

Application Number

P/2012/1079

Site Address

Marine Park Holiday Centre
Grange Road
Paignton
Devon
TQ4 7JR

Case Officer

Matt Diamond

Ward

Goodrington With Roselands

Description

Erection of 12 dwellings and associated works, with revised siting of plots 6 to 17 and revised access to outline planning permission P/2009/1084/MOA

Executive Summary/Key Outcomes

This full application applies to the eastern part of the Marine Park site already granted outline planning permission for 100 dwellings and access points on Grange Road and Goodrington Road (ref. P/2009/1084). It varies the siting of plots 6 to 17 and the location of the vehicular access on Grange Road, which were fixed in the outline permission. A separate reserved matters application (ref. P/2012/1078) has been submitted for the rest of the site.

As with the reserved matters application, the design of the scheme is acceptable, as is the new access configuration on Grange Road. It is considered to be an improvement on the illustrative layout approved for the outline permission and draft proposals presented to the Torbay Design Review Panel. The impact of the design on the amenity of existing properties in Grange Avenue has been assessed following concerns from local residents and is also considered acceptable. On this basis the application should be approved.

However, at the time of writing the Environment Agency is objecting to the reserved matters application, due to inadequate surface water drainage strategy and the impact this has on the layout. As this is a material consideration for this application, the recommendation is the same as the reserved matters application, i.e. approval, subject to either the Environment Agency removing its objection or the submission of a contingency strategy that has been agreed with the Council in consultation with the Environment Agency within the 13 week statutory determination period. If this does not take place, the application should be refused under delegated powers.

Recommendation

Conditional Approval; subject to the Environment Agency removing its objection to the reserved matters application (ref. P/2012/1078) within 13 week statutory period or a surface water contingency strategy being agreed with the Council in

consultation with the Environment Agency; with conditions to be delegated to the Executive Head of Spatial Planning (a list of conditions/condition headings is provided at the end of this report, but more conditions might be required). If the Environment Agency has not removed its objection or a contingency strategy been agreed at 13 weeks, the application should be refused under delegated powers.

Site Details

The site is located in the southern part of Paignton. It is bounded by Grange Road to the north and west, residential properties in Grange Avenue and along Goodrington Road to the east, and Goodrington Road, a caravan park and ancillary recreational area to the south. The site also bounds residential properties along Grange Road to the northeast. The site area is 2.2 ha. The site is undesignated in the Adopted Torbay Local Plan 1995-2011, but it adjoins the Roselands/Grange Road Wildlife Corridor and Clennon Hill/Roselands Valley Urban Landscape Protection Area to the north. In addition, it is in close proximity to Clennon Local Wildlife Site/County Wildlife Site on the opposite side of Grange Road to the west.

The site comprises a disused caravan park and an area of open land to the south. The caravan park once formed part of the wider complex of caravan parks in the area. The site has an existing vehicular access to the north on Grange Road. The site slopes uphill to the south, becoming steeper in the southern part of the site towards the open land. The disused caravan park includes: access roads, parking areas, static caravan pitches, ancillary buildings, trees and vegetation. The western boundary consists of a Devon hedgebank. A small woodland area in the southeast corner of the site is covered by a blanket TPO (2009.031).

This full application relates to the eastern part of the site along the boundary with the properties in Grange Avenue and the vehicular access on Grange Road. It excludes the majority of the site to the west, which is dealt with under the reserved matters application ref. P/2012/1078 submitted together with this application. The reason this application has been submitted separately is because it varies the siting of plots 6 to 17, which were fixed under the outline planning permission (ref. P/2009/1084), and the location of the access on Grange Road.

Detailed Proposals

The proposals relate to the eastern part of the Marine Park Holiday Centre site, which was granted outline planning permission (ref. P/2009/1084) in December 2011 for:

Revised plans; revised layout, and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (outline).

The application seeks approval for details relating to: layout, scale of buildings, appearance of buildings, access and landscaping. A full application has been submitted for this part of the site because it varies the siting of plots 6 to 17, which were fixed under the outline planning permission, and the location of the access on Grange Road. The detailed proposals for the whole site are described below, i.e. the proposals for this application and reserved matters application P/2012/1078.

