and local labour

Agenda Item 6

Application Number

P/2017/0493

P/2017/0494

Site Address

Devonshire Park (Formerly Nortel Site)
Brixham Road
Paignton
TQ4 7BE

Case Officer

Mr Scott Jones

Ward

Blatchcombe

Description

P/2017/0493: Demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/basements, remediating contamination and earth works to re-profile the site (Option 1).

P/2017/0494: Demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/basements, remediating contamination and earth works to re-profile the site (Option 2).

Executive Summary/Key Outcomes

The site is the former Nortel site located adjacent to Brixham Road and Long Road on the western outskirts of Paignton. It has a site area of 9.76ha.

The site has outline planning consent for a mixed use development of housing, employment and retail (bulky goods) space, including a garden centre and restaurant/café use.

This report relates to two full applications for groundworks to prepare the site for the consented mixed use scheme in order to accelerate delivery.

The two applications are principally similar and they have been submitted in tandem to provide the developer with two options for their emerging Reserved Matters Proposals with different ground levels sought for a small parcel of the site in the south east corner (near to the controlled road junction where Long Road meets Brixham Road).

The proposed groundworks for both applications include substantial regrading of the northern part of the site that presently rises to the north in-line with the natural topography of the area. The aspiration is to provide three principal platforms on which the future residential element will sit through a process of cut and fill. The proposed development platforms are to be retained and defined through the provision of concrete retaining walls, which will principally run from east to west, up to height of 5.5m in places. The re-profiling of the site includes the removal of all trees and areas of vegetation. The groundworks include the remediation of the site as the land is contaminated and the remediation principles are to reuse

materials on site where possible or to cap with clean top and/or subsoil where appropriate or remove from the site where it is not suitable to reuse or cap.

As stated the applications differ solely in terms of the proposed treatment of the south east border with the adjacent highway.

Option 1 (P/2017/0493) proposes a graded bank to traverse the level change down in to the site.

Option 2 (P/2017/0494) proposes a sheet piled retaining wall that will rise to a height of around 3.5m within the site.

There are three areas that officers have been working with the applicant on;

The proposals as initially submitted remove existing trees, hedgerows and other natural features of significant landscape value. Following discussions with the applicant a revision to the schemes is anticipated that would retain the most significant features.

Further information is required to provide certainty that protected species will not be harmed. More detail has been requested about the translocation of slow worms and retention of potential nesting habitat.

In order to ensure the principles of the development granted in outline and the design principles presented within the Design and Access Statement that accompanied the outline application are maintained, the applicant has been requested to delete the retaining walls from the proposals. There is concern that as submitted the proposals would impede the evolution of an acceptable residential layout as the resultant site profile would be likely to impede good access and permeability through the site for pedestrians, would constrain the ability to provide good quality environments, as high retaining walls would form part of garden borders creating unpleasant outlooks and unnecessary shading of amenity areas. A retaining wall between the residential area and retail area is considered acceptable provided that suitable pedestrian access can be maintained.

Officers are negotiating with the applicant in order to seek the positive resolution of the matters cited above in order to reach a position to support the delivery of an important regeneration scheme on a prominent and key site on the outskirts of Paignton. Members will be updated on the progress of these discussions.

Recommendation

For both applications the recommendation is Conditional Approval; subject to the submission of revised plans and further information that satisfactorily resolves the following, the resolution of which to be delegated to the Executive Head of Business Services:

1. The submission of additional information in respect to contamination and remediation that demonstrates that the extent of tree removal currently proposed is essential to make the site safe for future uses, or the submission of revised plans that presents an acceptable impact upon trees and important landscape features,
2. The submission of a revised Construction and Ecological Management Plan (CEMP) that is in full accordance with Clause 10 and Annex D4.1 of BS42020:2013 in order to ensure due regard and provide certainty in regard to the protection measures and mitigation afforded protected species,
3. The submission of revised groundworks that will retain the ability for a future Reserved Matters application relating to the extant permission reference P/2014/0947 to present a high quality residential and retail development, which accords with the guiding principles established within the Design and Access Statement that accompanied the outline application, affording due consideration to design, movement and landscape principles.

Should the matters above be positively resolved it is requested that appropriate conditions are to be delegated to the Executive Head of Business Services, which should include those suggested by the Community Safety Team.

In the absence of satisfactory information that positively resolves the outstanding issues cited above by the 4th September 2017 the application to be refused, contrary to Policies C4, NC1, DE1, TA1 and TA2 of the Torbay Local Plan 2012-2030. The precise wording of the refusal to be delegated to the Head of Business Services in order to take into account any subsequent information submitted as part of the application.

Statutory Determination Period

Both application have a 13 Week determination period and decisions are due by the 4th September 2017.

Site Details

The site comprises the former Nortel/Bookham site, now known as Devonshire Park, which sits to the west of Brixham Road and to the north of Long Road, on the outskirts of Paignton. The site area is 9.76ha.

The site is a former industrial site that primarily manufactured electronics and closed in 2006. Following demolition of most of the buildings in recent years, the site is largely derelict.

The site is bounded by housing, sports pitches and the Western Business Park to the north, Brixham Road to the east, Long Road to the south and South Devon College to the west.

The site is located within the greater horseshoe bat sustenance zone associated with the South Hams SAC at Berry Head. The topography of the site rises by about 20 metres from south to north. It is within Flood Zone 1 and a Critical Drainage Area. The southern part of the site is absent of vegetation. The northern part of the site is verdant in comparison with prominent landscaping framing a series of car parks scattered lines of trees on and around the boundaries of the site. Parts of the site are contaminated from the historic uses.

A provisional Tree Preservation Order has been placed over a linear belt of trees that runs east to west adjacent to the existing access point to the site off Brixham Road, and the north-south belt of trees that sit aside the boundary with the Brixham Road north of the access point (excluding leylandi and Monterey Cypress within this group). The Tree Preservation Order is provisional and subject to representations as it is presently within the 28 day notice period.

Detailed Proposals

This report considers two very similar applications that have been submitted in tandem to provide the developer with an option for their emerging Reserved Matters proposals, by proposing different treatment of the ground levels of a small parcel of the site in the south east corner (near to the controlled Junction where Long Road meets Brixham Road).

Both proposals as submitted are to demolish the remaining structures, grubbing out of the trees, foundations and floor slabs (and basements), remediating contamination and earth works to re-profile the site.

In detail both proposals includes:

1. The removal of the remaining section of the former Nortel building that lies semi-demolished in the southern part of the site close to Long Road,
2. The removal of basements, tunnels, foundations etc., including the network of roads and car parks found within the northern part of the site,
3. The removal of all trees and hedges within the site,
4. The re-profiling of the site through cut and fill and the provision of three principal lines of retaining walls, which sit across the site from east to west, and creates three tiers within the northern part of the site (residential area) and a lower tier within the southern part of the site (retail and employment area). The northern most wall will vary from 1.5m to 5m high. The central wall will vary from 2m to 5.5m high, and the southern-most wall will vary from 1.5m to 3m high. The walls are proposed to be concrete in construction.

As stated where the applications differ is in the proposed treatment of the south east border with the adjacent highway, which is set higher than the site level.

Option 1 (P/2017/0493) proposes a graded bank to traverse the level change.

Option 2 (P/2017/0494) proposes a sheet piled retaining wall that will rise to a height of around 3.5m within the site, with a fence/wall above.

For both applications it is noted that all suitable concrete and hard-core will be crushed and used on site as fill material.

The works are detailed as being preparatory works to facilitate the mixed use development approved in outline and includes ensuring that the site will not qualify as contaminated land under Part 2A of the Environmental Protection act 1990.

Summary Of Consultation Responses

Community Safety: The remediation and treatment of the contamination on site is acceptable.

Recommend that a condition regarding unknown contamination and the provision of a validation report at the end of the works is placed on any grant of consent.

In regard to broader issues relating to the contamination it is recommended that the removal of trees, if valued, is validated with further information, with either a site map produced with all the locations of previous investigations detailing the level of contamination, and/or soil sampling carried out around the trees to establish the extent of the contamination if their removal is reasoned on grounds of contamination and remediation.

No objection to the proposed demolition and associated works and no comment in relation to the proposed hours of work or method of demolition.

Arboricultural Officer: The protected trees on the site are of increasing visual prominence.

If the application is granted full planning consent no restriction will remain to the removal of all trees on site (subject to bird nesting restrictions). It is considered that this will be contrary to Policy C4 of the Adopted Local Plan and will lead to a readily appreciable and long term detrimental impact upon the public visual amenities of the local and wider landscape.

Recommend that the application be unsuitable for approval on arboricultural merit in relation to the earthworks and tree removal.

South West Water: No Objection.

Ecological Advisor: The site clearance is unlikely to have any adverse implications for greater horseshoe bats and is therefore very unlikely to affect the South Hams SAC. A Habitat Regulations Assessment (HRA) is not required.

There is concern about the ecological information submitted to support the applications as the Construction Environmental Management Plan prepared by Engain (May 2017) lacks crucial information about the mitigation proposals - without which it is difficult to establish the necessary likely success of the proposed measures.

If minded to grant approval it is suggested that the Council needs to be convinced that the need for the proposed ground clearance and re-profiling of the slopes is necessary for future development of the site i.e. loss of vegetation is outweighed by the benefits of the scheme.

If convinced the Council should request a revised and fully detailed Construction Environmental Management Plan that is in full accordance with Clause 10 and Annex D4.1 of BS42020:2013. The CEMP should also provide detailed information on the appointment and on site responsibilities of an Ecological Clerk of Works (with clear evidence to show that any proposed individuals are competent to assume this role).

Any future revised information should not leave questions unanswered or details unaddressed. To do so, would be poor practice and not in accordance with CIEEM's Code of Professional Conduct.

Urban Design Advisor: It is vital to ensure that the fundamental principles of the outline application are upheld to ensure that Reserved Matters applications respond successfully to Design and other Policies that are within the Torbay Local Plan.

The current submissions appear an attempt to achieve an early start on site, the assumption being that these basic enabling works would not materially affect the parameters set by the Outline Consent.

