

# TORBAY COUNCIL

Application Site Address	Cherry Trees 142 Newton Road Torquay TQ2 7AD
Proposal	Alterations and extensions to existing dwelling to form five residential flats. Alterations include the formation of a two storey side extension over existing garage, the enlargement of a rear dormer (revised plans received on 14.04.2021)
Application Number	P/2020/0866
Applicant	Mr Maddock
Agent	Box Architecture
Date Application Valid	28.09.2020
Decision Due date	23.11.2020
Extension of Time Date	21.12.2020 an extension of the determination period until 18 <sup>th</sup> June 2021 has been agreed
Recommendation	<p>Approval subject to:</p> <ol style="list-style-type: none"> <li>1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency.</li> </ol> <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	Councillors requested consideration by Committee as a result of objections received over the height of the building, proximity to the boundaries and loss of light.
Planning Case Officer	June Pagdin

## Site Location Plan



### **Site Details**

The site comprises a two-storey, semi-detached dwelling house and its curtilage on the south side of Newton Road. It is in a pair with No 140 to the south east. The house has a deep front garden and a garage on the boundary with No 144. There is a mature tree on the footway adjacent to the existing vehicle access from Newton Road.

The property to the north-west at No 144 Newton Road is also a semi-detached house (in a pair with No 146). The house is set in from the shared boundary by some distance (approx. 10m); while a side conservatory is set in 6m and the garage is adjacent to the shared boundary. A previous planning permission was granted to extend the house to the side (P/2019/1138).

The application property has been previously extended with a side and a rear dormer in the roof and a single storey rear extension. The property has a rear garden;

varying in depth between approximately 4m and 7m, which backs onto the rear of residential properties at No. 17 Cadewell Crescent.

No 17 Cadewell Crescent is also a two-storey, semi-detached house. It is positioned on the bend of the Crescent and the house is set at 45 degrees to No 142 Newton Road. The rear garden is triangular in shape and approximately 7m deep at ground floor; the upper rooms are approximately 3m further back. It is on slightly higher land than No 142 Newton Road

Newton Road is an established residential area with surrounding properties having similar character and appearance. The neighbouring property was been converted from a guest house to four flats (Ref No P/2017/1034). There is a mix of residential and commercial uses on the far side of Newton Road and further south on the application side.

### **Description of Development**

Full planning permission is sought for extension and subdivision of the property. During the course of the application the proposal has been amended and now involves:

- A two-storey side extension to the north-western side of the property (in place of the garage) with a half-hipped roof
- Enlarging the rear dormer extension in the roof
- Hip to gable widening of roof ridge line on original house
- Alterations internally to subdivide building into five flats (4 x 1 bed, 1 x 2 bed)
- Installation of five roof-lights in the roof and two windows in the rear dormer
- Creation of 6 car parking spaces and refuse storage area in front garden
- Provision of amenity space to the flats.

The proposal would be finished with white render to the ground floor of the extension to match the existing house and cement boarding to the first floor of the side extension and the dormer window. The existing red roof tiles would be changed to grey concrete tiles. Proposed new windows would be upvc (colour to be agreed).

The built form would be as approved under planning application reference number P/2019/1138 for a two storey extension and subdivision into one maisonette at first and second floors and an ancillary ground floor annexe.

### **Pre-Application Enquiry**

None.

### **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 Torquay Neighbourhood Plan ("The Neighbourhood Plan")

#### 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/2011/0527 – Formation of single storey extension at rear. Approved 04.07.2011.

P/2011/0953 - Non material amendment - removal of dormer/chiquette over the new rear entrance door at the NW elevation; insertion of 2 roof lights in new roof SE and NW elevations; removal of high level window at SE elevation – Approved 4.10.2011.

P/2019/1138 - Formation of 2 storey extension to side over existing garage, dormer to rear (amended plans received). Approved 22.06.2020.

#### **Summary of Representations**

Approximately 5 objections were received to the original proposal in which the following matters were raised:

- The intensification of use would result in up to ten people living in five tiny flats;
- Overdevelopment - cramming in front garden of car parking and bins;
- Inadequate size of outdoor space provision;
- Loss of privacy due to overlooking of neighbours to rear and side – especially the bi-fold doors to first floor lounge;
- Loss of natural light;
- Noise from future occupiers;
- Future maintenance of building would require access to land at No 144 Newton Road.

One neutral comment was received:

- requesting better sound insulation between flats. Currently not adequate for so many people in one building.

Sound insulation between residential flats is subject to control through Building Regulations matter and not a material planning consideration.

