

Application Site Address	Former Dairy Crest Depot, Parkfield Road Torquay. TQ1 4BH
Proposal	Demolition and redevelopment of former dairy depot to form 55 residential dwellings (48 apartments and 7 dwelling houses), with associated parking and landscaping.
Application Number	P/2020/0497
Applicant	McCarthy Contracting & Development Ltd
Agent	Kay Elliott Architects
Date Application Valid	05.10.2020
Decision Due date	04.01.2021
Extension of Time Date	18.05.2021
Recommendation	<p>Approval: Subject to;</p> <p>Resolution of the dormer design within the dwellings to the satisfaction of Officers;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>S106 legal agreement to secure deferred obligations for Affordable Housing and funding to deliver a Traffic Road Order adjacent to the site.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional 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 application site is a former milk depot that sits between Lymington Road and Parkfield Road, approximately 1km north of Torquay Town Centre, in an area that has a mixed commercial and residential character.

The site is approximately 0.5 hectares in size and is roughly rectangular in shape at 125m long and with a predominate width of around 30-40m.

The site retains a number of buildings and structures from its former depot use, which sit amongst an extensively hard-covered site floor. Other than a tree group in the south-east corner of the site vegetation is principally limited to emerging scrub growth amongst the hardstanding. There is a notable row of mature lime trees to the east along Lymington Road, but these fall outside the site and are set within the public highway. There is also a wooded bank on the opposite side of Parkfield Road. To the south lies commercial and residential buildings, and to the north and east there are residential properties set across public highways.

In terms of levels the site is largely flat and is slightly lower than the adjacent streets. To the east the Lymington Road is generally between 0.5 and 1m higher than the adjacent site level and to the west Parkfield Road is between 1m-2.5m higher than the adjacent site level.

In terms of access points there are two vehicular accesses, which are both off Parkfield Road.

In terms of designations the site sits within a Critical Drainage Area and there is an identified linear flood risk area that follows the culverted waterway that flows from north to south towards the town centre and coast. The Torquay Neighbourhood Plan allocates the site for residential purposes and notes an approximate yield (number of units) of 40. In terms of further context the Grade 2 Listed Penny's Cottage sits to the north across a road junction, and the adjacent wooded bank on the opposite side of Parkfield Road sits as part of an Urban Landscape Protection Area and Local Wildlife Site within the Torbay Local Plan and Local Green Space within the Torquay Neighbourhood Plan.

Description of Development

This is a full application for the demolition of the existing buildings and the provision of a single apartment block of 48 units and a single residential terrace of 7 dwellings.

The apartment block is proposed in the south-western quarter of the site adjacent to Parkfield Road and covers a footprint of approximately 70m long by 17m deep. The building has 4 floors of accommodation with an under-croft storey of parking, which is set below the level of Parkfield Road. The uppermost storey of accommodation is set within a pitched roof. The base material is white render with the intermittent use of dark umber standing seam cladding, under a natural slate roof.

The dwellings are proposed in the north-eastern quarter of the site with their principal elevations fronting Lymington Road and rear gardens backing on to Parkfield Road. The dwellings are 2-storey in scale with a pitched roof. Alternate dwellings are proposed with dormers to the front and rear which provides additional accommodation within the roof.

In terms of parking facilities 22 spaces are proposed around the buildings and 45 spaces are proposed within the under-croft of the apartment building. This presents 67 spaces for the 55 units, which include 5 visitor spaces and 5 disabled spaces. The proposal also includes highways works to provide 6 formalised public parking bays in the street along Parkfield Road.

The vehicular access is maintained within the existing location of the central access off Parkfield Road and a pedestrian access is proposed on to the footpath on the south side of Lymington Road.

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 (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

Planning Application: P/2019/0283: Outline application for the demolition of existing buildings and change of use of the land from industrial to provide up to 43 residential dwellings with parking, with detailed access, layout and scale (Matters of appearance and landscaping Reserved). Approved 28.10.2019.

Summary of Representations

3 objections (from 2 households). Key issues as follows:

- No social housing being provided
- Torbay doesn't need more flats
- On the flood plain
- Out of keeping with the area
- Increased traffic
- Increased noise

In addition comments have been submitted from the Torbay and South Devon NHS Foundation Trust and the NHS Devon Clinical Commissioning Group.

The Torbay and South Devon NHS Foundation Trust principally raise that a planning obligation of £56,511.00 should be sought towards the gap in the funding created by each potential patient from this development. Concluding without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies. The NHS Devon Clinical Commissioning Group request a planning obligation to the sum of £28,644.00 towards the cost mitigation of additional pressure on local healthcare, citing concerns around local surgeries already be over capacity. Without such funding the these health groups object to planning permission being granted.

Summary of Consultation Responses

Torquay Neighbourhood Forum

The plans offer a far better design quality than the previously approved plans, and the row of terraced house are in an appropriate scale to compliment Penny's Cottage and the row of Victorian house opposite. The flats are placed at the back of the site next to Parkfield Road, so blend into Stantaway Hill. It is disappointing that they are not including any affordable housing. The redevelopment of this brownfield site is viewed

as positive. There are some concerns about Highways issues. It is positive to see the extension of the footpath giving better safe movement for pedestrians along Parkfield Road.

The Highway Authority (SWISCo/WSP)

Based upon the revised information submitted by the applicant through the course of the application the Highway Authority offers no objection to the proposed development on the condition that the costs of the Traffic Regulation Order are confirmed.

Previous points of concern regarding the displaced on-street parking, the traffic regulation order, the wall height near to the entrance, and the pedestrian visibility for the crossing point, have all been addressed.

