

TORBAY COUNCIL

Application Site Address	Land Rear Of 107 Teignmouth Road Torquay TQ1 4HA
Proposal	Construction of twelve flats with associated parking (Retrospective)
Application Number	P/2020/0974
Applicant	Makram Ragheb
Agent	
Date Application Valid	02.10.2020
Decision Due date	01.01.2021
Extension of Time Date	N/A
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones



Site Details

The site is a previously redundant piece of land situated to the rear of 107 Teignmouth Road and 15-20 Daison Cottages, which now holds two 3-storey residential apartment blocks. The site is accessed via a short rising section of road that joins the adopted highway in front of the retail units to the north of the site. To the rear of the site a partly vegetated rock face rises sharply to woodland set on much higher land to the east.

The site has recently been subject to planning permission for 12 apartments granted consent in May 2017 under planning reference P/2016/0599. This permission has recently expired as pre-commencement conditions attached to the permission were not-discharged prior to the construction of the approved development.

The site is not covered by any designations within the Torbay Local Plan 2012-2030 or Torquay Neighbourhood Plan. However to the east of the site Daison Rock/Wood

is an 'Other Site of Wildlife Interest' and an 'Urban Landscape Protection Area'. The site is also located within Flood Zone 1 within the Critical Drainage Area as designated by the Environment Agency. The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan.

Description of Development

The proposal seeks retrospective planning permission for 12 apartments recently constructed on the site.

The development is principally unchanged from a recently consented scheme from 2017 that lapsed earlier this year. This previously approved scheme was built out with some, but not all, of the attached pre-commencement planning conditions discharged. Hence the 2017 permission that the applicant was building to is no longer valid as it has deemed to have lapsed. The application seeks to rectify the situation.

The proposal is for two apartment blocks consisting of 12 two-bed residential units. The northern block is located nearer to the entrance and sits alongside existing retail units. The southern block is located on slightly higher ground deeper within the site. Each block is three storeys and of a modern appearance with a flat roof. External wall finishes are smooth rendered walls with grey windows and doors. The two blocks are separated by a parking court that includes 13 parking spaces (1 space per unit plus 1 additional visitor space). Cycle stores and bin stores are incorporated adjacent to the car parking area, positioned fairly centrally between the two blocks of accommodation.

The land around the buildings is currently all pavements with no landscaping present. The application is supported by a proposed landscaping scheme to add planted borders, small lawn areas, landscape-framed pedestrian routes and small trees around the buildings.

Pre-Application Enquiry

Informal advice that the previous planning permission granted in 2017 has expired due to pre-commencement conditions not being fully discharged. Recommend that a planning application is submitted to seek permission retrospectively to try and rectify the situation.

Relevant Planning Policy Context

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

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Torquay Neighbourhood Plan 2012-2030 (TNP)

Material Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

P/2016/0599 - Formation of 12 flats and associated parking (revised plans received 26.10.2016) – Approved 31.05.2017

P/2018/0760 - Variation of condition (P1 Plans Condition) on application P/2016/0599 (12 Flats) - Minor material amendments: Repositioning of windows and doors. Approved 13.09.2018.

Summary of Representations

None.

Summary of Consultation Responses

Torquay Neighbourhood Forum: No comments received.

Torbay Council Strategic Transport Officer: There is no change to the highways/transport comments from the previous application. Comments in relation to the earlier applications therefore apply as do, where still relevant, previous conditions.

Torbay Council's Drainage Engineer: The submitted site specific flood risk assessment, surface water drainage design and hydraulic modelling are identical to those approved for this development as part of the previous planning application. As this application is identical to the previous application and providing the surface water drainage has been constructed in accordance with the submitted documents, there is no objection on drainage grounds to planning permission being granted.

Torbay Council's Strategic Officer: Appreciates that this is a retrospective application to seek to resolve detailed matters arising from application P/2016/0599 and P/2018/0760) and offers that the Council would need strong reasons if it wished to diverge from the decision it previously made.

In terms of changing circumstance the Neighbourhood Plan has come into force since the original application (policy TH8 is relevant, but so are policies seeking to bring forward brownfield sites), as has the 2019 NPPF. The 2017 Planning Contributions and Affordable Housing SPD and CIL Charging Schedule have also been adopted, with CIL becoming payable for developments commenced from 1 June 2017.