The approach in terms of re-structuring the slopes and existing land profile of the site is an extensive one and relies on a heavily engineered approach - utilising sheet piling and concrete retaining structures. It is not known whether less drastic means of dealing with the sloping ground have been explored, but it is clear that this solution may have significant impacts on the ability of the final layout and form of the development to deliver some of the important 'design principles' that were anticipated in the outline consent.

The future north-south route within the residential element will be impeded by two tall retaining walls that are only capable of being negotiated by flights of steps. These are 5.5m, 4.0m and 3.4m in height. These will not be satisfactory for the use by cyclists, those in wheelchairs or mobility scooters, those using pushchairs and many older and infirm residents and visitors with more limited mobility would find these challenging.

Torbay Local Plan Design Policy DE1, point 6 calls for development to "(where appropriate) ensure equality of access and use for all sectors of the community." The current proposals do not achieve this and cannot be supported as the resultant Reserved Matters applications will not adhere to the design principles set out in the original Design and Access Statement.

It is noted that the primary 'Prospect View' identified of the site (in the south east corner) will include the two options proposed for resolving levels alongside the Brixham Road. Neither are likely to relate well to, nor 'celebrate', the focal, circular building in this corner of the site.

It is also uncertain how the visual screen structural tree-planting shown against the flank wall/corner of the main commercial units here can be successfully incorporated within the engineering cross sections submitted. Option 2, with the piled wall, removes all scope for planting in this area. The impact on the Brixham Road frontage would be considerable if these were omitted.

The current applications are not supported as they appear to present insuperable difficulties and impacts that subsequent Reserved Matters applications would then suffer, or in the worst case, later fall foul of / be unable to satisfy planning policies at the detailed stage. A loss of quality and a divergence from the design principles set out in the Design and Access Statement seems inevitable.

Conclude that there seems to be too heavy a reliance on an engineered solution to the challenge of the sloping site - this challenge was recognised at the Outline Stage but seems not to have been sensibly tackled / acted upon in this submission.

RSPB: Pending response.

Natural England: Pending response.

Drainage Engineer: Pending response.

Environment Agency: Prior to each phase of development approved a remediation strategy to deal with the risks associated with contamination of the site has should be submitted to, and approved in writing by, the Local Planning Authority, in order to protect controlled waters, which can be achieved by condition.

Strategic Transport Officer/Highways: Pending response.

Summary Of Representations

Two letters of support received. One does raise concern that the boundary construction fencing should be all around the site to limit dust as at present the fencing is not continuous.

Relevant Planning History

P/2014/0947

Outline Application with all matters reserved except access, for demolition of the remaining buildings on the site and redevelopment for mixed use purposes comprising up to 255 Class C3 dwellings, up to 5,574sqm of B1 and /or B8 business and/or warehousing uses, up to 8,501sqm Class A1 (bulky goods) retail with up to 515sqm garden centre, and up to 139sqm of A3 cafe /restaurant uses, along with related site access, access roads and paths, parking, servicing, open space and landscaping. Approved 22.03.2016

P/2016/1372:

Variation of condition P1, 34 and 35 of P/2014/0947 (Outline Application with all matters reserved except access) - to vary Condition (P1) - Approved Plans to omit reference to the Masterplan, Condition (34) to vary the minimum unit size restriction for 1 unit and Condition (35) to clarify the restriction of concessions. Committee Resolution: Approval: Pending formal decision subject to agreeing a deed of variation.

P/2017/0123:

Variation of condition on planning application P/2014/0947 (Outline Application with all matters reserved except access, for demolition of the remaining buildings on the site and redevelopment for mixed use purposes comprising up to 255 Class C3 dwellings, up to 5,574sqm of B1 and /or B8 business and/or warehousing uses, up to 8,501sqm Class A1 (bulky goods) retail with up to 515sqm garden centre, and up to 139sqm of A3 cafe /restaurant uses, along with related site access, access roads and paths, parking, servicing, open space and landscaping) - Variation of Condition P1 (approved plans) to amend the access off Long Road . Committee Resolution: Approval: Pending formal decision subject to agreeing a deed of variation.

Key Issues/Material Considerations

Principle and Planning Policy

The rationale for the proposed groundworks is stated to be in order to deliver the regeneration scheme approved in outline for housing, retail and employment space, granted consent in March 2016 under planning reference P/2014/0947. It is proposed to be necessary in order to:

1. Ensure that the contamination within the ground is remediated.
2. Present ground conditions that address the rubble and other material on the site.
3. Undertake earthworks that ensure that the site is at a suitable level for future occupants, and,
4. Present ground conditions that enable new planting to take place at a future

date that will replace the trees that will need to be removed and, based on the outline permission, enhance biodiversity.

The principle of a mixed use development across the site has been established with an extant outline approval granted planning consent in March 2016. This provided consent for up to 255 dwellings, 5,574sqm of B1 and/or B8 business and/or warehousing uses, 8,501sqm Class A1 (bulky goods) retail, with up to 515sqm garden centre and up to 139sqm of A3 cafe /restaurant uses on the site. The key principle to consider in regard to this application is whether the proposal is acceptable in order to bring forward and enable the extant regeneration scheme.

In broad principle and policy terms a number of strategic Local Plan policies support the delivery of appropriate development on the site, which is within a designated Future Growth Area. Policies SS2 (Future Growth Area), SS3 (Presumption in favour of sustainable development), SS4 (The economy and employment) and SS5 (Employment space) all present positive aspirations towards delivering regeneration, jobs and infrastructure. The aspiration to help deliver the regeneration scheme is hence supported.

The basic rationale for the proposed groundworks cited within the application (points 1-4 above) are considered reasonable. Notwithstanding this the rationale and the proposal in detail needs to be duly considered against relevant planning policy guidance and take into account other material considerations.

Although the proposal will help bring forward the regeneration scheme, there are a number of relevant planning considerations to consider, which are discussed below, which should inform the decision making process.

1. Contamination and remediation

The site was developed in the 1950s and has held a number of industrial uses. A number of assessments within the last 25 years has established that contamination is present within the site and the groundworks are supported by a remediation strategy to deal with this contamination.

As previously stated the site has an extant approval for housing and mixed commercial uses. The proposal seeks to address the contamination and ensure that the site is fit for these future uses and protects human health, controlled waters and the environment.

The remediation approach is primarily driven by the cut and fill exercise that is stated as being required to profile the site to achieve acceptable levels in order to enable the outline development to be delivered. In response to this the remediation approach includes:

- The controlled re-use of soils unsuitable for their current situation in areas of lower sensitivity (for example the translocation from a proposed

- residential area of the site to a proposed commercial area of the site).
- The removal of made ground to levels below expected finished levels in order to permit the placement of a cover system to prevent direct contact. The cover system will include the import of clean top and/or sub soil as necessary.
- Where elevated concentrations are found, areas will be capped or excavated and capped, depending on whether they are in areas of cut, fill or retained at the existing level.
- Where not reused on the site off-site disposal to a suitably licenced waste management facility.

In addition to the principles above, the remediation strategy details a strategy of a watching brief during works for indications of significant contamination, the understanding that asbestos may be encountered and would be dealt with in accordance with the Control of Asbestos Regulations 2012, and that material stockpiles will be managed in order to ensure that they are stored in appropriate locations on the site during construction.

Policy ER3 (Contamination) of the Torbay Local Plan provides relevant policy guidance and seeks that development proposals are supported by appropriate investigations and remedial or precautionary measures, and demonstrate that any identified or suspected contamination can be satisfactorily overcome without risk to health.

The supporting information has been considered by the Council's Community Safety Team and the remediation strategy is considered acceptable. In order to secure appropriate development two conditions are proposed should planning consent be granted, to require implementation of the remediation scheme with a verification report to be submitted on completion, and a condition requiring the reporting of any unexpected contamination to the Local Planning Authority and if considered necessary updated remediation strategies to be agreed.

The considerations and impacts of Option 1 (P/2017/0493) and Option 2 (P/2017/0494), in terms of contamination and remediation, are similar.

The proposals are considered acceptable in regard to contamination and remediation, being in accordance with the aims and objectives of Policy ER3 of the Torbay Local Plan 2012-2030.

2. Ecology

The site presently holds features of ecological value with trees, hedges and areas of scrub present in the northern section of the site, around the borders of the site and as a network framing the roads and car parks. The southern section of the site is largely absent of any notable green infrastructure.

The outline planning consent established measures to secure appropriate

mitigation and enhancement by way of planning conditions, with a requirement for the Reserved Matters to respond to the submitted ecological assessment, and the requirement for the submission and approval of a CEMP (Construction Ecological Management Plan) and a LEMP (Landscape and Ecological Management Plan). The outline application also established the enhancement of the sites suitability for bats, particularly noting the desire to retain and enhance boundary vegetation. In addition in regard to reptiles a detailed strategy for translocation of slow-worms to avoid harm during construction was identified, which noted that this may require an off-site receptor site. Additional measures included created and enhanced habitats for invertebrates and enhancement to bird nesting opportunities within the building form. It is noted that the outline landscape design noted varied pockets of vegetation to be retained.

The proposals are not aligned with the ecological assessment and strategies presented at outline stage because as submitted it proposes the removal of all trees, hedges and areas of scrub within the site in order to deliver the revised site levels. The impact of this on ecology is discussed below.

The updated ecological assessment states that the preferred approach to retaining slow-worms on site is not possible due to the extent of earth movement and that a translocation process will be undertaken. In regard to bird nesting the ecological assessment proposes that an ecologist will check for nesting activity prior to the removal of any habitat with nesting potential.

Policy NC1 (Biodiversity and geodiversity) of the Torbay Local Plan provides relevant policy advice and the policy seeks to conserve and enhance biodiversity and geodiversity, through the protection and improvement of environments and flora and fauna.

The Council's ecological advisor has considered the proposals and accompanying information and has concluded that the site clearance is unlikely to have any adverse implications for greater horseshoe bats and is therefore very unlikely to affect the South Hams SAC. There is however concern about the ecological information submitted to support the applications as the Construction Environmental Management Plan submitted is considered to lack crucial information about the mitigation proposals, without which it is difficult to establish the necessary likely success of the proposed measures.

It is advised that certainty should be established prior to the grant of planning permission. To achieve certainty a revised and fully detailed Construction Environmental Management Plan should be submitted, which should include detailed information on the appointment and on site responsibilities of an Ecological Clerk of Works (with clear evidence to show that any proposed individuals are competent to assume this role).