Drainage Engineer (Torbay Development Agency)

Providing the flood mitigation measures included in the site-specific flood risk assessment and the surface water drainage is constructed in accordance with the drainage strategy reference AT2323 dated 9th April 2020, there is no objection on drainage grounds to planning permission being granted for this development.

South West Water

No objection subject to surface water being managed in accordance with the submitted Flood Risk Assessment.

Environment Agency

Consider that the proposed development will be acceptable provided that a condition requiring the implementation of the mitigation measures contained within the submitted FRA is included within any permission granted, including the floor heights detailed.

The Contamination Remedial Measures shows that the identified contaminations would not pose a problem to the water course environment.

Before determining the application the Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already.

Senior Tree and Landscape Officer (SWISCo)

The development is sustainable from an arboriculture perspective taking into account the existing trees, however the matter of leaf deposition should be addressed. Recommend;

- A compliance condition for the tree protection measures as per 01528 TPP 28.02.2020.
- Pre commencement condition for an arboricultural method statement pertaining to but not exclusively excavation works in the RPA, remedies for leaf litter deposition onto the property and cars, timings of site visits.
- A pre-commencement condition for a landscape plan. This will need to address the loss of the B category group to facilitate the proposals.

Torbay Council Community Safety Officer

No objection, subject to the inclusion of a condition to secure a Construction Management Plan, which must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust.

Having reviewed the document prepared by A.Robin Hood & Associates Geotechnical (Consultants) it is apparent that hydrocarbon contamination in the form of petroleum and diesel has been identified in two areas this site. Given that this is a residential development with a parkland and gardens there is therefore a potential risk to human health if this is not remediated. As such I would therefore suggest a planning condition for the submission and approval of a Remediation Scheme (and implementation).

Waste Client Manager (SWISCo)

SWISCo will not drive vehicles on to new unadopted highways to collect waste and recycling. The location of the communal bin store for the 48 properties is too great for the collection crews to bring the bins to the adopted highway for collection (they will bring bins a maximum of 20 meters. I would also be concerned about where the collection vehicles would be able to wait on the public highway whilst collections took place.

Clarification of where the collections for the individual properties would take place ie. Where would the residents place their waste and recycling for collection should be sought.

Police Designing out Crime Officer

There is a lack of meaningful detail regarding safety and security and designing out crime or crime prevention. This should be addressed prior to determination. General advice offered regarding consideration of Secured by Design (SBD), a police owned initiative which aims to improve the security of buildings and their immediate surroundings to provide safer places. Some concern is raised on the level of car parking.

Viability Advisor (Torbay Development Agency)

Further to the second independent report prepared by Bettsworths it is agreed that on a marginal site such as this a deferred contribution basis is a fair way forward in terms of Affordable Housing.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact (including the impact upon the setting of the adjacent Listed Building)
3. Residential Amenity
4. Highways, Movement and Parking
5. Ecology, Biodiversity and Trees
6. Flood Risk and Drainage
7. Low Carbon Development and Climate Change
8. Contamination

1. Principle of Development

In terms of context the site is a long-vacant 'brownfield' site located in an established urban area of Torquay relatively close to the town centre and the various shops, services and associated transport options. It also sits in a corridor where there is a strong character of both residential and commercial uses.

Policy H1 (Applications for new homes) of the Torbay Local Plan cites that proposals for new homes within the built up area will be supported subject to accordance with the other policies contained within the Local Plan. The site sits in the built up area.

Policy TS4 (Support for Brownfield and Greenfield development) of the Torquay Neighbourhood Plan cites that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan. Other material considerations will be discussed in turn within the Officer Assessment, however in terms of principle there is a concept of support.

Specific to this site the Torquay Neighbourhood Plan has identified the land as one of 5 additional sites allocated for housing within Torquay (beyond the allocation drawn from the Torbay Local Plan's pool of identified sites) within Policy TH1. The site reference is NP3 and the estimated capacity is 40 units. This establishes a clear support for the principle of a residential use within the Development Plan.

In addition to the above the Council cannot currently demonstrate a 3 or 5 year housing land supply, which is a relevant material consideration to the principle. For decision making this means that the policies most important for determining applications for housing in the Neighbourhood Plan and the Local Plan are considered to be out of date and therefore should be afforded limited weight within the current decision making process. The 'tilted balance' in favour of sustainable housing development therefore applies subject to the detail wording of the NPPF Para 11 and the associated footnotes. This principally means that harm should significantly and demonstrably outweigh benefits for permission to be withheld. This current context therefore increases the prospect of planning permission being granted because it 'tilts' the balance in favour of approving an application for housing.

Drawing together the policy landscape there is support for the provision of a residential use on the site. The policy support is clear within Policies TH1 and TS4 of the Torquay Neighbourhood Plan and the current shortfall in housing land supply strengthens this support. This position is however subject to wider policy considerations that are relevant to the development proposal, which will be discussed in the forthcoming sections of the Officer Assessment.

2. Design and Visual Impact (including the impact upon the setting of the adjacent Listed Building)

Nationally achieving good design is a central thread within government guidance and Part 12 of the NPPF (Achieving well-designed places) offers key guidance. Paras 126, 127, 130, and 134 are particularly relevant and accumulatively guide that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, that good design is a key aspect of sustainable

development, and the importance of design being sympathetic to local character (built environment and landscape setting). Para 134 advises 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 (Design) of the Torbay 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 DE4 (Building Heights) cites that the height of new buildings should be appropriate to the location and that they should be built to the prevailing building height unless there are sound socio-economic benefits to justify a deviation.

