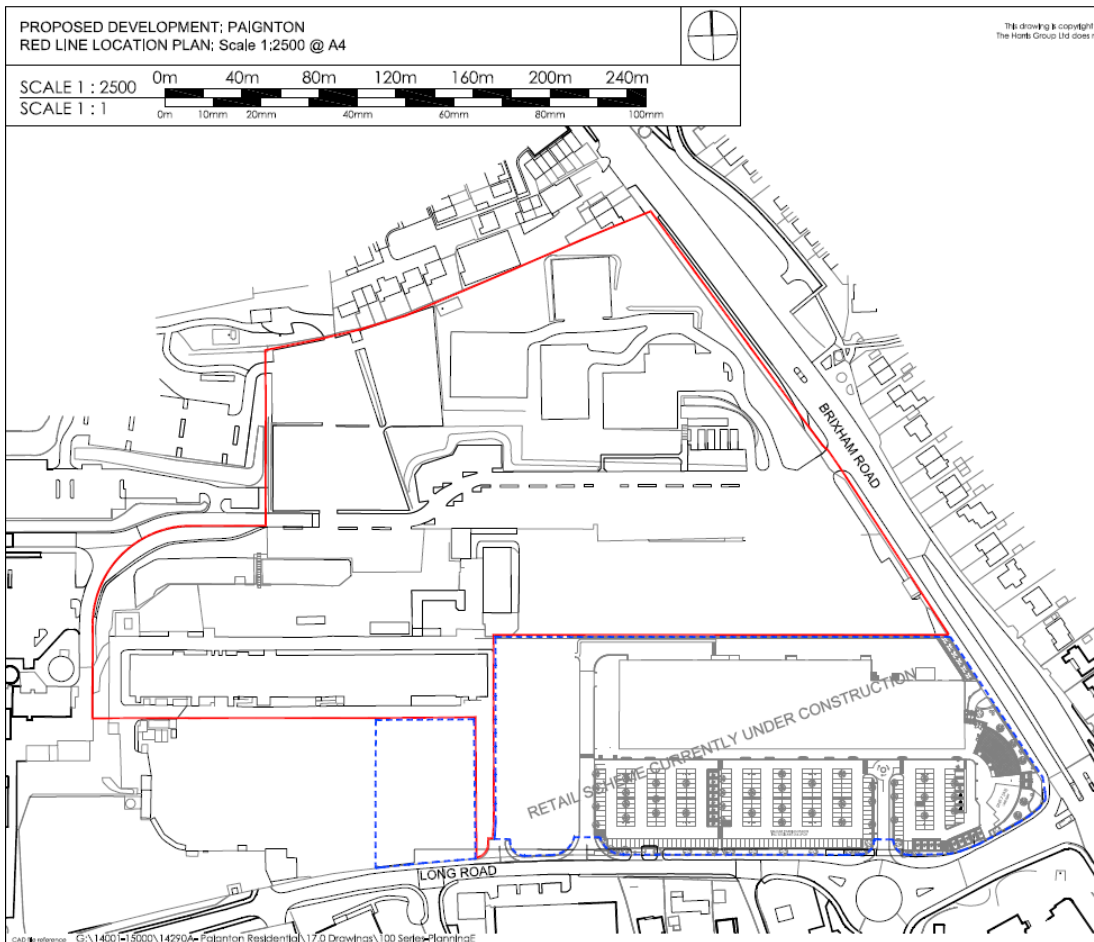


Application Site Address	Land Off Brixham Road - Former Nortel Site Paignton, TQ4 7BL
Proposal	Reserved Matters on application P/2014/0947 (Outline mixed use application for retail, business and residential uses with all matters reserved except for access (as revised by S73 applications P/2016/1372, P/2017/0123, P/2017/0571 and P/2017/1041)). Reserved Matters sought: Appearance, Landscaping, Layout & Scale for up to 255 Residential Dwellings (As revised)
Application Number	P/2019/0278
Applicant	Devonshire Park Limited
Agent	Montagu Evans
Date Application Valid	21.03.2019
Decision Due Date	20.06.2019
Extension of Time Date	17.01.2022
Recommendation	<p>Approval: Subject to;</p> <p>The resolution of identified highway matters to be delegated to the Divisional Director of Planning, Housing and Climate Emergency.</p> <p>The conditions as outlined, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the 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



March Update Note on Deferred Matters

February Planning Committee Draft Minutes:

That the application be deferred for further information in respect of the following matters in relation to the reserved matters (appearance, landscaping, layout and scale):

- Highways, with a view to seek confirmation on tracking information for emergency/waste vehicles;
- designing out crime;
- drainage;
- lighting scheme;
- biodiversity; and
- use of exterior materials (including cladding).

Following the committee resolution to defer the item for the reasons above the applicant has submitted a response note and a suite of information as detailed below;

Transport Documentation

- Updated General Arrangement Plans 100 & 101;
- Updated Highway Adoption Plan 109 & 110;
- Updated Refuse Vehicle Swept Path Plan 111;
- Fire Tender Tracking Plans 114 & 115; and
- Estate Car Tracking Plans 116.
- Proposed Site Layout plan
- (14290A-103U) from The Harris Partnership (“THP”) architects.

Details of Materials

- Additional details are set out on the enclosed Materiality supplementary page from THP.

Landscaping Details

- V14290A_L01S - Landscape Masterplan_A0.pdf.
- V14290A_L02S - Landscape Plan [1 of 4] _A0.pdf;
- V14290A_L03S - Landscape Plan [2 of 4] _A0.pdf.
- V14290A_L04R - POS Landscape Plan [3 of 4]_A0.pdf;
- V14290A_L05R - Landscape Plan [4 of 4]_A0.pdf; and
- V14290A_SK01D - Devon Bank_A3.

Biodiversity

- Updated LEMP.Rev2; and
- UK Habitats 2014 Baseline Map

Designing out Crime

- Additional details are set out on the enclosed Designing Out Crime supplementary page from THP.

Drainage Details

- A Surface Water Drainage Technical Note TN01 from Jubb has been prepared and is enclosed.

Open Space

- Please see V14290A_SK04 - Open Space Comparison Plan_A3.

Officer Notes on deferral matters

Highways

Further information was requested on the tracking for emergency vehicles and details have been submitted by the applicant that seeks to address the concerns. These details are currently being considered by Highway Officers and Members will be updated on this and any related highway matters during the planning committee.

Additional information has also been received regarding additional highway points raised within the former Highway Authority / WSP consultation response. Members will also be updated on these matters during the planning committee.

Subject to highway officer comments the development is acceptable on highway grounds considering advice contained within the NPPF.

Designing Out Crime

The committee report considered the layout of the development in terms of designing out crime credentials and concluded as follows in Section 2 of the officer assessment;

“In terms of seeking to deliver a safe and secure residential environment, which is informed by activity within the streets and natural surveillance of public areas and routes, the development is considered suitably resolved. The housing arrangement provides natural surveillance to all streets and the central greenspace will be naturally overlooked by a number of properties. In addition, following officer discussions side facing windows have been added to certain plots to improve the surveillance to short sections of footpaths”.

It is the retained opinion that the proposed layout is acceptable in respect to aspirations towards designing out crime for the reasons previously reported.