The rationale for the development is stated as being to remediate the

contamination, deal with the rubble and other material on the site, ensure that the site level is suitable for future development, and enable future replacement planting to be engrained within future regeneration, provide a biodiversity enhancement. The proposal to remove all ecological features as part of the preparatory groundworks for a forthcoming Reserved Matters application does not accord with the policy aim to protect and improve environments for flora and fauna, and at present there is a lack of evidence to suggest that the removal of the green infrastructure is necessary to appropriately remediate and prepare the site for future development.

The ecological impact of Option 1 (P/2017/0493) and Option 2 (P/2017/0494) is similar with no notable ecological features or sensitive habitats present in the south east corner of the site where the proposals differ.

The applicant is presently considering the outstanding matters and members will be updated. It is noted that the RSPB and Natural England have yet to provide comments and members will be updated on any salient points.

3. Trees

The northern part of the site features tree lined borders with further pockets and linear tree groups within the site that historically softened and framed a network of car parks and access roads.

The proposals seek to remove all trees that are present on the site, which includes a number of Category B and Category C trees, which is reported to be necessary in order to achieve the development platforms required.

Following the submission of the applications the Council has made a provisional Tree Preservation Order that includes a veteran hedgerow and two linear groups of trees, one adjacent to the east-west internal distributor road that is loosely in-line with the access point off Brixham Road, and the north-south belt adjacent to the boundary with Brixham Road.

Policy C4 (Trees, hedgerows and natural landscape features) of the Torbay Local Plan provides relevant policy guidance. It states that development will not be permitted when it would seriously harm, directly or indirectly, protected or veteran trees, hedgerows ancient woodlands or other natural features of significant landscape value. It furthers that development proposals should seek to retain and protect existing hedgerows, trees etc. wherever possible.

In regard to context the Design and Access Statement submitted as part of the outline application contained aspirations that accord with Policy C4, citing the protection and enhancement of existing landscape features and an overarching strategy for the landscaping to seek to embrace the existing features and extend them to create a distinctive place.

As matters stand there is an absence of evidence that the removal of trees is considered necessary in order to appropriately remediate the site, or that the extent of cut and fill is necessary in order to deliver an appropriate residential layout.

The groundworks, where they include the unnecessary removal of important trees and hedgerows, is considered to conflict with the aims and objectives of Policy C4 of the Torbay Local Plan.

It is also considered important to note that the proposals are considered inconsistent with the outline consent and would impede the delivery of a Reserved Matters application that accords with the extant scheme in terms of trees and landscaping.

The arboricultural impact of Option 1 (P/2017/0493) and Option 2 (P/2017/0494) is similar with no existing trees in the south east corner of the site.

Officers have raised concern in respect to the loss of trees and natural features with the applicant and have requested that a less impacting solution is explored in order to secure a scheme that responds to guiding Local Plan policy and aligned with the outline consent. Members will be updated on this matter.

4. Design and impact upon the extant outline consent for retail, employment and residential uses

The groundworks are cited as being necessary to prepare the site for future development. It is hence important to consider the impact of the enabling works as it is important to ensure that the fundamental principles established at outline stage are upheld so that Reserved Matters applications can respond successfully to design and other Policies that are within the Torbay Local Plan.

The approach in terms of re-structuring the slopes and existing land profile of the site is an extensive one and relies on a heavily engineered approach, resulting in concrete retaining structures through the site inset with occasional steps. There is a supporting indicative layout that suggest how a housing layout may respond to the re-profiled site and retaining structures.

Having considered the information it is deemed that the re-profiling the site as proposed is likely to have significant impacts on the ability of the final layout and form of development to deliver some of the important design principles that were anticipated in the outline consent.

The submitted application drawings suggest that the north-south pedestrian routes through the site will be impeded by two tall retaining walls that are only capable of being negotiated by flights of steps. These are 5.5m, 4.0m and 3.4m in height. This presents a poor movement strategy as these cannot be satisfactorily used by cyclists, those in wheelchairs or mobility scooters, those using pushchairs and

many older and infirm residents and visitors with more limited ambulant mobility would find these challenging. The introduction of steps on key pedestrian routes within the site to areas of greenspace, and potential key routes out of the site towards Long Road, will present a poor pedestrian environment and will not encourage walking and cycling for local trips. Policy DE1 (Design) of the Torbay Local Plan seeks for development to, where appropriate, ensure equality of access and use for all sectors of the community. The current proposals would inhibit this. Importantly the proposals appear poorly aligned with and do not adhere to the design principles set out in the outline Design and Access Statement that sought to promote a sustainable movement hierarchy and create a pedestrian friendly environment.

In regard to other design considerations the introduction of large retaining walls within a residential environment is likely to impair the ability to provide good quality environment and where the walls will form part of private border treatments it will impede the ability to engrain good outlooks and good quality amenity space.

In regard to the lower part of the site within the expected retail area in terms of other matters relating to the outline consent it is noted that the identified primary 'Prospect View' of the site (in the south east corner) does not appear to resolve the levels satisfactorily alongside the Brixham Road and appear unlikely to relate well to, nor 'celebrate', the focal, circular building in this corner of the site. It is recommended that further discussion on the resolution of the levels in this corner are evolved. It is also uncertain how the visual screen structural tree-planting shown against the flank wall/corner of the main commercial units can be successfully incorporated within the engineering cross sections submitted. The impact on the Brixham Road frontage may be considerable if the ability to landscape is impaired and again further resolution of the levels is considered necessary in this area. Option 2, with the retained wall, appears to remove the ability to successfully landscape this prominent boundary.

As currently proposed the groundwork operations appear to create difficulties, which will be difficult to overcome, in delivering acceptable Reserved Matters applications. There is the potential that forthcoming reserved matters schemes will be unable to satisfy planning policies at the detailed stage and it is apparent that the potential loss of quality and a divergence from the design principles set out in the Design and Access Statement seems inevitable.

Members are advised that there seems to be too heavy a reliance on an engineered solution to the challenge of the sloping site. Discussions have been carried out with applicant and amendments to the proposals are anticipated as a result of these discussions.

Environmental Impact Assessment Regulations

The site area for the proposed groundworks exceed the applicable threshold for Schedule 2 Development for an urban development project, as laid out within The

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposals are required to be duly screened in order to ascertain whether the development is EIA development for the purposes of the EIA Regulations.

Members will be updated on this matter.

Statement of Pro-active Working

The Council has sought to work positively and proactively with the applicant through open dialogue throughout the application process including requests for further information.

Local Finance Considerations

Positive resolution of the outstanding issues will help delivery of the outline mixed use consent that could bring a number of economic benefits to Torbay through the mixed provision of housing, retail and employment space.

Human Rights and Equalities Issues

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

S106/CIL

N/A.

Conclusions

Both proposals in their original submitted form, which removes all of the existing trees and natural features and also introduces extensive retaining walls that will in the future provide a tiered site contour and context for the provision of housing, retail and employment, is considered contrary to a number of Local Plan Policies. Positive discussions have been held with the applicant and amendments to the scheme are anticipated.

The premise of ground works to remove the existing car parks and deal with the contamination on the site is considered acceptable. Officers would support in principle a more considered scheme that seeks to retain important ecological and landscape features and safeguards good access and permeability within future Reserved Matters application/s detailed design proposals for the mixed use scheme granted consent.

Relevant Policies

SS2 - Future Growth Areas
SS3 - Presumption in favour of sustainable dev
SS4 - The economy and employment
SS5 - Employment space
SS8 - Natural Environment
SS12 - Housing
SS9 - Green Infrastructure
TA1 - Transport and accessibility
TA2 - Development access
ER1 - Flood Risk
ER2 - Water Management
ER3 - Contamination
NC1LFS - Biodiversity and Geodiversity
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity

Application Number

P/2017/0544

Site Address

79 Wall Park Road
Brixham
TQ5 9UF

Case Officer

Mr Alexis Moran

Ward

Berry Head With Furzeham

Description

Demolition of existing garage, erection of two storey side extension, two storey rear extension, first floor front extension, front and rear dormers, and improved access to dwelling.

Executive Summary/Key Outcomes

The site 79 Wall Park Road, Brixham, is a detached residential property located at the end of Wall Park Road. The site is within the South Devon Area of Outstanding Beauty and adjacent to the Countryside Area and Other Site of Wildlife Interest (OSWI).

The application seeks permission for the demolition of the existing garage to the east of the site and to replace this with a two storey side extension incorporating a new garage; this extension includes a pitched roof gable extension to the front with two small pitched roof dormers on its east facing side elevation. The application also proposes the addition of a two storey rear extension, front and rear cat slide dormers and a small first floor extension to the existing gable on the principal elevation (which protrudes by some 1.2m) supported by natural stone clad posts.

The two storey extension to the south-east would result in the pitched roof gable of the development being 0.5m higher than the existing gable on the principal elevation of the dwelling. This elevation would be most visible from the private access road to the east of the site and when travelling up Victoria Road. The orientation of the property within its plot is such that it faces away from Wall Park Road and it is set back from Wall Park Road by some 22m. However, the proposed scale and height of the gable would appear to be an overly dominant feature to the original principle elevation. The applicant has been advised that this should be reduced in size to match the existing gable. Subject to the receipt of revised plans confirming the requested amendments, the proposal is considered to be acceptable.

The land immediately to the rear of the site consists of fields bounded by large trees and therefore the proposed works to the rear of the dwelling would be well screened from the wider area and would not be highly visible in the wider street scene.

The development is considered to have an acceptable impact on the privacy and amenity of neighbouring properties and would not result in an unacceptable level of overlooking or have an overbearing impact on the amenity of neighbouring occupiers.

The development provides suitable levels of parking and the submitted bat and breeding bird survey states that no evidence of bats or breeding birds was found in the roof of the dwelling.

On balance and subject to the submission of revised plans it is considered that the proposal complies with Policies DE1, DE3, DE5, SDB3, SS8, ER1, ER2, C1, C4, NC1 and SS8 of the Torbay Local Plan 2012-2030 and is recommended for conditional approval.

Recommendation

Conditional approval subject to the submission of revised plans detailing a revised design to the proposed gable extension and completion of a HRA screening. Final drafting of conditions to be delegated to the Executive Head of Business Services.