Policy TH8 (Established architecture) of the Torquay Neighbourhood Plan cites that development should be of good quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

Having considered both local and national policy guidance the design is considered to provide an acceptable form of development within the context subject to resolving a minor matter on dormer design within the terrace of dwelling. The key components of the assessment that inform this judgment are outlined below.

In terms of the detailed layout the proposal presents a large linear apartment building that is approximately 70m long and 17m deep, which accommodates 4 floors of accommodation over a parking level. Set diagonally opposite this building it proposes a short terrace of 7 dwellings that spread northwards towards the narrow and more locally prominent end of the site. Between the buildings there is a forecourt of parking and a more substantial area of soft landscaping provided by a communal landscaped area and the combined private gardens.

In terms of visual impact the plot is considered capable of holding a large building in the location and to the scale proposed, and the provision of lesser-scaled dwellings towards the northern end of the site is deemed a positive response to the greater local prominence of this end. In terms of the basic layout there is sufficient space around the buildings to provide adequate softening and present an acceptable setting for the development, that would hence not cramp or over-develop site.

In terms of scale the apartment building adequately respects the height of the adjacent dwellings to the south, which are 3-storey in height under a pitched roof as viewed from Parkfield Road. The apartment block offers 5 floors however it is perceived to hold the character of a 3-storey building as the parking level is set below Parkfield Road and the uppermost (4th) storey of accommodation is delivered within the roof element of the building. This hence presents a 3+roof accommodation character next to a 3+roofscape character and scale of development. The scale of the building as viewed from the east is greater however it remains reflective of the development to the south which combines stepped commercial development under the 3-storey dwellings. As touched on above the provision of domestically scaled 2-storey dwellings in the northern part of the site is considered a positive response to the narrowing of the site towards a prominent junction and to the context of the terraced properties opposite. The pitched form of the dwellings is considered locally reflective and again respects the existing terraces nearby. Dormers are proposed in alternate dwellings with small flat roofed dormers to the front and slightly larger flat roofed dormers to the rear.

Although dormers are not obviously locally characteristic their scale and refined materials is considered to present a position of acceptability as pre-planned features across the terrace, with any subsequent impact on character limited. The rear dormers are appropriately scaled however their offset nature does draw unnecessary attention to their presence and a more symmetrical rhythm is advised, central within the roofscapes. This matter is with the agent to respond on and the recommendation to members reflect the desire for further improvement of this element.

In terms of detailed design and materials the apartment block presents a simple modern and rhythmic form with use of white render as the base material with dark umber cladding used to present vertical breaks within the long facades, which helps soften the elevation and break up its scale. This presents a more domestic rhythm and character and is supported. The pitched roof is proposed in natural slate which is supported. In terms of the dwellings these are again proposed in a base material of render under a slate pitched roofs. This simple palette is supported.

It is noted that the Neighbourhood Forum consider the proposal to be a better design quality than the previously approved plans and note the row of terraced house are in an appropriate scale to compliment Penny's Cottage and the row of Victorian house opposite.

Regarding heritage assets there is a requirement to pay special attention to the desirability of preserving or enhancing the setting of listed buildings, and in terms of this development Penny's Cottage, a listed building, sits to the north across the road junction. The proposal is considered to represent the opportunity to enhance the view along Lymington Road towards Penny's Cottage by removing the commercial and hard industrial urban landscape with a softer landscaped setting which better reflects the historic setting the cottage. Similarly the experience of the setting is also likely to be enhanced by the scheme through the removal of the general industrial environment resulting in a more tranquil setting. In terms of the impact upon the setting of the building it is hence considered to be positive one overall.

In terms of design and visual impact for these reasons above the development is considered acceptable as there would be no adverse impact upon the character or visual amenities of the locality. The proposal is deemed in broad accordance with Policies DE1, DE4, SS10 and H1 of the Torbay Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and guidance contained within the NPPF in terms of good design. This conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority, when making a decision on any decision on a planning application for development that affects a listed building or its setting, to pay special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

3. Residential Amenity

The NPPF guides (Paragraph 130) 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. 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 proposal seeks to provide 46x 2-bed apartments generally sized between 70-87sqm, and 2x 1-bed apartments at circa 57sqm. The 7 dwellings are a mix of 3x 3-bed and 4x4-bed units, with floor areas of circa 100sqm and 125sqm respectively.

Quality of living accommodation for future occupiers

Policy DE3 of the Local Plan requires that new residential provides a good level of amenity and that units provide adequate floor space to achieve a pleasant and healthy environment. The Neighbourhood Plan is largely silent on the matter of amenity but does cite expectations for outdoor amenity space. Policy DE3 sets out guidelines for minimum floor space standards for new dwellings and apartments, which reflect the Government's National Space Standards.

2-bed apartments with two double bedrooms should have an internal area of at least 70sqm with 2sqm of additional storage and 1-bed (2 person) apartments should be at least 50sqm with 1.5m of storage. All apartments are considered to provide an acceptable scale of living accommodation with floor areas exceeding the prescribed standards. 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 a good level of both light and outlook with adequately sized windows to all key spaces and suitable open outlooks. Policy DE3 also seeks secure the provision of usable outdoor amenity space where apartments should deliver 10sqm per unit either individually or communally. The Torquay Neighbourhood Plan is in alignment with this guidance as advised within Policy THW4, either as balconies or communal space. The scheme provides both balconies and a communal greenspace that accumulatively exceeds the policy-guided minimum of 480sqm, which provides an acceptable level of outdoor space for future occupants of the apartments.