Neighbouring occupiers were consulted on the amended scheme and four responses were received. The following comments were made:

- Overdevelopment;
- Too close to neighbouring properties;
- Loss of privacy due to overlooking;
- Loss of light to neighbouring properties;
- Inadequate amenity spaces;

- Inadequate parking layout;
- Dust and noise during construction.

## **Summary of Consultation Responses**

### **Torquay Neighbourhood Plan Forum:**

Objection. Concern at conversions of large properties in to small poor quality living spaces without access to outside space. A key principle of Torquay Neighbourhood Plan requires new housing developments to include adequate outdoor space, such as a front or back gardens or balconies. Policy THW4 (outside space provision) requires flats or apartments to have either a balcony of not less than 10 sqm and as appropriate to the size of the home or a communal green area of not less than 10 sqm per unit within the curtilage of the property. Where there are compelling opportunities to enhance nearby spaces that can be served by the new development, in lieu of providing sufficient open space within the development site, this will be considered on its individual merits on a case-by-case basis.

### **Highways**

No objection.

### **Arboriculture**

Further information will be required on the proposed make-up of the driveway and how the electric charging point is going to be serviced. A permit will be needed for excavation works near roots of the Council-owned street tree for EV cabling.

### **Community Safety**

No objection subject to condition requiring a Construction Management Plan.

## **Planning Officer Assessment**

### **Key Issues/Material Considerations**

1. Principle of development
2. Visual Impact
3. Impact on Residential Amenity
4. Impact on Highways
5. Flood Risk and Drainage
6. Ecology and Arboriculture
7. Statement on Human Rights and Equalities Issues
8. Local Finance Considerations

#### **1. Principle of development**

Full planning permission is sought for alterations and extensions to the house and subdivision into five flats.

Policy H1 of the Local Plan states that proposals for new homes within the built up area will be supported subject to consistency with other Policies and that proposals

for new homes on unallocated sites will be assessed according to a range of criteria proportionate to the scale of the proposals including the capacity of physical infrastructure, including highways to accommodate development. The Council cannot demonstrate a 3 year housing land supply. The site is within the built up area and would retain residential use, providing four additional self-contained units. It would help to address the need to provide homes and would not detract from housing delivery. Therefore, in principle, the proposals are considered to be in accordance with Policy H1.

## **2. 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'. Paragraph 130 of the NPPF 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 DE5 of the Local Plan states that domestic extensions will be assessed against their impact on the character or appearance of the original property, neighbouring properties, and the street scene. Policy TH8 of the Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The visual impact of the proposed extensions was assessed under the previous Planning Application (reference number P/2019/1138) and found to be acceptable in the context. The proposed two-storey side extension would extend above an existing garage and maintain the existing distance from the boundary treatment of approximately 0.6 metres. The proposed extension has a Dutch hip roof which is set down from the ridge of the original property and is set back from the principal elevation of the original property. The side extension would be finished in render at ground floor and cladding at first floor. The colour of the roof tiles is grey but the colour of the cladding is to be determined.

The design and appearance of the proposed extension takes reference from the properties within the surrounding street scene and the proposed extension is considered to be of a size, scale and design that is acceptable given the building's set back from the site frontage and style, reflecting other extensions within the street scene. Given the character of the surrounding area, and the proposal's siting, scale, and design. It is considered that the development would not result in unacceptable harm to the character or visual amenities of the locality.

Subject to a condition to secure the use of suitable materials, the proposal is considered to be in accordance with Policies DE1 and DE5 of the Local Plan, Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

### 3. Impact on Residential Amenity

Paragraph 127 of the NPPF requires developments to create places that promote a high standard of amenity for existing and future users. Policy DE3 of the Local Plan states that development should strike an appropriate balance between making good use of land whilst avoiding town cramming or harm to neighbour's amenities. Residential proposals should provide a good level of amenity for future residents and should not unduly impact upon the amenity of neighbouring properties and surrounding uses.

#### Future occupiers

Policy DE3 requires new residential developments to provide adequate amenity for the future occupiers. The internal space standards are set out in Table 23 of the Local Plan.

The proposed flats would provide sufficient space to meet the standards for the submitted number of occupants.

Flat No	Flat type	Required Space IGA (Table 23 TLP)	Floor space proposed (IGA)
1	2 bedroom 3 person	61	61
2	1 bedroom 1 person	37	39
3	1 bedroom 1 person	37	45
4	1 bedroom 1 person	37	39
5	1 bedroom 1 person	37	46 (full height)

The building would accommodate up to seven people in five households.