Site Details

The site 79 Wall Park Road, Brixham, is a detached residential property located at the end of Wall Park Road where it merges with Victoria Road it is set back from the road by some 22m. The existing dwelling is orientated almost at a right angle to Wall Park Road and instead faces a private access road.

The site falls within the AONB, the land to the rear is a designated as the Countryside Area and includes a local wildlife site (other site of wildlife interest: OSWI). The site is also located within the Greater Horseshoe Sustenance Zone.

Detailed Proposals

The application seeks permission for the demolition of the existing garage to the south-east of the site and to replace this with a two storey side extension incorporating a new garage; this extension includes a pitched roof gable extension to the front with two small pitched roof dormers on its east facing side elevation. The new pitched roof gable extension to the south-east of the site would be approximately 0.5m higher than the existing pitched gable.

The application also proposes the addition of a two storey rear extension, front and rear cat slide dormers and a small first floor extension to the existing gable on the principal elevation (which protrudes by some 1.2m) supported by natural stone clad posts. Improvements to the access are also proposed.

The proposal also includes the removal of two trees to the front of the dwelling and one tree to the rear of the dwelling.

Summary Of Consultation Responses

Brixham Town Council - Comments awaited.

Arboricultural Officer - the application notes the removal of 2 Sycamore trees presently bounding the entrance to the property, whilst not of a quality that will constrain the scheme their location at the confluence of a number of roads will leads to readily appreciable erosion on local public visual amenities once removed. To mitigate for this 2 trees should be required by condition to be planted within the front (southern) elevation of the property. No further significant arboricultural features are present requiring comment.

The scheme is suitable for approval on arboricultural merit subject to a landscape plan detailing 2 suitable trees of medium size with management and planting details.

Highways - No objection.

Natural England Standing Advice - The SSSI Impact Risk Zones indicate that no further consultation is required with Natural England as the proposal is a householder application. In line with this the proposal is not considered to have a likely significant effect on the Berry Head SSSI.

Summary Of Representations

None.

Relevant Planning History

None.

Key Issues/Material Considerations

The key issues to consider in relation to the proposed development are the impact it would have on the visual amenity and character of the street scene and AONB, the impact on biodiversity and drainage and the affect it would have on the privacy and amenity of neighbouring occupiers.

1. Visual amenity and street scene character

Policy DE1 of the Torbay Local Plan 2012-2030 states that development should be well-designed, acknowledge local character evolving high quality architectural detail with a distinctive and sensitive palette of materials.

The character of the area is currently that of a mix of dwelling forms and designs, the prevailing character to the south of Wall Park Road is that of bungalows/one and a half storey properties with rooms in the roof.

The two storey extension to the south-east would result in the pitched roof gable of the development being 0.5m higher than the existing gable on the principal elevation of the dwelling. This elevation would be most visible from the private

access road to the east of the site and when travelling up Victoria Road. The orientation of the property within its plot is such that it faces away from Wall Park Road and it is set back from Wall Park Road by some 22m. However, the proposed scale and height of the gable would appear to be an overly dominant feature to the original principal elevation which would affect its symmetry. The applicant has been advised that this should be reduced in size to match the existing gable and in order to comply with Policy DE1 and DE5 which require developments to respect the character of the original building.

The applicant has been advised that revised plans should be submitted so that the proposed gable matches the existing gable in terms of its height, scale and eaves height. Subject to the submission of revised plans in accordance with the aforementioned amendments, the proposal is deemed to be acceptable.

Comments from the Arboricultural Officer request the submission of a landscaping scheme by condition to include two additional trees to the front of the site to help mitigate the loss of those to be removed. In addition these two trees will help to screen the development and soften the appearance of the resulting building within the street scene.

The cat slide dormer to the front elevation of the property is considered to be of an acceptable scale and design, the cat slide roof limits the overall visual impact of the dormer on the character of the property. The rear cat slide dormer would not be highly visible in the wider street scene and is of an acceptable scale and design.

The proposed works to the rear of the dwelling will not be highly visible in the wider street scene, the land to the rear is allocated in the Torbay Local Plan key diagram and Policies map as Countryside Area and is undeveloped. With regards to the AONB and street scene, it is considered that due to the size and siting of the proposed extensions, they will not be highly visible in the wider area. Concomitantly to the south and east of the site, the character is more rural and the proposed development would be well screened by trees from wider viewpoints. To the rear is a narrow private field which is bounded by a bank and several mature trees, to the rear of this is a rolling field which is again bounded by large mature trees. Therefore there are very limited opportunities to view the rear of the site from the wider area. In this instance it is considered that the proposal would have an acceptable impact on the visual amenity of the AONB and the Countryside Area. It is therefore deemed to comply with Policies C1, SDB3 and SS8 of the Torbay Local Plan 2012-2030.

The palette of materials is considered to be acceptable for this location which is in an area where there is no specific design style. However in order to ensure that the materials in the finish of the development are compatible with the character of the area it is considered that further details of the materials should be submitted via condition.

Bearing the above points in mind and subject to the receipt of revised plans, the proposal is deemed, on balance to comply with Policies DE1, DE3, DE5, SDB3, SS8 and C1 of the Torbay Local Plan 2012-2030.

2. Neighbour amenity

Policy DE3 of the Torbay Local Plan 2012-2030 states that development should be designed to limit visual intrusion, overlooking and should not have an overbearing impact on neighbour amenity.

The alteration to the north-west facing elevation would have limited impact on the amenity of neighbouring occupiers as there are no new windows at first floor level. The new two storey rear extension adjacent to the existing rear gable is glazed at first floor and provides a gallery to the first floor landing. This is considered to provide very little opportunity to overlook or look back into the rear of the adjacent neighbour (77 Wall Park Road).

The two storey extension and dormers in the south-east elevation would be approximately 23m from 'Berry Head House' and 34m from 'The Garden House.' The distance between the dormers and the neighbouring properties is considered to be sufficient enough to limit concerns regarding overlooking and loss of privacy.

The two storey aspects of the development are not located in close proximity to the boundary with 77 Wall Park Road and are not of a scale which would result in having an overbearing impact on the amenity of the occupiers of the neighbouring property. The small cat slide dormer to the front and the one to the rear will not cause an unacceptable level of overlooking or loss of privacy.

The proposal is deemed to have an acceptable impact on the privacy and amenity of neighbouring properties and complies with the requirements of Policies DE3 & DE5 of the Torbay Local Plan 2012-2030.

3. Parking

Parking for in excess of two cars is provided on the site, the garage meets the size standards required in Appendix F of the Torbay Local Plan 2012-2030. The parking provision therefore meets the requirements of Policy TA3 of the Torbay Local Plan 2012-2030.

The amendments to the access will improve the situation and in line with the comments from the Council's Highways Engineer are acceptable. The access the site is considered acceptable and compliant with Policy TA2 of the Torbay Local Plan 2012-2030.

4. Ecology and trees

The submitted bat and breeding bird survey states that there is no evidence of bat or breeding bird activities in association with the roof or eaves. Given the location of the site within the Greater Horseshoe Bat Sustenance Zone, a HRA screening

will be carried out. Subject to the outcome of this screening, the proposal is considered compliant with Policies NC1 and SS8 of the Torbay Local Plan 2012-2030.

Two sycamore trees bounding the entrance of the site are to be removed, the Councils Arboricultural Officer has advised that these play a role in the visual amenity of the area. Their removal should be mitigated by the planting of two new trees and this is proposed via a landscaping condition. Subject to the inclusion of a condition requiring the submission of a landscaping scheme which includes the provision of two new trees to the front of the site, the proposal is considered compliant with Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

5. Drainage

The submitted FRA advises that surface water will be disposed of via a soakaway which is designed in accordance with BRE 365 for the critical 1 in 100 year storm event plus 30% climate change. This method is considered acceptable for a residential extension within Flood zone 1. Subject to a condition requesting further design details of the soakaway design being submitted, the proposal is considered to comply with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

Conclusions

Subject to the receipt of revised plans and the conditions below, the proposed development is considered to be appropriate for planning approval having regard to all national and local planning policies and all other relevant material considerations and retained as such at all times thereafter.

- o Details of soakaway design to be submitted and approved prior to development above DPC level. The approved drainage details shall be implemented prior to the first use of the extensions hereby approved and retained as such at all times thereafter.
- o A landscaping scheme including details of two replacement trees shall be submitted for approval prior to development above DPC level. The approved landscaping shall be implemented prior to the first use of the extensions hereby approved and retained as such at all times thereafter.
- o Details of materials.

Final drafting of conditions to be delegated to the Executive Head of Business Services.

Relevant Policies

-

Application Number

P/2017/0146

Site Address

24 Barnfield Road
Torquay
TQ2 6TN

Case Officer

Mrs Saffron Loasby

Ward

Cockington With Chelston

Description

Front, side and rear extensions (Revised plans received 9 May 2017 retention of existing garage)

Executive Summary/Key Outcomes

The application proposes a two storey side extension, single storey rear extension over the existing flat roof, front terracing, and changes to the existing fenestration. The proposals have been amended since the original submission following officer advice. The changes that were proposed to the garage have since been removed. The garage would therefore be retained as existing.

The application has been referred to Development Management committee following a Site Review Meeting. A number of objections to the application have been received on the following grounds: impact on amenity of the area, overlooking, noise, traffic impact, trees/wildlife, adverse impact on the character of the area and drainage.

The applicants' agent has worked positively with the Council to produce a form of development that would be acceptable on the site. As such the proposal represents a development that carefully balances the issues of design, neighbour amenity, domestic extensions, highways, landscape and drainage. The proposal is considered to accord with Policies DE1, DE3, DE5, TA2, ER1 and ER2 in the Torbay Local Plan 2012-30 and is therefore recommended for approval.

Recommendation

Conditional Approval. Conditions to relate to materials, obscure glazing and drainage. Final drafting of conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period

The eight week target date for determination of this application was 20th April 2017. An extension to this deadline was agreed with the applicant to reconsider elements of the design via the submission of amended plans (revised plans received 9th May 2017 retention of the existing garage) and further consultation with neighbours.