Further to the above in regard to constructional considerations of designing out crime, as verbally reported within the February committee's questions and answers section, any approved reserved matters would be subject to a Secured By Design planning condition that is attached to the outline consent. This condition will secure consideration on more detailed aspects of the built form. The condition is worded as follows;

"Prior to the first occupation of any of the dwellings hereby permitted, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the residential development meets Secured by Design standards as far as practicable".

It is a retained opinion that the existing planning condition attached to the outline consent duly addresses the development plans aspirations for safe and secure development, including Policy PNP1(g) Designing out crime.

The Police Designing Out Crime Officer has been contacted for further comments and a response was requested from the agent.

The applicant has responded on this point and raised similar conclusions to the above. The response is supported by a note that does set out, at a high level, some of the ways in which designing out crime has been considered within the reserved matters scheme.

Members will be updated on the officer view and any further view from the Police Designing Out Crime Officer.

Drainage

The committee report considered flood risk and concluded as follows in section 7 of the officer assessment;

"Flood risk was duly considered in detail at outline stage with an approved outline strategy and a conditional requirement for further detail being submitted.

The Councils Drainage Engineer has confirmed that there is no objection but an expectation that further detail is submitted prior to commencement to accord with Condition 8 previously attached. South West Water do not object.

The proposal, due to the condition attached via the consenting outline permission, is considered acceptable on flood risk and surface water drainage grounds, in accordance with policies ER1 and ER2 of the Torbay Local Plan and policy PNP1(i) of the Paignton Neighbourhood Plan".

Any approved Reserved Matters would therefore need to satisfy the following condition, which basically prevents any development commencing until the drainage solution has been submitted and approved;

"No development (including demolition and ground works) or vegetation clearance works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Priority shall be given to sustainable urban drainage systems, where soakaways must be designed in accordance with Building Research Establishment Digest 365 and include details of how they have been designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change. Evidence that trial holes and infiltration tests have been carried out in accordance with Building Research Establishment Digest 365 in the same location as any soakaways or sustainable drainage features must be provided. The scheme shall demonstrate that there will be no increased risk

of flooding to surrounding buildings, roads and land. The development shall not be occupied or brought into use until the approved surface water drainage scheme has been completed as approved and it shall be continually maintained thereafter”.

It is noted that Policy PNP1(i) (Surface Water) states that developments will be required to comply with all relevant drainage and flood risk policy. Proposals, which achieve more than sustainable drainage improvements and move beyond Sustainable Urban Drainage systems (SUDs) by keeping surface water out of the combined sewer network at source are encouraged.

It is a retained opinion that this existing planning condition attached to the outline consent duly addresses the development plans aspirations for development to ensure that there is no additional risk from flooding.

The applicant has responded on this matter, there is an explanation note, however the conclusion is aligned with the points previously reported, that the drainage engineer holds no objection and there is a planning condition on the outline consent that has established the trigger for delivering a detailed scheme to the local authority.

In terms of member concerns on this process the Reserved Matters for the retail element followed the above detailed process whereby the drainage design was approved through Condition 8.

Lighting

External lighting is managed by an approved Dark Areas Map that has been submitted and discharged under the outline consent, which limits light levels in certain areas (western and northern borders and the central green space), and through a planning condition attached to the outline consent for an external lighting scheme for the residential element to be submitted and approved by the Local Planning Authority.

A request has been made to the agent for further information to demonstrate the current layout can accord with the previously approved dark areas map. Members will be updated.

Biodiversity

The agent has been asked to respond on the concerns regarding the ecological and biodiversity credentials of the development.

The applicant has responded on ecology and biodiversity. Although it is reiterated that the outline consent establishes the parameters for the reserved matters the applicant has undertaken a broad review in including a net gain assessment.

The applicants' ecologist, Engain, has calculated the Biodiversity Net Gain using the baseline 2014 baseline results, i.e. prior to the sites clearance. It is assessed that the current landscape proposals show a net gain of 17.19% for habitats and 363.7% for hedgerows.

Members will be updated on any response from the council's ecological advisor. As previously advised the proposed landscape and ecological parameters are considered broadly acceptable. The single point of concern being the landscape detail related to design matters.

External materials (including cladding)

The agent has been asked to respond on the concerns regarding the proposed materials and specifically in regard to the medium and long term maintenance and visual qualities of the development.

The applicant has provided a response that explains that the materials to be used have been selected for a variety of reasons, including the robustness of them to continue to look good over time.

It is the retained officer view that securing high quality materials and architectural detail will be key in terms of delivering on the aspirational concept expressed within the submitted detail supporting the application. Officers will consider the detail submitted and Members will be updated on this matter.

Open space

The applicant has offered some understanding on the open space credentials of the development.

Setting out a comparison of the open space within the scheme subject of the reserved matters scheme in comparison to the scheme subject of the masterplan to the outline permission showed that the quantum of open space has more than doubled from c397sqm with the scheme subject of the outline application, to 835sqm with the current reserved matters layout.

It is furthered by the agent that whilst there is no condition attached to the outline permission requiring any specific arrangement for the open space within the development, we consider that the formation of a single cohesive area within the reserved matters scheme layout is a qualitative enhancement, that will ensure that the open space within reserved matters application both larger and better quality than was envisaged when outline permission was granted.

Officer opinion is that the open space is acceptable considering the outline masterplan expected provision and the outlines consents silence on it potentially being insufficient. As expressed by the agent response the scale of the open space appears larger than that previously outlined which is considered a positive response.

Previous Report Detail

Site Details

The application relates to the northern part of the former Nortel/Bookham site that is now largely referred to as Devonshire Park. The site sits to the west of Brixham Road and to the north of Long Road and the recently built retail park, which was developed on the southern part of the wider Nortel/Bookham site. The site is on the western outskirts of Paignton, close to widely known residential areas of Roselands, White Rock and Yannons Farm.

The site is approximately 7 hectares in size and is approximately 450m (east-to-west) by 280m (north-to-south). There is a gentle gradient through the site that drops north to south. The northern high point abuts residential and commercial uses. To the east there is a frontage to Brixham Road that runs approximately 280m. To the south the site abuts the recently built retail park approved as part of the mixed-use scheme that granted outline consent for residential use on the land subject to this reserved matters application. The border of this site abuts the rear of the retail park which is defined by a curved acoustic fence that sits on top of a large retaining wall to the service area that is set on a lower plateau. The western part of the

southern border abuts undeveloped land. To the west the site abuts the campus of South Devon College.

The site is largely cleared with pockets of trees/scrub and occasional border vegetation. Towards the southeast corner there are retained low-level buildings.

In terms of designations the site is within Flood Zone 1 and a Critical Drainage Area and the site is part a Future Growth Area as designated within the Torbay Local Plan. There is a Tree Preservation Order placed over a few trees within the northern part of Devonshire Park. The site is also located within the greater horseshoe bat sustenance zone associated with the South Hams SAC at Berry Head.

Description of Development

This is a reserved matters application that is seeking approval for the layout, scale, appearance and landscaping for 254 dwellings following the grant of outline consent under application reference P/2014/0947 (as amended) for up to 255 dwellings.

The scheme proposes 201 dwellings arranged across a mix of detached, semi-detached and short terraces, and the provision of 53 apartments arranged in 2 blocks, one block of 12 units and one block of 41 units.

The layout is principally one of three streets running east-west across the hillside served off the central access point. There is a central greenspace at the heart of the site that provides public space, and this bleeds diagonally to the north-east and south-west.