The outline permission approved an indicative site layout for 100 dwellings, with two new vehicular access points onto Grange Road and Goodrington Road, pedestrian/cycle link onto Grange Road and a central green space/children's play space. The small woodland area in the southeast corner of the site covered by a TPO was retained. The detailed proposals retain the layout of the indicative scheme, except for excluding a street in the western part of the site. It was not possible to provide this route because of the gradient of the site in this location meaning the highway could not have been adopted. As a consequence, there is only one vehicular circulation route in the northern part of the site and the green space/children's play space has increased in size from 416 sq m to 570 sq m. The vehicular access points onto Grange Road and Goodrington Road are retained, as is the pedestrian/cycle link onto Grange Road. The location of the access onto Grange Road has moved slightly to the west, closer to the existing access, from the location approved for the outline permission.

The indicative proposals in the outline permission showed a mix of dwelling types from 2 bed flats to 3 and 4 bed detached houses. Building heights ranged from single storey to 4 storeys. The accommodation schedule for the reserved matters application confirms the overall housing mix, as follows: 29 no. 2-bed dwellings (3 coach houses, 14 flats/apartments and 12 terraced houses); 45 no. 3-bed dwellings (30 terraced houses and 15 semi-detached houses); and 26 no. 4-bed dwellings (7 terraced houses, 9 semi-detached houses and 10 detached houses). Building heights range from 2 storey to split 2/3 storey, and in the case of the blocks of flats/apartments, 3 and a half storey (lower block) and split 2/4 storey (upper block). 20% of the dwellings will be affordable, as permitted in the outline permission. These would be distributed in two clusters, one larger one in the northwest corner of the site and a smaller one in the eastern part of the site.

The proposed dwellings include a mix based on standard house types built by the developer and bespoke designs specific to the site. The elevation drawings show that the dwellings would have a fairly simple, uniform appearance with pitched grey tile roofs and some with integral garages. The materials used for the elevations include: painted sand and cement render, grey Eternit Cedral Weatherboard and Staffordshire Blue Brick plinths. The Design and Access Statement states that the proposals draw upon the aesthetic of traditional higher density rural homes found around South Devon. It also states that the proposals will benefit from the use of new sustainable materials and products which bring a contemporary edge to the scheme. A colour palette is included in the Design and

Access Statement comprising a variety of colours with soft, muted tones.

The proposals include a Landscape Masterplan and Landscape Planting Plan. Highways and parking areas would be made from standard bituminous surfacing and block paving, the latter to indicate shared surface areas particularly at nodal points. Whilst some existing trees need to be removed, new street trees would be planted as well as hedges and shrubs. Stone boundary walls would be used to enhance local character and raised timber planters placed at the entrances of some properties. The central green space/children's play space is described as an orchard in the Design and Access Statement, harking back to a time when orchards were prevalent in the area. It is annotated as including an incidental children's play space with seating element on the Landscape Masterplan.

The application(s) includes a parking distribution plan. This shows that every dwelling has at least one parking space and the majority have two. The majority of parking is on-plot, with some incorporated on-street or in courtyards with pedestrian priority. The upper block of flats has a car park set back from the highway. A number of on-street visitor parking spaces are also shown.

The application(s) includes a highway layout. This shows that the majority of roads would be adopted by the Local Highway Authority, whilst the parking courtyards and car park for the upper block of flats would be private and managed by a suitable management company. In addition, a section of highway in the western part of the site would be private due to the limited available space to meet adoptable width standards. The highway layout has been tweaked in a few places during the course of the application following comments from the Local Highway Authority.

Summary Of Consultation Responses

Design Review Panel: (based on an earlier iteration of the scheme at pre-application stage): The proposals presented demonstrate that the outline permission for 100 dwellings and parking ratio of 2 spaces per dwelling represents a significant challenge in achieving a new neighbourhood of good quality on the site. The minor adaptation of the earlier illustrative masterplan and the development of fairly standard house types is not necessarily the best approach for the reserved matters application. The resulting layout seems to have a number of weaknesses and the full advantages of the site might be best discovered through a fresh start. A better quality neighbourhood might result from fewer units and/or a more flexible approach to parking standards.

The main areas for improvement are:

- Better integration of the urban form with vehicular movement to produce a more legible and convenient layout.

- Apartments more tactically located within the layout to provide external (shared or public) amenity space and parking in close proximity to them.
- Ensure that the layout, and the integration of parking, does not present a vehicle dominated environment.
- Ensure that the landscape design is a significant influence on the form of the neighbourhood – its character and how it might function as a new community.
- The house typologies deployed need to more nearly respect and form a good response to the particular topography of the site and its orientation.