In terms of the dwellings the internal spaces accord with national space standards and the simple terraced form presents adequate natural light and outlook to key habitable rooms with front and rear windows. The rear gardens range between 33sqm and 78sqm and although this presents some tension with the Torbay Local Plan, which seeks a minimum of 55sqm, the Torquay Neighbourhood Plan guides a lesser provision for all new houses of no less than 20sqm of outside space. The Neighbourhood Plan is deemed to hold primacy on this matter and hence the outdoor spaces are considered adequate.

In terms of key ancillary elements Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage of waste. Communal bin storage areas have been provided within the apartment building and there is identified waste storage within the rear gardens of the dwelling with rear access to Parkfield Road. The proposed bin storage facilities are considered acceptable and compliant with Policy W1. As a note the waste collection for the apartment block is likely to be delivered by a private provider due to the distance of the collection area from the adopted highway.

Considering the various aspects that influence a good living environment development is 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, and advice contained within the NPPF.

Adjacent neighbouring amenity

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

The construction phase will naturally have some temporary impacts however such impacts are not unusual and can be limited through positively managing the process through a Construction Method Statement. One has been submitted in support of the application and is considered to adequately manage the construction process. Compliance should be secured through a planning condition.

In terms of the finished development the residential use aligns with the residential uses nearby and the additional dwellings would not result in undue noise or general disturbance. The move from a commercial use to residential is likely to be positive as although the site lies empty a future commercial use could create noise and disturbance.

In terms of scale and height there is unlikely to be any loss of outlook or light to the north and east as adjacent residential properties are set some distance away across relatively wide public roads. The sensitivity is further reduced by the provision of dwellings on the northern part of the site and the large lime trees to the east of the site. To the south the existing residential building off Parkfield Road is relatively close however the relationship is considered an acceptable one, towards what is a secondary elevation of the end dwelling, where key rooms do not rely solely on the northern elevation for light or outlook. In addition there would be no undue impact on outlook to the rear and small outdoor amenity areas would not be overshadowed due to the northerly position of the proposed apartment block. To the west there is no development to consider.

In terms of privacy, inter-looking and overlooking nearby properties to the north, and east across Lymington Road, are well-distanced and would be unaffected by the development. The residential building to the south off Parkfield Road is again relatively close and there are windows at an oblique angle and small terraced areas that appear defined by privacy screens. The level of over-looking and any impact would appear moderately sensitive, but any impact could be mitigated by screening of the end balconies if deemed necessary. It is proposed that a condition is attached to agree the balcony treatments prior to occupation to enable due assessment of any impact.

In terms of amenity for the reasons above the proposal is considered to comply with Policy DE3 of the Torbay Local Plan and advice contained within the NPPF, as it would present good quality living environments and would not unduly impact the amenities afforded neighbouring occupiers.

4. Highways, Movement and Parking

The NPPF guides that in assessing specific applications for development it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 110). It also furthers (Para 111) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TA1 of the Torbay Local Plan and advice contained within the NPPF principally seeks to develop a sustainable model of travel. This baseline aspiration is there to try and meet the travel needs of everyone, whilst also reducing the need for travel and thus the environment impact of movement from development.

The site is centrally located just north of Torquay Town Centre and sits in an established urban environment characterised by residential properties and commercial activities. As a centrally located brownfield site it is considered a good location for residential development, and one that could meet the travel needs for occupiers equally, not just car owners, whilst also presenting options for sustainable modes of local travel for all. The development of the site for housing presents a basis for development that accords with the broad policy direction for sustainable travel patterns.

Policy TA2 of the Torbay Local Plan states that all development 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. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided. The Torquay Neighbourhood Plan is largely silent on access and highway matters beyond guiding that, to encourage use of sustainable forms of transport, new development proposals will be supported where they are located on or near to public transport routes wherever possible and appropriate (Policy THW5).

The proposed vehicular access off Parkfield Road amends the existing access to provide adequate arrangement for residential use, including visibility splays. Following the receipt of further information on the height of a nearby wall the access is considered acceptable with no concerns raised by the Highway Authority. In terms of pedestrian movement there is a segregated footpath into the site which will ensure there is no conflict with cars. There is also a proposed access onto the footpath to the east of the site serving Lymington Road, which is a positive addition in terms of offering direct pedestrian movement options. Regarding supportive works to the highway the proposal will include the provision of 2 dropped crossing points across Parkfield Road, which provides adequate connection to the wider footpath network, and the Highway Authority has raised a safety concern re potential parking near to the junction with Teignmouth Road to the north, which would require the extension of double yellow lines. This can be secured via an obligation to fund the necessary Traffic Road Order.

Subject to the above the proposal presents an acceptable access and movement linkages with the public highway network.

In terms of the provision of parking and cycling facilities Policy TA3 and Appendix F of the Torbay Local Plan provides the policy context, where it provides estimated requirements for parking that reflect a balance between ensuring that the levels of car parking generated by development are met on site, with the need to ensure that due consideration is also given to sustainable transport methods. Policy TH9 of the Torquay Neighbourhood Plan cites that all housing developments 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 identifies an expected requirement of 2 car parking spaces per dwelling and 1 car parking space per apartment. The guidance cites that parking for visitors should also be provided for flatted development, however there is no guidance on what levels of visitor parking should be provided though. The guidance notes also state that all dwellings should have electric charging points and in flatted development 20% of available spaces should have electric charging points. In addition there should be 10% of spaces suitable for disabled users.