The scale of the dwellings range from single storey to four storey dwellings, and the apartment blocks are three storeys and four storeys in height.

In terms of appearance the concept outlined in the submitted design and access statement is a high-quality development with a modern feel, encompassing playful roof pitches and a complimentary palette of timbers, zinc and renders, which seeks to deliver a specific identity and dynamic character. There are 11 distinct house types proposed through the development.

As touched on the landscape concept had a central public area that runs diagonally to offer a green spine through the site. The central road has street planting to emphasise its scale and to soften the public realm. Away from the main street planting is evident through the site in terms of private gardens and pockets of frontage planting. In terms of the main public border to Brixham Road the proposal is a for a Devon Bank with regular tree planting along the border.

Vehicular access was approved in detail at outline stage with a single junction off Brixham Road and an emergency access off Long Road and does not form part of this reserved matters consideration.

As established within the outline consent the development will deliver 4% affordable housing units, in accordance with the viability provisions of the S106 legal agreement.

Pre-Application Enquiry

N/A.

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 Paignton Neighbourhood Plan (PNP)

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/2017/1041:

Variation of condition on application P/2014/0947 (as amended by S73 applications P/2016/1372, P/2017/0123 and P/2017/0571): (Devonshire Park Housing/Commercial Project). Variation of condition 33 - Maximum retail floor space. Amendment sought: Increase total gross floor area of class A3 floorspace from 139sqm to 167sqm. Approved 15.12.2017.

P/2017/0571:

Variation of condition on planning application P/2014/0947/MOA; As amended by S73 applications P/2016/1372 and P/2017/0123): Outline Application with all matters reserved except access, for demolition of the remaining buildings on the site and redevelopment for mixed use purposes comprising up to 255 Class C3 dwellings, up to 5,574sqm of B1 and /or B8 business and/or warehousing uses, up to 8,501sqm Class A1 (bulky goods) retail with up to 515sqm garden centre, and up to 139sqm of A3 cafe /restaurant uses, along with related site access, access roads and paths, parking, servicing, open space and landscaping. (Condition 32: Restrictive Goods Condition). Approved 14.12.2017.

P/2017/0123:

Variation of condition P1 of P/2014/0947 (as amended) (Outline Application with all matters reserved except access) - to vary Condition (P1) detailed approved plans to vary the access arrangement off Long Road. Approved 18.10.17.

P/2016/1372:

Variation of condition P1, 34 and 35 of P/2014/0947 (Outline Application with all matters reserved except access) - to vary Condition (P1) - Approved Plans to omit reference to the Masterplan, Condition (34) to vary the minimum unit size restriction for 1 unit and Condition (35) to clarify the restriction of concessions. Approved 18.10.2017.

P/2014/0947:

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

P/2017/0493 and P/2014/0494:

Two options for groundworks, including the demolition of remaining structures, grubbing out of trees, foundations and floor slabs, remediating contamination and earth works to re-profile the site. Approved 22.09.2017.

Summary of Representations

3 letters citing objections have been received. The summary of concerns is as follows;

- Concerned re relationship with properties adjacent to the northeast corner of the site.
- Concern re overdevelopment and local area impact.
- Less need for housing / numbers should be reduced from that approved.
- Should have larger houses with bigger gardens and more green space.
- Lack of parking.
- Impact on local doctors, dentists, schools and shops.

Summary of Consultation Responses

Paignton Neighbourhood Forum

No comments.

Highway Authority (Swisco/WSP) Latest comments January (2021):

Based upon the information submitted at the time of writing the highway authority are unable to provide a recommendation for the development proposals. The applicant will be required to submit the following information:

- Update the Highway Adoption Plan to illustrate connection from the site with the emergency service access on Long Road and the pedestrian link to Brixham Road;
- The applicant will be required to re-submit the swept path analysis to illustrate safe access and egress to the disabled parking bay;
- The applicant will be required to amend the site plan to ensure that a turning head is provided for refuse vehicles or an alternative refuse management plan is developed as it is unacceptable for refuse vehicles to reverse onto the main carriageway in the interest of highway safety;
- The applicant will be required to undertake a vehicle tracking exercise to illustrate safe access and egress to/from car parking bays located on driveways within the site layout, with particular reference to house type 12;
- The applicant will be required to amend the dimension of car parking spaces, located at the back of footways and on driveways, to ensure they have a required minimum length of 6m and a width of 3.2m;
- The applicant will be required to update the site layout to show only one pair of tactile paving at the pedestrian crossing;
- The applicant will be required to provide visibility splays for the main junctions within the site;
- The applicant will be required to submit a vehicle tracking drawing to illustrate an emergency service vehicle safely access all areas of the site;
- The applicant will be required to provide details relating to the provision of electric vehicle charging points within the site, as per standards contained within Appendix F of the Torbay Local Plan (2012 – 2030).

Police Designing Out Crime Officer

There appears to be no reference to crime prevention, security, designing out crime or the principles of Secured By Design (SBD), as such there is no way of knowing if these have been considered or where implemented in the proposed scheme.

Drainage Engineer (Torbay Development Agency)

No objection on drainage grounds to the approval of the reserved matters application. However it is highlighted that the surface water drainage design for this development has still to be submitted and approved as required under Planning Condition 8.

Green Infrastructure Manager (Swisco) - Latest comments January (2021):

Brixham road

On the boundary plan the Brixham Road boundary is currently shown as being a brick wall with hedge planting. The landscape proposal along Brixham road is for a Devonshire bank to be created extending along the length of the garden areas for the dwellings. The landscape plans identify trees between the Devon bank and the wall defining the backs of the gardens.

The species selection is that of conical or fastigate form trees that will produce a uniform linear feature along Brixham Road with gaps between the crowns that would not provide sufficient screening to the properties until the long term owing to the fastigate or conical growth habit. The surrounding tree stock is one of agricultural hedges and large canopy trees to the south along Brixham Road and pasture field boundaries to the north west. We would be looking to increase the density of trees in this area whereby there is a continuous understory of vegetation (a hedge) that will afford screening to the site with larger canopy trees to be included and allowed to extend from the hedge below and form fully grown trees. The hedge could be located on the created Devonshire bank.

Slatted fencing

The expectation of high quality robust borders from a planting perspective has not been achieved. There appears to be a general continuation of typical landscape planting theme with no additional bolster planting shown or annotated to ensure that the borders are meeting the required expectation. Where there is planting close to the slatted fence this will provide cover and screen however where the fencing is exposed with only grass shown then the fence will be more visually prominent.

Internal landscape planting

An overview of the masterplan identifies areas that are lacking in tree cover, which can help create a sense of space and place within the development whilst bringing the additional benefits of having trees, in what will be a relatively dense development.

In general the open spaces have been planted but many of the roads do show as having inadequate tree cover, and there is an opportunity to provide further tree and shrub planting to soften the development. Where there is tree planting in hard landscapes we would also need to see engineered tree pits are in place to ensure sufficient soil volume is available for the roots of the tree to exploit.

In essence the current planting does not sufficiently bolster the boundary edges and is not robust enough in terms of its screening with opportunity to increase the internal planting, to not only provide a visual softening of the development but bring the additional benefits of trees into the area.

Torbay Council Community Safety Officer

To avoid possible nuisance complaints, request a condition to seek a detailed scheme of noise insulation measures for the properties at the north of the site adjacent to the industrial unit in Western Business Park (off Brixham Rd). This is to safeguard the amenities of the residential occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build.