Torbay Council's Senior Tree and Landscape Officer: No comments received. Comments received in relation to the proposed landscape scheme by 'Fine Design' that was submitted as part of the discharge of condition request associated with the now expired scheme (P/2016/0599 amended by P/2018/0760) concluded that the proposals were acceptable.

Torbay Council's Community Safety Officer: No objection.

South West Water: No objection.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Highways and Movement
5. Ecology and Trees
6. Flood Risk and Drainage

1. Principle of Development

The development is principally unchanged from the scheme for 12 apartments that was granted planning permission in 2017 under a similar policy landscape.

The site is located within an established urban area of Torquay on what was a brownfield site prior to the provision of the apartments.

Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban brownfield land and promote urban regeneration, whilst creating prosperous and liveable urban areas. Policy SDT1 of the Torbay Local Plan which relates to the Torquay Strategic Policy Area states that the urban area will be improved and renewed, with strong support for family homes. This policy landscape is supportive and is similar to that which informed the council's previous decision, which is a material consideration.

Since the previous decision the Torquay Neighbourhood Plan has become part of the Development Plan. In terms of principle Policy TS4 (Support for Brownfield and Greenfield development) offers key advice, citing that 'development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in this plan'. The introduction of the Torquay Neighbourhood Plan to the Development Plan is not considered to change the previous conclusions that the principle is acceptable and appears to strengthen support, providing any adverse impacts aren't significant.

In terms of other relevant matters of principle it is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a contribution to this shortfall being addressed. As the Council cannot demonstrate a 5 year housing land supply the tilted balance in favour of sustainable development is applicable as required by the National Planning Policy Framework (NPPF) whereby plans and decisions should apply a presumption in favour of sustainable development. It is relevant to note that the Council can demonstrate a 3 year housing land supply which means that policies within the Torquay Neighbourhood Plan remain up to date,

however there is no in-principle policy conflict within the Torquay Neighbourhood Plan in light of Policy TS4.

Drawing together the policy landscape there remains broad support for the provision of a residential use on the site. Indeed the policy support appears strengthened due to Policy TS4 of the Torquay Neighbourhood Plan and the current shortfall of a 5-year housing land supply. This broad position is subject to wider policy considerations that are relevant to the development proposal.

2. Design and Visual Impact

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development must be of good quality design, respect the local character and reflect the identity of its surroundings. Policy DE4 of the Local Plan requires building heights to be appropriate to the location, historic character and the setting of development.

As previously outlined the scale and form of the buildings are principally similar to that previously approved in 2017.

The scheme from 2017 was informed by comments from the Council's Urban Design Consultant at the time. These comments supported separating the proposal into two separate blocks, the scale and a modern appearance to the buildings. The current proposals are principally similar to the previously approved design in terms of scale and general form, however there are some minor aesthetic modifications to consider. The elevations have become simpler with elements of cedar cladding removed which presents a simple coloured render finish. The fenestration has also removed doors with 'Juliet' balconies to provide a simpler window arrangement. The third notable change is the apparent removal of the parapet finish which presents a fascia band around the top of the upper floors.

Within the locality there are various building designs with two storey terraces to the west and large scale flat roof commercial buildings to the north and west. The proposal is a higher scale and density than the immediate area but aligned with the proposal previously granted consent. The three storey nature of the proposal is still considered to sit comfortably in this location without undue impact on the character of the surrounding area.

The simple but contemporary form of the buildings are considered suitable in this location. The form of the building is simpler than previously approved but overall the design is a positive introduction within the locality. The separation of the two blocks, as previously approved, helps to break up the mass of the buildings and help the development to assimilate well with its surroundings.

The current setting of the building is unduly hard and there is a clear absence of landscaping. There is a landscaping scheme submitted to address the current layout in order to introduce a softer aesthetic to the development. The proposals are considered acceptable within what is a restricted plot and it is recommended that a planning condition is attached to any grant of permission to ensure the scheme is implemented in full within the current planting season. With an increase in soft landscaping and communal amenity areas for residents secured it would create a softer appearance to the site and would improve the appearance of the site in views from Teignmouth Road.