Site Details

The application site relates to 24 Barnfield Road, Torquay, a detached two storey dwelling located on a residential plot whose principle elevation sits facing east towards the bay. Wide, long distance views can be seen from the existing property and the application site slopes down towards the north east with a rear south west garden set high above the road level. Properties to the rear of the application site, in Mead Road, sit at a higher level still.

The site is not located in a designated Conservation Area, the property is not listed and there are no protected trees on site or in close proximity.

Access to the site is already established and a detached single flat roofed garage is located at road level. The property is finished in render with timber detailing to the front gable. The existing property sits high in the street scene and is similar in design and appearance to those in the immediate vicinity. Barnfield Road is split quite distinctively into two parts. The northern part of the road details a mixture of dwelling sizes and designs with a varied material palette. The southern/eastern part of Barnfield Road is made up of predominately render, tile and applied timber detailing, although there is the odd property that varies from this style.

Detailed Proposals

The application proposes a two storey side extension to the south elevation of the existing property comprising a galleried entrance lobby and cloaks at ground floor level. The existing rear conservatory is to be demolished and a new first floor erected above the existing ground floor which currently comprises a workshop and study. The space at ground floor to the rear would be a self-contained annexe attached and accessed via the main dwelling or by a separate entrance door to the rear.

At first floor the scheme proposes two new bedrooms (one extra bedroom to that of the existing 3-bed property). These bedrooms propose to have doors directly accessing the rear garden. The ground levels across the site vary significantly with the south west (rear garden) sitting high above the north east (road level) allowing for vast views across the bay. The rear extension, with a combination roof, comprises an extension of 6.5m in depth from the rear of the main dwelling. It is proposed to sit 6.3m high at the rear, approximately 0.8m higher than the existing flat roof and 1.2m lower than the ridge height of the main dwelling house. Due to the land rising so steeply to the rear of the site the rear extension is shown in the drawings to sit approximately 2.4m above the existing fence height (which is a standard 1.8m fence). There are existing openings on the north facing elevation and the new layout results in the removal of one window and replacement with a smaller opening. All windows on this elevation at first floor are proposed to be obscure glazed. There are no new openings at first floor on the south facing elevation.

The internal layout will be re-configured, fenestration altered and the materials of

the external appearance changed to include, natural slate, grey powder coated aluminium sliding doors, grey Upvc windows, painted render (to match the existing), grey Cedral cladding and glass balustrading for the terrace to the front of the property. The proposed two storey side extension to the southeast elevation of the existing property measures 3.9m by 2.4m and is 6.4m in height.

The extensions would result in a larger built form to the rear of the property but the footprint is being only marginally extended by the additions to the side.

The proposed front terrace area currently comprises an existing hardstanding to the front of the house. The proposed balustrading is shown on the plans as frameless and it is intended to be lightweight with minimal visual impact. Plans have been amended to detail this element of the application more clearly.

Summary Of Consultation Responses

Ecology Consultant - No evidence of Bats/nesting birds found - no objection.

Drainage - The additions are under 100m² and therefore standing advice will be provided as part of a condition to ensure the applicant discharges surface water in accordance with the submitted Flood Risk Assessment dated 10th February 2017.

Summary Of Representations

10 Representations against the application have been received which raise the following issues:

- o Precedent
- o Inaccurate drawings
- o Engineering works will impact on neighbours
- o Drainage
- o Impact on the character of the local area
- o Noise
- o Not in keeping
- o Over development
- o Overbearing
- o Privacy/overlooking
- o Residential impact unacceptable
- o Traffic/access/parking provision
- o Loss of trees/wildlife
- o Loss of sunlight.

One letter has been received from the occupier of 37 Mead Road who has stressed his annoyance at his property being referred to in several objection letters received. The property has not been recently extended and would like all reference to his property removed.

A letter has also been received from the applicants following receipt of a letter from Historic England. It advises that an application was made to add the applicant's property to the List of Buildings of Special Architectural or Historic Interest. Comments from Historic England read as follows:

We have completed an initial assessment of the building, based on the material provided in the application, but without any further investigation or a visit. The Secretary of State has considered our advice and recommendation, and has decided not to take the application forward to a full assessment. The building will therefore not be added to the List at this time.

Relevant Planning History

None relevant to this application.

Key Issues/Material Considerations

Considering the proposal and the context, the key considerations are:

1. The visual implications of the scheme upon the character of the area
2. Impact upon neighbouring amenity
3. Highway parking/access
4. Ecology and trees
5. Other matters.

1. Visual implications

Although not under any built or landscape designations the plot sits proud on raised land amongst similar designed properties to the immediate north and south. The wider visual impact, in addition to the impact of the local street scene, is a key consideration.

In respect of the local street scene it is considered that the extension would sit comfortably within what is a predominately mixed character, where there is a varied form of building type from the early and late 20th Century. Whilst there are several properties in this road that have similarities; render, tiles, mock Tudor gables and Georgian style Upvc windows the proposed scheme is more modern in its approach. The proposal is considered to accord with the scale, general form and setting of the existing property. It will sit comfortably within the street scene with little detriment to the local visual qualities. Some of the proposed materials are different to those used in the immediate surroundings however this is not considered to warrant a reason for refusal, particularly where there are no specific designations over the land or site.

The Cedral boarding proposed on the front gable is a material that is becoming more widely used. Whilst it does not naturally age and weather like Cedar boarding the material has been used in the local area and can be seen on various sites across Torbay. The colour and finish is important and a condition securing materials to be submitted prior to development commencing will ensure that the

right palette of materials is used on the refurbished building. The use of natural slate and fresh render will improve the visual impact of the property in the street scene.

The new proposed terrace that is accessible via both the new kitchen and living space is located at the front of the property and may be visible from within the street scene. There is an existing area of hardstanding to the front of the property that sits almost level with the house. The use of the area at the front of the property could be utilised as amenity space without the balustrade and therefore the assessment is whether the proposed balustrade is harmful. The materials propose a frameless, lightweight clear glass structure thus having minimal impact on the street scene. In light of the difference in ground levels from the road, the proposed design and materials it is unlikely that the new balustrade will be overly visible therefore having minimal visual impact on the street scene. Any visibility of the new balustrade is not considered to be harmful.

The changes to the windows include the introduction of grey powder coated aluminium folding doors. These are to be located on the front of the building, opening up onto the new proposed terrace area. In keeping with this, the remaining casement windows are proposed to be replaced with grey Upvc windows. Upvc windows are very prevalent in the wider street scene of Barnfield Road and window casement design varies. The proposed changes are not considered to be detrimental to the wider street scene and the casement design is reflective of the modern refurbishment of the dwelling.

The two storey side extension is set back from the principal elevation and sits subservient to the main dwelling. This has been reduced considerably in size and scale since the original submission based on officer feedback. The impact of this extension is the street scene will be minimal and as such, acceptable.

The proposed extension to the rear will have minimal impact on the street scene as there will be limited views of the extension from the road.

The proposal is considered to sit comfortably with the aims and objectives of Policies DE1 of the Torbay Local plan 2012-2030.

2. Impacts upon neighbour amenity

Overlooking/Loss of privacy

There are no new windows proposed in the side elevations of the proposed extensions that would have an adverse impact on neighbour privacy. The replacement opening in the north elevation will be obscure glazed and the south elevation will result in improved neighbour privacy as one of the existing windows that overlooks the rear of No.22 is removed completely. The opportunity to overlook would be minimal as a result of the proposed extensions.

There are a number of windows in the side elevation of No. 26 that look towards the rear garden of the application site. However interrelations between neighbouring occupiers is not uncommon or dissimilar to other properties in the local area. There would be no loss of privacy to the occupiers or neighbours of the application site as a result of the proposed development.

Overbearing

The application proposes two main elements of change. One element is the two storey side extension which is set approximately 4m back from the principal front elevation and approximately 2m off from the shared boundary (at its closest point). The location of this part of the scheme is not considered to have an overbearing impact on the residents of the neighbouring property to the south given the distance between the dwellings and the orientation of the properties in the street scene.

The second addition is to the rear and comprises a first floor over the existing ground floor. The roof of the ground floor meets the ground level of the rear garden, thus meaning the first floor extension is approximately 3.1m from the existing flat roof of the ground floor. The proposed combination roof has been designed to include slate for design purposes but includes a flat roof element to keep the height down. The rear extension appears more akin to a single storey extension from the rear of No.26 rather than a two storey extension because of the site topography. The rear extension is close to the shared boundary but the height is not considered to be overbearing in this instance. There will be a new view of the top of the rear extension from the rear garden of No.26 but it is not considered to be detrimental to the quality of amenity enjoyed in the rear garden space. Therefore it is concluded that the proposed development will not result in an overbearing relationship to adjoining properties.

Loss of light

Neighbour objection has been raised regarding the loss of light to the rear garden of No.26 Barnfield Road and documents have been provided to show just how the proposed extension will result in a loss of light during the winter solstice. There is no indication or reference as to where this information has come from or its accuracy however it demonstrates the worst case scenario for loss of light caused by the proposed rear extension. This is in the winter, when the sun is at its lowest and daylight hours are reduced. Any sunlight lost is shown to be to the garden and not specifically to openings of the property into habitable rooms. This particular area of the garden is currently decked with seating areas and is used regularly as part of the wider garden space. There is some planting along this shared boundary but a 2m high close boarded fence is the primary boundary treatment.

The overshadowing shown on the submitted document would be for a short period only in the winter to the rear, primarily east facing garden and not to habitable rooms of the property. The view of officers is that the proposed rear extension is

low enough to not cause an unacceptable loss of light to the occupier of No. 26 and therefore would not result in a significant loss of amenity that would warrant a recommendation of refusal.

The proposal is considered acceptable in respect of its likely impact upon local neighbour amenity and is consistent with the aims and objectives of Policies DE3 and DE5 of the Torbay Local Plan 2012-2030.

Noise

The extension will result in some noise and disturbance during the construction process which can be controlled via condition where required, however there is other legislation (statutory noise nuisance covered by the Environmental Protection Act 1990) in place that has control over noise and disturbance and therefore it is not suggested that further conditions are imposed to control noise.

3. Highway/parking access matters

The proposal utilises the existing vehicular access and hardstanding to provide the parking facilities for off road provision. This includes the existing garage and two spaces on the driveway. As there is no change to the parking provision serving the dwelling and the use of the property would not change as a result of this application this issue does not need further consideration.