Waste and Recycling Officer (Swisco)

The dwellings appear to have sufficient waste facilities designed in. The smaller apartment block should have capacity for 4 large (1100litre) communal bins.

South West Water

No comment.

Environment Agency

No objection.

Planning Officer Assessment

1. The Principle of Development,
2. Design and Visual Impact,
3. Landscaping,
4. Residential Amenity,
5. Highways, Movement and Parking,
6. Ecology
7. Flood Risk
8. Low Carbon Development
9. Affordable Housing
10. Housing Supply

1. The Principle of Development

Outline consent was granted for up to 255 dwellings pursuant to planning permission P/2014/0947 (with minor material amendments approved via subsequent Section 73 applications). This established the principle of 255 dwellings served off a detailed access arrangement off Brixham Road. This Reserved Matters application is principally to consider the Layout, Scale, Appearance and Landscaping as the broad principle has been established.

In terms of relevant matters the proposed development accords with the outline consent in terms of delivering the residential element on the northern part of the site and being served off the approved access point, together with delivering a secondary emergency link to Long Road. The total number of dwellings also accords with the maximum number with 254 units proposed through a mixture of flats and houses.

Subject to ensuring that the proposal provides an acceptable form of development, in terms of securing a suitably designed scheme, a good quality living environment and one that retains adequate amenity levels for adjacent occupiers, whilst also according with the conditions attached to the outline consent, the principle is considered acceptable.

In terms of determination it is relevant to appreciate that the Council cannot currently demonstrate a 3 or 5 year housing land supply and 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. The policies therefore should be afforded limited weight within the current decision-making process. The 'tilted balance' in favour of sustainable housing development therefore applies but this broad position is however subject to wider policy considerations that are relevant to the development proposal as touched on above, which will be discussed in the forthcoming sections of this assessment.

2. Design and Visual Impact (Layout, Scale and Appearance)

The key consideration is the desire to provide an attractive environment that responds to the surrounding built form, that is safe and secure, with legible routes and good permeability, which integrates well with the surrounding area, including external and internal green infrastructure.

In terms of the layout the proposed housing is largely focused off three parallel roads that run

across the hillside from east to west, with some small cul-de-sacs pocketed around the peripheries of the development on the western fringes. This basic layout largely accords with what was envisaged at outline stage and is considered acceptable when considering the site constraints, where there is presently limited benefit for connectivity across the north and western boundaries, where commercial, housing and educational uses sit as barriers, and where the rising ground levels from south to north also present a considerable constraint in terms of running continuous streets south-to-north off the three main streets. In this context the presence of abrupt turning heads or cul-de-sac ends is hence considered acceptable where the development, in the main, provides a well-reasoned layout with active frontages to streets and public areas.

In terms of other elements of the basic layout there is a central diagonal belt of public greenspace that provides both play opportunities and some general relief to the wider built form at the heart of the development. The location and scale of this landscaped public space is considered acceptable, and it provides a convenient hub for play and outdoor recreational use whilst also connecting most parts of the site.

In terms of broad legibility, the development is largely singular in character with a relatively even density and form throughout. There are some elements of the design that heighten the role of the central street, which is welcomed, with a wider avenue form which includes street planting that isn't present elsewhere. This presents some prestige to the street and reinforces its role as a central link between the entrance and the central greenspace, and beyond to the linking route for pedestrians and cyclists' southwards to Long Road.

In terms of permeability the road-based footpath network and the pedestrian links connecting areas to the central green space are considered to provide adequate permeability within the development. In terms of external connections there is pedestrian access/egress eastwards at the location of the main entry point into the site and there is a pedestrian/cycle route southwards that connects to Long Road. Considering the border constraints these routes are considered adequate for the development. It is noted that pedestrian routes in the northeast and southeast corners of the site have been removed since the initial submission and although these routes did provide some benefit in terms of convenience and connectivity, their omission is not considered to be demonstrably harmful as the central access to Brixham Road is nearby.

In terms of seeking to deliver a safe and secure residential environment, which is informed by activity within the streets and natural surveillance of public areas and routes, the development is considered suitably resolved. The housing arrangement provides natural surveillance to all streets and the central greenspace will be naturally overlooked by a number of properties. In addition, following officer discussions side facing windows have been added to certain plots to improve the surveillance to short sections of footpaths.

In terms of appearance the development proposes a somewhat progressive and innovative built environment that moves away from the more widely established character of render/brick 2-3 storey dwellings under uniform tiled roofs. The building form is quite varied with a dozen house types, which present some clear variety in the built form whilst also offering some pleasant homogeneity. The built form is expressed as offering 'playful pitches' and 'roof expressions' that focuses on 'providing quality internal spaces, dynamic streetscape and identity to Devonshire Park'. The palette of materials is principally timber and flat metal panel cladding, under zinc standing seam cladded roofs. Render is present but it is used sparingly across the development as an emphasising material more than anything. Although the development steps away from the more widely established character the appearance and materials of the buildings are considered to be high quality and somewhat innovative and is supported as a detailed concept.

In terms of scale the dwellings present a varied build height to the public realm with house

types offering a mixture of 1, 2, 3 and 4 storeys to the street. The prevailing residential build height within the area is 2-storeys with pockets of 3-storeys within the more recent developments to the north (Yannons Farm) and further south (White Rock). The development hence presents areas that offer a building height above the prevailing height, which presents some tension with Policy DE4 (Building Heights) of the Torbay Local Plan, which informs that new development should be constructed at the prevailing height (the most commonly occurring height) unless there are sound urban design or socio-economic benefits to justify deviation from this approach. The proposal also deviates from the suggested outline proposal where the Design and Access Statement cited that all residential house types have a height of 9m to the ridge line. Scale was not fixed and hence there is some flexibility to consider the heights now proposed however the merit does need due consideration. In the context of the design, which presents quite unique buildings finished in high quality materials, the proposed scale and height across the development is considered acceptable. A similar scale and height of buildings across the development in a more traditional form of residential buildings is unlikely to have presented such a successful scheme as it is principally the level of 'delight' offered by the form and materials that mitigates the scale, height and arrangement of buildings within a relatively dense layout, which has limited landscaping away from the central belt and principal avenue. In terms of the two apartment blocks these are proposed to deliver 4-storeys with a recessed upper floor. This deviates again to the outline detail that suggested 3-storeys, although the overall heights are relatively aligned being expected up to 12m in height and being proposed at 12.5m. The scale and heights are considered acceptable adjacent to such a wide avenue (Brixham Road) and where southwards there is a transition to larger commercial buildings at roadside. This is in the context of the quality of materials and elevational treatment.

As the quality of the scheme is paramount in terms of part justifying the scale and heights it is important that high quality finishes are secured. It is suggested that a sample materials palette is secured prior to installation of materials to ensure that the well-presented concept is delivered as shown. The subtle colourings of timber shown, which add some variety, should also be secured within this palette in terms of a detailed timber cladding schedule so this is also secured.

In respect of materials the materials specification for each dwelling clearly references the façade material (where applicable) as timber. Under this there is a secondary note that cites "Treated/Artificial horizontal timber cladding with secret fixings". It is further noted that the Design and Access Statement cites that the materials utilise treated/artificial timber, and that utilising a render system in small quantities is to contrast the metal and timber to provide a soft edge to the materials. The Statement furthers that from the outset a complimentary palette of timbers, zinc and renders were established as key drivers for the spirit of the site. In light of the schemes presentation it is clear that the material finish suggested, and thus expected, is timber, whether that is natural or artificial in terms of a composite or treated timber alternative, as may be approved. As such non-timber cladding, such as fibre-cement products (commonly cedral or similar) is not considered to accord with the materials schedule proposed and supported.