Adequate day-lighting to internal spaces would be provided. Amended plans show the side windows of Flat No 4 have been removed from the proposal and the layout amended to ensure adequate daylight to habitable rooms.

The external communal amenity area measures 61sqm (excluding the bicycle stores). This provides for the minimum required under Policy THW4 of the Torquay Neighbourhood Plan 2019 of 10sqm per unit. Amended plans show discreet areas allocated to the two ground floor flats and a shared area for the upper flats to provide 10sqmm per flat. Access to the bicycle stores is separate from these areas.

The arrangement of the space has been amended to avoid communal access to the areas directly outside the living room windows and doors and a bedroom window of Flats 1 and 2 in order to provide some protection of privacy of those internal spaces.

The front bedrooms of Flats No 1 and 2 have windows onto the car parking area at the front of the site. Amended plans show planters and separation from the parking area and allocation of the two parking spaces closest to the house to the occupiers of those flats in order to protect the amenity of those occupiers with regard to noise and light nuisance from car parking manoeuvres.

The amended scheme addresses earlier concerns over the levels of amenity for future occupants and is considered to be in accordance with Policy DE3 of the Torbay Local Plan and THW4 of the Torquay Neighbourhood Plan and paragraph 127 of the NPPF.

#### Neighbouring occupiers

While the proposed side extension would bring two-storey development closer to the shared boundary with No.144 the previously submitted day and sun-lighting report and Officer assessment (P/2019/1138) concluded that the proposal would not result in an unacceptably overbearing impact or overshadowing.

The amended scheme removes the original proposal for a full-length first floor window with Juliet balcony on the rear elevation of the proposed two-storey side extension and replaces it with a normal sill height (1.2m). The potential for overlooking was carefully assessed in the previous proposal (2019/1138) where this window was shown as serving a bedroom. Under the current proposal this window would also serve a bedroom as the floor plan to Flat 4 has been revised in amended plans.

The layout of this residential area is such that relationships between neighbouring properties are already characterised by some level of overlooking towards neighbouring gardens and inter-visibility between rear elevations. The ground floor of the rear elevation of No 17 Cadewell Crescent would be approximately 14m away. The distance between first floor windows would be approximately 17m. The building at No 17 is set at a 45 degree angle to No 142 Newton Road. The initial proposal for a Juliet balcony to a lounge at first floor level would have resulted in a considerable increase in the amount of overlooking throughout the day and evenings compared to a bedroom window. The revised scheme addresses this issue of overlooking and loss of privacy by reducing the size of window and amending the flat layout so that this window would serve a bedroom and the living/dining/kitchen area would be at the front of the property. The resulting degree of overlooking would not be increased significantly over and above the previously approved application (P/2019/1138).

Amended plans omit the kitchen window for Flat 4 that faced north from the side boundary facing No 144 Newton Road and would have allowed views over the side and rear amenity spaces of that neighbour. This amendment addresses concerns of overlooking to the side over the property at No 144 Newton Road.

All other new windows and doors would face towards the street or be sited at ground floor level where they would not result in any unacceptable impact on privacy, with due regard to the existing boundary treatment.

The amended scheme is considered to adequately address previous concerns of overlooking such that the proposal would not result in a significant increase in



overlooking and consequent loss of privacy to the detriment of the amenity of the neighbouring occupiers. The proposal is not considered to result in unacceptable harm to the amenities of neighbours in terms of their outlook or access to natural light and, therefore, to be in accordance with Policy DE3 of the Local Plan and paragraph 127 of the NPPF.

#### **4. Impact on Highways**

Policy TA3 and Appendix F of the Local Plan states that each flat should be provided with 1 on-site parking space for motor vehicles, 1 on-site cycle storage space and provisions for the storage of refuse bins and recycling boxes. Policy TH9 of the Neighbourhood Plan states that the parking requirements set out in the Local Plan must be complied with, and that applications for additional residential accommodation should be assessed for their parking demand.

The subject property is currently served by a garage and a driveway at the front of the property. Consultation responses have raised concerns that car parking will be crammed in and inadequate. The proposal would remove existing landscaping at the front of the house and extend the driveway to provide six car parking spaces (1 per flat and 1 visitor space). A small planter is proposed on each side of the vehicle access point to the site. While the site layout is tight, it allows for parking spaces of an adequate size and 6m deep turning area behind the spaces, which meets the Standing Advice requirements. The Highway Authority has no objection to the proposed layout.