South West Water: No objections in principle. A portion of the surface water drainage is intended to discharge to the public sewer, which is against South West Water policy and is only permitted in exceptional circumstances and subject to attenuation. If this is the only option, the developer will need South West Water prior approval to do this.

Environment Agency: Stated no objections, subject to a condition to deal with surface water drainage.

Senior Historic Environment Officer: Recommended an updated archaeological condition, as follows:

No demolition or development shall take place within the application area until a programme of archaeological works, as specified in a Project Design, has been approved by the local planning authority in writing. The archaeological works will include: a programme and methodology for site investigation and recording; post-investigation assessment and analysis; publication; and archive deposition.

Reason: Where an important archaeological site will be destroyed or materially damaged as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission. (NPPF 2012, para 141)

Building Control: Requires submission of a ground investigation report due to proximity to existing landfill tip in Clennon Valley. B5 fire fighting access is available. First floor window design needs to provide satisfactory secondary means of escape. The site is within a radon gas/methane area and will require radon protection. Rainwater drainage should be to soakaway. The layout must satisfy Part M of the Building Regulations re access.

Natural England: The application is within the setting of the South Devon AONB and the AONB Partnership should be consulted. Does not fall within the scope of the consultations that Natural England would routinely comment on; the

application is not likely to result in significant impacts on statutory designated sites, landscapes or species. The site should be surveyed if protected or Biodiversity Action Plan (BAP) species are possibly present. Natural England Standing Advice is available. Biodiversity enhancements are encouraged. All proposals should complement and where possible enhance local distinctiveness.

South Devon AONB Unit: No objections – the proposed development is located outside the AONB and is set within an existing built-up area; therefore it would not have a significant additional impact on the qualities and character of the AONB.

Engineering – Drainage: The flood risk assessment includes some soakaway designs, but the infiltration rate used has been assumed. The FRA recommends infiltration tests are undertaken to confirm soakaways are appropriate. No details provided of trial holes and infiltration tests to confirm the ground conditions are suitable for soakaways at the locations of the proposed soakaways. Soakaway designs must use infiltration rates and show they will cater for the critical 1 in 100 year storm event plus an allowance for climate change. No details of surface water system to soakaways, which must be designed so no flooding to properties is predicted for the critical 1 in 100 year storm event plus an allowance for climate change. If flooding is predicted, the developer must demonstrate how the floodwater/overland flow will be dealt with.

Agreed that these details can be submitted to approve Condition 10 of the outline permission ref. P/2009/1084.

RSPB: Support Natural England's advice on biodiversity enhancements. This can be achieved by following the guidelines in Annex C of 'Planning for a Healthy Environment: good practice for green infrastructure and biodiversity' (TCPA, July 2012). Recommend a Biodiversity Enhancement Plan is made a condition of the consent if granted.

Housing Services: Supportive of the proposals, as overall the scheme meets policy requirements. Stated that the changes to the layout of the scheme do not adversely affect the affordable units being provided.

Arboricultural Officer: Recommends the scheme is suitable for approval subject to conditions for a more comprehensive landscape plan detailing tree specifications, tree pit design, future tree management and more significant sized species, and an updated tree protection plan.

Highways/Strategic Transportation: Recommended that various highway design issues are addressed (all these were relatively minor and were incorporated in revised drawings).

Stated that the proposed construction access off Grange Road is not acceptable

and should be addressed in the Construction Method Statement required to satisfy Condition 17 of the outline permission ref. P/2009/1084.

The sustainable transport contribution agreed for the outline permission will contribute towards implementing the local cycle network.

Devon and Cornwall Police: No response.

Refuse Collection & Disposal: No response.

Summary Of Representations

One objection received from a local resident raising concerns about loss of light and privacy. The local resident states that they had been assured by the developers that the houses would only be 2 storeys and there would be no scope for rooms or windows to be built in the roofs. However, the local resident states that there is a window in the roof which will affect their privacy. Due to the difference in levels between the local resident's property and the site, the local resident states that they were told there would be a minimum of 15m between their house and the proposed dwellings, but this has been reduced by 0.5m. Also concerned that the existing hedge along the boundary might be staying, which currently blocks daylight. This letter is re-produced at Page P.202.