Linked matters of landscaping, which influence the developments design and visual impact are addressed within the following section.

All matters considered regarding design and visual impact the proposals are considered to be consistent with Policies DE1 and DE4 of the Torbay Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF in terms of securing good design.

3. Landscaping

The proposals largely accord with the landscape strategy shown at outline stage by providing a central swathe of greenspace at the heart of the development and a landscaped edge to the

Brixham Road.

As a holistic judgement in terms of tree provision and linked landscaping the proposal is considered positive when reflecting on the previous context, where there was little landscaping present during its previous use and very little landscaping or ecological value in its current state. There are however other issues to consider which are touched on below.

In terms of the central belt this is considered to present a very pleasant and well considered landscaping feature. Street tree planting to the east of the landscaped area along the central avenue is also supported.

In terms of the landscaping around the Brixham Road this needs to be carefully considered as it fronts a key arterial route, and the development to the north of the entrance (excluding the flat complex) presents the rear of several residential properties. At present the planting proposals along the Brixham Road offer a grassed Devon Bank adjacent to the footpath with intermittent tree planting between the bank and the rear plot boundaries, which are defined by a brick wall of undetermined height. As the adjacent arterial route and public footpath sits higher than the adjacent proposed plots the rear of buildings (including gardens) will be visually apparent unless they are sufficiently screened. As it stands the landscape proposals along this border are will not provide sufficient screening to the properties. One suggestion to tackle the drop in levels is to deliver a hedge on top of the proposed Devon bank and increase the density of trees in the area with larger canopy trees to be included and allowed to extend from the hedge below and form fully grown trees. It is suggested that any approval is subject to a condition for further landscaping proposals for this area to address these concerns.

In term of the landscaping proposals within the streets away from the central avenue there is very little street planting of any scale and there are only occasional pockets where tall shrubs are proposed within private spaces forward of the front building lines. As a result there is hence quite extensive areas that offer very little softening of the built form, with small shrub or hedge planting present that will in the main be largely obscured behind rendered boundary walls. Although the form of the development is somewhat softer than more traditional built forms and thus offers some inherent mitigation on this concern, the development is still considered unduly hard and lacks adequate landscaping within various streets. This matter has not been resolved despite quite extensive officer/applicant discussions. In the context it is recommended that a condition is attached to any grant of planning permission to deliver a more robust planting proposal through the development to adequately soften the harsher elements of a residential environment, these being the buildings, roads and cars.

The progression of improvements to the landscape offer cited above would be consistent with the National 'build beautiful' agenda outlined within Section 12 of the NPPF, and would be consistent with Para 131, which states that trees make an important contribution to the character and quality of urban environments, which can also help mitigate and adapt to climate change, and that planning policies and decisions should ensure that new streets are tree-lined.

Subject to conditions to address concerns regarding the Brixham Road Frontage and streets within the development that are absent of trees or specimen shrubs, the landscape proposals are considered acceptable and considered compliant with Policies DE1 and C4 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan and the NPPF.

4. Residential Amenity

Future Occupiers

In terms of assessing the quality of the future residential environment it is important to consider the size and quality of the internal living spaces, the levels of outlook and natural lighting

afforded key habitable rooms, levels of privacy, along with the quality of outdoor spaces and access to waste, cycle and car parking facilities, which are all integral elements for household developments. The aspiration is to secure good level of amenity for future residents.

The development proposes a variety of house types, some of which are split level with under-builds that in the main deliver single-aspect access and integral car parking where the levels rise.

The layout presents open aspects to both the front and rear of all properties, which provides natural lighting and good outlooks to all key habitable spaces. Internal privacy is duly offered with back-to-back distances between dwellings largely set at around 20/21m. There will be some natural overlooking of gardens, but this is commonplace within suburban living and it is deemed that there are no unacceptable relationships. In terms of noise considerations there is an acoustic fence in place to the southern border and the accompanying sound assessment proposes fencing to the southwest corner and north border adjacent to the commercial uses, and heightened sound dampening to dwellings within three identified zones. These zones are buildings adjacent to the Brixham Road, dwellings adjacent to the service yard on the northern border, and dwellings in the southwest corner near to plant associated with the college site. Subject to securing the mitigation by planning condition the internal living environments will be acceptable in terms of noise nuisance. In terms of the internal living spaces all houses and flats exceed the national internal living spaces standards that are engrained within the Development Plan (Policy DE3).

In terms of ancillary elements waste storage, cycle parking and car parking are engrained within all residential plots and apartment blocks. Waste storage is either proposed within discreet enclosures to the front of or to the rear of each dwelling. Cycle parking is delivered again to the front or rear within designated sports, or within garages. Within the apartment blocks the waste and cycle storage areas are separate and offered within safe and secure undercroft zones. Parking for dwellings is provided in a mix of driveways and/or integral or attached garages. The ratio is 2 per dwelling which accords with the level expected within the Development Plan. Apartment blocks are supported by communal parking courts. Block 1 (12 units) has 11 spaces with one accessible space with an annex provision across the road that hold 4 spaces (including 1 accessible space). This provision, combined, is considered adequate and a planning condition is suggested to secure these spaces for the apartment block. Block 2 (41 units) is supported by 50 spaces which includes 4 accessible spaces which is considered adequate in terms of occupier and visitor spaces. It is recommended that some certainty is secured in terms of visitor provision and electric charging provision, which is proposed through the imposition of planning conditions as outlined in the schedule of conditions. The delivery and retention of private/assigned parking spaces generally is secured by a planning condition attached to the outline consent.

All these matters combined present good quality living spaces throughout the development. Subject to conditions as suggested the proposed residential environment is considered acceptable for all future users and would accord with Policy DE3 in the Torbay Local Plan and advice contained within the NPPF regarding creating good quality living environments.

The proposals accord with condition 5 of the outline consent which required the reserved matters to include noise mitigation measures in accordance with the Noise Impact Assessment (24 Acoustics, September 2014) submitted with the application. The condition also secured the implementation of the resultant mitigation approved.

Adjacent Occupiers

The commercial and educational uses to the south and west would not be impacted by the development due to the form of use and the relationship of the built forms.

To the north there are residential uses which require due consideration. Amendments have been secured towards the western part of this border to deliver enhanced separation distances with properties within the 'Bovis' development across this section of the northern border. Toward the eastern edge of the site occupancy of the adjacent semi-detached property would not be unduly impacted due to the distances and orientation of the proposed dwellings in this corner of the plot. Public concern is noted regarding the relationship to adjacent properties in this corner however the evolved relationships are considered acceptable.

The development, for the reasons above, is considered to provide an acceptable relationship that protects the adjacent occupiers' amenity, in-line with policy DE3 of the Torbay Local Plan and in accordance with advice on delivering good living environments for all users, as guided within the NPPF.

5. Highways, Movement and Parking

Vehicular Access

The access into the site was approved at outlines stage and hence is not considered as part of this reserved matters application.