The Parking Standards require 20 % of the spaces to have Electric Vehicle Charging Points. One is required on this site. However, concern was expressed by the Arboricultural Officer that the cabling should not be within the root zone of the mature street tree, which is of significance in the streetscene. Provision of the EVCP and appropriate cable routing can be secured by condition on any permission.

Subject to a condition to ensure provision prior to occupation of the parking spaces and an EVCP (with cabling to avoid the street tree root zone), the proposal is considered to be in accordance with Policy TA3 of the Local Plan and Policy TH9 of the Neighbourhood Plan.

The positioning of the refuse bins on the site frontage could introduce clutter and detrimentally affect the appearance of the site frontage. However, amended plans show refuse bin stores set behind a planting area when viewed from the street. Details of the bin store appearance and the planting can be secured through conditions to ensure that adequate screening is provided and maintained.

Subject to the identified conditions the proposal is considered to be acceptable with regard to Policies TA3 and DE1 of the Local Plan.

#### **5. 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 previous application was approved and due to the small footprint of the proposed extension being under 20sqm, it was not considered necessary to require a sustainable form of drainage. However, site is located within the Critical Drainage Area and the current proposal includes hardstanding areas. The submitted Flood Risk Assessment states that surface water would be discharged at a controlled rate to a combined sewer to be approved by the Water Company. However, the Standing Advice advises that a condition seeking consideration of sustainable drainage systems is reasonable in these circumstances. This condition is recommended.

## **6. Ecology**

The application is accompanied by an Ecological Impact Assessment report provided by an ecologist (October 2019). The submitted report relates that a site inspection did not reveal any evidence of use of the property by bats or nesting birds, and concluded that the proposal would not impact negatively on bats or nesting birds and no further survey is required. Issues relating to the street tree are covered in the Highways Section (section 4 above). The proposal is therefore considered to be in accordance with Policy NC1 of the Local Plan which seeks to conserve Torbay's biodiversity and geodiversity.

## **7. Low Carbon Development**

Policies SS14 and ES1 of the Local Plan seeks to promote a low carbon form of development with adaptations to climate change so as to minimise carbon emissions and the use of natural resources.

The proposal would make a contribution to housing delivery in Torbay through the conversion of an existing vacant building within the built up area in a sustainable location. Proposals for residential development within the existing built up area help meet Torbay's housing need in a manner that reduces the need for greenfield development in unsustainable locations, which increase the need for car ownership. The proposal therefore makes efficient use of existing brownfield land and infrastructure capacity.

The submitted Low Carbon Energy Statement sets out that the retention and conversion of the existing building ensures that the embodied carbon contained within the building is retained, thereby minimising the carbon emissions associated with the production of new building materials and the carrying out of construction works. The intention is to install high efficiency water heating and space heating and compliance with the standards required by the Building Regulations. In addition, the proposed installation of roof-lights contributes to passive solar heat gain during daylight hours.

The proposal is considered to be in accordance with Policies SS14 and ES1 of the Local Plan.

## **8. Human Rights and Equalities Issues**

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

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

## **9. Local Finance Considerations**

S106: Not Applicable

CIL: A CIL liability form was not submitted with this proposal. The site falls within Charging Zone 2 (CIL Map 8). Charging Zone 2 is defined as areas outside the Policy C1 "Countryside and rural economy" area of Policy 2 "Undeveloped coast area" in the adopted Torbay Local Plan 2012-2030 that are not within Zone1 or a future Growth Area. Residential development of more than 100sqm internal floorspace that creates more than three dwellings will be liable. The proposal would create less than 100sqm additional internal space. Therefore, CIL is not liable.

### **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 positive impact overall and help with the supply of much needed housing.

### **Conclusions and Reasons for Decision**

The proposal as amended, is considered to be acceptable in terms of the principle of the use and its, visual impact, impacts on amenities of future and neighbouring occupants and in terms of on-site provision of parking, bin storage and landscaping. Subject to conditions, the proposed development is, considered to be in accordance with the policies of the NPPF, the Local Plan and the Neighbourhood Plan.

### **Officer Recommendation**

That planning permission be granted, subject to:

The planning conditions outlined below, with the final drafting of planning conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency

That the resolution of any new material considerations that may come to light following Planning Committee be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

### **Conditions**

1. No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust.

The plan should include, but not be limited to:

- o Procedures for maintaining good neighbour relations including complaint management.
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:  
08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- o Control measures for dust and other air-borne pollutants.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

2. Prior to the commencement of above-ground works of the development hereby permitted, details of colour, type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development shall be submitted to and approved by the Local Planning Authority. The development shall, thereafter, be implemented in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DE1 and DE5 of the Torbay Local Plan 2012, Policy TH8 of Torquay Neighbourhood Plan 2019 and the National Planning Policy Framework.