Relevant Planning History

- P/2009/1084: Revised plans; revised layout, and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (outline): Approved 28.12.2011
- ZP/2012/0126: Provision of 100 dwellings (pre-application enquiry): Approve 07.09.2012
- CN/2012/0097: Discharge of condition 8 to application P/2009/1084/MOA - Greater Horseshoe bat survey report: Pending Consideration
- P/2012/1078: Reserved matters for layout, appearance, scale and landscaping - following outline approval P/2009/1084/MOA for revised plans; layout and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (in outline): Pending Consideration

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Design (layout, scale, appearance and landscaping)

3. Revised Access on Grange Road
4. Parking
5. Impact on Properties in Grange Avenue
6. Surface Water Drainage
7. Biodiversity
8. Replacement Tree Planting
9. Building Control Requirements

1. The principle of the development is acceptable, as outline planning permission has already been granted for 100 dwellings on the site together with vehicular access points onto Grange Road and Goodrington Road (ref. P/2009/1084). This includes 12 plots along the eastern boundary.

2. (The following text is taken from the Committee Report for the reserved matters application P/2012/1078, as it applies equally to this part of the site as it does to the remainder of the site. N.B. the variation of the siting of plots 6 to 17 is discussed under 5 below, as the reason the siting of these plots was fixed in the outline permission was to protect the amenities of adjacent properties in Grange Avenue.)

Prior to submitting the reserved matters application and full application ref. P/2012/1079, the applicant presented draft proposals to the Torbay Design Review Panel. The DRP noted that the layout of the site had been revised from the illustrative scheme approved under the outline planning permission ref. P/2009/1084 and the most significant revision was the discontinuation of one of the streets up the slope due to the topography. This meant that the circular street in the centre of the site could not be completed.

The DRP raised a number of concerns with the new layout, particularly the response to the discontinued street which was the introduction of a coach house at the end of the intended street creating a cul-de-sac. They also raised concerns with parking courts along the eastern boundary, the location of the lower block of flats, the lack of amenity space for the lower block of flats and car parking located in the central perimeter block. All these issues have been addressed in the reserved matters/full applications and the layout is considered to be a significant improvement to the outline permission and draft layout presented to the DRP. A particular improvement is the introduction of a central green space, described as an orchard in the Design and Access Statement, which provides an alternative link up the slope for pedestrians and cyclists in place of the street illustrated in the outline permission. Car parking has also been removed from along the eastern boundary improving the relationship with existing properties.

The DRP made no comments on the scale of the proposed dwellings. Overall this is considered acceptable and would fit in with the scale of housing in the area, i.e. 2 storeys or split 2/3 storeys where the building is on a slope. It is also consistent with the scale of buildings illustrated in the outline permission. The

blocks of flats would naturally be larger in scale than the proposed housing, but would not be overly dominant or impact on the amenity of adjacent dwellings.

The buildings would have a fairly simple, uniform appearance, utilising similar materials all-be-it different colours from a restricted palette. This helps to create a sense of place and belonging and was recommended by the DRP. The DRP promoted bespoke design for the site and the applicant has responded by providing a mix of bespoke design and design based on standard house types; this is for viability reasons. However, it is considered that the appearance of the dwellings fits in with local character and is acceptable in the context of the relevant policies in the Local Plan. The DRP were critical of the use of coach houses, i.e. flats over garages, but the applicant has stated that these are popular with first time buyers and are considered acceptable, as mixed house types are promoted both in the Local Plan and NPPF (only 3 coach houses are proposed). The DRP raised concerns with potential north facing glazing to provide views at the expense of energy efficiency, but a study of the elevations shows that the proposed dwellings do not have an over abundance of north facing glazing.

The detailed proposals include a Landscape Masterplan and Landscape Planting Plan. These show that a great deal of effort has been spent on designing an appropriate landscaping scheme for the site that enhances local character and sense of place, whilst contributing towards creating a pedestrian friendly environment. Different hard surfacing is used at key points in the development to indicate the transition from vehicle dominated highway to pedestrian friendly shared street, and street trees are used together with other soft landscape, such as Hornbeam hedge, various climbing species and flowers, including Purple Sensation, to soften and add colour and interest to the built environment. The DRP commented on how important landscaping can be, particularly boundary treatments, in adding quality and character to a development. The applicant has taken these comments onboard in the detailed submission. The central green space/'orchard' includes a children's play space, as required by the outline permission, is overlooked by the lower block of flats for safety (natural surveillance) and would provide a communal 'heart' to the development. The use of raised timber planters at entrances to properties adds further character. The Devon hedgebank along the western boundary would be retained and the eastern boundary with properties in Grange Avenue tidied up with new fencing and ornamental trees replacing the existing fencing, overgrown hedge and trees.