Other access points

The outline proposal established the principle of a pedestrian/cycle route linking the residential element of the mixed-use scheme to Long Road south of the site, an access which was also suggested to provide an emergency access for the emergency services to address safety concerns regarding the scale of development being served off one access point.

The reserved matters include a link to Long Road with a 3m wide pedestrian route within a 9m wide landscaped corridor. Greater clarity on securing this as a dual pedestrian/cycle and route for emergency vehicles is considered necessary. The Highway Authority has requested vehicles tracking detail through the site illustrating that emergency vehicles can safely access all areas of the site. It is suggested that this should include detail illustrating that the link to Long Road works as an emergency access route for the emergency services. It is suggested that the swept path detail is secured prior to determination and the delivery is secured by planning condition prior to the occupation of the 101st dwelling. In addition to securing an accessible route it is necessary to secure the route for such purposes and also to secure detail on any restrictive barrier that permits cycle and pedestrian use only but permits emergency access if needed. It is considered that the provision and continued availability, and the detail of any barrier system, can be secured by planning conditions.

The outline principles also showed pedestrian movement out of the site eastwards onto the footpath adjacent to Brixham Road. The suggested pedestrian links onto Brixham Road have been removed and the access and egress along the Brixham Road relies on the central vehicular and pedestrian access point. The loss of these dedicated pedestrian links is not considered substantially harmful as routes eastwards are still relatively direct from all parts of the site.

Internal Road Network

In terms of vehicular movement within the site the layout largely accords with that suggested at outline stage, which provides most of the road layout in an east-west direction to limit the design and structural implications of traversing the rising levels south-north.

The proposed network is considered acceptable with widths according with the expected design standards and pedestrian footpaths provided throughout the scheme. Tracking detail has been submitted which shows the ability of refuse vehicles accessing all areas of the site. Notwithstanding this the Highway Authority has requested tracking detail that shows that

emergency vehicles can access all areas of the site. It is recommended that acceptable detail is secured prior to the formal determination of the application to secure any necessary minor amendments. The detail has been requested.

Regarding other demonstrable matters raised by the Highway Authority it has been requested that visibility splay information for the main junctions within the site is submitted to illustrate compliance with Torbay Design Standards. As a highway safety issue it is reasonable that this detail is secured prior to the formal determination of the application to secure any necessary minor amendments. The detail has been requested.

As a final demonstrable matter the Highway Authority has requested that the applicant amends the site plan to ensure that a turning head is provided for refuse vehicles, or an alternative refuse management plan is developed, in the northerly spur in the southwestern corner of the development. The spur serves 5 houses. The concern is that it is unacceptable for refuse vehicles to reverse onto the main carriageway, in the interest of highway safety. The submitted adoption plan suggests a partial adoption of the spur with an expectation that it itself works as a turning head for refuse vehicles. This is considered a reasonable suggestion. Notwithstanding this judgment there is a concern on the potential inability for cars or small vans using the longer spurs within the development where there is no purposely designed turning designed in to the scheme. Cars that aren't using the private drives, i.e. visitors or smaller delivery vehicles, are likely to be far more frequent than refuse vehicles and also they will be driving into the spurs in a forward gear. In light of this concern it is recommended that detail of a highway design to aid turning of smaller vehicles is secured prior to formal determination of the application for the identified spur and the southwards spur in the northwest corner of the site. The matter has been raised with the agent and a response requested.

The proposals are, subject to the satisfactory resolution of the details suggested above, considered to present an acceptable layout in terms of movement, in accordance with Policies DE1 and TA1 of the Torbay Local Plan.

Car and Cycle Parking

Car parking is proposed at a level of 2 spaces per dwelling provided through a mix of driveway and garage spaces. All parking spaces are considered adequately arranged and sized in order to provide workable spaces and ensure unobstructed pedestrian access to all dwellings. The provision and retention of the parking spaces for such purposes should be conditioned to ensure that these facilities are provided and maintained.

Car parking for the apartment blocks provides a policy compliant level of 1:1 parking with visitor parking and disabled parking also provided within each blocks arrangement. The spaces are suitably sized and arranged. Certainty on the provision of the disabled and visitor parking should be secured by condition.

Cycle parking is provided within all dwellings and is detailed within both apartment blocks to acceptable levels, in secure undercroft facilities. Condition 06 of the outline consent secures the provision of the approved cycle parking facilities. Visitor cycle parking has not been detailed and each apartment block should provide a suitable level of secure cycle parking within legible and naturally overlooked spaces. Detail should be sought and secured by a planning condition. Public cycle parking facilities are provided within the central greenspace near to the southern border. These facilities are welcomed and their provision should be secured by a planning condition.

All matters considered, subject to the conditions outlined above, the cycle facilities are considered policy compliant and suitable for approval in-line with Policy TA3 of the Torbay Local Plan and policy PNP1(h) of the Paignton Neighbourhood Plan.

6. Ecology:

The ecological context was duly considered when the outline consent was granted.

A Habitat Regulations Assessment was undertaken to assess its likely significant effect on the South Hams SAC, in accordance with the Habitats Regulations, and the conclusion was that the development would not have a likely significant effect (alone or in-combination with other developments) on the SAC. The original consent, and the amending permissions, was subject to a condition to secure a detailed lighting strategy for the site based on the measures contained in the submitted Ecology and Landscape Report. The condition also secured implementation and continuing compliance. Reserved matters applications will not normally need to re-consider HRA and as the proposed development principally accords with the form and layout of development previously presented it is not considered necessary to carry out a further HRA.

In terms of broader ecological matters the outline consent is subject to conditions that manage the ecological constraints, secure mitigation, and secure ongoing management. With conditions attached via outline stage the proposal requires no further ecological consideration.

As part of the scheme of mitigation the reserved matters proposals include 7 bat boxes and 7 bird nesting boxes strategically located through the development.

The previous outlines conditions ensure the development accords with policy NC1 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan.

7. Flood Risk

Flood risk was duly considered in detail at outline stage with an approved outline strategy and a conditional requirement for further detail being submitted.

The Councils Drainage Engineer has confirmed that there is no objection but an expectation that further detail is submitted prior to commencement to accord with Condition 8 previously attached. South West Water do not object.

The proposal, due to the condition attached via the consenting outline permission, is considered acceptable on flood risk and surface water drainage grounds, in accordance with policies ER1 and ER2 of the Torbay Local Plan and policy PNP1(i) of the Paignton Neighbourhood Plan.

8. Low Carbon Development

The proposal for consideration relates to layout, scale, appearance and landscaping. It is noted that the outline consent, as revised, does not require the reserved matters to include details relating to low carbon development. The matter is hence not relevant to this application.

9. Affordable Housing

Affordable housing provision was considered and secured through the outline consent through the accompanying S106 legal agreement.

The provisions of the legal agreement reflected the context of the site in terms of it being a brownfield site and a contaminated site and secured no less than 4% affordable provision on site. This equates to 11 units on a scheme of 254 units. The legal agreement secures provision for the Council's Affordable Housing Manager to agree the location and the mix that

accords with the policy expectation outlined in the Council's Planning Obligations and Affordable Housing SPD. The requirement is to secure the location and mix prior to each phase of development.

As the matter is secured through the outline consent the level and location is not relevant to this reserved matters application.

10. Housing Supply

The Council cannot currently demonstrate a 3- or 5-year housing land supply, as sought by Government. The five-year supply position represents a significant shortfall and must be treated as an important material consideration weighing in favour of the proposal.