3. FRA Notwithstanding the submitted flood risk assessment, 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 40% for climate change.

If demonstrated that the ground conditions are not suitable for soakaways or will result in an increased risk of flooding to surrounding buildings, roads and land, prior to commencement of the development, details of an alternative means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details of the alternative means of surface water drainage shall include evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. As Torbay is a Critical Drainage Area the submitted means of surface water drainage shall ensure that all off site surface water discharges from the development must be limited to the "Greenfield" run off rate for the 1 in 10 year rainfall event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus a 40% allowance for climate change. On site all surface water shall be safely managed up to the "1 in 100 year critical rainfall event plus 40% allowance for climate change" conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream. The development shall not be utilised until the approved surface water drainage system has been completed as approved and it shall be continually maintained thereafter.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030, and the guidance contained in the NPPF.

4. Prior to the first occupation of the development hereby permitted the amenity spaces and planters shall be provided on the site in accordance with the plans hereby approved and shall thereafter be retained for their intended use with the associated dwellings for the lifetime of the development.

Reason: In the interests of residential amenity, and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy THW4 of the Adopted Torquay Neighbourhood Plan 2012-2030.

5. Prior to the first occupation of the development hereby permitted details of the boundary walls and fences to the site and the amenity spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with approved details prior to occupation and retained in that condition thereafter.

Reason: To ensure a satisfactory completion of development and protect the privacy of future and neighbouring occupants in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

6. Prior to the first occupation of the development hereby permitted six car parking spaces shall be provided on the site in accordance with the plans hereby approved and shall thereafter be retained. The car parking spaces shall be allocated to the flats as shown on the Drawing No 5961/209/A and made available for the free use of residents of the development for their

intended use for the lifetime of the development. Notwithstanding the approved plans the surface of the parking area shall be fixed/bonded to prevent spillage onto the highway.

Reason: In accordance with highway safety and residential amenity, and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

7. Prior to the first occupation of the development hereby permitted details of at least one electric vehicle charging point (EVCP) and its cabling shall be submitted and agreed in writing by the Local Planning Authority. The EVCP shall be provided in accordance with the approved details prior to first occupation of the development and retained in a satisfactory working condition thereafter. The cabling shall avoid the root protection zone of the street tree adjacent the application site.

Reason: In the interests of carbon reduction and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

8. Prior to the first occupation of the development hereby permitted details of weatherproof and secure cycle storage for five cycles shall be submitted and agreed in writing by the Local Planning Authority. The bicycle storage enclosure shall be provided in accordance with the approved details prior to first occupation and retained thereafter.

Reason: To ensure a satisfactory completion of development and ensure the provision of facilities to support the use of sustainable transport modes in accordance with Policies DE3 and TA3 of the Torbay Local Plan 2012-2030.

9. Prior to the first occupation of the development hereby permitted details of the proposed refuse and recycling bin enclosure shall be submitted and agreed in writing by the Local Planning Authority. The bin enclosure shall be provided in accordance with the approved details prior to first occupation and retained thereafter.

Reason: To ensure a satisfactory completion of development and protect the amenity of future and neighbouring occupants and the appearance in the area in accordance with Policy DE3 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

10. Prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within 8 weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

#### 11. Tree Protection for street tree

(i) Any work carried out to the street tree on Newton Road adjacent to the site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.

(ii) The development hereby approved shall not commence, and no materials shall be brought onto site, until the street tree is protected by fencing within the application site as per BS 5837: 2005. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.

(iii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.

(iv) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.

(v) No trenches for service runs, or any other excavations shall take place within the fenced area.

(vi) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason: To ensure that all existing trees on and adjacent to the site are adequately protected while development is in progress.

**Relevant Policies**

*Torbay Local Plan:*

H1 – Applications for New Homes

DE1 - Design

DE3 – Development amenity

DE5 – Domestic Extensions

TA2 - Development access

TA3 - Parking requirements

ER1 - Flood Risk

NC1 - Biodiversity and Geodiversity

C4 – Trees, hedgerows and natural landscape features

SS3 – Presumption in favour of sustainable development

SS14- Low carbon development and adaptation to climate change

ES1 - Renewable and low-carbon infrastructure

*Torquay Neighbourhood Plan:*

TH8 - Established architecture

THW4 – Outside Space Provision

TH9 - Parking Facilities