Overall, the design of the reserved matters/full applications is considered acceptable and in accordance with Policies BES, BE1 and BE2 of the Local Plan, and Section 7 of the NPPF. There remains scope for further refinement of the boundary treatments and outdoor lighting as part of the landscape proposals in the submissions for approval of details reserved by Conditions 13 and 14 of the outline permission.

3. The full application varies the location of the vehicular access onto Grange Road, which was approved as a detailed matter in the outline permission. The access is now slightly closer to the existing access to the west and has simply been realigned to fit in with the new layout. The Highway S38 Layout drawing (ref.12.178/001 B) shows that it would have the same visibility splays as the approved access and Highways has not raised it as an issue or objected to it. Therefore, the design and location of the access is acceptable.

4. (The following text is taken from the Committee Report for the reserved matters application P/2012/1078, as it applies equally to this part of the site as it does to the remainder of the site.)

The majority of dwellings in the scheme would have two parking spaces; however, the flats/apartments and 11 of the other dwellings would have one space according to the parking distribution plan. In addition, six visitor parking spaces would be provided on-street in the northern part of the site and three visitor spaces provided for the upper block of flats.

The proposed parking strategy complies with the maximum parking standards set out in Policy T25 of the Local Plan, although two dwellings have two spaces each that are both on-street. The DRP raised concerns with the integration of parking in the layout so that it wouldn't present a vehicle dominated environment. This is not considered to be the case though, as the majority of parking is provided on-plot either with one space in front of the other or one space in an integral garage. This coupled with the proposed integration of parking into the detailed landscape scheme means that a suitable amount of parking can be provided without harming the quality and appearance of the streets in the development.

5. One of the reasons this application has been submitted in addition to the reserved matters application ref. P/2012/1078, is that it varies the siting of plots 6 to 17 which were fixed in the outline permission. The reason the siting of these units was fixed was to ensure that there is sufficient separation distance between the proposed dwellings and the existing properties in Grange Avenue in order to protect their amenity, i.e. privacy and daylight. This is particularly important as some of the existing properties are at a lower level to the site.

A 21m minimum separation zone was established between the existing and proposed dwellings in the outline permission, although units 11 and 12 encroached slightly within this zone. This zone is shown on the Illustrative Site Masterplan (drawing ref. 2844-P100 C) that was approved as part of the outline permission. The revised layout maintains this separation zone and in the case of plots 9, 10, 11 and 12 the separation distance has increased slightly.

Two representations have been received from residents of properties in Grange Avenue (one was put on the reserved matters application) raising significant concerns with the impact of the height of the proposed dwellings on privacy and

daylight. This is because the indicative drawings approved for the outline permission showed that the dwellings would be 2 storeys, whereas the current plans show that four of the units along the eastern boundary would have one rear window at roof level due to being split level buildings. The window in the unit type involved is set back from the rear elevation by 2 metres. The plot where this could potentially be an issue is plot 10, as it is directly behind the rear elevation of 16 Grange Avenue which is a single storey building and at the lowest level in Grange Avenue.

A detailed section drawing was requested from the applicant to assess the potential impact of plot 10 on 16 Grange Avenue. The separation distance between the rear elevation with the roof level window and the rear elevation of the existing dwelling is 23.4m. The roof level window is 1.5m higher than the other first floor windows in the proposed dwelling. Having looked at the matter closely, it is considered that the separation distance is satisfactory to maintain privacy to 16 Grange Avenue. In taking this view, it is noted that soft landscape screening can be used to help maintain privacy. There are no other concerns with the separation distances between the other proposed dwellings and existing properties in Grange Avenue.

In terms of daylight, this is considered acceptable having taken into account the 25 degree angle rule of thumb recommended by the Building Research Establishment; the angle between 16 Grange Avenue and the top of the roof on plot 10 is 20.5 degrees. In addition, the proposed dwellings along the eastern boundary would not block southern sunlight to the existing properties, as they are aligned north-south.

6. Whilst the Environment Agency has stated it has no objections to the application, subject to a condition to deal with surface water drainage, it has objected to the reserved matters application because supporting information has indicated that the ground conditions might not be suitable for the proposed soakaways. Therefore, the layout should not be approved until either it has been demonstrated that soakaways are feasible or alternative measures have been determined and it has been shown that there is enough space for these.