Considering the housing supply position it is advised that in determining the application, the presumption in favour of sustainable development at Paragraph 11 of the NPPF must be applied. Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

It is concluded within this report that the development accords with the Development Plan when considered as a whole and hence there is support for the grant of permission, in-line with the guidance within the NPPF (Para 11). Were Members of a different judgment and were to consider the proposal to conflict with the Development Plan it should be noted that the absence of a 3- or 5-year housing supply principally sets a higher benchmark to resist development. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

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 has an outline consent 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 and drainage. These matters have been considered in the outline consent and the environmental benefits identified are deemed positive in the case of biodiversity net gain, addressing contamination, and mitigating flood impacts. There is an environmental benefit to providing 254 units within a sustainable location where dependency on car use could be limited.

It is concluded that the environmental impacts of the development weigh 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

CIL

Not applicable to this development.

S106

Not Applicable to this reserved matters for layout, scale, appearance and landscaping. The outline consent is subject to a S106 legal agreement.

EIA/HRA

EIA: Considered at outline stage, which concluded that due to the scale, nature and location the development it would not have significant effects on the environment and therefore was not considered to be EIA development. Considering these reserved matters aside the outline proposals it is not apparent that the project would likely have significant effects on the environment and hence no further formal screening is considered necessary.

HRA: Considered at outline stage, which concluded that due to the scale, nature and location the development was not considered to have a likely significant effect on European Sites. Reserved matters applications will not normally need to re-consider HRA and as the proposed development principally accords with the form and layout of development previously presented it is not considered necessary to carry out a further HRA.

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

As a general position the proposal is positive and presents a high-quality and somewhat transformational residential scheme that will deliver a substantial number of houses. The built form and central public amenity space are well resolved and the internal residential environments will provide a good standard of living.

There is some concern on the quality of the landscaping to the Brixham Road and the level of planting within several streetscenes, where planting proposals omit trees or specimen shrubs that would grow to a height that offers local visual value. There is also some further consideration required of the use of timber fences to public borders around the central green space. These matters can be addressed by planning condition.

There are some minor highway matters and the recommendation is subject to the resolution of concerns on the lack of turning heads on two of the cul-de-sacs and the lack of detail on the visibility around the main junctions.

Subject to resolving the minor highway matters the proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations for the reasons stated within this report.

Officer Recommendation

Approval: Subject to;

The resolution of identified highway matters to be delegated to the Divisional Director of Planning, Housing and Climate Emergency.

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

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

Materials Schedule

Prior to the installation of the external materials hereby approved within each building a detailed materials schedule for that building or building type, either physical or (if agreed with the local planning authority) digital shall be submitted to and approved in writing by the Local Planning Authority. Each

building shall be externally finished in full accordance with the approved materials schedule for that building and the material form shall be retained as such at all times thereafter.

Reason: To secure an appropriate form of development in accordance with Policies SS11, DE1 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and the NPPF.

Detailed Design

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

Detailed drawings of all proposed windows, doors, sills, balcony enclosures, fascia's, eaves, rainwater goods and meter boxes, and section / reveal detail to a scale of between 1:1 and 1:10 and means of opening where applicable.

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

Reasons: In order to protect visual amenity in accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF.

Emergency Access Provision

Prior to the occupation of the 101st dwelling, unless an alternative phasing plan is submitted and approved pursuant to this condition, a dual pedestrian/cycleway that also provides an emergency access route (to a minimum width of 3m), linking the development to Long Road, (as shown on the plans hereby approved) shall be implemented in full and made available for use. The route shall be built in accordance with the Torbay Highways Design Guide for new developments in operation at the time of construction and shall incorporated the measures approved under the next condition "Emergency Access Management".

The public route for pedestrian and cyclists, and emergency access, shall be retained solely for use as a pedestrian/cycle way and emergency access and managed and maintained at all times thereafter to serve the development.

Reason: To secure an acceptable form of development and in the interests of safety, in accordance with Policies SS11, TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030, Policies PNP1(c) and PNP1(h) of the Paignton Neighbourhood Plan and the NPPF.

Emergency Access Management

Prior to the provision of the pedestrian/cycle and emergency access to Long Road the means of managing access at either end of the route shall be submitted to and approved in writing by the Local Planning Authority. The details will show how access will be provided for pedestrians and cyclists and restricted for motor vehicles except at times of emergency and the emergency access arrangements submitted should be agreed by the relevant emergency services. The approved details shall be implemented in full prior to the first public use of the route and shall be retained, managed and maintained for the lifetime of the development.

Reason: To secure an acceptable form of development and in the interests of safety, in accordance with Policies SS11, TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

Connectivity

Prior to the occupation of the 200th dwelling, notwithstanding the layout and landscaping plans hereby approved on land north of the turning head and visitor parking in the north west corner of the site, plans and details of the phasing of the works shall be submitted to and approved in writing by the Local Planning Authority for the delivery of a pedestrian/cycle connection (a sustainable movement link) that extends either of the proposed pavements that flank the two visitor car parking spaces, to the edge of the site.

The area shall be landscaped in accordance with the plans hereby approved until the sustainable movement link has been delivered, within the phased time period approved by the Local Planning

Authority, and the land shall not be used for any other propose. The link shall be built in accordance with the Torbay Highway Design Guide in operation at the time of the development and once provided it shall be maintained as a public route at all times thereafter.

Reason: In the interests of connectivity and to secure long-term promotion of sustainable local travel modes, in accordance with Policies SS11, DE1, TA1 and TA2 of the Torbay Local Plan 2012-2030, Policies PNP1(c) and PNP1(h) of the Paignton Neighbourhood Plan and the NPPF.

Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015, Article 3, Schedule 2, Part 1, Classes A to F, and Part 2;

- i. No enlargements, improvements or other alterations shall take place to dwellings within the application site, and no outbuildings or other means of enclosures shall be erected within the garden areas of these dwelling houses, with the exception of one ancillary structure each up to 10 cubic metres in volume,
- ii. No additional means of hard surfacing shall be provided forward of the principal building line of each dwelling hereby approved, and
- iii. No alternative means of enclosures shall be erected.

The development shall accord with the above 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 and in accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and the NPPF, having regard to the particular design and layout of the dwellings.

Means of Enclosures and Retaining Walls

Prior to their installation within the development the following shall be submitted to and approved in writing by the Local Planning Authority;

- i. The type of brick, colour and height of the boundary wall facing Brixham Road (as coloured orange on the approved boundary details plan),
- ii. The colour and height of all rendered boundary walls enclosing dwelling plots (as coloured blue on the approved boundary details plan),
- iii. The finish, colour and height of all public rendered walls (as coloured blue on the approved boundary details plan), including details of planting or other mitigation to secure a visually acceptable form of development,
- iv. The type of brick, colour, and height of all dividing brick walls (as coloured pink on the approved boundary details plan),
- v. The form and height of all slatted timber fences dividing private plots (as coloured red on the approved boundary details plan),
- vi. Notwithstanding the approved boundary plan, details of a suitably robust alternative boundary treatment to fencing (coloured red on the approved boundary plan) to the side and rear of plots facing on to the central public greenspace, including the accessways to the northwest and east, shall be submitted, unless demonstrated that the current fencing proposal is suitable as a public border. The detail shall include form, colour and height.

The development shall proceed in accordance with the approved detail and all boundary treatment shall be always retained as such thereafter.