Overall, the proposal is considered to provide an acceptable form of development that has a general parity with the scheme granted consent in 2017 in terms of its design and visual impact. As a result the development is considered to be acceptable and without detriment to the character and appearance of the locality or streetscene, and is considered to comply Policies DE1 and DE4 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

3. Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses. The NPPF guides (Paragraph 127) that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Quality of living accommodation for future occupiers

Policy DE3 of the Local Plan which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. The Neighbourhood Plan is largely silent on the matter of amenity. Policy DE3 sets out guidelines for minimum floor space standards for new dwellings and apartments, which reflect the Government's National Space Standards. Two-bed apartments should have an internal area of at least 61sqm with 2sqm of additional storage. All apartments are considered to provide an acceptable scale of living accommodation with floor areas between 70-75sqm. In addition to the size of the space the quality of the space should be considered, in terms of how it is positively influenced by natural light levels and outlooks. In this regard all apartments provide an acceptable level of both light and outlook with adequate sized windows to all key spaces and suitable outlooks. Certain east facing rooms have restricted outlooks towards the cliff face, however these are no different to the relationship previously considered acceptable by the Council when it granted consent in 2017. Policy DE3 also seeks secure the provision of usable outdoor amenity space, citing that apartments should deliver 10sqm per unit either individually or communally. The Torquay Neighbourhood Plan is in alignment with this guidance. The level of useable amenity space appears limited however the proposed layout does accord with the previously approved scheme that gained consent in 2017. It is noted that previous committee report reported that "*an area of communal garden space is provided and is consistent with the guidance attached to policy DE3*". The conclusions furthered that

“the units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and policy DE3 of the New Local Plan.” As the policy position has not changed, i.e. the expectation of 10sqm per unit of usable amenity space sat in 2017 as it does today, the proposed level of amenity space is considered acceptable. Concluding otherwise would appear to be inconsistent in the absence of any notable policy change and somewhat unjustifiable.

Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. Two communal bin storage areas have been provided within the development which accord with the expectation of the previously approved scheme. The proposed bin storage facilities are considered acceptable and compliant with policy W1.

With matters of size, outlook, light and amenity space considered, the proposed apartments are considered to provide a good standard of living accommodation for future occupiers, in accordance with policy guidance, notably Policy DE3 of the Torbay Local Plan and Policy THW4 of the Torquay Neighbourhood Plan.

Neighbouring Amenity

Policy DE3 of the Local Plan states that development proposals should not unduly impact upon the amenity of neighbouring and surrounding uses.

Previously the assessment of the 2017 scheme noted that the northern block was to be separated from neighbouring residential dwellings to the west by a minimum of approximately 15m, and that the building would be at a higher level than these existing dwellings. The assessment furthered that the position presented some offset views but certain openings may allow for inter-visibility between plots. The planning permission was hence subject to a condition that the west facing windows within the three southern units within the northern block (which project closer to the adjacent dwellings) should be subject to obscure glazing and openings to be fitted with restrictors. This was in order to prevent overlooking and was considered acceptable due to the rooms affected also having north or south facing windows that wouldn't be obscured. The current proposal does not appear to have been fitted with obscure glazing and this would need to be remedied in order to ensure against undue impacts of overlooking on adjacent occupiers. It is recommended that a similar planning condition is attached to any grant of permission requiring the fitting of obscure glazing and restrictors prior to the first occupation of these units (or within a certain time period from the date of the notice should occupation already have occurred).

In regard to the southern block the distances are far greater and the west facing windows are adequately separated from neighbouring dwellings to the west in order to avoid loss of amenity through overlooking between plots.

Both buildings are sufficiently distanced in order to ensure against any undue overshadowing or loss of outlooks to neighbouring properties and occupiers. The orientation and setting of the rock face and rising ground to the east does help limit any impact in terms of potential obstruction of morning sunlight to buildings to the west.

With the addition of the recommended planning conditions 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.

4. Highways and movement

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

Appendix F of the Local Plan states that one parking space and one bicycle storage space should be provided per apartment. It furthers that parking for visitors should also be provided, but there is no level of provision identified.

The proposal mirrors the previously approved layout from the 2017 consented scheme with 13 parking spaces, which results in 1 parking space per unit plus 1 additional visitor space. Cycle storage is also proposed within two cycle stores conveniently located between the two buildings, which is aligned with the previously expected provision.