Therefore, as this site is part of the wider scheme, this application should not be approved until either the Environment Agency has removed its objection to the reserved matters application or a contingency strategy has been agreed between the applicant and the Council in consultation with the Environment Agency to deal with this issue.

7. Natural England has stated that the site should be surveyed if protected or Biodiversity Action Plan (BAP) species are possibly present. Condition 8 of the outline permission already requires this and if this full application is approved, it should also be subject to this condition and the other relevant conditions that were attached to the outline permission.

In addition, both Natural England and the RSPB promote biodiversity enhancements and the RSPB recommends a further condition for a Biodiversity Enhancement Plan. This follows the introduction of the NPPF since the outline application was granted planning permission. However, it is considered that there is sufficient scope in the wording of Condition 8 to deal with this and a further condition is not therefore required.

8. (The following text is taken from the Committee Report for the reserved matters application P/2012/1078, as it applies equally to this part of the site as it does to the remainder of the site.)

The Arboricultural Officer has recommended a number of conditions, including revised landscape plans showing significant replacement tree planting to mitigate against the loss of a band of mature conifers (Grade C – low quality) along Goodrington Road. The other conditions are already covered by conditions attached to the outline planning permission. The Landscape Masterplan and Landscape Planting Plan show that only three of the conifers would be removed - to form the vehicular access on Goodrington Road - and the remainder would be retained. The Tree Report submitted with the outline application and resubmitted with this application confirms that these trees are Grade C – low quality, and states they are inappropriate in the long term and should be replaced, possibly by extending the native group of trees/TPO woodland to the northeast. Therefore, the loss of these trees is not considered to have a significant impact on the amenity of the area and replacement tree planting can be addressed in the approval of Conditions 8 and 11 of the outline permission should it prove necessary.

The Arboricultural Officer also commented on the small size of replacement tree planting in the scheme that would make it difficult to integrate the site into the wider landscape, and requirement for tree pit designs where trees are located within shared surfaces. The first point needs to be balanced against other factors, such as the intended character of the development, i.e. orchard, integrating trees with utilities and the problems trees can cause with overshadowing. This last point is particularly relevant given that most of the development is broadly aligned along an east-west axis. Therefore, the proposed small trees are considered acceptable for the site. The second point can be conditioned.

9. Building Control has commented that Clennon Valley has an existing landfill tip and therefore a ground investigation report will need to be submitted to ensure the development is not sited within 250m or the design takes into account Methane protection. It has also commented that the site will require full radon protection.

Building Control has confirmed that these issues will be dealt with as part of the

Building Regulation application process. The NPPF confirms that pollution and contamination are planning issues, but the responsibility for securing a safe development rests with the developer and/or landowner. Therefore, an informative should be placed on any planning approval raising this issue with the developer.

S106/CIL -

A S106 Agreement was prepared for the outline permission securing 20% affordable housing and the following contributions:

Education	£102,550.00
Lifelong Learning	£24,070.00
Green Space	£143,300.00
Stronger Communities	£12,535.00
Sustainable Transport	£78,090.00
Waste Management	£3,675.00

The S106 Agreement has been amended by the Council to relate to the outline permission and full application ref. P/2012/1079.

Housing Services has agreed which units will be affordable dwellings and the proportion of social rented and shared ownership. These are shown on the Typology drawing ref. 3392-02 5. Of the affordable dwellings, 14 (70%) are social rented and 6 (30%) are shared ownership.

Conclusions

This application seeks full planning permission for the eastern part of the site and the access on Grange Road following outline planning permission for 100 dwellings on the site and access points on Grange Road and Goodrington Road (ref. P/2009/1084). It varies the siting of plots 6 to 17 and the location of the access on Grange Road, which were fixed in the outline permission. As with the reserved matters application submitted for the rest of the site, the detailed design is acceptable and an improvement on the illustrative layout approved under the outline permission and draft proposals presented to the Torbay Design Review Panel. In addition, the new access on Grange Road is acceptable, as it has the same visibility splays as the approved access and has only moved slightly to the west.