4. Drainage and flood risk

The proposal details that surface water run-off from the development shall be served via soakaways. As the site is within the Critical Drainage Area as designated by the EA it is appropriate to impose a condition requiring the development to accord with the submitted flood risk assessment.

The proposal accords with Policies ER1 (flood risk) and ER2 (water management) in the Torbay Local Plan 2012-30.

5. Ecology and Trees

The application does not have an impact on trees on the plot.

An ecological assessment on nesting birds and bats was submitted with the application and advises that no evidence of birds and bats have been found. It also advises on good working practice should any be found during construction.

Human Rights/Equalities

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

Guidance.

S106/CIL

The application is for an extension to an existing dwelling that includes a self-contained annexe. To ensure this remains part of the main dwelling and not used, let or sold separately as an independent dwelling a legal agreement is required in the form of a S106.

Conclusions

The proposal is considered to offer an acceptable form of residential extension that would sit comfortably within the immediate street scene and sit as a subservient addition to the existing development. As such it complies with Policies DE1, DE3, DE5, TA2, ER1 and ER2 in the Torbay Local Plan 2012-30.

With supportive conditions to secure similar materials, obscure glazing and ensure drainage accords with the submitted flood risk assessment the proposal accords with the provisions of the development plan and is therefore recommended for conditional approval.

Condition(s)/Reason(s)

- o Materials
- o Drainage to accord with submitted flood risk assessment
- o Annexe to be used as part of the main dwelling and not let/rented separately from the host dwelling. (via Legal Agreement)
- o Obscure glazed windows
- o Construction management plan

Final drafting of conditions to be delegated to the Executive Head of Business

Relevant Policies

-

Application Number

P/2017/0471

Site Address

Oddicliff
Higher Downs Road
Torquay
TQ1 3LD

Case Officer

Verity Clark

Ward

St Marychurch

Description

One new house and demolition/remodelling of the existing house (within 15m of Babbacombe Downs Conservation Area).

Executive Summary/Key Outcomes

The application site is a detached dwelling that is located on Higher Downs Road, Torquay. The proposal seeks to demolish a two storey section of the existing property forming a matching hipped roof. The proposal also seeks to subdivide the plot with the addition of a new dwelling within the North West section of the site and associated new access and driveway.

The principle of new residential development is accepted and the proposal is considered to be of a suitable size, scale, massing and visual appearance for the plot within the context of the adjacent Babbacombe Downs Conservation Area, the Babbacombe Cliffs SSSI, the locally protected site, core tourism investment area and coastal change management area. The proposal will provide a good quality residential environment in both the existing and proposed dwellings and is not considered to impact on neighbour amenity. The proposal is considered to be acceptable in terms of highways impact, trees and ecology whilst issues surrounding drainage and cliff stability can be agreed by way of a planning condition.

The application is recommended for conditional approval.

The application has been referred to Development Management Committee due to the number of objections that have been received.

Recommendation

Conditional approval subject the final drafting of conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period

8 weeks. The determination date is the 10th July 2017.

Site Details

The site, Oddicliff, Higher Downs Road, Torquay, is a detached residential property. The plot slopes away from the road frontage and is bound by a stone boundary wall along the front of the property to Higher Downs Road and to the rear it adjoins the coastal footpath and the public area around the head of the cliff railway. The site sits directly adjacent to the Babbacombe Downs Conservation Area, the Babbacombe Cliffs SSSI, a locally protected site, core tourism investment area and a coastal change management area.

Detailed Proposals

The proposal consists of two key elements. The first includes works to the existing dwelling. The proposal seeks to remove a 5.6m wide section of the existing property from the North West side elevation and form a matching hipped roof with new window and door.

The second element of the proposal seeks to sub-divide the plot and form a new 4 bedroom dwelling. The proposed dwelling is designed in a traditional pastiche style with white render and tiled hipped roof with integral garage. The dwelling will be served by a new driveway with access from Higher Downs Road.

Summary Of Consultation Responses

Design consultant: The proposal represents an improved strategy for providing two dwellings on the site and is a good response to the urban grain. There are no substantial concerns in terms of compliance with design policy and the application is supported. Approval of landscape works should be secured by condition. The rear window proportions and placements could be reconsidered.

Engineer: The property concerned is located near Oddicombe Cliffs. These cliffs are formed of soft sandstone and are therefore subject to ongoing and sometimes rapid erosion rates and instability. Although the property is some way back from the crest of these cliffs an engineering geologist should assess any potential ground problems. Because the risk is relatively low at the location in question the information can be provided after determination.

Senior Historic Environment Officer: The application follows the previously refused scheme. The site is just outside the Babbacombe Downs Conservation Area. The proposal seeks to part demolish a section of the west side of the house and form a new porch. The intention is to balance the uniformity of the south west elevation which has some merit. However the counter argument is that the house is not a uniform one and is not mirrored about the north south axis. The complete removal of the west wing would allow a much clearer gap between the two houses in the current plot preserving the sea views from Higher Downs Road. The new dwelling is inoffensive with a hipped roof with a canted extension above the eaves. The materials, landscaping and parking areas are unclear and the details should be required by condition.

Highways: Highways would only accept a maximum gradient of 1 in 8 from the drive to the public highway. Loose gravel must not be taken on to the highway. The applicant would require a vehicle crossover under licence of the Highway Authority by a contractor with the correct accreditation. If this can be achieved there is no objection.

Arboricultural Officer: The AIA adequately describes a methodology to protect the highways trees during any construction. A study has been made of the form, age and spatial limitations of the pollarded beech tree in light of the arborist's supporting evidence. The tree is a visually prominent native tree located in an area sparsely populated by mature readily appreciable trees however the regular and necessary management has reduced its likely longevity and visual benefits to the area. Therefore we would raise no objection to the removal of the tree subject to the provision of at least one significant tree per unit, planted in a calculated tree pit to allow full maturation of the tree without restrictive pruning. This plan should contain detailed planting, watering and management methodology. No objection on arboricultural merit subject to the provision of a detailed landscape plan addressing amongst other matters detailed inclusion of at least one tree per unit as described above. This plan should be submitted for approval prior to any commencement and may require re-alignment of the driveway to the western unit.

Natural England: The SSSI does not represent a constraint in determining the application. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Drainage: As the development is located in flood zone 1 and the ground conditions are unsuitable for soakaways the developer has identified that surface water drainage will be connected to the sewer system. The agreed standing advice can be implemented with the discharge limited to 1.5l/sec.

Summary Of Representations

18 representations. Issues raised:

- Impact on views
- Overdevelopment
- Garden grabbing
- Out of character
- Other development in area
- Traffic
- Highway safety
- Located on a fault line
- Stability of wall/ cliff
- Impact on tourism
- Impact on amenity
- Loss of privacy

- Loss of light
- Size and scale
- Massing and footprint
- Visual impact
- Impact on coastal footpath
- Impact on Conservation Area
- Impact on landscape protection area
- Design
- Noise
- Sets precedent
- Drainage
- Covenants
- Building line
- Loss of garden and impact on ecology
- Impact on economy.

Relevant Planning History

P/2016/0835 Demolition of existing house and replacement with two detached houses (within 15m of Babbacombe Downs Conservation Area). Refused 07/02/17

P/2010/1057 Formation of single dwelling with integral garage; new vehicular access car parking and turning and amenity space. Refused 19/01/2011

P/2006/1170 Extension to Garage with Games Room over. Refused 18/08/2006

P/2001/1484 Alterations and Raise Height of Existing Wall by 2 Blocks and Remove Hedges (Amended By Letter Received 24 December 2001) Approved 11/01/2002

P/1997/0433 Extension to Form Sun Lounge to Existing Granny Flat. Approved 04/06/1997

P/1991/0142 Raising Of Roof and Extensions to Form Additional Accommodation and Swimming Pool (As Revised By Plans Received 9Th May 1991) Approved 15/05/1991

P/1990/1508 OA Erection of One Dwelling (In Outline). Refused 26/10/1990 (Appeal Allowed 12.2.91)

P/1987/1822 Entrance Porch. Approved 09/11/1987

P/1980/2780 Conversion of existing Garage and stores into flat and new detached garage. Approved 12/11/80

P/1980/2597 Rooms in Roof with Dormers. Approved 14/10/1980

Relevant planning history: Hotel Blue Conifer, Higher Downs Road, Torquay

It is considered relevant to note the recent planning history of the adjacent site; Hotel Blue Conifer.

P/2016/0571 Demolition & redevelopment to form 9 sheltered apartments for the elderly (amended from 10 by plans received 15.09.2016), including communal facilities and new access. Appeal allowed.

- This application sought consent for a modern re-development on the site. The Development Management Committee resolved to refuse the application due to the scale, bulk and design of the building which was considered to constitute an overdevelopment of the site and would result in a form of development that would be out of keeping with the established character of the area. The Planning Inspectorate concluded the re-development was acceptable in terms of size, scale and visual appearance.

P/2016/1354 Demolition & Redevelopment to form 9 sheltered apartments for the elderly including communal facilities, access, car parking, and landscaping. Approved 16/02/17

- The Development Management Committee resolved to grant consent on the 13th February 2017 for the re-development of the site. The design and visual appearance was pastiche, taking reference from the prevailing character of the area.

Key Issues/Material Considerations

The key issues to consider in relation to this application are:

1. Principle of development
2. Impact on the character and appearance of the street scene
3. Impact upon the amenity of neighbouring properties
4. Quality of residential accommodation
5. Drainage
6. Transport Issues
7. Trees and Ecology
8. Cliff stability.

1. Principle of development

In respect of the principle of the part demolition of the existing dwelling and the construction of one new dwelling in the plot, the principle of residential development in this location is considered to be acceptable. The site is located within an established residential area and would be considered a sustainable location for such development being in relatively close proximity to services and public transport routes. The plot is generous in size and it is considered that there is adequate space to subdivide the plot evenly to comfortably allow two dwellings.