The parking provision was previously considered policy compliant but with a degree of concern on the level of visitor parking. It was concluded that opportunities to increase the visitor parking is likely to be at the expense of landscaping or the cycle storage. It was concluded that degrading these other elements for the benefit of parking was not acceptable to protect the outcomes in terms of urban design and occupier amenity. It was concluded that the level of parking was acceptable subject to a reasonable request for transport contributions in order to mitigate the lower level of visitor parking provision. Such contributions were to be used to improve sustainable transport links between the site and the coach station or Hele local centre. In addition a travel plan was to be requested by condition in order to ensure non-car modes of travel are duly promoted with future occupants. It was concluded that subject to these provisions, on balance, the level of parking provision on site was considered acceptable and didn't warrant the refusal of the application. The policy position has not changed and it is considered reasonable to retain the previous position, that the proposal is acceptable on balance. It is noted that £20,640 was paid to the authority for sustainable transport improvements and hence it is deemed that this obligation has

been met through the 2017 consent that has now expired. A travel plan condition would still be required and is recommended that one is attached to any grant of consent.

Away from the level of parking the access has utilised the previous access to the site. The use of this access is considered suitable for the intensified use of the site. The access is considered compliant with policy TA2 of the Torbay Local Plan.

As a final point the previous scheme secured one parking space with an electrical charging point. It is uncertain whether this has been provided and a similar level of provision should be secured through a planning condition.

Subject to the aforementioned planning conditions, the proposal is considered to comply with Policies TA2 and TA3 of the Local Plan and Policy TH9 of the Torquay Neighbourhood Plan.

5. Ecology and Trees

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 (Protected species habitats and biodiversity) states that the development of new homes, or a new commercial property or business premises of any class, on an unallocated site that could have an impact on a protected species or habitat must provide, as appropriate, an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats. Policy C4 of the Local Plan does not permit development when it would seriously harm, either directly or indirectly, protected or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value.

The previous planning permission was subject to ecology conditions to ensure due management of the construction process and due consideration of potential enhancement measures to promote biodiversity. As the proposal is retrospective the issues of construction management have passed and are no longer relevant. The matter of biodiversity enhancement measures is still pertinent though and the application is silent on the matter. It is recommended that a time-limited condition is attached to any grant of permission to secure appropriate measures to positively incorporate biodiversity measures within the scheme. This assessment should seek, as far as practicable, to consider any features of value lost through the construction process in order to establish an appropriately robust level of measures.

Subject to the above reference condition the proposal is considered acceptable in terms of ecology and arboriculture. The proposed development is considered to be acceptable with regard to Policies NC1 and C4 of the Local Plan and Policy TE5 and of the Torquay Neighbourhood Plan.

6. Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and

ensure the risk of flooding is not increased elsewhere.

The previously consented development now lapsed was subject to a detailed surface water drainage management scheme. This scheme secured a controlled discharge to the public sewer following agreement that the site was not capable of managing the run-off using soakaways.

The current application is supported by the previously approved drainage solution and detailed design, as the scale and layout has not altered. This detail has been reviewed by the Council's drainage engineer to ensure it is robust in terms of water management for the as built scheme. It has been concluded that the previously approved drainage system that has been implemented is acceptable and ensures flood risk is not increased from the site. It is noted that South West Water do not object to planning permission being granted.

Subject to maintenance of the implemented drainage scheme the proposal is considered suitable for approval on drainage and flood risk grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan.

A planning condition is recommended to ensure that a sustainable surface water drainage method is maintained for the life of the development.

Sustainability

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

The Economic Role

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

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

There are no adverse economic impacts that would arise from this development.

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

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing the additional dwelling to be provided must carry significant weight in this balance.

Impacts on neighbour amenity have been discussed above where it is concluded that it would be possible to manage any impact through a planning condition to reduce harm to residential amenity.

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

The Environmental role

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

The environmental benefits identified are marginal in the case of any biodiversity net gain, where it is proposed to require enhancement measures through condition.

The proposal will include bicycle storage, and the proposed development is in a sustainable location inasmuch as it would make use of a brownfield site within the existing urban area.

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

Sustainability Conclusion

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

Statement on Human Rights and Equalities Issues

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

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

Local Finance Considerations

The Authority received the following obligations pursuant to the now lapsed planning permission P/2016/0599 as an upfront payment to provide mitigation for the scheme.

Waste Management: £600
Sustainable Transport: £20,640
Lifelong Learning: £2,640
Greenspace and Recreation: £13,440

The current proposal is considered to be principally a revised provision for this proposal as it seeks to correct it lapsing due to unsatisfied condition detail. The development is hence considered a 'replacement' and it is reasonable and proportionate to treat the 2016 permission as a material consideration (even if it was unlawfully commenced) and to consider that previous infrastructure payments have met the financial obligations of the development. It is hence considered unreasonable to seek further obligations in regard to CIL.