Whilst the Environment Agency has not objected to this application, it currently objects to the reserved matters application because early indications suggest that the ground conditions might not be suitable for the proposed soakaways intended to deal with surface water runoff from the site. As this is also a material consideration for this application, the recommendation is the same as the reserved matters application, i.e. approval subject to either the Environment Agency removing their objection to the reserved matters application or the applicant agreeing a contingency strategy with the Council in consultation with

the Environment Agency within the statutory 13 week determination period. If this does not take place the application should be refused under delegated powers.

Condition(s)/Reason(s)

01. No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery or materials are brought on to the site for the purposes of development or any other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason: To safeguard the existing trees and hedges in accordance with Policy L9 of the Torbay Local Plan 1995-2011.

02. Prior to the occupation of the first dwelling the accesses from the existing highway shall be laid out and constructed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy T26 of the saved Torbay Local Plan 1995-2011.

03. The development shall not be used/occupied until the vehicle parking areas shown on approved detailed plans have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the adopted Torbay Local Plan 1995-2011

04. No building shall be occupied until all the roads, footpaths and visibility splays have been provided in accordance with approved detailed plans, or, to a stage previously agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

05. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following

the occupation of the buildings or the completion of the development, whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area.

06. This permission is related to an Agreement entered into by the applicant and the Torbay Council, under Section 106 of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

07. No development shall take place until surveys to confirm the presence or absence of protected species are completed and a programme of the mitigation works that covers the avoidance of impact, mitigation and enhancement recommendations as set out in the Ecological Impact Assessment dated October 2009 have been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. Development shall take place in accordance with the agreed programme.

Reason: In the interests of protecting wildlife in accordance with Policy NC5 of the saved Torbay Local Plan 1995-2011.

08. No demolition or development shall take place within the application area until a programme of archaeological works, as specified in a Project Design, has been approved by the local planning authority in writing. The archaeological works will include: a programme and methodology for site investigation and recording; post-investigation assessment and analysis; publication; and archive deposition.

Reason: Where an important archaeological site will be destroyed or materially damaged as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission. (NPPF 2012, para 141)

09. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved

details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system, in accordance with Policy EPS of the saved Torbay Local Plan 1995-2011.

10. No clearance of vegetation or work on the stone barn should take place during the bird nesting season between October and late February inclusive. A soft felling technique should be used where trees and larger limbs are lowered rather than allowed to fall directly to the ground and then left in situ for 24 hours before being removed from the site.

Reason: in the interests of protecting wildlife, in accordance with Policy NC5 of the saved Torbay Local Plan 1995-2011.

11. Prior to the erection or installation of any outdoor lighting on site a detailed outdoor lighting scheme which shall utilise 'bat friendly' lighting such as sodium lamps rather than mercury or metal halide lamps, with light directed only where it is needed and keeping light columns as short as possible, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of minimising light pollution in accordance with Policy EP5 of the Torbay Local Plan 1995-2011.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building occupied. Development shall be carried out in accordance with the approved treatment.

Reason: In the interests of the amenity of the area in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

13. The improved passing bays to Grange Road shall be provided prior to the occupation of any dwelling.

Reason: In the interests of highway safety, in accordance with Policy T26(2) of the Saved Adopted Torbay Local Plan 1995-2011.

14. Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This site is located close to residential properties and effective management of the construction process is needed to prevent unnecessary nuisance to residents in the area, residents, staff and visitors to the site is maintained at all times during the construction of the extension. In order to comply with policies HS and T26 of the saved adopted Torbay Local Plan (1995-2011).

15. The development hereby permitted shall be carried out in complete accordance with the approved drawings, listed at the end of this decision notice.

Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

16. No development shall take place until an External Materials Schedule has been submitted to and approved in writing by the Local Planning Authority showing full details of all external building materials, including specification and images. Samples of materials shall be agreed on site by the Local Planning Authority as required.

Reason: In the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

17. The development hereby permitted shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason: To safeguard the Local Planning Authority's rights of control over these details in the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

18. Tree Pit Designs

Relevant Policies

HS	Housing Strategy
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
H11	Open space requirements for new housing
CF2	Crime prevention
CF6	Community infrastructure contributions
CF7	Educational contributions
IN1	Water, drainage and sewerage infrastructure
L9	Planting and retention of trees
L10	Major development and landscaping
NCS	Nature conservation strategy
EPS	Environmental protection strategy
EP1	Energy efficient design
BES	Built environment strategy
BE1	Design of new development
BE2	Landscaping and design
T2	Transport hierarchy
T25	Car parking in new development
T26	Access from development on to the highway
T27	Servicing