Reason: To secure an appropriate form of development in accordance with Policies SS11 and DE1 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and the NPPF.

Visitor Car Parking

Prior to the first occupation of each apartment block plans identifying the assigned visitor spaces shall be submitted to and approved in writing by the Local Planning Authority, which shall include the form of demarcation. The approved visitor spaces shall be demarcated and made available for use prior to the buildings occupation and shall be retained and marked out for such purposes at all times thereafter.

Reason: To secure an acceptable form of development and ensure communal buildings provide adequate parking for visitors to the site, in accordance with Policies SS11, DE1 and TA3 of the Torbay Local Plan 2012-2030., Policy PNP1(d) of the Paignton Neighbourhood Plan and the NPPF.

Visitor Cycle Parking

Prior to the first occupation of each apartment block plans identifying the form and location of secure visitor cycle parking shall be submitted to and approved in writing by the Local Planning Authority, which shall include the form of demarcation. The approved facilities shall be provided and made available for use prior to the buildings occupation and retained at all times thereafter.

Reason: To secure an acceptable form of development and to ensure adequate facilities for visitors, in accordance with Policies SS11, DE1 and TA3 of the Torbay Local Plan 2012-2030, Policy PNP1(d) of the Paignton Neighbourhood Plan and the NPPF.

Public Cycle Parking Provided

Prior to the first use of the central greenspace the public cycle parking facilities, as detailed on the plans hereby approved, shall be implemented and made available for use. The facilities shall be retained at all times thereafter.

Reason: To secure an acceptable form of development, in accordance with Policies SS11, DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan.

Highway Standards

Construction of the internal roads and footpaths within the development shall be in accordance with the Torbay Highways Design Guide for new developments in operation at the time of construction. Roads serving each phase of development shall be completed to adoptable standards prior to the first use of each phase and made available for public use and always maintained as such thereafter.

Reason: To secure an acceptable residential environment and to ensure highway safety is not impaired, in accordance with Policies SS11, TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

Adoptable Streets

No development relating to the creation of the roads shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies SS11, DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.

Informative: The applicant is advised to obtain a technical approval for all estate street details from the local highway authority prior to the submission of such approved details to the local planning authority.

Management and Maintenance of Estate Roads

No works shall be carried out for the formation or construction of any road unless the local planning authority has approved a Road Maintenance Plan for that road including the arrangements for either adoption by the highway authority or the implementation of a Private Road Management Scheme to secure the effective management and maintenance of the road and refuse collection throughout the lifetime of the development.

Where it is proposed that the estate roads shall be privately maintained no works shall be carried out above ground level until a Private Road Management Scheme has been submitted to and approved in writing by the local planning authority and which shall provide for;

- (a) Setting up a company or other entity to be responsible for the on-going management and maintenance of the road and refuse collection (the "Management Body").

- (b) How the company and the future management and maintenance of the road and refuse collection is to be financed including initial capital investment with subsequent funding.
- (c) The rights for and obligations on the Management Company to manage and maintain the road and collect refuse
- (d) Arrangements for the management and collection of refuse and waste from the dwellings.
- (e) A road management and maintenance and refuse collection schedule.
- (f) How refuse and waste will be managed on site including the location of individual and communal refuse and waste collection facilities and the locations where refuse and waste is to be transferred off-site.
- (g) Confirmation from the relevant waste collection company that they have agreed to collect the refuse and waste from the development in accordance with the approved details.

The development shall be carried out in accordance with the Road Maintenance Plan and the Private Road Access Scheme which shall thereafter be fully complied with and implemented.

No dwelling shall be occupied unless it connects directly to a road (including a footway and carriageway) which is:

- (a) Adopted by the highway authority as a highway maintainable at the public expense or
- (b) Subject to an agreement with the highway authority under section 38 of the Highways Act 1980 for the adoption of the road; or
- (c) Subject to a Private Road Management Scheme where the Management Body has been established and is responsible for the management and maintenance of the road and the collection of waste and refuse from the date of occupation of the dwelling.

Any roads (including carriageways and footways) which do not form part of the highway maintainable at the public expense shall be permanently maintained to an adoptable standard and retained and made available for public use or the lifetime of the development

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies SS11, DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.

Tree Pit Design

Prior to the commencement of development the following documents and information should be submitted and approved in writing by the Local Planning Authority for that phase:

- 1) Detailed Arboricultural Method Statements, including (but not exclusive to) sequence of site operations, pre-commencement site meeting for tree protection measures, initial sign off on tree protections, monthly visits to ensure the Tree Protection Fencing is in place and fit for purpose, timing of fence removal, protection of Root Protection Areas during landscaping,
- 2) Details of underground structured planting pits to provide sufficient soil volume for the trees and specimen shrubs within highways and car parking areas.

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

Reason: In the interests of amenity, design and ecology, in accordance with Policies SS11, NC1, DE1 and C4 of the Torbay Local Plan 2012-2030, the NPPF. These details are required prior to commencement to ensure protection measures are in place prior to potential harmful construction works commencing on site.

Landscaping Amendments

Notwithstanding the landscape and other relevant plans submitted and/or approved, prior to the first occupation or use of the development hereby permitted the following shall be submitted to and approved in writing by the Local Planning Authority.

- i. A revised landscaping proposal for the Brixham Road boundary to the north of the vehicular access and to the rear of the residential plots, which principally seeks to provide enhanced

- screening of the rear of the buildings and gardens, and also provides a substantial tree-lined avenue to Brixham Road, and;
- ii. A revised landscape proposal for the front of private plots or within the highway that addresses concerns on the lack of streetscene landscaping, which enhances the presence of trees or specimen shrubs and secures adequate softening of the built form, including public retaining walls.

The landscaping approved pursuant to this condition shall be implemented in full and in conjunction with wider approved landscaping hereby approved,

The soft landscaping shall be planted in the first planting season following the occupation/use of the development, or in earlier planting seasons wherever practicable, or within a phased basis as agreed by the Local Planning Authority pursuant to this condition.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and design in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030, a Policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF

Noise Measures

Prior to the occupation of any dwelling that has been identified within the submitted and approved Noise Impact Assessment (24Acoustics: Dated 21.06.2021) as requiring noise mitigation measures, the identified measures for the dwelling and plot shall be implemented in full. The measures shall then be retained in full throughout the lifetime of the development.

Reason: In the interests of occupier amenity and to retain a viable operating environment for established commercial activities, in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030

Informative(s)

01. The development shall accord with conditions cited within this decision notice and those attached to the outline consent. Please refer to the relevant decision notice for the relevant outline conditions, approved under planning permission P/2014/0947 (as revised by S73 applications P/2016/1372, P/2017/0123, P/2017/0571 and P/2017/1041), which include matters pertaining to construction management, ecological mitigation and management, lighting restrictions, provision of enhanced sound insulation measures within identified zones, secured by design measures, drainage design approval, cycle and waste provision in dwellings, construction, ecological and landscape management, and travel planning.
02. 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
- SS11 – Sustainable Communities
- SS12 – Housing

SS13 – Five year housing land supply
SS14 - Low carbon development and climate change
H1 – Applications for new homes
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ES1 - Energy
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity

PNP1 – Area wide
PNP1(c) – Design Principles
PNP1(d) – Residential Development
PNP1(g) – Designing out crime
PNP1(h) – Sustainable transport