In terms of car parking the development provides 45 spaces within the apartment building's undercroft, 17 spaces within the central forecourt, and 5 spaces adjacent to Parkfield Road to the rear of the dwellings. Following revised plans that provide greater clarity on the provision and allocation the dwellings will have a policy compliant allocation of 2 spaces each and the apartments will have a policy compliant level of 1 space each. This presents a surplus of 5 spaces allocated for visitors. The level of visitor spaces is considered acceptable considering the relatively central and sustainable location. It is noted that the development also proposes to formalise 6 public parking spaces along Parkfield Road with some land being given up to public highway to facilitate these. In terms of electric charging points the provision for the dwellings is uncertain and hence a planning condition is proposed to secure detail on the provision and location of these. 12 of the spaces within the apartment block are detailed as electric charging spaces, which is above the policy expectation. These should be secured by condition. In terms of disabled parking revised plans have increased the identified provision from 2 spaces to 5 spaces, 4 within the undercroft and 1 visitor space within the forecourt. The policy position is up to 10% of the provision and hence the revised provision is considered acceptable.

In terms of cycle parking dwellings are expected to deliver the capability of storing 2 cycles and flats 1 cycle. Defined cycle storage for 2 cycles is shown within the rear gardens of each of the dwellings and there are 48 cycle hoops within the undercroft, which is considered to present a policy compliant level of cycle parking across the development. Visitor cycle parking in a legible location should be secured and it is suggested this is done via a planning condition.

Considering the broad accordance with the Development Plan and advice contained within the NPPF the proposal is considered acceptable on highway and movements

grounds, and in accordance with the Policies TA1, TA2 and TA3 of The Local Plan, Policy TH9 of The Neighbourhood Plan, and guidance contained within the NPPF.

To ensure that other forms of transport are duly promoted a sustainable travel plan should be conditioned with ongoing management to review and improve if the modal shift targets are not being reached.

5. Ecology, Biodiversity and Trees

Policy TE5 of The Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by 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 NC1 of the Torbay Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Guidance within the NPPF provides similar guidance to the above and notably Para 180 guides that when determining planning applications, local planning authorities should apply principles that include opportunities to improve biodiversity in and around developments should be integrated as part of the design, especially where this can secure measurable net gains for biodiversity. Policy C4 of the Torbay Local Plan seek the retention of trees and other natural features.

In terms of ecology the site has limited value in terms of flora and fauna with notable vegetation limited to a group of trees near to the southern border of the site. Due to the extent of hardstand and buildings there appears limited habitat valuable to protected or other species beyond this tree group. The tree group is shown to be removed due to its proximity to the apartment block and it's shadowing of the amenity space. The accompanying ecology information cites precautionary measures regarding working vegetation or building removal outside of the nesting season, and the sensitive evolution of a lighting scheme. These can be secured by planning conditions.

In terms of biodiversity, in-line with Policy NC1 and guidance contained in the NPPF, measures to enhance biodiversity should be duly considered and it is noted that the submitted ecology report is absent of commentary on biodiversity enhancement measures. Considering this it is recommended that any grant of planning permission is subject to a planning condition requiring a biodiversity statement to be submitted to and approved in writing by the Local Planning Authority, to ensure that biodiversity interests are promoted through the development, which shall include any physical measures to enhance biodiversity such as providing bat and bird boxes to enhance roosting and nesting facilities.

Policy C4 of the Torbay Local Plan cites that development will not be supported when it would seriously harm either directly or indirectly, protected or veteran trees, subject to offsetting measures etc. There are no formally protected trees on or adjacent to the site however there is a notable tree group in the southern part of the site and there are notable limes within the public highway along the eastern border. The application is supported an arboricultural assessment that establishes tree protection measures to guard against potential harm during the construction phase. Advice from the Tree

Officer is that the development is sustainable from an arboriculture perspective considering the existing trees, however the matter of leaf deposition should be addressed by a planning condition, along with a compliance condition for the tree protection measures as per the submitted plan, and pre commencement conditions for an arboricultural method statement and a detailed landscape plan. This will need to address the loss of the B category group to facilitate the proposals.

In light of the conclusions above the development is considered comfortably aligned with the aims and objectives of Policies NC1 and C4 of the Torbay Local Plan, Policy TE5 of The Torquay Neighbourhood Plan, and guidance contained within the NPPF.

6. Flood Risk and Drainage

The NPPFs key guidance (Para 167) is when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate applications should be supported by a site-specific flood-risk assessment. It furthers that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The application site sits within the wider Torbay Critical Drainage Area as designated by the Environment Agency and there is also a linear flood risk area that partly straddles the site as it runs south following the valley floor and culverted River Feet down Teignmouth and Lymington Road towards the coast to the south.

The site has been allocated for housing within the Torquay Neighbourhood Plan which has undertaken the process of public scrutiny and is an adopted document that forms part of the Development Plan. As such the sequential test does not need to be satisfied as part of the application process and the key tests are the developments flood resilience and safety and whether it would increase the risk of flooding elsewhere.

The application is supported by a detailed Flood Risk Assessment. In terms of flood risk and resilience the position and heights of the apartments and dwellings has been set to respond to the risk of flooding. The apartments feature an undercroft with raised habitable accommodation, and the dwelling floor levels are set at a height to respond to risk. There are also mitigation measures regarding the build fabric proposed. The Environment Agency considered the proposal acceptable subject to the design measures being secured by condition.