2. Impact on the character and appearance of the street scene

There is a distinct local character and pattern of development along the Higher

Downs Road in which the application site is located which is characterised by detached houses within spacious plots. A figure ground survey of the area demonstrates that this area primarily consists of dwellings set within large plots with a characteristic solid to void ratio which allows for a large level of outside space around the dwellings, creating a spacious, landscape dominant appearance. The proposed dwelling and existing property are considered to appear suitably spaced within the plots with a gap of approximately 8m between the properties allowing for the characteristic setting of the area to be retained whilst retaining views through the site. As the adjacent property; Glenhurst is set to the North West of its plot a suitable gap of approximately 17m will be retained between this property and the new proposed dwelling within the street scene.

Paragraph 17 of the National Planning Policy Framework states that planning should always seek to secure high quality design and a good standard of amenity of all existing and future occupants of land and buildings. The proposed dwelling is of a traditional design and appearance and characterised by a hipped roof with single storey appearance from the Higher Downs Road street scene. The proposed dwelling is set over two floors, utilising the sloping ground level for a basement area and forming rooms in the roof with two pitched roof dormer windows and a rooflight on the rear North East elevation and a rooflight window on the front South West elevation. The proposed dwelling includes a projecting front gable to form a garage and rear central balcony. The design and appearance of the proposed dwelling takes reference from the properties within the surrounding street scene and the existing property on the site. The design respects the character of the area, particularly those dwellings located on the north side of the Higher Downs Road. As the proposal is to subdivide the plot, it is important that any design appears subservient in scale, massing and appearance so as not to not appear as an overdevelopment of this plot. The dwellings in this area sit quietly within the plots, appear subservient to the verdant landscape character and provide views to the sea, whilst mainly consisting of subservient roof forms with hipped roofs and bungalows with steep roofs, allowing for the creation of rooms in the roof. As the proposed dwelling accords with these key characteristics the design and visual appearance is considered to be acceptable and in-keeping with the traditional character of the area. In accordance with the NPPF and Local Plan Policies DE1, H1 and SS10 of the Torbay Local Plan 2012-2030 the proposed dwelling will satisfactorily assimilate within the street scene. The size and scale of the proposed dwelling is considered to be appropriate for the location and the context of the plot and will not appear overly dominant within the street scene allowing for a suitably spacious appearance which respects the locality and the adjacent Conservation Area

3. Quality of residential accommodation

Policy DE3 of the Torbay Local Plan 2012 - 2030 which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Provision of useable amenity space, including gardens and outdoor amenity area should be provided with a

guidance of 55m² for new houses. Internal floor standards are set out from the DCLG technical housing standards document. This states the minimum internal floor space which should be provided and gives guidance on the minimum floor area. The minimum internal floor spaces set out by this guidance and reflected in Policy DE3 shows that a minimum floor space of 103m² is required for a 4 bedroom dwelling. The proposed floor area and outside amenity space is above these standards and it is therefore considered that a good quality level of accommodation for the proposed dwelling is provided.

The existing dwelling will retain a suitable internal floor area after the proposed demolition of a section of the North West elevation and will retain a suitable level of outside amenity space to serve the property.

4. Amenity impact

In terms of impact on the neighbouring properties, "Glenhurst" is more directly affected because the property is aligned in part to look out on to the application site. However, there is already very little privacy between the properties as there is no screening along the boundary and the existing dwelling has windows on the north side elevation which allows clear views into Glenhurst. The proposed dwelling will be situated adjacent to this property is set in approximately 2.75m from the boundary at its closest point and will only include one window on the side elevation serving a bathroom which can be obscure glazed. A balcony is proposed on the rear elevation however an obscure glazed screen could be added to the side elevation to prevent additional views. Although the proposal will result in a dwelling being situated closer to Glenhurst, there is still a gap of approximately 17m between the two properties and due to this gap there is not considered to be a significant impact on the light levels of the adjacent property. As such the proposal is considered to be acceptable in terms of impact on neighbour amenity and therefore accords with Policy DE3 in the Torbay Local Plan.

The proposed dwelling will include a number of windows on the South East side elevation, whilst the existing property will include a newly formed window on the side elevation. As there will be a distance of approximately 8m between the two properties and as the dwellings are angled differently this will restrict direct intervisibility. As such the relationship is considered to be satisfactory.

5. Drainage

The applicant has indicated that surface water from this development would be discharged to the combined sewer as the ground conditions are unsuitable for soakaways. The Council's Drainage Engineer has noted that as the development is located in flood zone 1 and the ground conditions are unsuitable for soakaways the developer has identified that surface water drainage will be connected to the sewer system. In this instance a condition can be added to any consent which will require the developer to demonstrate that a suitable discharge rate is achieved. As Torbay is a Critical Drainage Area any surface water discharge rate from the site to the combined sewer must be limited to greenfield run off rate for the 1 in 10

year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to land adjacent for the critical 1 in 100 year storm event plus a 30% allowance for climate change. It should be noted that where the greenfield run-off rate for the site is below 1.5l/s, a discharge rate of 1.5l/s will be accepted.

As such, the proposal would comply with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 with the addition of a planning condition. It should be noted that this standing advice has changed from the advice provided on the previous application P/2016/0835 after review of drainage requirements by the Drainage Engineer.

6. Transport issues

Policy TA3 of the Torbay Local Plan states that new dwellings should be served by two car parking spaces. The proposed existing and proposed new dwelling provide adequate off street parking provision and would therefore comply with Policy TA3 of the Torbay Local Plan.

7. Trees and Ecology

The Council's Arboricultural Officer has advised that the scheme is suitable for approval on arboricultural merit subject to the submission of a detailed landscaping plan which can be required by condition.

The application has been accompanied by a preliminary ecological appraisal. The written assessment concluded that:

- 1) The property is not considered suitable for roosting bats and no further surveys are required.
- 2) Any external lighting will need to be designed to avoid any negative impact on the local bat population.
- 2) There is evidence of the past use of the property by breeding house sparrow. As a result consideration needs to be given to the time of demolition.
- 3) No further ecological surveys are required.

In terms of its impact on bats and nesting birds, the proposal is therefore acceptable. A condition ensuring the demolition works do not take place between March-August will be required to ensure compliance.

8. Cliff stability

The Council's Senior Engineer for coastal and specialist services has advised that the property concerned is located near to the Oddicombe Cliffs. These cliffs are formed of soft sandstone and are therefore subject to ongoing and sometimes rapid erosion rates and instability. Although the property is some way back from the crest of these cliffs, an engineering geologist should be employed to assess any potential ground problems. As the risk is relatively low at the location in

question, the information can be provided by condition.

Site history

Application P/2010/1057 sought to locate a second dwelling alongside and to the north which was refused due to the resultant overdevelopment of the site contrary to the urban grain of the area which would fill an important gap in the street scene and the resultant impacts on neighbour amenity.

This was followed by application P/2016/0835 which sought to demolish the existing property and erect two new dwellings on the subdivided plot. This application was subsequently refused as it was considered to be contrary to the clear urban grain and pattern of development of Higher Downs Road, and would result in a development that would be incompatible to the distinct local character of the surrounding area. The footprint of the proposed dwellings were considered to result in a cramped form of development and an overdevelopment of the site resulting in a loss of the landscape character of the area through the loss of garden setting and increased urbanisation of the site, to the detriment of the street scene and adjacent to the Babbacombe Downs Conservation Area. The proposed design, massing and bulk were also considered to result in the new dwellings appearing out of character with the surrounding street scene with the modern design appearing to take little context from the locality. There was also a concern with the drainage proposed.

The current application seeks to overcome the objections raised in the 2010 and 2016 applications. Like the 2010 application the proposal seeks to retain the existing dwelling however a large section of the existing property is to be demolished to allow for more spacious plot sizes which can retain gaps within the street scene. The proposal has overcome the objections raised in the 2016 application due to the reduction in the footprint of both dwellings within the plot in comparison to the two proposed as part of the previous application. The reduction in footprint allows for the retention of a large area of landscape with gaps in the street scene, combined with the revised design which has provided a sensitive, in-keeping design with subservient hipped roof which has reduced the massing and bulk of the dwelling. The proposal is therefore considered to be acceptable.

Statement of Pro-active Working

The Council has sought to work positively and proactively with the applicant through discussions and through open dialogue including requests for revised plans.

S106/CIL -

N/A

Local Finance Considerations

The local finance impact of the proposal is di minimus due to its scale.

Human Rights and Equality Issues

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

Conclusions

It is considered that the proposal is acceptable for the reasons set out in this report. The demolition of a section of the existing dwelling and formation of new dwelling with associated driveway is considered to be of a suitable size, scale and design for the plot and surrounding street scene and without detriment to neighbour amenity in accordance with Policies HE1, DE1, DE3, SS10, TA2, TA3, C3, NC1, ER1 and ER2.

Condition(s)/Reason(s)

01. Drainage
02. Geology/cliff stability
03. Required demolition
04. Ecology- Provision of bird nest friendly features- Timing of demolition
05. Landscape plan
06. Materials
07. Opening details
08. Details of parking area
09. Obscure glazed balcony screens
10. Obscure glazed window on north west elevation
11. Avoidance of doubt - tree plans show old proposal

Informative(s)

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

Relevant Policies

- DE1 - Design
- DE3 - Development Amenity
- HE1 - Listed Buildings
- SS10 - Conservation and Historic Environment

TA2 - Development access
TA3 - Parking requirements
C3 - Coastal change management
NC1LFS - Biodiversity and Geodiversity
ER1 - Flood Risk
ER2 - Water Management

Application Number

P/2017/0490

Site Address

42 Whidborne Avenue
Torquay
TQ1 2PQ

Case Officer

Mr Robert Pierce

Ward

Wellswood

Description

Demolition of dwelling and proposed replacement dwelling (Revised Site Plan).

Executive Summary/Key Outcomes

The application is for outline planning permission for the principle of demolishing the existing dwelling on the site and constructing a dwelling on the western half of the plot. The applicant has applied for the details of access to be agreed at this stage. The following matters will be considered at reserved matters stage: 1) Appearance, 2) Landscaping, 3) Layout, and 4) Scale.

The eastern half of the plot already has the benefit of a recent outline planning permission for a dwelling under application reference P/2017/0260.

An application for full planning permission for a dwelling on this half of the site was recently refused by Members at their Meeting in May 2017 under application reference P/2017/0259 for the following reason:

- 1) The proposed development by reason of its scale, bulk and design would constitute overdevelopment of the site and would result in a form of development that would be out of keeping with the established character of the area. The proposal would therefore be contrary to Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Paragraphs 58, 60, 63 and 64 of the National Planning Policy Framework.