EIA/HRA

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

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing.

Conclusions and Reasons for Decision

The proposal is considered acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; would provide an adequate standard of living accommodation and is acceptable in terms of access, ecology and flood risk matters.

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

Officer Recommendation

The recommendation is that planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

Conditions

Landscaping

The proposed landscaping scheme shall be implemented and completed in full within the planting season October 2020 to March 2021.

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

The approved landscaping details shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policies DE1, SS8 and C4 of the Torbay Local Plan 2012-2030 and Policies THW4 and TH8 of the Torquay Neighbourhood Plan.

Ecology enhancements

Within 3 months of the date of this notice details of measures for biodiversity mitigation and enhancement, which reflect any removal of trees or other natural features on the site during the construction phase, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall propose replacement habitat features for any lost, planting schemes of benefit to biodiversity, incorporation of bird and bat box features; and the information shall also include how these features are to be maintained in favourable condition to support biodiversity. The approved measures shall be incorporated in full within 3 months of their approval and retained as such at all times thereafter.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Flood Risk Assessment

The development shall be served by the approved surface water drainage system, which shall be continually maintained to manage surface water runoff from the development at all times thereafter.

Reason: As Torbay is designated as a Critical Drainage Area and to ensure that the development does not increase flood risk elsewhere in accordance with policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

Obscure Glazing Windows

Within 3 months of the date of this notice the two west-facing windows within each of the three units within the southern half of the northern block (previously referred to as units 2, 4 and 6) shall be fitted with obscure glazing to the equivalent of Pilkington level 3. All window openings shall be fixed or fitted with 100mm opening restrictors where they are below 1.7m from the internal floor level of the room. The windows shall thereafter be permanently retained in that condition.

Reason: In the interests of adjoining amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

External lighting

Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site, full details including design, siting and illumination-type shall be submitted to and approved in writing by the Local Planning Authority. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

Reason: To safeguard legally protected species, including safeguarding foraging paths for legally protected bats, and in the interests of biodiversity in accordance with policies NC1 and SS8 of the Torbay Local Plan 2012-2030.

Parking Provision

The parking facilities shall be permanently retained in full for the parking of vehicles in association with the occupation of the development. At all times there shall be one visitor parking space clearly demarked for the use of visitors of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Electric Charging Point

Within 6 months of the date of this notice no less than one electrical car charging point shall be located within the sites car parking court and made available for use. The electrical charging point shall be thereafter maintained and retained for the lifetime of the development.

Reason: To ensure the parking provision of the new residential units in accordance with the requirements of Policy TA3 of the Torbay Local Plan and Policy TH9 of the Torquay Neighbourhood Plan.

Bicycle Storage

The bicycle storage facilities shall be permanently retained in full for the use of storage of bicycles incidental to the occupation of the development. At all times each store shall have independently inset secure parking fixings for 6 bicycles and shall be fully enclosed with a lockable secure door. The storage arrangements shall be retained for the life of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policy DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan 2012-2030.

Refuse Storage

The refuse storage facilities shall be permanently retained in full for the use of temporary storage of domestic waste from the development. The approved storage arrangements shall be retained for the life of the development.

Reason: In order to provide on-site waste storage and in the interests of visual and residential amenity, in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012 - 2030.

Travel Plan

Within 3 months of the date of this notice a Travel Plan, to include details of review and implementation, which seeks to promote the use of non-car modes of local travel, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the approved travel plan shall be implemented in full within 2 months and maintained for the life of the development.

Reason: In the interests of road safety and sustainability to encourage walking, cycling and public transport use for future occupants in accordance with the NPPF and policies TA1 and TA2 of the Torbay Local Plan 2012-2030 and Policy THW5 of the Torquay Neighbourhood Plan.

Informative(s)

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

SS3 – Presumption In Favour Of Sustainable Development

SS8 – Natural environment

SS12 – Housing

SS13 – Five year housing land supply

DE1 – Design

DE3 – Development Amenity

DE4 – Building Heights

ER1 – Flood Risk

ER2 – Water Management

H1 – Applications for New Homes

NC1 – Biodiversity and Geodiversity

C4 – Trees, Hedgerows and Natural Landscape Features

TA2 – Development Access

TA3 – Parking Requirements

W1 – Waste Management

TH8 – Established Architecture

TH9 – Parking Facilities

THW4 – Outside Space Provision

TE5 - Protected Species Habitats and Biodiversity