In terms of surface water management and flood risk the drainage design responds to the results of the infiltration testing and site investigations, which limits the use of soakaways to serve the development. The design solution proposed is one of controlled discharge to the Public Sewer via an attenuated discharge, controlled to the

equivalent to the 'greenfield' run off rate. The Councils Drainage Engineer has reviewed the flood risk assessment and drainage strategy and raises no objections. South West Water raise no objection to the proposed scheme and its drainage solution.

In light of the above the proposal is deemed acceptable on flood risk and surface water drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the NPPF.

7. Low Carbon Development and Climate Change

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources. Policy ES1 seeks to ensure that carbon emissions associated with existing buildings (heating, cooling, lighting and energy consumption) are limited.

The submitted Design and Access Statement includes an Energy Statement section that cites that the strategic approach to the development will be to reduce demand for energy consumption in the first instance (Be Lean) prior to the consideration of integrating low carbon / zero carbon energy sources (Be Clean and Be Green).

The Energy Statement details that design measures include an efficient building form (stacked floor plates (apartments), low wall to floor ratio and terrace typology), high levels of thermal insulation, low fabric air permeability, energy efficient LED light fittings and controls, and east and west facing units allowing for passive solar gain. It is recommended that detail to evolve and provide certainty on design elements for low carbon development should be secured by planning condition.

Regarding further aspirations the Energy Statement cites that there will be a strategy to consider the use of clean energy source using heat pump technologies for space heating, and to maximise CO2 reduction the potential for renewable energy sources will be assessed. As these aspirations are not detailed it is considered appropriate to attach a planning condition to capture due consideration and possible integration of these aspirations.

The development is, for the reasons above, considered suitable for approval subject to satisfactory condition to secure the measures outlined within the applications Energy Statement. The development is in accordance with Policy SS14 and ES1 of the Torbay Local Plan and advice contained within the NPPF.

8. Contamination

The site has held former commercial uses and the application is supported by a geotechnical assessment to explore possible contamination.

Policy ER3 of the Torbay Local Plan provides guidance that development must take into account environmental considerations and appropriate investigations made, and development will need to demonstrate that any contamination can be satisfactorily overcome without risk to health.

The Council's Community Safety Officer has reviewed the accompanying document (A.Robin Hood & Associates Geotechnical (Consultants)) and confirmed that contamination in the form of petroleum and diesel has been identified in two areas this site. It is advised that given that this is a residential development with a parkland and gardens there may be risk to human health if it is not remediated. It is suggested that a planning condition for the submission and approval of a Remediation Scheme (and implementation) is secured.

Regarding impacts on watercourses the Environment Agency has confirmed that the Contamination Remedial Measures shows that the identified contaminations would not pose a problem to the water course environment.

Considering the advice received the proposal is considered suitable for planning approval subject to conditions, in accordance with Policy ER3 of the Torbay Local Plan.

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. The development would see the use of an empty site that is allocated for housing. Once the development 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.

The site has not been used for some time and the provision of housing would provide an appropriate use and offer units within a sustainable location. 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 especially relevant to the proposed development are impacts on

ecology and biodiversity, contamination, drainage and carbon reduction. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of any biodiversity net gain, addressing contamination, and mitigating flood impacts. There is an environmental benefit to providing 55 units within a sustainable location where dependency on car use could be limited.

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

Affordable Housing

Policy H2 of the Torbay Local Plan identifies that as a brownfield site with a scheme of over 20 dwellings 20% affordable housing, usually provided on site, should be provided. For a scheme of 55 dwellings this equates to an affordable housing provision of 11 units to provide a policy compliant development.

The applicant has submitted a viability assessment that concludes that it is not viable to deliver any affordable housing. The submitted assessment has been scrutinised by the Torbay Development Agency as an independent 3rd party and following further work the conclusion that the scheme is not sufficient viable to deliver affordable housing is agreed.

The concept of viability is detailed within the Council's Adopted Affordable Housing Supplementary Planning Document (SPD) and as it has been concluded that the development cannot afford to deliver Affordable Housing then this should be accepted subject to a S106 Legal Agreement that includes a deferred obligations clause in-line with the Adopted SPD.

CIL

The application is for residential development in Zone 1 where the Community Infrastructure Levy (CIL) is £30 per square metre of additional gross internal floor area created.

The CIL liability for this development is £30 per square metre.

The application form cites new floorspace created is 6812sqm, assuming this is all liable floorspace this would present a CIL levy of £204,360.00. A CIL form has been requested.

S106

As CIL liable development the application is not subject to "sustainable development" obligations as identified within the Council's Adopted Affordable Housing SPD and hence it is not appropriate to seek obligations to counter potential pressure upon schools or parks etc. It would however be necessary to secure site acceptability matters where it is needed to make the development acceptable in planning terms.

Highway works:

Traffic Road Order (extension to double yellow lines on Parkfield Road): £5000.00

Other highways improvements can be secured via a planning condition attached to any grant of approval to enter into a S278 highway agreement.

Loss of employment:

The site appears to have been disused for a number of years and on this basis it is not considered reasonable to seek loss of employment obligations. However, if it is found that the site has been within use then, if viable (after delivering the policy compliant level of Affordable Housing) it will be necessary to secure financial mitigation to bring forward a commercial site elsewhere.

Subject to the points above the development is in accordance with Policies SS5, SS6, SS7, SS9, SS11 and H2 of the Local Plan and the Planning Contribution and Affordable Housing SPD.

Requested Healthcare Obligations

Two healthcare bodies have requested obligations are sought to mitigate the impact on healthcare provision. The Development Plan only seeks S106 obligations for health care from specialist accommodation for the elderly (as per Policy H6) or where development gives rise to a specific need (such as a new surgery). The obligations sought by the NHS bodies are not considered to meet the necessary tests for obligations and cannot be sought. In this instance in the absence of a particular policy

to support the notion of health obligations it is not considered justifiable to seek the obligations on this brownfield allocated site where broad growth levels in housing land supply are below the levels expected within the Development Plan.