It is considered that a dwelling could be accommodated on this site without detriment to the appearance and character of the area. Although the plot is narrower in comparison with adjoining properties it would be possible to construct a dwelling that would be consistent with the established form and character of the area, which would therefore comply with Policy DE1 in the Torbay Local Plan.

Recommendation

Conditional Approval, with appearance, layout, landscaping and scale to be reserved matters (conditions at end of report) .

Statutory Determination Period

8 weeks 13th July 2017

Site Details

The site comprises the western half of a large plot which is currently occupied by a vacant bungalow style of dwelling on the north side of Whidborne Avenue. A public footpath and a wedge of vegetation runs alongside the western boundary of the site. Whidborne Avenue is sloping at the application site, which occupies a position that is slightly before a small summit in the street is reached (which occurs further to the west). The plots along this side of Whidborne Avenue have far reaching views to the rear and their roof line is clearly visible from certain locations on the other side of Ilsham Valley, in particular from Kent's Cavern and the lower end of Higher Warberry Road. More distant views are also present from Walls Hill above Ansteys Cove. A recently constructed 2 metre high wall runs alongside the footpath and defines the side (west) and rear (north) boundaries of the site.

The application site backs onto land identified in the Local Plan as an Urban Landscape Protection Area (Ilsham Valley/Lincombe Slopes).

Detailed Proposals

This application is for outline planning permission for the demolition of the existing dwelling on the site and to establish the principle of constructing a further single detached dwelling on the western half of the plot. The applicant has only applied for the details of access to be agreed. Reserved matters to be considered at a later stage will include: 1) Appearance, 2) Landscaping, 3) Layout, and 4) Scale.

The submitted site plan indicates that the proposed dwelling would utilise the existing vehicular access within a frontage of 15.5 metres. The applicant is seeking to establish the principle of constructing a dwelling on the site and the submitted plan comprises a site Location Plan which denotes the access and identifies the boundary of the site.

Summary Of Consultation Responses

Highways Engineer: No objections.

South West Water: No objection.

Drainage Engineer: No Objection.

Urban Design Consultant: No robust reason for objecting to the proposal.

Summary Of Representations

Numerous representations objecting to the proposal. The main issues raised are as follows:

- Impact on local area
- High density of the site
- Narrow plot
- Impact on open aspect
- Increase in vehicular movements to and from the site
- Out of character with the area
- Will set a precedent for multiple builds
- Noise from contractors (Not a planning issue)

- Loss of views (Not a planning issue)
- Overdevelopment.

A detailed objection was received relating to plot density and width. The objector has produced a plan showing that there is an east-west divide in the immediate area and that a plot density of between 5-20% (coloured green) is the predominant pattern of development, particularly to the west and south of the application site. The objector has also produced a plan which indicates that the majority of the plots in the immediate vicinity have plot frontages which exceed 16 metres.

Relevant Planning History

P/2016/0933/OA - Dwelling in Outline on Plot 42a (eastern part) - Refused 01.12.2016.

P/2016/0932 - Replacement Dwelling (western part) - Refused 30.11.2016

P/2017/0259 - Resubmission of application P/2016/0932 Demolition of dwelling and proposed replacement dwelling with associated works, 42 Whidborne Avenue (western part) - Refused 25.05.2017

P/2017/0260/OA - Demolition of dwelling and proposed replacement dwelling shown as 42A (eastern part) - Approved 11.05.2017

The following application relates to a nearby site and is considered relevant to the consideration of this proposal.

P/2012/0896 - Formation of two dwellings - 2 Whidborne Close - Approved 29.07.2013.

Key Issues/Material Considerations

General Principle and Planning Policy -

The plot has an established residential use and sits within a wider residential estate that is mostly comprised of single dwellings set within defined plots. Generally the houses along Whidborne Avenue on the opposite side to the application site substantially fill the width of their frontages. This is also the case for the houses to the east of the site along the north side of Whidborne Avenue. These houses also have very extensive rear gardens. And although this means that the density of the built form is low, these gardens are not visible from the road frontage and therefore do not have a significant impact on the visual perception of spaciousness within the street scene. Some dwellings in the area have already been sub-divided and redeveloped, including a scheme for two modern houses currently under construction at 2 Whidborne Close. The proposed sub division of the plot is considered to be a sustainable form of development which maintains the residential use of the site and which is commensurate with the established land use and local character. It also makes the best sustainable use of the built up area. The detailed objection in respect of plot widths has been considered. The plan submitted with the application indicates that the frontage of the existing bungalow has a plot width of 31.5 metres with the sub-divided plot having a frontage of approximately 15.5 metres. There are a variety of plot sizes in the vicinity of the

site. Generally the plots to the west of the site on the north side of the road are narrower in width than those to the east. The situation is slightly reversed on the south side of the road with a group of houses opposite and to the east of the site being narrower than those to the west. Although the proposal would make the plot size narrower in comparison with adjoining dwellings to both the east and west, the comparative widths are mostly within a range of between 15metres to 18metres, The consideration in this case is whether the smaller plot size would result in a form of development that would be inconsistent with the established character, rhythm and urban grain in the area.

Officers are of the opinion that a plot width of 15.5m would provide sufficient space for a dwelling to be designed that would not need to extend up to the side boundaries of the plot and would therefore provide a gap between the two dwellings on number 42 and also space between the application site and the adjoining property to the east. The provision of a break in the built form to the west would also benefit from the presence of the public footpath that runs along the western boundary of the site. It is noted that the majority of dwellings on both sides of the site do have narrow gaps between them.

For this reason the site is considered to be of sufficient size to allow development that would maintain the form and character of the surrounding area. Whilst the size of the plot would be slightly narrower than adjoining plots, its width would not be so much narrower that it would result in an excessively cramped and uncharacteristic layout. The site is not within a designated area and therefore it is reasonable to allow some flexibility for the form of development to adapt to changing circumstances.

The detailed objection to plot densities has also been considered. In terms of plot density, the overall area of the plot on the west side of the original site is actually slightly larger than the eastern half which now has outline consent for a dwelling. It is not known what the plot density will be at this "outline" stage, however, it is considered that a suitably designed dwelling which relates to the surrounding built environment in terms of scale, height and massing would not have an adverse impact on the character of the area. This would be assessed at "reserved matters" stage.

The development of a new dwelling on the western side of the site, would be in general conformity with plot widths elsewhere in the neighbourhood. The plot is big enough to accommodate an appropriately scaled dwelling which would sit quite comfortably within the site. As such the principle of developing the western half of the original site would contribute to the achievement of sustainable development and would be consistent with the objectives in Policy DE1 which requires development to acknowledge local character by creating a clear urban structure and grain that integrates with the surrounding context. It would also be consistent with Policy H1 which supports the provision of a range of homes which will result in a sustainable pattern of development.

Highway, Parking and Access -

The proposed dwelling would utilise the existing vehicular access to the site. The Highway engineer has raised no concern in regard to utilising this established access arrangement. It not considered that the level of additional vehicular movements that would be generated from one additional dwelling in this location would be significant enough to justify refusing planning permission. Consequently the proposed development would be consistent with Policies TA1 (Transport and accessibility), TA2 (Development Access) and TA3 (Parking requirements) in the Torbay Local Plan 2012-2030.

Ecology -

A Preliminary Ecological Assessment has been carried out and this has confirmed that no evidence of bat use or nesting bird activity was found in association with the roof or eaves of the property and therefore the proposed demolition of the existing bungalow will not impact on bats or nesting birds. In order to enhance biodiversity it would be good practice to ask for the provision of a bird nesting box on the site, which can be addressed by condition.

This meets the criteria of Policy NC1 (Biodiversity and Geodiversity).

Flood Risk –

A Surface Water Drainage Design Report has been submitted which has been assessed by the Council's Drainage Engineer and it is considered to be acceptable. As the site is within a Critical Drainage Area it would be appropriate to impose a condition requiring the development to be carried out in accordance with the submitted details. The proposal therefore meets the criteria of Policy ER1.

Statement on Human Rights and Equalities Issues -

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

Equality Act –

No issue.

Statement on proactive working -

The Officers have worked closely with the agent and applicant from the pre - application advice stage through to discussions on the current scheme.

Local finance considerations -

The proposal would result in a net increase of one dwelling house in the area. As a result of the development there would be benefits to the economy during

construction and following occupation an increase in Council tax. In addition New Homes Bonus would be received for an additional dwelling.

Statement on CIL Liability -

The proposal constitutes CIL liable development as it is within Charging Zone 3. Liability for CIL would be calculated at Reserved Matters stage.

Conclusions-

It is concluded that the plot is of sufficient size to accommodate a new dwelling, without having a harmful impact on the character of the area. The proposed development would be consistent with the local character of the area. Highway safety for all users is protected by utilising the existing vehicular access.

The proposal is considered to sit comfortably with local policy guidance and national guidance for the presumption in favour of sustainable development and is therefore recommended for conditional approval.

Condition(s)/Reason(s)

01. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission: (i) layout; (ii) appearance (including schedule of external materials to include hard-surfaced areas) and (iii) landscaping (to include soft landscaping, boundary treatments and all means of enclosure)(iv) scale. The reserved matters shall be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

02. Access into the development to which the permission relates shall be carried out by using the existing access as indicated in the approved drawing Reference L1 Rev A.

Reason: For the avoidance of doubt and in the interests of the appearance of the site and the amenity of neighbouring premises. In accordance with Policy TA2 of the Torbay Local Plan 2012-2030.

03. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A, B, and C of Part 1, Schedule 2 (which includes enlargement, improvement or other alteration), shall be constructed (other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained).

Reason: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity. This is in accordance with Policies H1, DE1, DE3 of the Torbay Local Plan 2012-2030.

04. In accordance with the submitted flood risk assessment received 18th May 2017, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF.

Informative(s)

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

Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS11 - Sustainable Communities Strategy
SS12 - Housing
TA2 - Development access
TA3 - Parking requirements
H1 - New housing on identified sites
C5 - Urban landscape protection areas
ER1 - Flood Risk
ER2 - Water Management
DE1 - Design
DE2 - Building for life
DE3 - Development Amenity
DE4 - Building heights