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. The development does not meet the thresholds for screening and is not in a sensitive area.

HRA: Due to the scale, nature and location this development is not considered to have a likely significant effect on European Sites.

The application site is not within a strategic flyway/sustenance zone associated with the South Hams SAC and a formal HRA screening is not necessary in this instance as the proposed development is unlikely to have a significant effect on the South Hams SAC.

The proposal presents a controlled discharge that mimics greenfield runoff rates into the Public Sewer, which will minimise impacts upon outfall flows and any potential impact up the marine candidate SAC, in-line with Policy ER2.

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 a good use of a redundant brownfield site that is allocated for housing and would provide much needed housing to help meet local need.

The proposals are in overriding accordance with the provisions of the Development Plan and the 'Tilted Balance' adds significant weight in favour of the development in the absence of significant harm being identified.

The Torquay Neighbourhood Plan cites that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan (Policy TS4 - Support for Brownfield and Greenfield development). There are deemed to be no significant adverse impacts, as outlined within this report.

Officer Recommendation

Approval: Subject to;

Resolution of the dormer design within the dwellings to the satisfaction of officers;

The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

S106 legal agreement to secure deferred obligations for Affordable Housing and funding to deliver a Traffic Road Order.

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

Conditions

Remediation Scheme

No development, excluding demolition of the existing buildings, shall take place until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination are understood prior to works on site, and that risks both during the construction phase and to the future users of the land are minimised. This is to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy ER3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Implementation of Approved Remediation Scheme

No development, excluding demolition of the existing buildings and development required to be carried out as part of an approved scheme of remediation, shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved Remediation Scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and be approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy ER3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

FRA / Drainage

The development shall be carried out in accordance with the submitted Flood Risk Assessment (9th April 2020 Aqua tech) and the following mitigation measures it details:

- Finished Floor Levels (FFLs) shall be set no lower than 38.6 metres and 40.6 meters above Ordnance Datum (AOD) as shown in Foul and Surface Water Drainage Layout AT2323 drawing 11,
- External Flood Routing shall be in accordance with Drainage Layout AT2323 drawing 11 to route any exceedance flows away from the buildings,
- Safe Access and Egress shall be provided to higher ground via open footbridge to Parkfield Road.

These mitigation measures shall be fully implemented prior to occupation of each building and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The approved surface water drainage scheme shall be implemented in full prior to the first occupation of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from the development during an extreme flood event, in the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Construction Method Statement

The development shall proceed in full accordance with the submitted and approved Construction Method Statement.

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012-2030.

Hours of Construction

Hours of operation throughout the construction phase shall be between 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.

Reason: In the interests of local amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Highway agreement

Prior to the commencement of development, excluding demolition of the existing buildings, all necessary legal agreements shall be made with the Local Highway Authority in respect to all proposed works to the highway. The agreed works shall be implemented in full prior to the first use of the development.

Reason: To secure all necessary works to the public highway in order to ensure highway safety is maintained and network impacts are adequately managed, in accordance with Policies TA1 and TA2 of the Torbay Local Plan and advice contained within the NPPF.

Tree Protection Measures

Prior to the commencement of development the tree protection measures outlined in approved plan 01528 TPP 28.02.2020.a shall be implemented in full. The approved protection measures shall be maintained in full throughout the construction phase of the development.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policies DE1 and C4 of the Torbay

Local Plan 2012-2030. These details are required to be implemented prior to commencement to ensure protection measures are in place prior to potential harmful construction works commencing on site.

Arboricultural Method Statement

Prior to the commencement of development an Arboricultural Method Statement (AMS) pertaining to but not exclusively excavation works in the RPA, remedies for leaf litter deposition onto the property and cars, timings of site visits, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved AMS.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details are required to be implemented prior to commencement to ensure protection measures are in place prior to potential harmful construction works commencing on site.

External lighting

Prior to the first use of the development an external lighting plan, including security lighting, which seeks to ensure no undue impact upon adjacent occupiers or wildlife habitats, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the approved lighting plan and no additional external lighting shall be incorporated within the development during its lifetime.

Reasons: In order to protect visual amenity and the amenity of adjacent occupiers by maintaining a satisfactory form of development in accordance with Policies DE1, DE3 and NC1 of the Torbay Local Plan 2012-2030.

Low Carbon Development

Prior to the commencement of development of the build process above finished ground floor level (excluding demolition or general groundworks), details of the proposed measures to deliver low carbon development shall be submitted for the approval in writing by the Local Planning Authority. The approved measures shall be fully incorporated within the development prior to its first use and maintained thereafter.

Reason: In the interests of sustainable development and in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030 and the NPPF.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

Boundary Treatments / Means of Enclosure

Prior to the first use of the development details of all boundary treatments, gates and retaining structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved detail and the boundary treatments shall be retained as approved at all times during the lifetime of the development. No additional or alternative means of enclosure shall be provided at any time.

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

Ecology - Nesting season

The removal of vegetation shall be undertaken outside of the bird nesting season (March-September inclusive). If not practicable demolition and/or vegetation removal shall be undertaken only immediately following an inspection of the site by a suitably qualified ecologist to confirm the absence of nesting birds. If nests are found no works shall be undertaken until the birds have fledged and a buffer zone of at least 5 metres must be established around the nest and an effective barrier put in place to ensure this remains undisturbed

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the NPPF.

Ecology – Biodiversity Enhancement

Prior to the first use of the development measures to maximise opportunities for biodiversity enhancement in and around development, in order to deliver a net gain for biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The submitted detail will recognise ecological features lost and include a measurable guide to demonstrate a net gain for biodiversity.

The approved measures shall be incorporated within the development prior to the developments first use unless an alternative phasing is agreed pursuant to this condition and maintained thereafter.

Reason: To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Landscaping

Prior to the first occupation of the development a detailed hard and soft landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall positively address the loss of the Category B Trees.

The approved hard surfacing shall be implemented prior to the first use and the approved soft landscaping shall be implemented in full within the first available planting season following the first occupation of the development.

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 5 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.

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.

Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP), prepared in accordance with the specifications in BS42020; clause 11.1, shall be submitted and shall include, but not be limited to, the following.

- a) Description and evaluation of features to be managed, which shall include all of the mitigation measures set out in the assessment documents.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of responsibility for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: To secure a satisfactory form of development in accordance with Policies DE3, SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and THW4 of the Torquay Neighbourhood Plan.

Detailed Design

Prior to the installation of all external materials within the development details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. Samples, physical or digital of all proposed material finishes, including colour code where applicable and source/type of the stone and slate,
2. Detailed drawings of all proposed windows, doors, balconies, fascia's and eaves, and section / reveal detail to a scale of between 1:1 and 1:10 and means of opening where applicable.
3. Details of all balcony enclosures, including an assessment and proposed measures to afford due protection to the amenity of occupiers to the south of the apartment building.

The development shall proceed in full accordance with the approved detail.

Reasons: In order to protect visual amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy TH8 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Parking Provision

Prior to the first use of the development the parking facilities hereby approved shall have been provided in full unless a phasing plan for the provision has been submitted and approved pursuant to this condition, including the provision of the demarked disabled spaces, demarked visitor spaces, and identified electric charging facilities. These elements shall thereafter be retained as parking facilities for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

Electric Charging Facilities

Notwithstanding details submitted in support of the application prior to the first occupation of any dwelling hereby approved details for the provision of at least one electric charging facility to serve that dwelling shall be submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be implemented in full prior to the first occupation of each dwelling and maintained thereafter.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Cycle Provision

Prior to the first occupation of the apartment building the cycle storage facilities, as detailed within the approved plans, shall be completed and made available for the purpose of cycle storage to serve the development, and prior to the occupation of each dwelling the cycle storage facilities for that dwelling shall be completed and made available for the purpose of cycle storage to serve the dwelling. Once provided, the storage arrangements shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan 2012-2030.

Visitor Cycle Parking

Prior to the first occupation of the apartment building a scheme for visitor cycle parking, located in a legible area of the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed and made available for the purpose of visitor cycle parking to serve the development prior to the occupation of the apartment building and shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan 2012-2030.

Waste Provision

Prior to the first occupation of the apartment building the waste and recycling storage facility, as detailed within the approved plans, shall be completed and made available for the purposes of waste storage to serve the building. Once provided, the agreed storage arrangements shall be retained for the life of the development. The waste storage areas for each dwelling shall be completed and made available for each dwelling prior to its first use and maintained thereafter.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

Waste Management Plan for the Apartments

Prior to the first occupation of the apartment building a Waste Management Plan for the building, setting out recycling and waste collections methods which follow the waste hierarchy to ensure locally established recycling targets at the that time are met, together with measures to review and respond to evolving targets, shall be submitted to and approved in writing by the Local Planning Authority. The approved WMP shall be implemented prior to the first occupation of the building and maintained at all times thereafter as a working document and strategy for the lifetime of the development.

Reason: To ensure that the private waste collection strategy for the apartment building, which will not receive waste collection from the local authority due to the distance of the collection point from the adopted highway network, accords with locally established recycling rates, to accord with Policies W1 and W2 of the Torbay Local Plan.

Travel Plan

Prior to the first occupation of the development a Sustainable Travel Plan that seeks to meet Policy requirements of a 30% modal shift to foot, cycle and public transport, with appropriate mitigation measures should these targets not be met, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainable travel modes are duly promoted and healthy lifestyles promoted, in accordance with Policies TA1, TA2, DE1 and SC1 of the Torbay Local Plan 2012-2030.

PD Removal

Notwithstanding the provisions of Classes A to E of Part 1 to Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or other alteration shall take place to the proposed dwellings, and no outbuildings shall be erected within the garden areas of the dwellings, with the exception of one incidental structure each up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan, and the NPPF.

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

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 - Green Infrastructure
SS10 - Conservation and the historic environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
SS14 – Low carbon development and adaption to climate change
SC1 – Healthy Bay
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, hedgerows and natural landscape
H1 - Applications for new homes
HE1 - Listed buildings
DE1 - Design
DE3 - Development Amenity
DE4 – Building heights
ER1 - Flood Risk
ER2 - Water Management
ER3 – Contamination
ES1 – Energy
W1 - Waste management facilities

W2 – Waste Audit for major and significant waste generating development
NC1 - Biodiversity and geodiversity

TS1 - Sustainable Development
TS4 - Support for Brownfield and Greenfield development
TH1 – Housing allocations
TH8 - Established architecture
TH9 - Parking facilities
TE5 - Protected species habitats and biodiversity
TH2 - Designing out crime
TTR2 - Sustainable Communities
THW3 – Community facilities
THW4 - Outside space provision
THW5 - Access to sustainable transport